



Jefferson County
Board of Zoning Appeals Agenda
Thursday, February 27, 2025 at 2:00 p.m.

Members
Tyler Quynn, Chair
Matthew McKinney, Vice Chair
Jacob Harris, Secretary
David Wiegand
Mikala Shremshock, Alternate

Meeting Location: County Commission Meeting Room
Located in the lower level of the Charles Town Library (entrance on Samuel Street)
200 East Washington Street, Charles Town, WV 25414

Broadcast Information: ZOOM Meeting Link: <https://us02web.zoom.us/j/82800081243>
Phone Option (Dial by Location): 301-715-8592 / Meeting ID: 828 0008 1243

Note: *The County does not transcribe meeting proceedings. Any party desiring a meeting transcript is responsible for providing a stenographer at their own expense.*

All requests are pursuant to the Zoning & Land Development Ordinance.

Approval of Minutes: Approval of the January 23, 2025 Minutes

Public Hearing – Administer Oath

Item # 1 File #: 25-1-SE and 25-6-ZV

Request #1: Request for a Special Exception for a Billboard Sign.

Request #2: a) Variance from Section 10.5B.1 to increase the sign face limitation from 300 square feet to 600 square feet; and, to allow two messages per sign face.
b) Variance from Section 10.5B.3: to reduce the distance requirement from a public right-of-way from 300' to 50'.

Parcel Info: Chris Tyler and Donna Hoffman, property owners
Vacant parcel located to the east of 2162 Berryville Pike, Charles Town, WV
Parcel ID: 06010A00210000; Property Size: .52 ac; Zoning District: Rural

Item # 2 File #: 25-7-ZV

Request: Variance from Section 4.16 and Section 5.6D of the Zoning Ordinance (as amended 11/30/89), to reduce the setback requirements from all property lines.

Parcel Info: Jefferson Rentals, LLC
Vacant lot on the SW corner of W Burr Blvd. and James Burr Blvd., Kearneysville, WV
Parcel ID: 02000100160017; Property Size: 3.44 ac; Zoning District: Industrial Commercial

Zoning Administrator Report

- a. Monthly Zoning Certificate Activity Report

Legal Update

- a. Discussion with possible deliberative session of the following pending lawsuits:
 - 1. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy Facility / File 22-9-CUP) Rockwell v. JCBZA
 - 2. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin, Tiffany Martin and Earthworx General Contracting Services, LLC v. Jefferson County Board of Zoning Appeals
- b. Discussion with possible deliberative session and signing of draft Findings/Decisions.

Meeting: January 23, 2025

1. Variance from Section 9.7 to reduce the rear setback from 12' to 8' to replace an existing 12' x 60' mobile home with a 16' x 60' mobile home. Property Owner: Richard A Shiflett Et Al / Attn: William Shiflett, Jr. File #25-1-ZV.
2. Variance from Appendix B and Section 4.11 to eliminate the required landscape buffer for a proposed 12,000 sf warehouse (Site Plan File #24-8-SP). Property Owner: Jefferson Rentals, LLC. File #25-2-ZV.
3. Request for a Conditional Use Permit to establish the following land uses: a Convenience Store (dba The Country Store); and, an Automobile Repair, Sales and Service (dba RC Auto Service). Property Owner: Corey Ramey. File #25-1-CUP.
4. Request for a Conditional Use Permit to establish a federal firearms business to include retail sales and gunsmithing in accordance with the Alcohol, Tobacco, Firearms and Explosives (ATF) approvals. Property Owner: Nicholas Russo & Alice Davenport. File #25-2-CUP.
5. Variance from Section 11.1 to reduce the required number of parking spaces from 25 to 10 for a proposed Nursing Home operating as an Assisted Living Facility for up to 16 residents. Variance from Section 4.10 waive the requirement of a site plan for the installation of a parking lot for a proposed Nursing Home operating as an Assisted Living Facility for up to 16 residents. Property Owner: Blue Iris, LLC / Attn: Sharon Hallinan. Files #25-3-ZV & #25-5-ZV.
6. Variance from Section 9.7 to reduce the rear setback from 50' to 15' for a 16' x 32' accessory structure. Property Owner: Elody & Chris Mackey. File #25-4-ZV.

DRAFT Meeting Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: January 23, 2025
2 Meeting Location: County Commission Meeting Room located in the lower level
3 of the Charles Town Library (entrance on Samuel St.)
4 200 East Washington Street, Charles Town, WV 25414
5 Board Members Present: Tyler Quynn, Chair; David Wiegand, and Jacob Harris were in
6 attendance in person.
7 Board Members Absent: Matthew McKinney, Vice Chair, and Mikala Shremshock, Alternate
8 were absent with notice.
9 Staff Members Present: Mason Carter, Acting Zoning Administrator; and Colin Uhry, Planning &
10 Zoning Clerk

11 Mr. Harris moved to call the meeting to order at 2:00 pm. Mr. Quynn called for a vote, which
12 carried unanimously.

13 Mr. Quynn reviewed meeting protocol for those in attendance.

14 **Election of Officers**

15 Mr. Harris nominated Mr. Quynn as Chair. Mr. Wiegand seconded the nomination, which carried
16 unanimously.

17 Mr. Harris nominated Mr. McKinney as Vice Chair. Mr. Wiegand seconded the nomination, which
18 carried unanimously.

19 Mr. Wiegand nominated Mr. Harris as Secretary. Mr. Quynn seconded the nomination, which carried
20 unanimously.

21 Mr. Quynn presided over the remainder of the meeting as Chair.

22 **Approval of Minutes: Approval of the December 12, 2024 Minutes**

23 Mr. Wiegand moved to approve the minutes as presented, which carried unanimously.

24 Mr. Wiegand moved to postpone Agenda Item 4 to the last item of the meeting, which carried
25 unanimously.

26 Mr. Uhry swore in members of the public who indicated they would be providing testimony.

27 **Agenda Item #1: File #: 25-1-ZV**

28 Request #1: Variance from Section 9.7 to reduce the rear setback from 12' to 8' to replace an
29 existing 12' x 60' mobile home with a 16' x 60' mobile home.

30 Parcel Info: Richard A Shiflett et al. / Attn: William Shiflett, Jr.

31 41 Prospect Ave, Charles Town, WV.

32 Parcel ID: 02010A01220000; Property Size: .34 ac; Zoning District: Residential
33 Growth

34 Mr. William Shiflett and Ms. Cynthia Shiflett, applicants, were present to address the Board.

35 Mr. Carter provided an overview of his staff report to the Board stating that the request was to replace
36 a fourth mobile home on the property and allow for a 4' encroachment along the rear setback. This
37 property would have the same setbacks as the existing mobile home but due to the size the applicant
38 needed a variance to account for the extra width along the rear setback.

39 Mr. Shiflett explained that due to pricing of mobile homes, the cost for the same sized mobile home
40 as the one he seeks to replace costs more than one with a width of an extra four feet. He also

1 explained that the variance was due to the extra width on the home being along the setback, noting
2 the home would be the same distance from the alleyway as previously established.

3 Mr. Quynn opened the public comment portion of the hearing. The following member of the public
4 provided testimony: Mr. Danny Craig. Mr. Quynn closed the public comment portion of the hearing.

5 In rebuttal, Mr. Shiflett noted that he does not block the alleyway located behind the property and it is
6 possible for him to be able to drive and access his property through the alleyway, as that is what other
7 property owners in the area do. Mr. Harris noted that the Board cannot control the public behavior,
8 and that if they approve or deny this variance they would not have the authority should Mr. Shiflett
9 continue using the alleyway for access. Mr. Shiflett also proffered communicating with Mr. Craig
10 going forward.

11 Mr. McKinney to approve the request (25-1-ZV), with the condition that the applicant is bound by
12 their testimony. Mr. Quynn called for a vote, which carried unanimously.

13 **Agenda Item #2: File #: 25-2-ZV**

14 Request: Variance from Appendix B and Section 4.11 to eliminate the required landscape
15 buffer for a proposed 12,000 sf warehouse (Site Plan File #24-8-SP).

16 Parcel Info: Jefferson Rentals, LLC

17 Vacant Lot on the SW corner W Burr Blvd and James Burr Blvd, Kearneysville, WV

18 Parcel ID: 02000100160017; Size: 3.44 acres; Zoning District: Industrial Commercial

19 Mr. Lane Tobin, applicant representative, was present to address the Board.

20 Mr. Carter provided an overview of his staff report to the Board stating the request was to waive the
21 landscape requirement for the property located in Burr Business Park. The variance would eliminate
22 both the required street trees along the northern and eastern property lines and the perimeter
23 landscaping along the southern and western property lines.

24 Mr. Tobin explained due to the approvals and conditions for the surrounding properties, Jefferson
25 Rentals should not be required to establish the landscaping requirements listed in the Zoning
26 Ordinance. Mr. Tobin noted that only a warehouse would be established in this location.

