



Jefferson County
Board of Zoning Appeals Agenda
Thursday, May 22, 2025 at 2:00 p.m.

Members
Tyler Quynn, Chair
Matthew McKinney, Vice Chair
Jacob Harris, Secretary
David Wiegand
Mikala Shremshock
Elliot Kletter, Alternate
Keith Selmer, 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/89576380071>
Phone Option (Dial by Location): 301-715-8592 / Meeting ID: 895 7638 0071

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: April 24, 2025

Public Hearing – Administer Oath

Agenda Item # 1 File #: 25-13-ZV

Request: Variance from Section 9.7 to reduce the front setback from 20’ to 14’ for a handicap ramp.

Parcel Info: Robert & Alice Hill-Murray, property owners
Shannondale Subdivision, Section 13F, 233 Sourmash Road, Harpers Ferry, WV
Parcel ID: 06006E01680000; Size: .65 acres; Zoning District: Rural

Agenda Item # 2 File #: 25-14-ZV

Request: Variance from Appendix A to reduce the front setback along a proposed access easement along the southern property line for an existing detached accessory structure; and Section 9.6C to allow an accessory structure within the required front yard.

Parcel Info: Russell and Krishna Carroll, property owners
1146 S. Childs Rd., Kearneysville, WV
Parcel ID: 07002400060012; Size: ~7.8 acres (after merger); Zoning District: Rural

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: April 24, 2025

- 1. Variance from App A to reduce the rear setback. Property Owner: Christian and Manuela Steppat. File #25-12-ZV.

DRAFT Meeting Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: April 24, 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; Matthew McKinney, Vice Chair; David Wiegand,
6 Keith Semler, Alternate, and Elliot Kletter, Alternate were in
7 attendance in person.
8 Board Members Absent: Mikala Shremshock was absent with notice. Jacob Harris, Secretary;
9 was absent without notice
10 Staff Members Present: Andy Beall, Zoning Administrator and Colin Uhry, Planning & Zoning Clerk

11 Mr. Wiegand 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 **Approval of Minutes: Approval of the March 27, 2025 Minutes**

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

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

17 **Agenda Item # 1 File #: 25-12-ZV**

18 Request: Variance from Appendix A to reduce the rear setback from 20' to 15' for a 9' x 23'
19 covered patio.

20 Parcel Owner: Christian and Manuela Steppat

21 Parcel Info: Magnolia Springs Subdivision, Lot 204, 114 Gatehouse Place, Charles Town, WV
22 Parcel ID: 02010F02040000; Property Size: 0.17 ac
23 Zoning District: Residential Growth

24 Mr. Christian Steppat, property owner, was present to address the Board.

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

26 Mr. Steppat explained the nature of the request to the Board.

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. Quynn noted Mr. Steppat would also be required to follow guidelines established by his local
30 Homeowners Association.

31 Mr. McKinney moved for a Summary Approval in accordance with Section 5.7(9) of the Boards'
32 Rules of Procedure (as amended 01/26/23) with the condition that the applicant is bound by their
33 testimony. Mr. Quynn called for a vote, which carried unanimously.

34 **Zoning Administrator Report**

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

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

37 **Legal Update**

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

- 1 1. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy
2 Facility / File 22-9-CUP) Rockwell v. JCBZA
3 No update was provided.
4 2. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin, Tiffany
5 Martin and Earthworx General Contracting Services, LLC v. Jefferson County Board of
6 Zoning Appeals
7 No update was provided.

