

Meeting Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: February 27, 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: Matthew McKinney, Vice Chair; Jacob Harris, Secretary; David
6 Wiegand, and Mikala Shremshock, Alternate were in attendance in
7 person.
8 Board Members Absent: Tyler Quynn, Chair was absent with notice.
9 Staff Members Present: Mason Carter, Acting Zoning Administrator; Stephen Groh, County Attorney,
10 and Colin Uhry, Planning & Zoning Clerk

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

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

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

15 Mr. Wiegand noted one typo in the minutes. Mr. Wiegand moved to approve the minutes as
16 amended, which carried unanimously.

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

18 **Agenda Item # 1 File #: 25-1-SE and 25-6-ZV**

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

20 Request #2: a) Variance from Section 10.5B.1 to increase the sign face limitation from 300
21 square feet to 600 square feet; and, to allow two messages per sign face.

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

24 Parcel Info: Chris Tyler and Donna Hoffman, property owners

25 Vacant parcel located to the east of 2162 Berryville Pike, Charles Town, WV

26 Parcel ID: 06010A00210000; Property Size: .52 ac; Zoning District: Rural

27 Chris Tyler and Donna Hoffman, property owners, were present to address the Board.

28 Mr. Carter provided an overview of his staff report to the Board.

29 Mr. Tyler explained his desire to advertise businesses along the new realignment of Route 340.

30 Mr. McKinney opened the public comment portion of the hearing. No members of the public
31 provided testimony. Mr. McKinney closed the public comment portion of the hearing.

32 Ms. Shremshock questioned whether the special exception would set precedence, Mr. Harris noted
33 this project would not set precedence with the zoning ordinance.

34 Mr. Harris moved to approve the request (25-1-SE), with the condition that the applicant is bound
35 by their testimony. Mr. McKinney called for a vote, which carried unanimously.

36 Mr. Harris moved to approve the request (25-6-ZV), with the condition that the applicant is bound
37 by their testimony. Mr. McKinney called for an amendment, with the stipulation that the applicant
38 reaches out to the applicable agencies to process construction of the billboard, which carried
39 unanimously.

1 **Agenda Item # 2 File #: 25-7-ZV**

2 Request: Variance from Section 4.16 and Section 5.6D of the Zoning Ordinance (as amended
3 11/30/89), to reduce the setback requirements from all property lines.

4 Parcel Info: Jefferson Rentals, LLC

5 Vacant lot on the SW corner of W Burr Blvd. & James Burr Blvd., Kearneysville, WV
6 Parcel ID: 02000100160017; Property Size: 3.44 ac; Zoning District: Industrial
7 Commercial

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

9 Mr. Carter provided an overview of his staff report to the Board.

10 Mr. Tobin explained due to the approvals and conditions for the surrounding properties, Jefferson
11 Rentals should follow the same setbacks as the remainder of Burr Industrial Park, as other parcels
12 were created in a different Zoning Ordinance than the lot proposed. Mr. Tobin noted that he is only
13 trying to receive the same setbacks as other properties.

14 Mr. McKinney opened the public comment portion of the hearing. No members of the public
15 provided testimony. Mr. McKinney closed the public comment portion of the hearing.

16 Ms. Shremshock moved to approve the request (25-7-ZV), with the condition that the applicant is
17 bound by their testimony. Mr. McKinney called for a vote, which carried unanimously.

18 **Zoning Administrator Report**

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

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

21 **Legal Update**

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

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

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

28 b. Discussion with possible deliberative session and signing of draft Findings/Decisions.

29 **Meeting: January 23, 2025**

30 1. Variance from Section 9.7 to reduce the rear setback from 12' to 8' to replace an
31 existing 12' x 60' mobile home with a 16' x 60' mobile home. Property Owner:
32 Richard A Shiflett Et Al / Attn: William Shiflett, Jr. File #25-1-ZV.

33 2. Variance from Appendix B and Section 4.11 to eliminate the required landscape buffer
34 for a proposed 12,000 sf warehouse (Site Plan File #24-8-SP). Property Owner:
35 Jefferson Rentals, LLC. File #25-2-ZV.

36 3. Request for a Conditional Use Permit to establish the following land uses: a
37 Convenience Store (dba The Country Store); and, an Automobile Repair, Sales and
38 Service (dba RC Auto Service). Property Owner: Corey Ramey. File #25-1-CUP.

39 4. Request for a Conditional Use Permit to establish a federal firearms business to include
40 retail sales and gunsmithing in accordance with the Alcohol, Tobacco, Firearms and
41 Explosives (ATF) approvals. Property Owner: Nicholas Russo & Alice Davenport.
42 File #25-2-CUP.

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- 1 5. Variance from Section 11.1 to reduce the required number of parking spaces from 25 to 10
2 for a proposed Nursing Home operating as an Assisted Living Facility for up to 16 residents.
3 Variance from Section 4.10 waive the requirement of a site plan for the installation of a
4 parking lot for a proposed Nursing Home operating as an Assisted Living Facility for up to
5 16 residents. Property Owner: Blue Iris, LLC / Attn: Sharon Hallinan. Files #25-3-ZV &
6 #25-5-ZV.
- 7 6. Variance from Section 9.7 to reduce the rear setback from 50' to 15' for a 16' x 32'
8 accessory structure. Property Owner: Elody & Chris Mackey. File #25-4-ZV.
- 9 Mr. Harris moved to adjourn the meeting at 2:27 pm. Mr. McKinney called for a vote, which carried
10 unanimously.