27 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
28 testimony. Mr. Quynn closed the public comment portion of the hearing.

29 Mr. Wiegand made mention to the fact that most applicants seek a zoning variance due to the fact that
30 they do not have enough space for landscaping, while the applicant is seeking one due to not wanting
31 it.

32 Mr. Harris moved to approve the request (25-2-ZV), with the condition that the applicant is bound
33 by their testimony. Mr. Quynn called for a vote, which carried unanimously.

1 Agenda Item #3: File #: 25-1-CUP

2 Request: Request for a Conditional Use Permit to establish the following land uses: a
3 Convenience Store (dba The Country Store); and, an Automobile Repair, Sales and
4 Service (dba RC Auto Service). The proposal includes continuing the use of the
5 existing grocery store and establishing an auto repair business within an existing
6 metal-frame building. The applicant intends on consolidating the subject parcels to
7 expand the parking area for the proposed land uses. All new signage will comply
8 with Article 10.

9 Parcel Info: Corey Ramey, Property Owner
10 4360 Sulphur Springs Road and 4378 Sulphur Springs Road, Kearneysville, WV
11 Parcel IDs: 07001200020002 and 07001200020004; Project Size: 2.12 acres;
12 Zoning District: Rural

13 Mr. Corey Ramey, property owner, was present to address the board.

14 Mr. Carter provided an overview of his staff report to the Board explaining that the existing general
15 store pre-dates the adoption of the Zoning Ordinance and is a legal nonconforming use. Converting
16 the existing store from a legal nonconforming use to a conditional use will ensure the applicant's
17 property will not lose the nonconforming status.

18 Mr. Ramey explained that he has owned the general store since June 2022 and is aware of the
19 nonconforming use that is present. He also explained that he has been working with staff and is
20 interested in bringing this business into conformance.

21 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
22 testimony. Mr. Quynn closed the public comment portion of the hearing.

23 The Board reviewed each of the General standards outlined in Section 6.3A.1-8 of the Ordinance
24 finding that the proposed use did meet the required criteria.

25 Mr. Harris moved to approve the request (25-1-CUP) with the understanding that the applicant
26 would need to contact staff to begin the site plan process, with the condition that the applicant is
27 bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

28 Agenda Item #5: File #: 25-3-ZV & 25-5-ZV

29 Request #1: Variance from Section 11.1 to reduce the required number of parking spaces from 25 to
30 10 for a proposed Nursing Home operating as an Assisted Living Facility for up to 16
31 residents (#25-3-ZV).

32 Request #2: Variance from Section 4.10 waive the requirement of a site plan for the installation of a
33 parking lot for a proposed Nursing Home operating as an Assisted Living Facility for up
34 to 16 residents (#25-5-ZV).

35 Parcel Info: Blue Iris, LLC
36 1163 Gardners Lane, Shepherdstown, WV
37 Parcel ID: 09001700090003; Size: 6.63 acres; Zoning District: Rural

38 Ms. Sharon Hallinan, applicant, was present to address the Board.

39 Mr. Carter provided an overview of his staff report to the Board stating the requests were to reduce
40 the number of parking spaces allowed and waive the requirement of a site plan for a Nursing Home
41 operating as an Assisted Living Facility.

1 Ms. Hallinan explained due to Section 11.1A requiring 1 space per 400 square feet floor space, she
2 would be required to install 25 parking spaces. Ms. Hallinan also explained that due to her proposed
3 project being a nonresidential land use, she is required to process a site plan through the Planning &
4 Zoning department. She also explained that she needs these approvals to obtain permits regarding
5 construction.

6 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
7 testimony. Mr. Quynn closed the public comment portion of the hearing.

8 Mr. Wiegand questioned the applicant regarding the difference between “Assisted Living” and
9 “Nursing Home”. Ms. Hallinan explained the difference between West Virginia State Code and the
10 Zoning Ordinance

11 Mr. Harris moved to approve the request (25-3-ZV), with the condition that the applicant is bound
12 by their testimony. Mr. Quynn called for a vote, which carried unanimously.

13 Mr. Harris moved to approve the request (25-5-ZV), with the condition that the applicant is bound
14 by their testimony. Mr. Quynn called for a vote, which carried unanimously.

15 **Agenda Item #6: File #: 25-4-ZV**

16 Request: Variance from Section 9.7 to reduce the rear setback from 50’ to 15’ for a 16’ x 32’
17 accessory structure.

18 Parcel Info: Elody & Chris Mackey

19 Oak Tree East Subdivision, Lot 11, 335 Acorn Circle, Harpers Ferry, WV

20 Parcel ID: 04000100240008; Size: 2.19 acres; Zoning District: Rural

21 Ms. Elody Mackey & Mr. Chris Mackey, property owners, were present to address the Board.

22 Mr. Carter provided an overview of his staff report to the Board stating the request was to establish a
23 standalone accessory structure (shed) closer to the rear setback near an adjoining parcel that is under
24 a Farmland Protection Easement.

25 Mr. Mackey explained the nature of his request and put emphasis on the fact that no one lives on the
26 Farmland Protection Easement, allowing for the ability to place objects closer to the setbacks without
27 impacting anyone. Mr. Harris noted there would be no public impact and if any electric to the shed
28 would need to be up to code.

29 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
30 testimony. Mr. Quynn closed the public comment portion of the hearing.

31 Mr. Harris moved to approve the request (25-3-ZV), with the condition that the applicant is bound
32 by their testimony. Mr. Quynn called for a vote, which carried unanimously.

1 Agenda Item #4: File #: 25-2-CUP

2 Request: Request for a Conditional Use Permit to establish a federal firearms business to
3 include retail sales and gunsmithing in accordance with the Alcohol, Tobacco,
4 Firearms and Explosives (ATF) approvals. The proposal consists of utilizing a 1 acre
5 portion of the 10 acre tract. The land use will be conducted from the existing
6 dwelling unit and the accessory structure. The land use will operate by appointment
7 only. No new structures or signage are proposed as part of this application. The
8 proposed land use designations as listed in Appendix C are Retail Sales and Service,
9 General and Custom Manufacturing, as defined in Article 2.

10 Parcel Info: QRF Solutions K9, LLC / Attn: Nick Russo and Alice Davenport
11 1899 Trough Road, Shepherdstown, WV
12 Parcel IDs: 09000900070006; Project Size: 1 acre; Zoning District: Rural

13 Mr. Nick Russo and Ms. Alice Davenport, property owners, were present to address the board.

14 Mr. Carter provided an overview of his staff report to the Board explaining that the proposed
15 gunsmithing and distribution business is a nonconforming use in the Rural zoning district. He
16 explained that with the accessory operation of training dogs, this type of specific use would be
17 required in order to expand the land use to include the sale or assembly of firearms.

18 Mr. Wiegand made special note that in a number of the public comments received for the Conditional
19 Use Permit made mention to a shooting range established on the property and noted that the shooting
20 range was no longer in effect.

21 Mr. Russo explained the nature of his request and elaborated that he is interested in being able to sell
22 firearms at a not bulk rate, allowing for firearms to be sold individually to people interested. He also
23 explained his past connection to the US Marines and noting he knows more information about
24 firearms than most. Mr. Russo also makes note of the quality of business he conducts, with former
25 clients being successful in the real world.

26 Mr. Quynn opened the public comment portion of the hearing. The following members of the public
27 provided testimony: Patricia Dowell, Sandy Fleri, Piero Fleri, Mary Vann, Jan Cull, Giovanni Fleri,
28 Mike Nickerson, Greg Mason, Christine Marshall, John Doyle, Stephen Alemar, Diane Blust, Paul
29 Pennington, Terry Lindsay, Darlene Donaldson, Christine Wimer, Peggy Bowers, Rosemary
30 Nickerson, and Scarlet Fannin. Mr. Quynn closed the public comment portion of the hearing.

31 Mr. Wiegand motioned to pause the meeting at 4:49 pm. Mr. Quynn called for a vote, which carried
32 unanimously.

33 Mr. Wiegand motioned to resume the meeting at 4:54 pm. Mr. Quynn called for a vote, which carried
34 unanimously

35 Mr. Russo was given the chance to respond to the public comments made, specifically making
36 mention to the fact that he is only testing firearms on his property and his property is not historic and
37 privately owned, unlike the property to the North. Mr. Harris questioned what proffers Mr. Russo
38 would be willing to give. Mr. Russo noted that he wishes to support local law enforcement, is not
39 shooting 24 hours a day on his property, has his property fenced in to reduce casualties, and is
40 willing to comply with barrel testing for commercial shooting.

41 Mr. Wiegand questioned staff on whether or not the public was properly notified. Mr. Uhry
42 confirmed the Placard and Placard confirmation were sent in before the public notice deadline.