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

9 **Meeting: March 27, 2025**

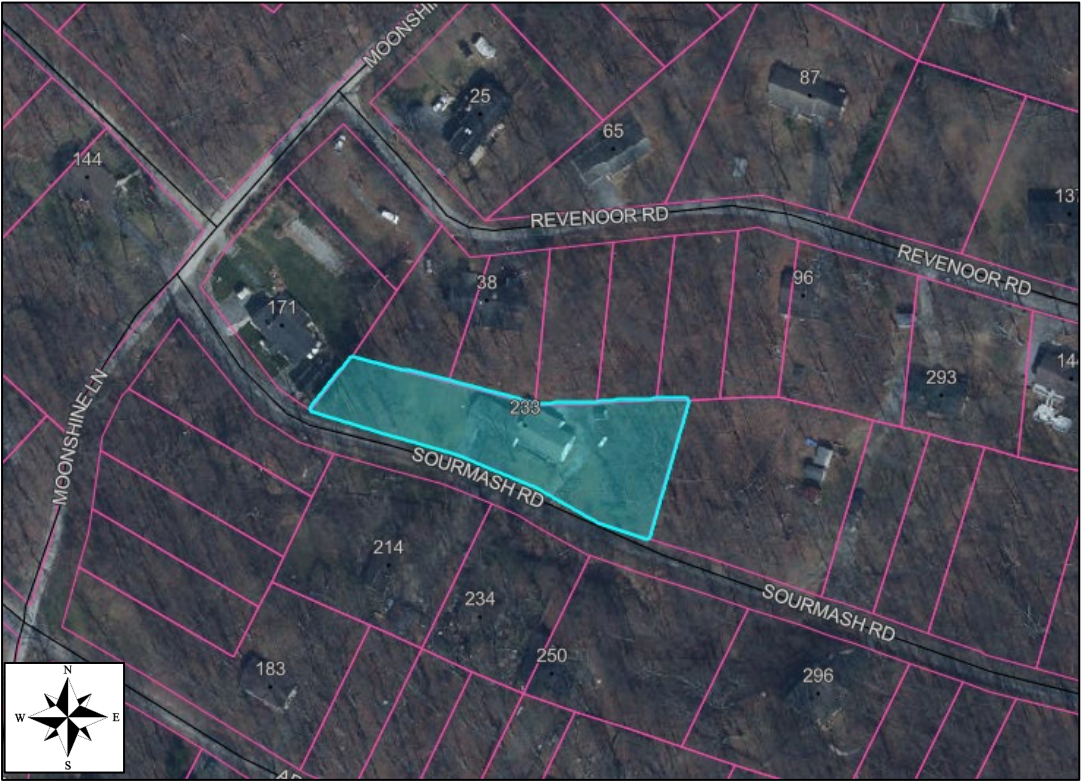
- 10 1. Variance from Section 4.11 and Appendix B to eliminate the required landscaping along
11 the southwestern property line for a proposed contractor with outdoor storage business
12 (File #24-7-SP). Property Owner: Carpe Diem Omada, LLC. File #25-8-ZV.
13 2. Variance from Section 5.7D.2.b.i (b) to allow the required 50% green space to be
14 allocated on two lots within the Harvest Meadows cluster subdivision. Property Owner:
15 Billy Kaye Moores, Tr./William Fulk Lane, LLC. File #25-9-ZV.
16 3. Variance from Section 9.7 to reduce the rear setback from 50' to 30' for a proposed
17 accessory structure. Property Owner: Christopher and Jamie Kerkstra. File #25-10-ZV.
18 4. Variance from Section 4.11 and Appendix B to eliminate the required street trees and
19 landscaping buffer along the perimeter of the property for a proposed brewpub (File #24-
20 5-SP). Property Owners: Nicholas Wilson, Karen Dowd Wilson, Katie Main, and Ryan
21 Main. File #25-11-ZV.
22 5. Request for a Conditional Use Permit to establish a homebased federal firearms
23 business from an existing dwelling unit. The proposed land use designation as listed in
24 Appendix C is *Retail Sales and Service, General*. Applicant anticipates up to 10
25 customers per month. No employees other than the residents of the property. No signs
26 are proposed. Property Owner: JR Arms, LLC / Attn: Richard Cluff. File #25-3-CUP.

27 No Findings were provided to the Board.

28 Mr. Wiegand moved to adjourn the meeting at 2:12 pm. Mr. Quynn called for a vote, which carried
29 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 May 22, 2025
25-13-ZV Hill-Murray Variance Request

Item #1 Variance from Section 9.7 to reduce the front setback from 20' to 14' for a handicap accessible ramp.

