

Meeting Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: March 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: Tyler Quynn, Chair; Jacob Harris, Secretary; David Wiegand, Mikala
6 Shremshock, and Elliot Kletter, Alternate were in attendance in person.
7 Matthew McKinney, Vice Chair was present via ZOOM.
8 Board Members Absent: Keith Semler, Alternate was absent without notice.
9 Staff Members Present: Andy Beall, Zoning Administrator and Colin Uhry, Planning & Zoning Clerk

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

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

13 **Approval of Minutes: Approval of the February 27, 2025 Minutes**

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

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

16 **Agenda Item # 1 File #: 25-8-ZV**

17 Request: Variance from Section 4.11 and Appendix B to eliminate the required landscaping
18 along the southwestern property line for a proposed contractor with outdoor storage
19 business (File #24-7-SP).

20 Parcel Info: Carpe Diem Omada, LLC
21 Vacant parcel located to southwest of 306 James Burr Blvd, Kearneysville, WV
22 Parcel ID: 02000101390000; Property Size: 1.53 ac; Zoning District: Industrial
23 Commercial

24 Ms. Brooke Perry and Mr. Pete Cloutier, engineers from Integrity Federal Services, Inc, were present
25 to address the Board.

26 Mr. Beall provided an overview of his staff report to the Board.

27 Ms. Perry and Mr. Cloutier explained the applicant's desire to eliminate the landscape buffer
28 requirement for the purposes of establishing an outdoor storage business.

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. McKinney moved to approve the request (25-8-ZV), with the condition that the applicant is
32 bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

33 **Agenda Item # 2 File #: 25-9-ZV**

34 Request: Variance from Section 5.7D.2.b.i (b) to allow the required 50% green space to be
35 allocated on two lots within the Harvest Meadows cluster subdivision.

36 Parcel Owner: Billy Kaye Moores, Tr.

37 Parcel Info: J William Fulk Lane, LLC
38 282 William Fulk Ln And 235 William Fulk Ln Kearneysville, WV
39 Parcel ID: 07000600150000 and 07000500050000; Property Size: 219.72 ac; Zoning
40 District: Rural

1 Mr. Mark Mezzanot, engineer from Civil & Environmental Consulting, Inc, was present to address
2 the Board.

3 Mr. Beall provided an overview of his staff report to the Board.

4 Mr. Mezzanot explained that due to the size and cluster subdivision, the applicant wishes to establish
5 the 50% greenspace as a whole on the entire property, rather than individual lots. Mr. Beall noted he
6 believed that it was a fair assessment of the project. Mr. McKinney questioned why the project was
7 before the Board of Zoning Appeals, Mr. Quynn explained that due to deadlines and switching of
8 Zoning Administrators, the zoning interpretation was different between two members of staff.

9 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
10 testimony. Mr. Quynn closed the public comment portion of the hearing.

11 Ms. Harris moved to approve the request (25-9-ZV), with the condition that the applicant is bound
12 by their testimony. Mr. Quynn called for a vote, which carried unanimously.

13 **Agenda Item # 3 File #: 25-10-ZV**

14 Request: Variance from Section 9.7 to reduce the rear setback from 50' to 30' for a proposed
15 accessory structure.

16 Parcel Info: Christopher and Jamie Kerkstra
17 2410 Warm Springs Road, Shenandoah Junction, WV
18 Parcel ID: 09002100120000; Property Size: 6.85 ac; Zoning District: Rural

19 Mr. Christopher Kerkstra, applicant, was present to address the Board.

20 Mr. Beall provided an overview of his staff report to the Board.

21 Mr. Kerkstra explained the applicant's desire to reduce the setbacks of his property and questioned
22 why they were established this way in the first place, Mr. Quynn explained current staff and Board
23 members had no jurisdiction in 1989.

24 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
25 testimony. Mr. Quynn closed the public comment portion of the hearing.

26 Mr. McKinney moved to approve the request (25-10-ZV), with the condition that the applicant is
27 bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

28 **Agenda Item # 4 File #: 25-11-ZV**

29 Request: Variance from Section 4.11 and Appendix B to eliminate the required street trees and
30 landscaping buffer along the perimeter of the property for a proposed brewpub (File
31 #24-5-SP).

32 Parcel Info: Nicholas Wilson, Karen Dowd Wilson, Katie Main, and Ryan Main
33 640 War Admiral Blvd., Kearneysville, WV
34 Parcel ID: 02000100270001; Property Size: 4.7 ac; Zoning District: Industrial
35 Commercial

36 Mr. Nicholas Wilson, applicant and Mr. Sean Curly, member of BCL Properties, were present to
37 address the Board.

38 Mr. Beall provided an overview of his staff report to the Board.

39 Mr. Wilson and Mr. Curly explained the nature of the request and established there are already
40 existing trees within an easement to the west of the proposed location, allowing for an already
41 established buffer.

1 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
2 testimony. Mr. Quynn closed the public comment portion of the hearing.

3 Ms. Shremshock questioned the treeline to the south of the proposed property and location of a
4 proposed dumpster screening as found in 24-5-SP. Mr. Wilson explained communication with the
5 property owner has taken place.

6 Mr. Quynn questioned the need for a Planning Commission waiver for both a gravel parking lot and
7 sidewalk. Mr. Wilson explained that he has already met with staff regarding the establishment of an
8 easement along the property for the future possibly of a sidewalk. Mr. Quynn questioned if the
9 applicant was willing to maintain a buffer should the trees in the easement to the west be removed,
10 Mr. Wilson states he is willing to maintain a buffer.

11 Mr. Harris moved to approve the request (25-11-ZV), with the conditions that the applicant follows
12 staff's requirements and that the applicant is bound by their testimony. Mr. Quynn called for a vote,
13 which carried four in support and one against (Mr. McKinney).

14 Mr. McKinney requested more discussion regarding the motion. Mr. Harris moved to reconsider
15 the motion. Mr. Quynn called for a vote, which carried four in support and one against (Mr.
16 Wiegand).

17 Mr. McKinney notes the previous motion is more restrictive to the applicant.

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

20 **Agenda Item # 5 File #: 25-3-CUP**

21 Request: Request for a Conditional Use Permit to establish a homebased federal firearms
22 business from an existing dwelling unit. The proposed land use designation as listed
23 in Appendix C is *Retail Sales and Service, General*. Applicant anticipates up to 10
24 customers per month. No employees other than the residents of the property. No
25 signs are proposed.

26 Parcel Info: JR Arms, LLC / Attn: Richard Cluff
27 161 Shannon Hill Lane, Charles Town, WV
28 Parcel ID: 02002200020012; Property Size: 1 ac; Zoning District: Rural

29 Mr. Richard Cluff, applicant, was present to address the Board.

30 Mr. Beall provided an overview of his staff report to the Board.

31 Mr. Cluff explained the desire to establish a federal firearms business out of an existing dwelling
32 unit, noting the low impact it would have on the surrounding community.

33 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
34 testimony. Mr. Quynn closed the public comment portion of the hearing.

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

37 Mr. McKinney moved to approve the request (25-3-CUP), with the condition that the applicant is
38 bound by their testimony and is tasked with obtaining all required permits. Mr. Quynn called for a
39 vote, which carried unanimously.

1 Zoning Administrator Report

2 Mr. Beall introduced himself as the newly hired Zoning Administrator and introduced Mr. Kletter as
3 a new alternate for the Board.

4 Mr. Beall provided the Board with the following information:

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

6 Legal Update

7 1. No updates were given

8 Mr. Wiegand moved to adjourn the meeting at 3:31 pm. Mr. Quynn called for a vote, which carried
9 unanimously.