1 Mr. Wiegand questioned Mr. Russo on how often he shoots on his property recreationally,
2 specifically noting that in West Virginia he is allowed to shoot on his property as that is his right. Mr.
3 Wiegand also questioned potential proffers the applicant could make. Mr. Russo noted he is open to
4 barrel testing for his commercial firearms and is willing to install vegetation as a noise buffer. Mr.
5 Harris also questions if Mr. Russo would be willing to use suppressors on commercial firearms.

6 Mr. Quynn motioned to bring the meeting into deliberative session at 5:11 pm, which carried
7 unanimously.

8 Mr. Quynn motioned to bring the meeting back into public session at 5:20 pm, which carried
9 unanimously.

10 The Board reviewed each of the General standards outlined in Section 6.3A.1-8 of the Ordinance
11 finding that the proposed use did meet the required criteria.

12 Mr. Harris moved to approve the request (25-2-CUP) with the condition that testing for commercial
13 firearms will be conducted offsite or barrel tested to suppress the noise and the barrel testing is
14 restricted to the 1 acre property, with the condition that the applicant is bound by their testimony.

15 Mr. Quynn called for a vote, which carried 2 in favor and 1 against.

16 **Zoning Administrator Report**

17 Mr. Carter provided the Board with the following information:

18 1. Monthly Zoning Certificate Activity Report. The Report was included in the Agenda packet.

19 **Legal Update**

20 a. Discussion with possible deliberative session of the following pending lawsuits:

21 1. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar
22 Energy Facility / File 22-9-CUP) Rockwell v. JCBZA

23 2. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin,
24 Tiffany Martin and Earthworx General Contracting Services, LLC v. Jefferson
25 County Board of Zoning Appeals

26

27 Mr. Harris moved to adjourn the meeting at 5:41 pm. Mr. Quynn called for a vote, which carried
28 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 February 27, 2025

#25-1-SE and #25-6-ZV Tyler – Hoffman (Billboard Sign)

- Item #1** Request #1: Request for a Special Exception for a Billboard Sign (File #25-1-SE).
 Request #2: a) Variance from Section 10.5B.1 to increase the sign face limitation from 300 square feet to 600 square feet; and, to allow two messages per sign face.
 b) Variance from Section 10.5B.3: to reduce the distance requirement from a public right-of-way from 300' to 50'.

Owner:	Chris Tyler and Donna Hoffman
Parcel Information & Zoning District:	Vacant parcel located to the east of 2162 Berryville Pike, Charles Town, WV Parcel ID: 06010A00210000; Property Size: .52 ac; Zoning District: Rural
Surrounding Zoning:	North, East, South: Rural; West: Village
History	05/25/1901: lot created Deed Book 90 at Page 291
Waivers/Variations:	None
Approved Activity:	Vacant Lot

Staff Report
Jefferson County Board of Zoning Appeals
February 27, 2025
#25-1-SE and #25-6-ZV Tyler – Hoffman (Billboard Sign)

Staff Evaluation of the Request

The applicant is requesting a Special Exception Permit for the installation of a Billboard Sign in accordance with Section 10.5B of the Zoning Ordinance. This section contains the development standards for a billboard sign. These standards include restrictions on the dimensions, height, and location of the proposed signage.

Each of the following requests will require separate action by the Board of Zoning Appeals

Request #1: Request for a Special Exception for a Billboard Sign (File #25-1-SE).

Below is staff's analysis comparing the proposed billboard to the criteria outlined in Section 10.5B of the Zoning Ordinance.

1. No billboard sign face shall exceed a total of 300 square feet in surface area including trim, nor shall it contain more than one message per sign face.

- Based on the applicant's sketch, the proposed sign face is approximately 600 square feet.

Additionally, the applicant is requesting two sign faces as opposed to one.

The applicant has been advised that variance from this provision is required.

See Zoning Variance #25-6-ZV.

2. No billboard shall exceed 35 feet in height.

- The proposed sign will not exceed this requirement.

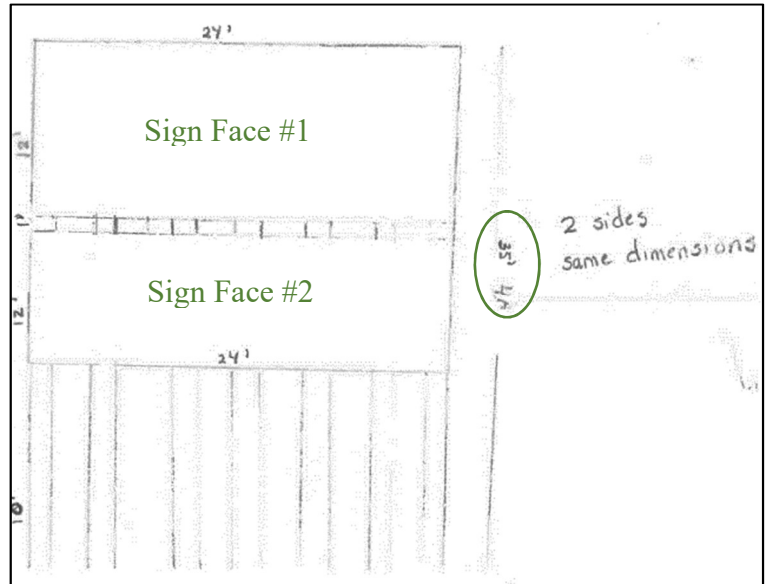
As such, the proposed sign meets this standard.

3. No billboard shall be closer to any public highway right-of-way than 300 feet.

- Due to the size and shape of the subject parcel, it is not feasible to meet this standard.

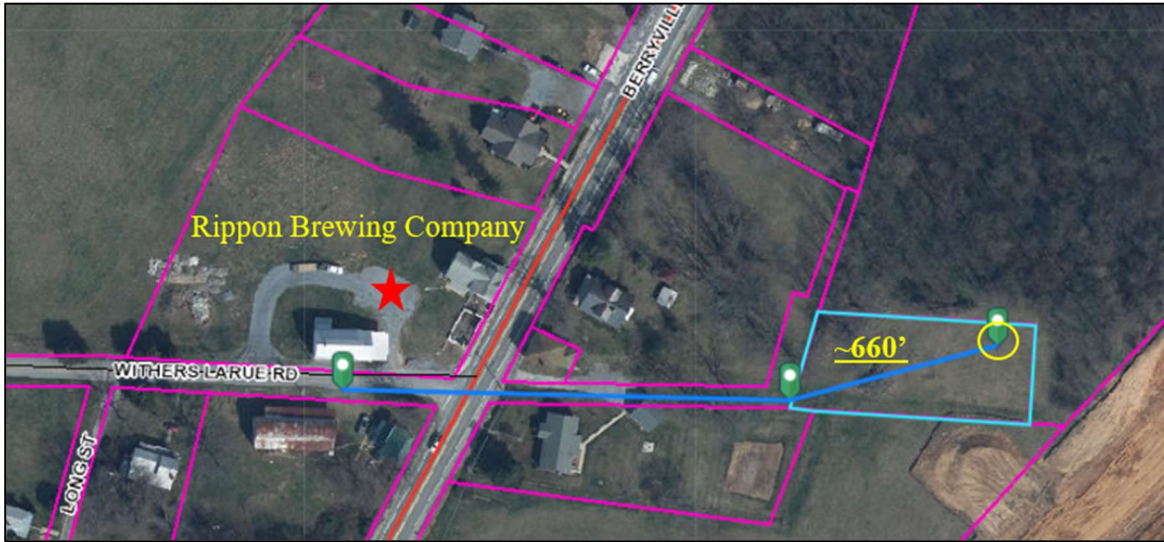
The applicant has been advised that variance from this provision is required.

See Zoning Variance #25-6-ZV.