Owner:	Robert & Alice Hill-Murray
Consultant:	Thomas E Ashley, Contractor
Parcel Information & Zoning District:	<p style="text-align: center;">Shannondale Subdivision, Section 13F 233 Sourmash Road, Harpers Ferry, WV 25425 Parcel ID: 06006E01680000; Size: .65 acres Zoning District: Rural</p> 
History:	07/27/99: Shannondale Subdivision, Section 13F (Recorded DB 234 / PG 153)
Waivers/Variations:	None
Approved Activity:	Residential
Site Visit:	Site visit not conducted.

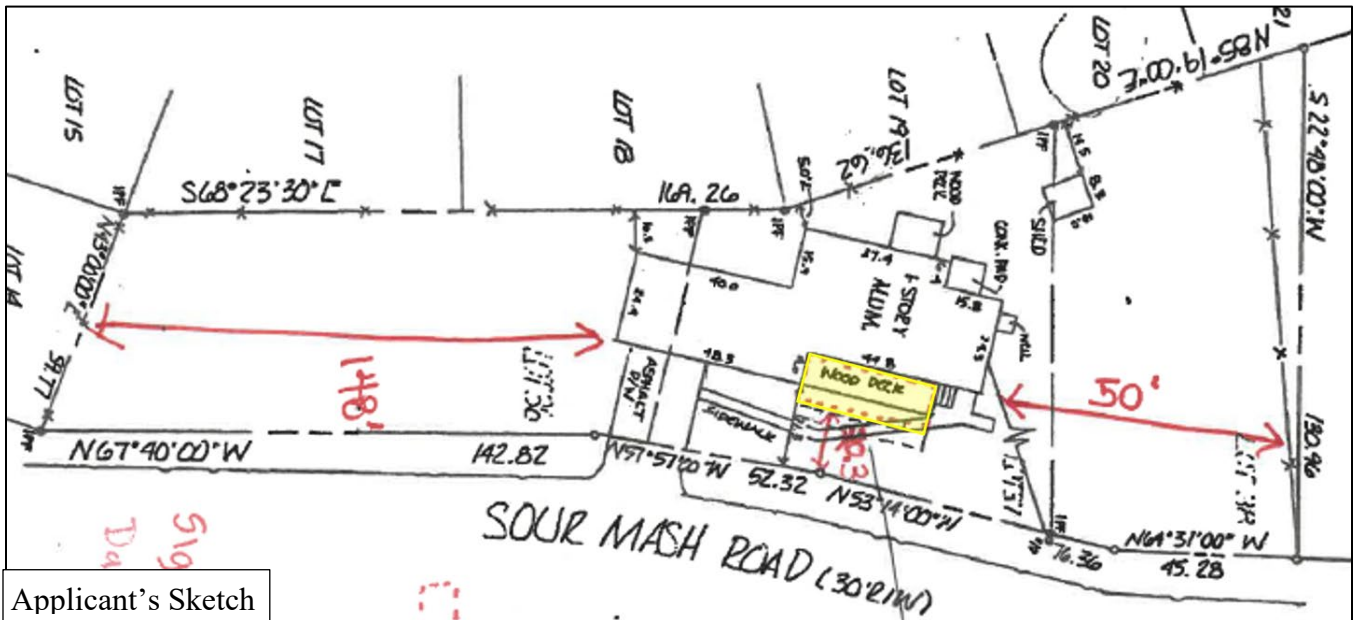
Staff Overview

The subject parcel is comprised of Lots 36, 37, and 38 in Section 13F of the Shannondale Subdivision. The lots were created in 1959, prior to the adoption of the Zoning Ordinance (1988); therefore, they are considered legal nonconforming lots, as they do not meet the residential site development standards in the current Zoning Ordinance.

Pursuant to Section 9.7 of the Zoning Ordinance, based on the acreage of the lot, the required setbacks are **20' Front**, 8' Side, and 12' Rear. The applicant is requesting to reduce the front setback requirement along the southern property line (adjacent to Sourmash Road) from 20' down to 14' to allow for the construction of a handicap accessible ramp extending across the front yard to a newly built deck.