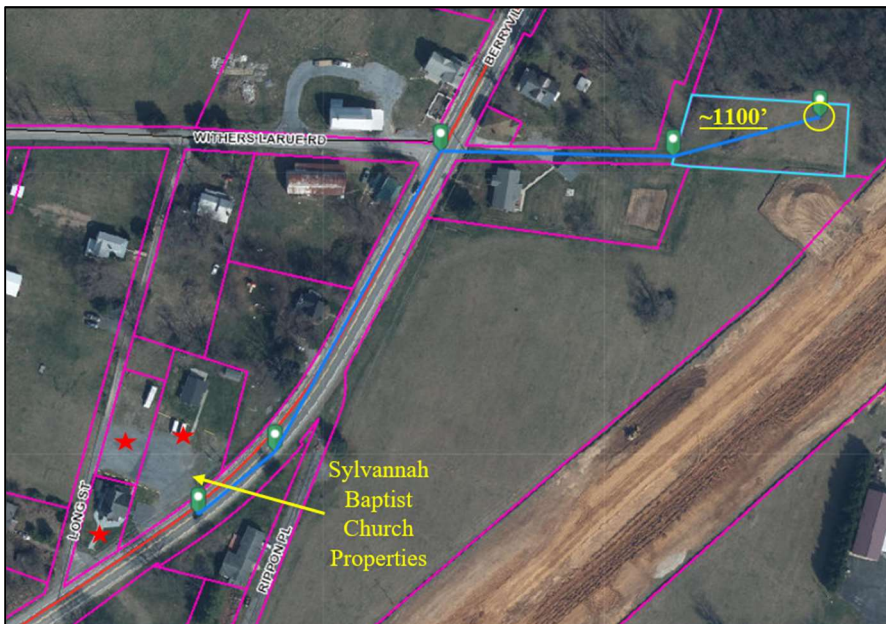


Staff Report
Jefferson County Board of Zoning Appeals
February 27, 2025
#25-1-SE and #25-6-ZV Tyler – Hoffman (Billboard Sign)

4. Placement of a billboard must be in a location that is within 800 feet of an existing business.
- The nearest business (Rippon Brewing Company) is approximately 660' from the subject parcel. As such, the proposed sign meets this standard.



5. There shall be a minimum of 1000 feet between billboards.
- Our office was unable to identify any existing billboard signs within 1000' of the proposed sign. As such, the proposed sign meets this standard.
6. A billboard shall be no closer than 500 feet from a church, school, or cemetery.
- The nearest church/school/cemetery appears to be approximately 650' from the subject parcel. As such, the proposed sign meets this standard.



Staff Report
Jefferson County Board of Zoning Appeals
February 27, 2025
#25-1-SE and #25-6-ZV Tyler – Hoffman (Billboard Sign)

Conditions of Approval for Special Exception #25-1-SE

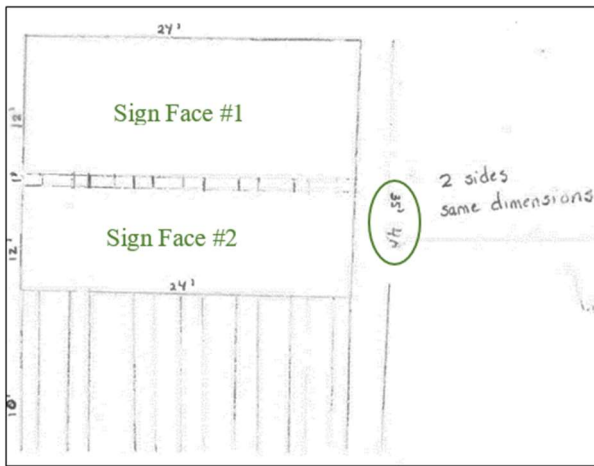
Should the Board choose to approve this request, possible conditions of approval include:

1. No conditions of approval were identified.

Request #2: Zoning Variance #25-6-ZV

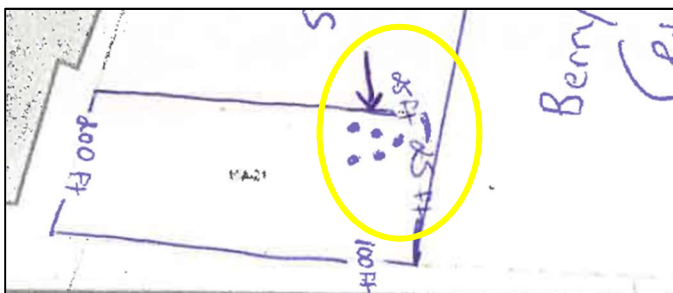
- a) Variance from Section 10.5B.1 to increase the sign face limitation from 300 square feet to 600 square feet; and, to allow two messages per sign face.

As noted above, the applicant is proposing a sign face that is 25' x 24' (600 sf). The proposed sign will consist of two 12' x 24' advertising panels.



- b) Variance from Section 10.5B.3: to reduce the distance requirement from a public right-of-way from 300' to 50'.

The applicant's sketch shows that the proposed sign will be 25' from the northern and eastern property lines. It appears that the proposed sign will be approximately ~125' from the edge of state right-of-way. The applicant was advised by staff to contact the West Virginia Division of Highways to determine if they have any lighting and or distance requirements pertaining to billboard signage.



Conditions of Approval for Zoning Variance #25-6-ZV

Should the Board choose to approve this request, possible conditions of approval include:

1. No conditions of approval were identified.

Staff Report
Jefferson County Board of Zoning Appeals
February 27, 2025
#25-1-SE and #25-6-ZV Tyler – Hoffman (Billboard Sign)

Section of Ordinance To Be Considered:

Section 2.2 Terms Defined

Sign, Billboard A structure on which is portrayed information which directs attention to a business commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located.

Section 10.5 Signs Requiring a Special Exception Permit

The following signs shall require processing a Special Exception Permit before the Board of Zoning Appeals pursuant to Section 6.5. Any deviation from the provisions of this section shall require consideration and approval by the Board as part of the Special Exception application.

B. Billboard Signs

Signs approved by the Board shall adhere to the following:

1. No billboard sign face shall exceed a total of 300 square feet in surface area including trim, nor shall it contain more than one message per sign face.
2. No billboard shall exceed 35 feet in height.
3. No billboard shall be closer to any public highway right-of-way than 300 feet.
4. Placement of a billboard must be in a location that is within 800 feet of an existing business.
5. There shall be a minimum of 1000 feet between billboards.
6. A billboard shall be no closer than 500 feet from a church, school, or cemetery.
7. In addition to the provisions herein, electronic signs shall conform to the criteria outlined in Section 10.7.



JEFFERSON COUNTY, WEST VIRGINIA
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 East Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: SE 25-1
 Mtg. Date: 2/27/25
 Fee Paid: \$ 150
 Staff Int.: CAU

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Application for a Special Exception

The Special Exception process is outlined in Article 6 of the Zoning Ordinance. See Supplemental Handout for additional information.

Type of Special Exception

Billboard Signage (jth)

- Accessory Dwelling Unit ~~Off-Premises Sign~~ Special Event Facility

Property Owner Information

Name: Chris Tyler
 Business Name: _____
 Mailing Address: 320 Braddock St. Charles Town, WV 25414 Mail Yes
 Phone Number: 240-498-6912 Email Address: Tylerchris118@gmail.com Response: No

Applicant Information

Name: " "
 Business Name: _____
 Mailing Address: " " Mail Yes
 Phone Number: " " Email Address: " " Response: No

Engineer(s), Surveyor(s), or Consultant(s) Information

Name: _____
 Business Name: _____
 Mailing Address: _____ Mail Yes
 Phone Number: _____ Email Address: _____ Response: No

Physical Property Details

Physical Address: Rippon Vacant parcel - Berryville Pike, Charles Town, WV (jth)
 Tax District: 0 02-Charles Town (jth) Map No: 10A Parcel No: 0021
 Parcel Size: 1/2 AC Deed Book: 100-7 1324 (jth) Page No: 777 683 (jth)

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (I-C)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> = (jth)	<input type="checkbox"/>
General Commercial (GC)	Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Sketch Plan (see Supplemental Handout for description)

Attached

The information given is correct to the best of my knowledge.

[Signature] 1/14/25
 Property Owner Date

[Signature] 1/14/25
 Property Owner Date

Off-Premises Signs – Supplemental Requirements

Jefferson County Zoning and Land Development Ordinance, as amended December 2, 2021

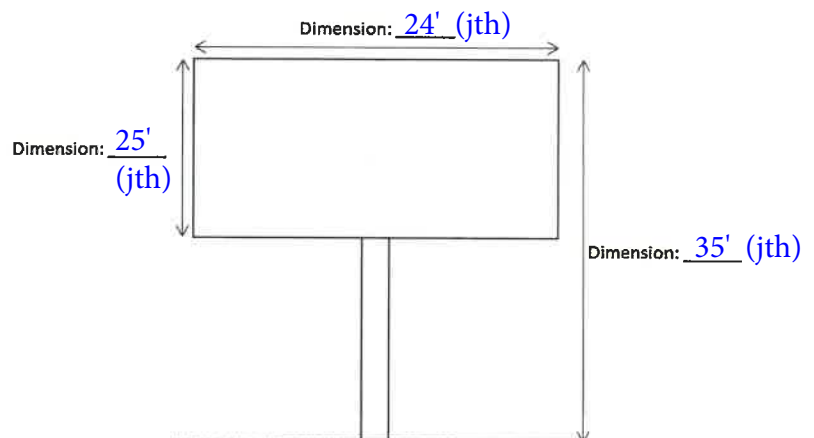
The requirements for an Off-Premises Sign, including a Billboard sign, are established in Article 10 of the Zoning Ordinance. As noted in this Article, it is intended that the placement of a particular sign will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. It is also intended that in areas proposed for new development, that signs placed will be harmonious in color, form and proportions to its surroundings. Per Section 10.5, all Off-Premises Signs and Billboard signs shall process a Special Exception before the Board of Zoning Appeals prior to the issuance of a building permit.