Staff Report
Jefferson County Board of Zoning Appeals
May 22, 2025
25-13-ZV Hill-Murray Variance Request

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.



Applicant's Sketch

Staff Report
Jefferson County Board of Zoning Appeals
May 22, 2025
25-13-ZV Hill-Murray Variance Request

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.

Section of Ordinance to be Considered:

Section 9.7 Other Exceptions³

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process. Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:²³

Rural Agricultural and Industrial Commercial

Single Family Residences

Over 2 acres --	40' front,	15' side	and	50' rear
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear
under 30,000 sq. ft. --	20' front,	8' side	and	12' rear



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 #: 25-13-ZV
 Mtg. Date: 5-22-25
 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: Robert + Alice Hill-Murray
 Business Name: _____
 Mailing Address: 233 Sour Mash Rd Harper's Ferry WV 25425
 Phone Number: 703 244 5311 Email: ahillmurray@yahoo.com

Applicant Contact Information

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

Consultant Information

Consultant Name: Thomas E. Ashley
 Business Name: Thomas E. Ashley
 Mailing Address: 3737 Flowing Springs Rd. Sherandoak Junction WV 25442
 Phone Number: 571-436-4040 Email: ashleylandscape@aol.com

Physical Property Details

Physical Address: 233 Sour Mash Rd Harper's Ferry WV 25442 Vacant Lot:
 Parcel ID: (Tax District / Map No. / Parcel No.) Kable Town Dist. 6E 168
 Parcel Size: 0.6456 Deed Book: 929 Page No: 35

Zoning District (please check one)

- | | |
|---|---|
| <input checked="" 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 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 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

RECEIVED

Date Received:

APR 18 2025

JEFFERSON COUNTY PLANNING
 ZONING & ENGINEERING

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:

Handicap Ramp to encroach 20' Setback limit by 6' leaving 14' buffer to Sour Mash Rd

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

Front Setback Side Setback Rear Setback Reduction from 20' to 14'

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.

This will not adversely affect public health, safety or welfare because it will be well within the property lines, professionally constructed and will actually increase public health and safety in emergency situations

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?

This is a necessity of this variance is for current Health and Safety reasons including a reasonable additional escape for 1 or more of the current occupants. As well a safe and manageable entry.

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

This will help current and possibly future occupants that have mobility issues by providing a safe, manageable ingress/egress from the structure

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

It will show that the Zoning Ordinance has flexibility for solutions to accommodate needs of residents as their life needs change as they age in place providing safety, comfort and security.

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.

[Signature]
Property Owner Signature Date

[Signature]
Property Owner Signature Date 4/17/2025



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

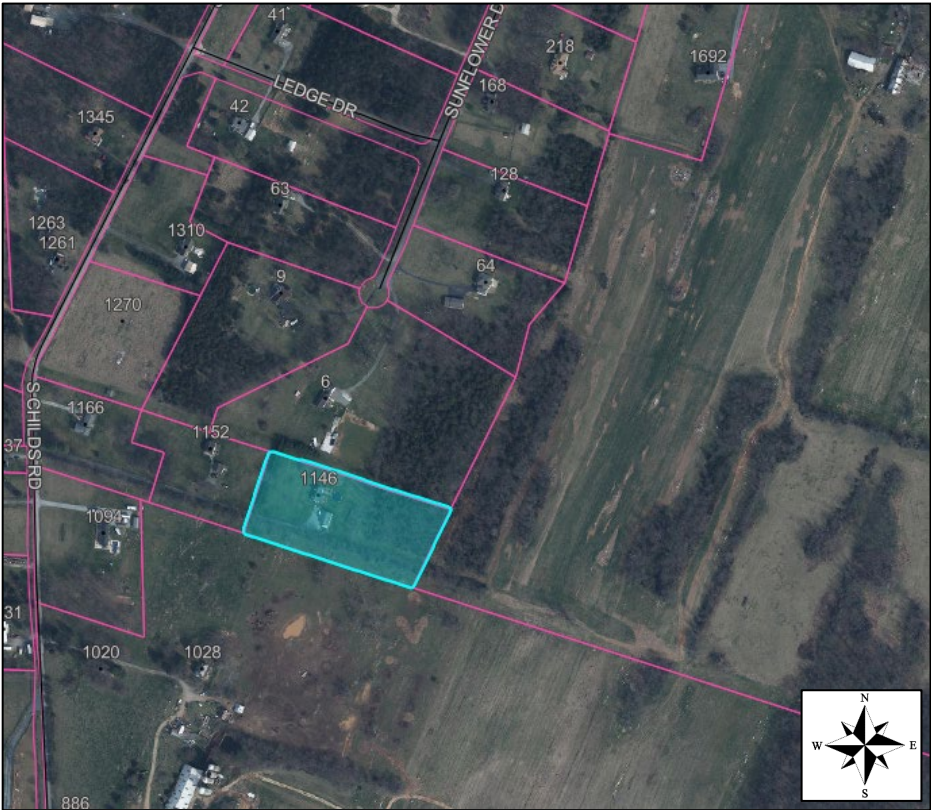
File Number: 25-13-ZV

I authorize the Planning and Zoning staff to make any necessary revisions to the enclosed submission, if required for processing. I understand that said revisions will be discussed with me prior to content modification.

Applicant PRINTED Name: Robert + Alice Hill - Murray
Applicant Signature: ~~R Hill - Murray~~ + ~~Alice Hill - Murray~~
Contact Number: 703 244 5311
Date: 4/17/2025

Staff Report
 Jefferson County Board of Zoning Appeals
 May 22, 2025
25-14-ZV Carroll Variance Request

Item #2 Variance from Appendix A to reduce the front setback along a proposed access easement from 40' to 25' along the southern property line for an existing detached accessory structure; and Section 9.6C to allow an accessory structure within the required front yard.

Owner:	Russell and Krishna Carroll
Parcel Information & Zoning District:	<p style="text-align: center;">1146 S. Childs Rd., Kearneysville, WV Parcel ID: 07002400060012; Size: ~7.8 acres (after merger); Zoning District: Rural</p> 
History:	1999/09/16: Family Transfer Exemption recorded in DB 930, PG 385 2022/05/18: Hy-Crest Farms to Carroll Boundary Line Adjustment (PC File #22-7-M) 2024/00/00: Hy-Crest Farms to Carroll Boundary Line Adjustment (PC File #25-1-M)
Waivers/Variations:	2025/05/17: PC waiver request to reduce the easement width for a proposed minor subdivision (File #25-15-PCW)
Approved Activity:	Residential
Site Visit:	Site visit not conducted