Section 10.2 - General Provisions for Signs

- a) No signs, other than subdivision signs approved by the Planning Commission, shall be located in the right-of-way of any road or on any slope or drainage easement for such road or within any stormwater, drainage, or utility easement.
- b) No sign shall be permitted which imitates or which resembles an official traffic control device, railroad sign or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal, or traffic sight lines.
- c) No sign which implies the need or requirement of stopping or the existence of danger shall be displayed.
- d) No sign shall be placed on rocks, trees, or on poles maintained by public utilities.
- e) No sign shall be permitted which becomes unsafe or endangers the safety of the building, premises, or persons and unless maintained in a good general condition.
- f) No sign shall be permitted which contains statements, words or pictures of an obscene, indecent, or immoral character.
- g) Illuminated signs shall be so constructed as to avoid glare or reflection of any portion of an adjacent highway or residential building.
- h) Animated signs, as defined by Section 2.2, are prohibited.
- i) Inflatable signs, as defined by Section 2.2, are prohibited. Residential, seasonal lawn decorations are exempt from this provision.
- j) Vehicle signs, as defined by Section 2.2, are prohibited per Section 4.4J.

Location and Dimensions of Sign

- Provide a sketch depicting the shape of the entire lot, adjacent roads and existing structures. Show the location of the proposed sign and the distance to each property line. If known, include an image of the proposed sign. Provide the following dimensions:



Property Information:

Applicant Name(s): Chris Tyler
Property Owner Name(s): Chris Tyler
Physical Address: Vacant parcel, Berryville Pike, Charles Town, WV (jth)
Parcel ID: 06010A00210000 **Zoning District:** Village

Type of Sign and requirements (defined per Section 2.2):

- Sign, Off-Premises* "A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located."
 1. Off-Premises Signs shall not exceed 60 square feet and shall be no more than 25 feet in height.
 2. When located in the commercial/industrial zoning districts, there shall be a minimum of 300 feet between signs.
 3. When located in Rural/residential zoning districts, there shall be 1,000 feet between signs.
 4. Off-Premises Signs shall comply with front yard setback provisions in the districts in which they are permitted.
 5. Off-Premises Signs shall not be located closer than 300 feet to an intersection on a dual or proposed dual highway or within 100 feet of any other intersection; however, signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
 6. In addition to the provisions herein, electronic signs shall also conform to the criteria outlined in Section 10.7.
- Sign, Billboard* "A structure on which is portrayed information which directs attention to a business commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located."
 1. No billboard sign face shall exceed a total of 300 square feet in surface area including trim, nor shall it contain more than one message per sign face.
 2. No billboard shall exceed 35 feet in height.
 3. No billboard shall be closer to any public highway right-of-way than 300 feet.
 4. Placement of a billboard must be in a location that is within 800 feet of an existing business.
 5. There shall be a minimum of 1000 feet between billboards.
 6. A billboard shall be no closer than 500 feet from church, school, or cemetery.

I certify that the sign shall adhere to Section 10.2 and 10.5 of the Zoning Ordinance, as noted above.



Property Owner Signature


1/14/25

Date

Donna Hoffman
Chris Tyler
320 Braddock St.
Charles Town, WV 25414
(240)498-6912

January 14, 2025

Mike Shepp, President
Office of Planning and Zoning
116 East Washington Street, 2nd Floor
Charles Town, WV 25414

RE: Parcel ID 06010A00210000 Billboard Request/Variance Application

Dear Mr. Shepp,

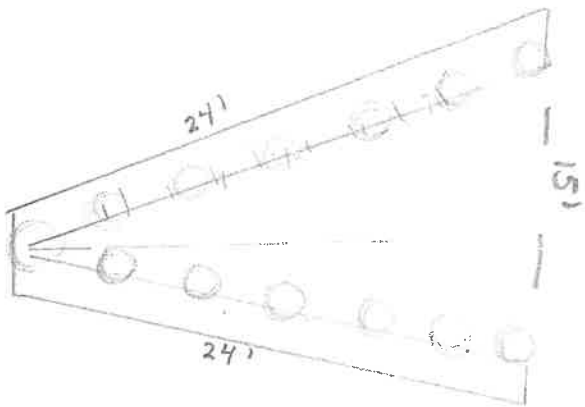
As a lifelong resident of Jefferson County, I would like to request your consideration in erecting a billboard on our property. We have a small parcel of land that borders the new Berryville Pike Bypass in Rippon. We feel this land would be of great use to advertise local businesses, including the future business coming to the location of the former Gunny Sack Store.

We hope this billboard will create advertising space for local businesses that could be impacted by less visibility due to the new flow of traffic. We also hope that this business venture will teach our homeschooled children the value of working within their community. We would love to create a small local business that they could be inspired to learn and one day run themselves.

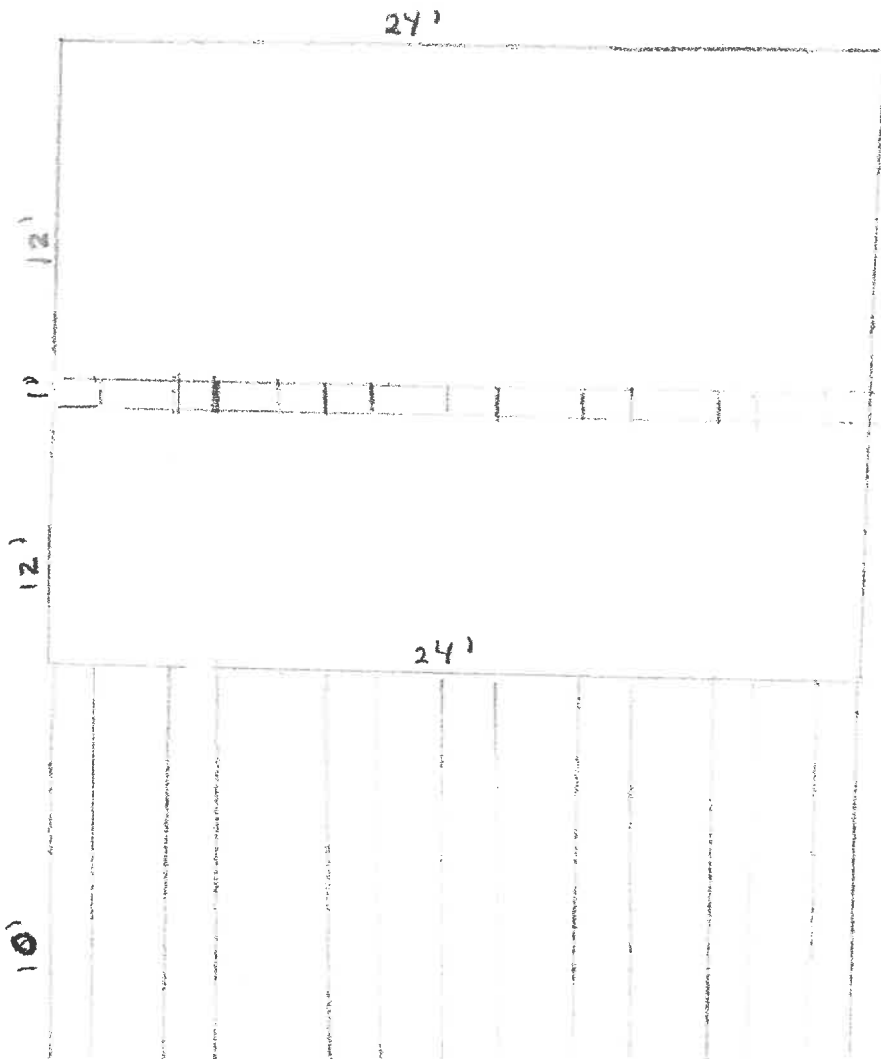
We have planned our billboard to be situated in a manner that minimizes visual impact and obstruction of view to the bordering properties, while being visible to traffic on the bypass. Our proposed billboard will comply with the guidelines you have set forth, apart from variances due to the size of our land and advertising space. We kindly request to have these variances approved and will follow all rules and regulations in the construction of our project.

Thank you for your consideration of our Billboard application.

Sincerely,
Donna Hoffman
Chris Tyler



Top View



35' 4"

2 sides
same dimensions

Parcel Address Flood Zone



Toggle Highlight ON Copy Link Parcel ID: 19-06-010A-0022-0000 Details Zoom Close

Owner(s):	ADAMS JUNE O	Community:	JEFFERSON
Address:	2162 BERRYVILLE PIKE	E-911 Address:	2162 BERRYVILLE PIKE CHARLESTON, WV, 25314
Class Type:	Residential	External Links:	
Legal Description:	1.14 AC RIPPON WILT	Flood Info:	Parcel appears to be in a 1% W/FISK flood hazard zone. Learn more at WV Flood Zone

Click here for parcel assessment report

Having questions about a property?

60ft
28
77 803631
9.90 capture)





JEFFERSON COUNTY, WEST VIRGINIA
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 East Washington Street, 2nd Floor
 Charles Town, West Virginia 25414

File #: 25-6-ZV
 Mtg. Date: 2-27-25
 Fee Paid: \$ 150

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Application

Variations from the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the Ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the parcel's zoning classification.

Property Owner Information

Owner Name: Chris Tyler
 Business Name: _____
 Mailing Address: 320 Braddock St. Charles Town, WV 25414
 Phone Number: 240-498-6912 Email: tylerchris118@gmail.com

Applicant Contact Information

Applicant Name: _____ Same as owner:
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Consultant Information

Consultant Name: _____
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Vacant Lot:

Physical Address: Vacant parcel, Berryville Pike, Charles Town, WV
 Parcel ID: (Tax District / Map No. / Parcel No.) 66010A00210000
 Parcel Size: .52 ac (jth) Deed Book: 1234 (jth) Page No: 683 (jth)

Zoning District (please check one)

- | | |
|---|---|
| <input type="checkbox"/> Residential Growth (RG) | <input type="checkbox"/> General Commercial (GC) |
| <input type="checkbox"/> Industrial Commercial (I-C) | <input type="checkbox"/> Highway Commercial (HC) |
| <input checked="" type="checkbox"/> Rural (R)* | <input type="checkbox"/> Light Industrial (LI) |
| <input type="checkbox"/> Residential-Light Industrial-Commercial (R-LI-C) | <input type="checkbox"/> Major Industrial (MI) |
| <input checked="" type="checkbox"/> Village (V) | <input type="checkbox"/> Planned Neighborhood Development (PND) |
| <input type="checkbox"/> Neighborhood Commercial (NC) | <input type="checkbox"/> Office/Commercial Mixed-Use (OC) |

Is there a Code Enforcement action pending in relation to this property? Yes No

Date Received: received 01 15 25 (jth)

Sec. 10.5B.1: to increase the sign face size from 300 sf to 600 sf; and, to allow two messages per sign face.

Sec. 10.5B.3: to reduce the distance requirements from 300' to 50'. (jth)

Briefly describe the nature of the request (include the dimensions of the proposed structure, if applicable):

Section of the Zoning Ordinance pertaining to this request: Section 10.5, B1 - we hope to have 600 sq. ft per side broken into two messages; B3 - Our sign would be 50-100 feet from the road.

If this request is for a setback variance, please check the following:

Front Setback Side Setback Rear Setback Reduction from _____ to _____

Required Sketch: Provide a sketch showing the shape and location of the lot indicating all roads, rights of way, and easements. Show the location of the intended construction or land use indicating building setbacks (i.e. the distance of the structure from all property lines), size, and height. Identify all existing buildings, structures, or land uses on the property. The sketch should show the full extent of the property.

Required Responses: Each of the following questions must be answered in detail. The Board will evaluate your request based on the answers provided (attach a separate sheet of paper if necessary).

Explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

The variance would not create a hardship for adjacent property owners as it does not impact their view or land quality.

In what way does this request arise from special conditions or attributes, which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?

The size and location of the property does not allow for the 300 ft. requirement.

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

There is no access road to this small piece of land. This would allow our family to make use of the land in a way that supports our family.

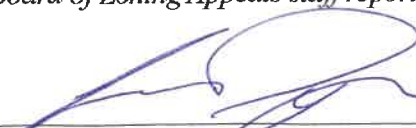
How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice done?


The variance will allow us to use our land to support our family while remaining a respectful distance from our neighbors.

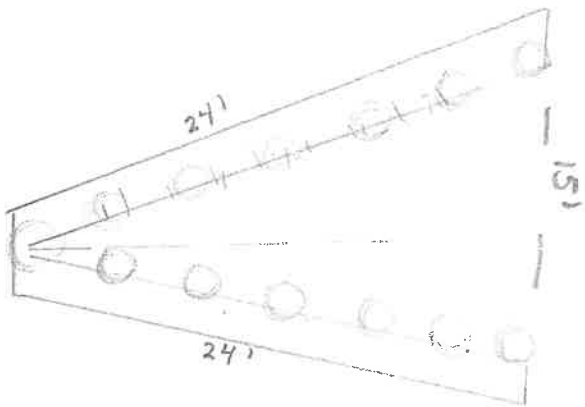
I authorize the Planning and Zoning staff to revise the application/sketch on my behalf. I understand that said revisions will be discussed with me prior to revising the application/sketch.

The information given is correct to the best of my knowledge. Property Owner Signature Required.

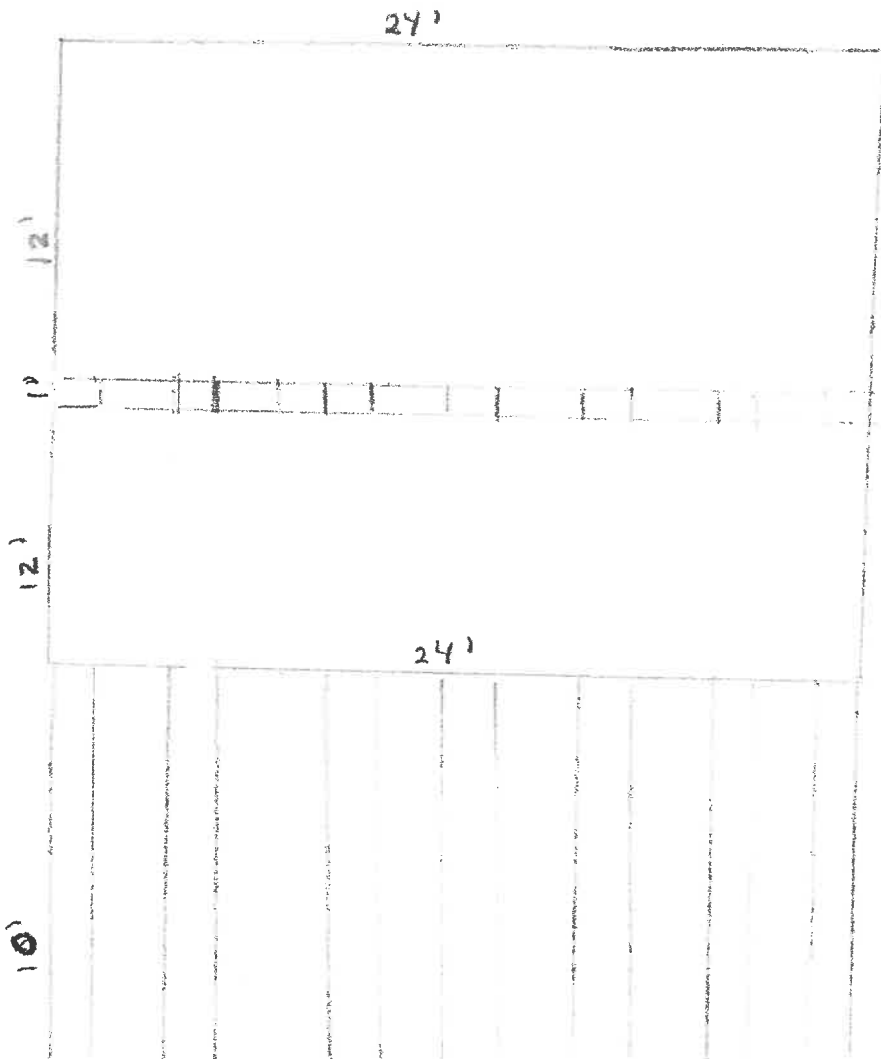
By signing this application, I grant permission to County staff to walk onto the subject property to take photos for the Board of Zoning Appeals staff reports.

 1/3/25
Property Owner Signature Date

 1/3/25
Property Owner Signature Date



Top View



35' 4"

2 sides
same dimensions

Parcel Address Flood Zone



Toggle Highlight ON Copy Link Parcel ID: 19-06-010A-0022-0000 Details Zoom Close

Owner(s):	ADAMS JUNE O	Community:	JEFFERSON
Address:	2162 BERRYVILLE PIKE	E-911 Address:	2162 BERRYVILLE PIKE CHARLESTON, WV, 25314
Class Type:	Residential	External Links:	
Legal Description:	1.14 AC RIPPON WILT	Flood Info:	Parcel appears to be in a 1% W/FISK flood hazard zone. Learn more at WV Flood Zone

Click here for parcel assessment report

Having questions about a property?