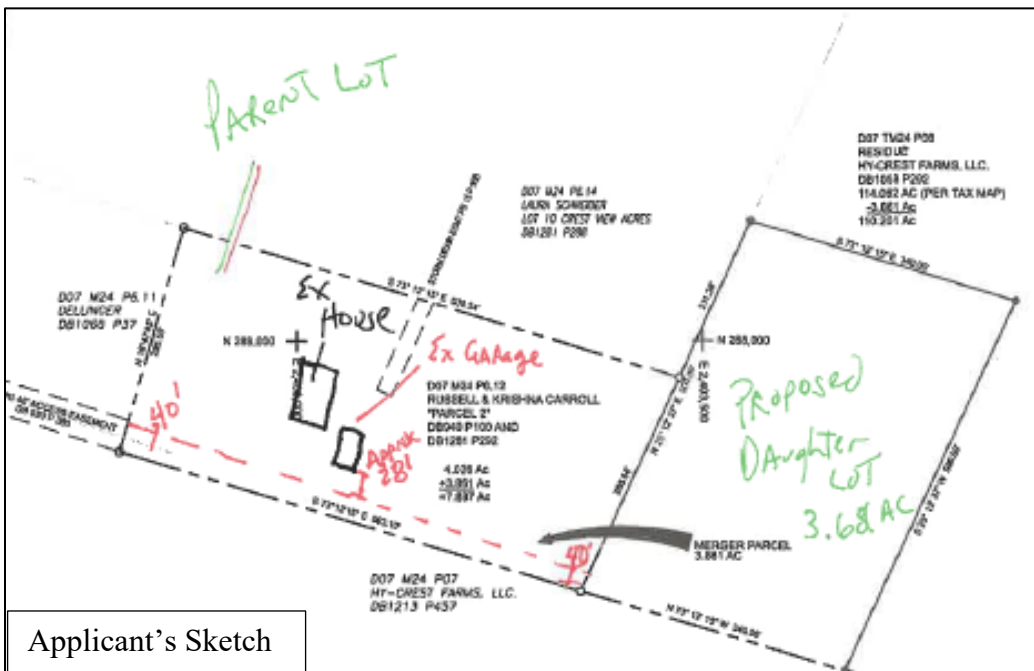
Staff Overview

The applicant is currently processing a Boundary Line Adjustment by Merger as a “Family Transfer” from the parent parcel, Hy-Crest Farm (Parcel ID: 07002400060000) which adjoins the parcel subject to this request . The project consists of merging 3.681 acres from the parent tract to the subject parcel, “Parcel 2”. As part of the proposal, the applicant is proposing to plat the existing 40’ access easement along the southern property line of Parcel 2 (subject parcel) for the purpose of providing access to proposed new lot containing 3.681 acres (see pending plat below).

Staff Report
Jefferson County Board of Zoning Appeals
May 22, 2025
25-14-ZV Carroll Variance Request

The platting of a new access easement along the southern property line of Parcel 2 will create a setback violation for an existing garage. Pursuant to Appendix A of the Zoning Ordinance, the required setbacks are **40' Front**, 15' Side, and 50' Rear. The applicant is requesting to reduce the required front setback to 25' from the edge of the proposed access easement in order to retain the existing garage in its current location.

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.



Applicant's Sketch

Staff Report
 Jefferson County Board of Zoning Appeals
 May 22, 2025
25-14-ZV Carroll Variance Request

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 business may be operated from this structure without further review from the Board.

Sections of Ordinance to be Considered:

Appendix A Residential Site Development Standards Table

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft.***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks			
							Front	Side	Street Side	Rear
Rural (R) (See Sec. 5.7)	Dwellings		40,000	N/A	100	45	40	15	±	50
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres	N/A	N/A	N/A	45	40	15	±	50
		40,000 sq. ft. to 2 acres	N/A	N/A	N/A	45	25	12	±	12
		30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	45	20	10	±	12
		Under 30,000 sq. ft.	N/A	N/A	N/A	45	20	8	±	12
Cluster Subdivision	See RG District									

Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding 150 square feet, shall be five feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.

C. No accessory building shall be erected within the required front yard.



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 #: 25-14-2V
 Mtg. Date: 5-22-25
 Fee Paid: \$ 150

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Application

Variances 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: Russell and Krishna Carroll
 Business Name: _____
 Mailing Address: 1146 S Childs Road, Kearneysville, WV 25430
 Phone Number: c/o Paul 304676-8256 Email: c/o pjraco.consulting@gmail.com

Applicant Contact Information

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

Consultant Information

Consultant Name: Paul J Raco
 Business Name: P.J. Raco Consulting, LLC
 Mailing Address: P.O. Box 548, Charles Town, WV 25414
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Vacant Lot:

Physical Address: 1146 S. Childs Road, Kearneysville, WV 25430
 Parcel ID: (Tax District / Map No. / Parcel No.) Middleway District, Map 24, Parcel 6.12
 Parcel Size: 4.03 plus 3.68 acres +- Deed Book: 1281 Page No: 292

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 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:

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: 5.7.B.1. & Appendix A - Residential Front Setback
The Carrolls would like to transfer a portion of their property to their daughter. It will be served by an existing 40' Easement that serves the Carroll property. To extend the Easement through their property to the new Daughter lot, it will only be approximately 25' from an existing garage.

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

Front Setback Side Setback Rear Setback Reduction from 40 to 25

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.