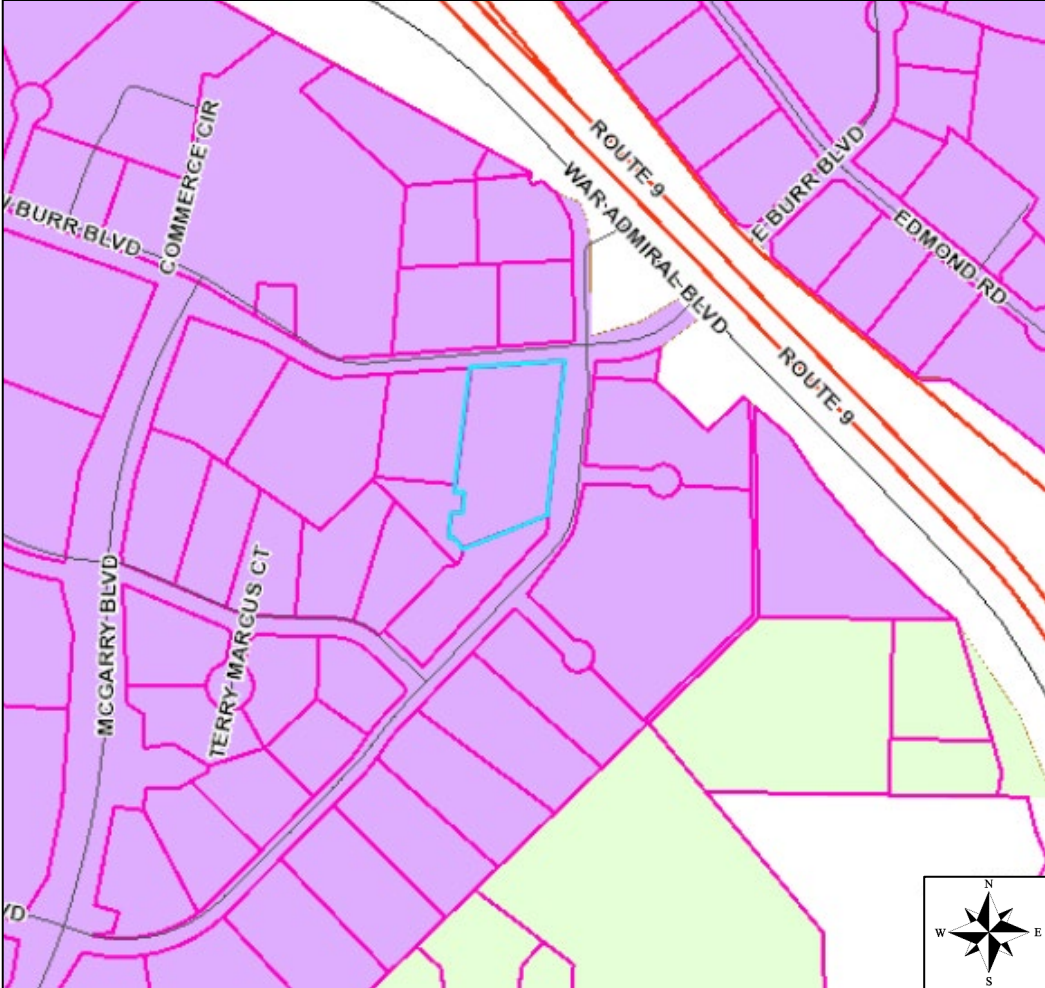
60ft
28
77 803631
9.90 capture



Staff Report
 Jefferson County Board of Zoning Appeals
 February 27, 2025

25-7-ZV Jefferson Rentals, LLC Variance Request

Item #2 Variance from Section 4.16 and Section 5.6D of the Zoning Ordinance (as amended 11/30/89), to reduce the setback requirements from all property lines.

Owner:	Jefferson Rentals, LLC
Parcel Information & Zoning District:	<p style="text-align: center;">James Burr Technology Center, Lot 2A, vacant lot on the SW corner of West Burr Blvd. and James Burr Blvd., Kearneysville, WV Parcel ID: 02000100160017; Property Size: 3.44 ac Zoning District: Industrial Commercial</p> 
History:	05/10/91: James Burr Technology Center Subdivision (PB 10/PG 20).
Waivers/Variations:	01/14/25 PC approved a waiver request to eliminate the required sidewalks along the road frontage (25-2-PCW). 01/23/25: BZA approved a variance to eliminate the required landscape buffer (25-2-ZV).
Site Visit Conducted:	No

Staff Report
 Jefferson County Board of Zoning Appeals
 February 27, 2025

25-7-ZV Jefferson Rentals, LLC Variance Request

Staff Overview

The subject parcel is designated as Lot 2A of the James Burr Technology Center, which was recorded on May 10, 1991 in Plat Book 10, at Page 20. The request is to eliminate the required street tree and landscaping buffer requirements that would be required as part of the site development proposal to establish a new warehouse for Jefferson Rentals in the Burr Business Park (Site Plan File #24-8-SP).

Note #3 of the approved plat for this lot states that the required setbacks are 50' Front, 50' Side, and 50' Rear. These setbacks were required per Section 5.6D of the Zoning Ordinance (as amended 11/30/89) as the anticipated land use would be considered *Industrial*.

The applicant is requesting to utilize the setbacks listed in Appendix B of the current Zoning Ordinance, which would reduce the required setbacks from 50' to 25' for the proposed *Commercial* land use (Contractor with Outdoor Storage).

NOTES	
1.	All parcels shown on this plat shall be restricted to industrial or commercial development and shall conform with the Jefferson County Zoning and Development Review Ordinance, and site plan requirements spelled out in the subdivision ordinance.
3.	Buildings shall be set back a minimum of 50 feet from front lot lines and 50 feet from side and rear lot lines.
4.	Erosion and sediment control devices shall be complete in place prior to any construction.
5.	All parcels shown on this plat are to be served by a central water and sewer system. Service laterals are to be installed prior to finished roadway pavement. Individual wells and/or septic systems shall be prohibited.
6.	Minimum cover over all culverts and drains shall be 1 foot.
7.	Storm water management is to be handled off site by the Burr Industrial Park storm water management facilities.
8.	In the event off-site storm water management is not available, individual lots or groups of individual lots must be provided storm water management at the site plan phase.
9.	The Jefferson County Public Service District shall have rights of ingress and egress to all easements and rights of way shown hereon for the purposes of constructing, repairing, maintaining or removing water and/or sewer lines and facilities.

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE ^{27, 32, 35}								
Zoning District	Development Type ^Q	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imperious Surface Limit	Building Setbacks		
						Front	Side	Rear
Industrial – Commercial (IC)**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25		
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25		
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use		

A key purpose of the front yard setback requirement is to ensure that any future right-of-way expansion or future utility placement will not be obstructed by structures built too close to a road, as well as to ensure that traffic visibility is not impaired for drivers along the right-of-way.

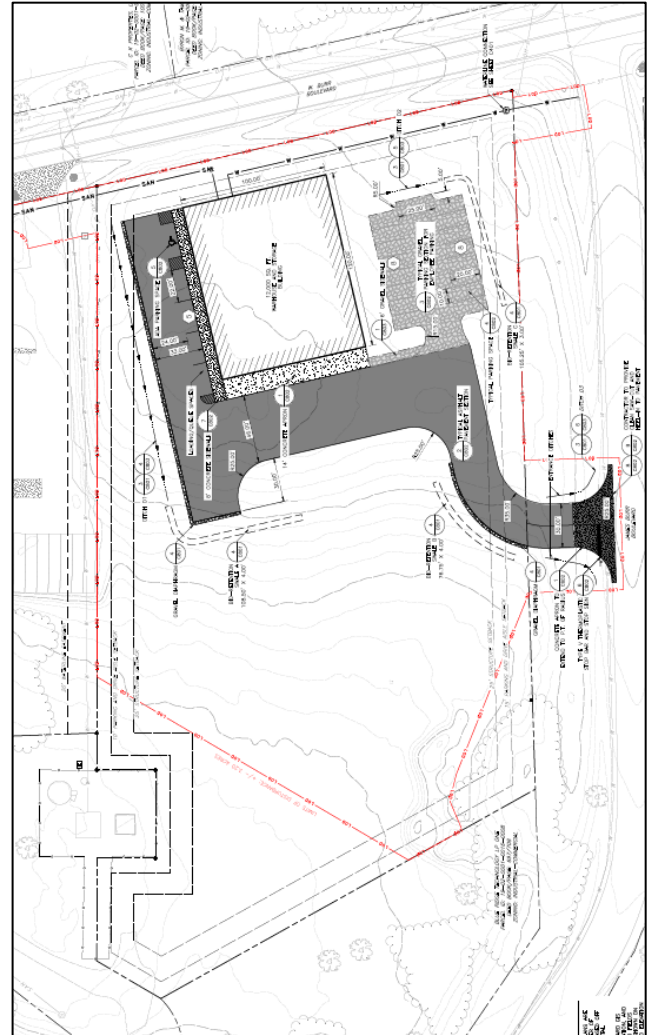
The purpose of a rear setback requirement is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention purposes; and to allow room for utility easements.

It is worth noting that on July 28, 2016, the Board of Zoning Appeals approved a request from the Jefferson County Development Authority to reduce the site development standards for all Burr Park lots under their ownership (File #ZV16-14). The variance reduced the setbacks in Burr Park from 50' to 25' for any industrial /commercial land use [for the requested lots only]. The approval of this request will allow the proposed project to be designed in such a way so as to promote uniformity within the development.

Staff Report
Jefferson County Board of Zoning Appeals
February 27, 2025

25-7-ZV Jefferson Rentals, LLC Variance Request

It should be noted that while the property to the west is owned by the same entity (Jefferson Rentals, LLC), that each business would operate as a standalone business.



Pursuant to [WV Code Chapter §8A-7-11](#) and Article 2 of the [Jefferson County Zoning Ordinance](#), a variance is defined as “...a deviation from the minimum standards of the zoning ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classifications of a parcel of land.”

Pursuant to [WV Code Chapter §8A-7-11](#) and Article 6, Section 6.2 of the [Zoning Ordinance](#), the Board shall consider the following criteria and shall grant a variance if it finds that the variance:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.

Conditions of Approval

Should the Board choose to approve this request, possible conditions of approval include:

1. No conditions of approval have been identified.

25-7-ZV Jefferson Rentals, LLC Variance Request

Sections of Ordinance to be Considered:

Section 5.6 Industrial-Commercial District

The purpose of this district is to provide locations for manufacturing, processing, and commercial uses which may require extensive transportation and central or public water and sewer services. It is not the purpose of this district to encourage the use of land within the district for retail services; however, it is anticipated that there may be areas or locations where retail services can be reasonably and logically considered due to their relationship with other uses existing within the district, as well as their relationship with the district boundary line or the configuration of the property and the relative scale of the project.

& (d) Yard Requirements as follows: (These yard requirements are also for an approved commercial or industrial use proposed for any other zone.)

(1) Front yard building setback
Commercial sites - 25 feet
Industrial sites - 50 feet

(2) Side yard building setback
Commercial sites greater than 1.5 acres - 50 feet
Commercial sites 1.5 acres and smaller - 25 feet
Industrial sites - 50 feet

(3) Rear yard building setback
Commercial sites greater than 1.5 acres - 50 feet
Commercial sites 1.5 acres and smaller - 25 feet
Industrial sites - 50 feet

(4) Parking, Driveway and Internal Access Drive Front Setbacks
Commercial sites greater than 1.5 acres - 15 feet
Commercial sites 1.5 acres and smaller - 15 feet
Industrial sites - 25 feet

(5) Parking, Driveway and Internal Access Drive Side and Rear Setbacks
Commercial sites greater than 1.5 acres - 10 feet
Commercial sites 1.5 acres and smaller* - 4 feet
Industrial sites* - 25 feet

* Driveways and Internal Access Drives Only
Parking must abide by buffer requirements.



JEFFERSON COUNTY, WEST VIRGINIA
Department of Engineering, Planning, and Zoning
Office of Planning and Zoning
 116 East Washington Street, P.O. Box 716
 Charles Town, WV 25414
 www.jeffersoncountywv.org

File Number: 25-7-ZV
 Staff Initials: jth
 Meeting Date: 02/27/25
 Fees Paid (\$100 or \$150): \$150

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Request

Variations from the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.

Property Owner Information

Name: *Jefferson Rentals LLC (jth)
 Mailing Address: _____
 Phone Number: _____ Email: _____

Applicant Contact Information

Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Applicant Registered Engineer(s), Surveyor(s), or Consultant(s)

Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: ---- Vacant parcel on the SW corner of W. Burr and James Burr Blvd. (jth)
 City: _____ State: _____ Zip Code: _____
 Tax District: _____ Map No: _____ Parcel No: _____
 Parcel Size: _____ Deed Book: ---- 1325 (jth) Page No: ---- 638 (jth)

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
 <u>Received via email 01/24/25 (jth)</u>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

Place Received Date Stamp Here

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of way, and easements. Show the location of the intended construction or land use indicating building setbacks (i.e. the distance of the structure from all property lines), size, and height. Identify all existing buildings, structures, or land uses on the property. The sketch should show the full extent of the property. Sign and date the sketch.

Is there a Code Enforcement action pending in relation to this property? Yes No

Reference the section of the Zoning Ordinance pertaining to this request: Section 4.16 & 5.6D of the Zoning Ordinance (as amended 11/30/89) - jth

Briefly describe the nature of the variance request:

If this request is for a setback variance, please check one of the following:

Front Setback Side Setback Rear Setback Reduction From _____ to _____

Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents:

In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?

Original signature is required. If additional signatures are necessary, please attach a separate piece of paper.

By signing this application, I give permission for the Office of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge.



01-23-2025

Signature of Property Owner

Date

Signature of Property Owner

Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to the Zoning and Land Development Ordinance Section 6.1B).

02-27-25

Date of Public Hearing

02/06/25

Advertising Date

02/12/25

Placard Posting Date



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Administrator's Report
February 27, 2025 Board of Zoning Appeals Meeting

Date of Memo: February 21, 2025

- 1) Next regular meeting scheduled for **March 27, 2025**
 - Deadline for submission is Friday, February 21, 2025.
- 2) **2045 Comprehensive Plan Status Update**

On January 14, 2025 the County Commission held a meeting to act on the draft *2045 Comprehensive Plan*. The County Commission voted to amend the draft *2045 Comprehensive Plan* and sent the amendments and the draft *2045 Comprehensive Plan* to the Planning Commission for action. The Planning Commission will consider the amendments and will act to either approve the amendments or provide recommendation to the County Commission on the amendments at the Planning Commission meeting scheduled for February 27, 2025.
- 3) **One member position remain open.** One term ended on 01/01/25.
 - Persons interested in serving on the Board of Zoning Appeals should contact the County Commission Office at 304-728-3284 / jjames@jeffersoncountywv.org.
- 4) **Two alternate member positions remain open.** One term ended on 01/01/25; and the other term ends 01/01/27.
 - Persons interested in serving on the Board of Zoning Appeals should contact the County Commission Office at 304-728-3284 / jjames@jeffersoncountywv.org.
- 5) **Zoning Certificate Activity Report - attached**



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor
Charles Town, West Virginia 25414
www.jeffersoncountywv.org

February 2025
Zoning Certificate Activity Report

File #	24-54-ZC
Request:	Nursing or Retirement Home (Assisted Living Facility)
Property Owner:	Blue Iris LLC & Blue Tulip LLC, Attn: Sharon Hallinan, Manager
Parcel Information:	Kristie George Minor Subdivision, Lot B 1163 Gardners Lane, Shepherdstown, WV 25443 Parcel ID: 09001700090003; Size: 6.63 acres; Conditional Use Permit #24-4-CUP (Issued 04/10/24)
Date of Issuance:	02-11-2025
File #	24-56-ZC
Request:	Change in Tenant
Property Owner:	E. Sarah Kane
Applicant:	Bow Wow Dogs LLC (dba Boss's #2), Attn: C. Megan Kern
Parcel Information:	798 E. Washington Street, Charles Town, WV 25414 Parcel IDs: 02010A00320000 & 02010A00330000; Size: 0.1276 acres; Zoning District: Residential-Light Industrial-Commercial; Deed Book: 921; Page: 593; Zoning Certificate: #04-02-ZC (Issued 06/04/04)
Date of Issuance:	02-10-2025
File #	25-4-ZC
Request:	Accessory Dwelling Unit: In-Law Suite
Property Owner:	Clifton 1834 LLC
Applicant:	Stone Ridge Home Contracting LLC / Attn: Brian Kelly
Parcel Information:	2088 Lewisville Rd, Summit Point, WV 25446 Parcel ID: 06019A00190000 and 06019A00200000; Combined Acreage: 3.35 ac*; Zoning District: Rural; Deed Book: 1333; Page: 626; *Consolidation/Boundary Line Adjustment Deed recorded 10/25/24 in Deed Book 1333 / Page 626
Date of Issuance:	01-03-2025
File #	25-3-ZC
Request:	Equipment Modifications to existing 199' Telecommunications Tower
Property Owner:	Sunnyside Limited Partnership / Attn: Barbara Huyett
Applicant:	Jacobs Telecommunications / Attn: Tootie Hudgins
Parcel Information:	844 Wheatland Road, Charles Town, WV 25414 Parcel ID: 06001200120001, Size: 4.65 ac*; Zoning District: Industrial Commercial; Deed Book: 1001; Page: 681; PC File: 01-07 (new telecommunication facility)
Date of Issuance:	02-20-2025