See Attached

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?

See Attached

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

See Attached


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

See Attached

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.



Property Owner Signature Date

Property Owner Signature Date

Russell and Krishna Carroll
Variance Request
Article 5, Sections 5.7.B.1. and Appendix A Residential Setbacks
Request for 25' Front Setback
Jefferson County Zoning Ordinance
April 18, 2025

Brief Description

The Carrolls would like to transfer a portion of their parcel to their daughter. There is an existing 40' wide easement that serves the Carroll's parcel. In order to transfer the new lot to their daughter as a Family transfer, they have to extend the 40' Easement through their parcel to the new parcel. The extension of the existing easement will have to pass an existing three car garage (on the Carroll parcel) that will only be approximately 25' away from the garage. It scales at approximately 28', but since a Survey will need to be completed, the Applicant is asking for a variance to 25' feet to make sure that they do not have to come back if the measurement is off. However, the request is to vary the required 40' down to the area remaining between the 40' easement and the garage. There is no actual required road standard since it is a Family Transfer, so just the driveway will be extended in the same path as it exists.

There are no other lots beyond the daughter's proposed new lot and there are only two other lots on the easement besides the parent and child lots. And one of those two is the grandparents' lot. Furthermore, the land to the South and East of the property is owned by the Applicant's families' farm.

No other party is affected, since the garage already exists and the 40' easement already exists along the southern property line of the Carroll's property where it will be extended to the daughter's new lot. Her plan is to build a house to be located next to her parents.

Accordingly, the Applicant respectfully requests that the variance be granted to allow the Front Setback of an existing garage on the Parent parcel be reduced for the purpose of providing a 40' easement to only serve the proposed daughter's lot.

Russell and Krishna Carroll
Variance Request
Article 5, Sections 5.7.B.1. and Appendix A Residential Setbacks
Request for 25' Front Setback
Jefferson County Zoning Ordinance
April 18, 2025

Four Criteria

1. Granting the variances will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

The garage already exists to the parent lot and the driveway to that point already exists to the existing garage over halfway through the lot. The creation of the Parent to Child lot necessitates the extension of the existing 40' easement past the garage to the daughter's proposed new lot. The extension of the easement is along the common borderline of the Applicant's relative's family farm, so no other property is affected other than family.

The garage cannot be moved and the requested 25' setback meets applicable Building Code standards and in fact is the acceptable Front Setback standard in other zoning districts. Furthermore, there are no actual road requirements, so it is just the extension of the existing driveway between parents and their daughter.

2. 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 Ordinances allow the creation of lots for parents to give their children so that they can live adjacent to each other. When the parents built their house and garage, parent to child transfers did not need to process a subdivision. Now, Parent to Child and other Family Transfers are required to process subdivisions and require the extension of the existing easement past the garage to serve the daughter's lot. There was no way to preplan for the ultimate decision for a child to want to build next to their parent's house decades into the future. The County allows this gift that families can use to process Family Transfers for the ability to live near each other. In this case, the grandparents also live on the existing 40' easements and there is a family farm that nearly surrounds the new lot.

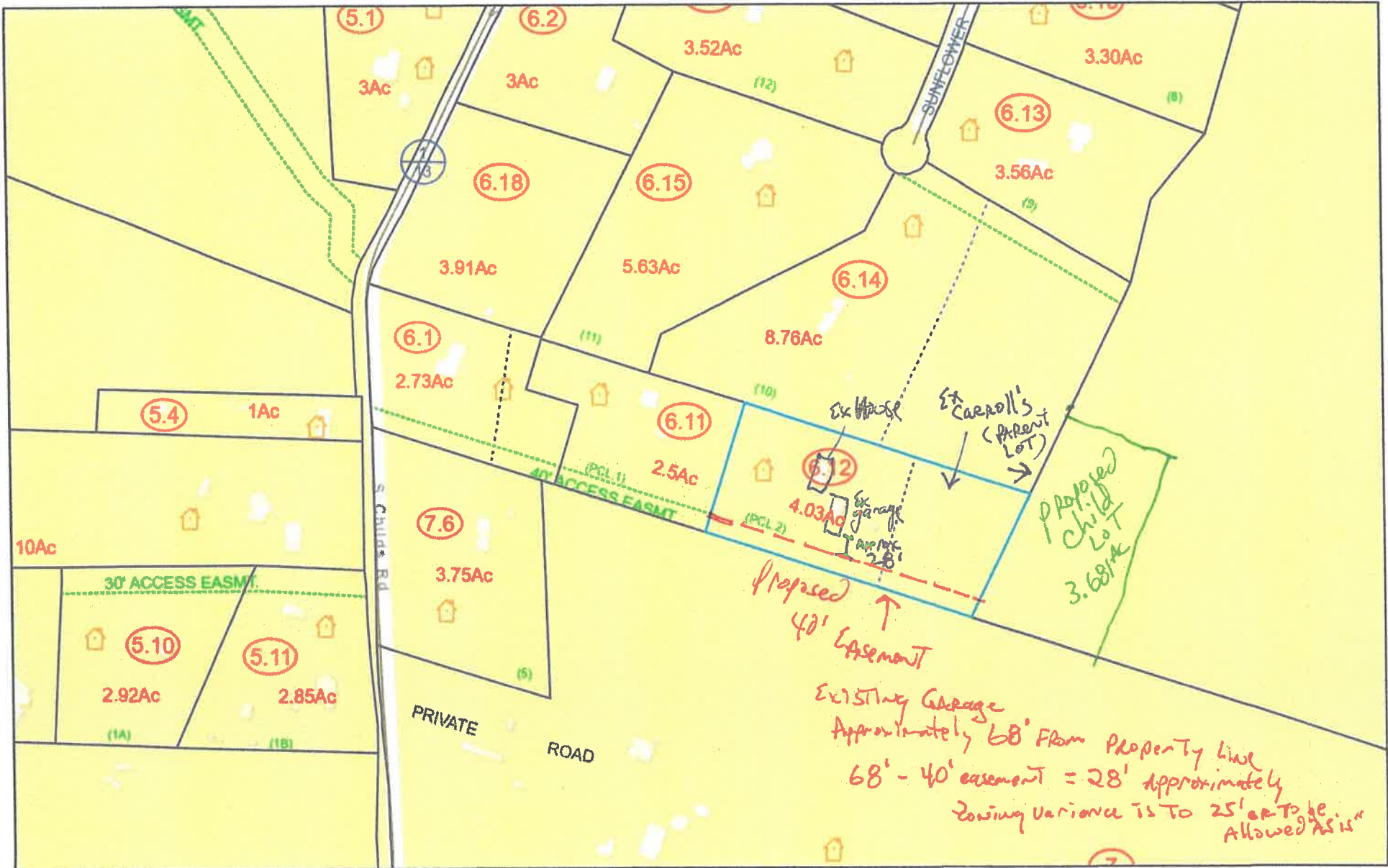
3. How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

Quite frankly, without the variance, the parents would either need to tear their three car garage down to meet the 40' standard or not be able to transfer the lot to their daughter. This would create an enormous hardship for the family, and the daughter would have to purchase a lot elsewhere in the County, losing the ability to live next to her parents.

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

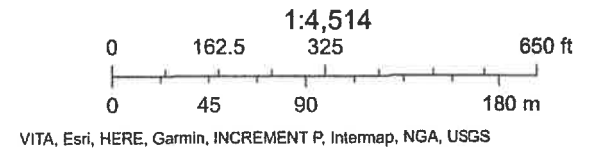
Clearly, the purpose of the Zoning and Subdivision Ordinances is to give families the opportunity to transfer land amongst themselves to create lots for the ability to live next to each other. A 25' front setback to an already existing garage does not violate any Building Code ordinance and a 25' front setback is already permitted in other zoning districts in Jefferson County. Accordingly, substantial justice would be to allow the reduced setback for the extension of an easement and driveway that will only serve the daughter's lot.

Viewer Map



April 16, 2025

PJR 4/16/25

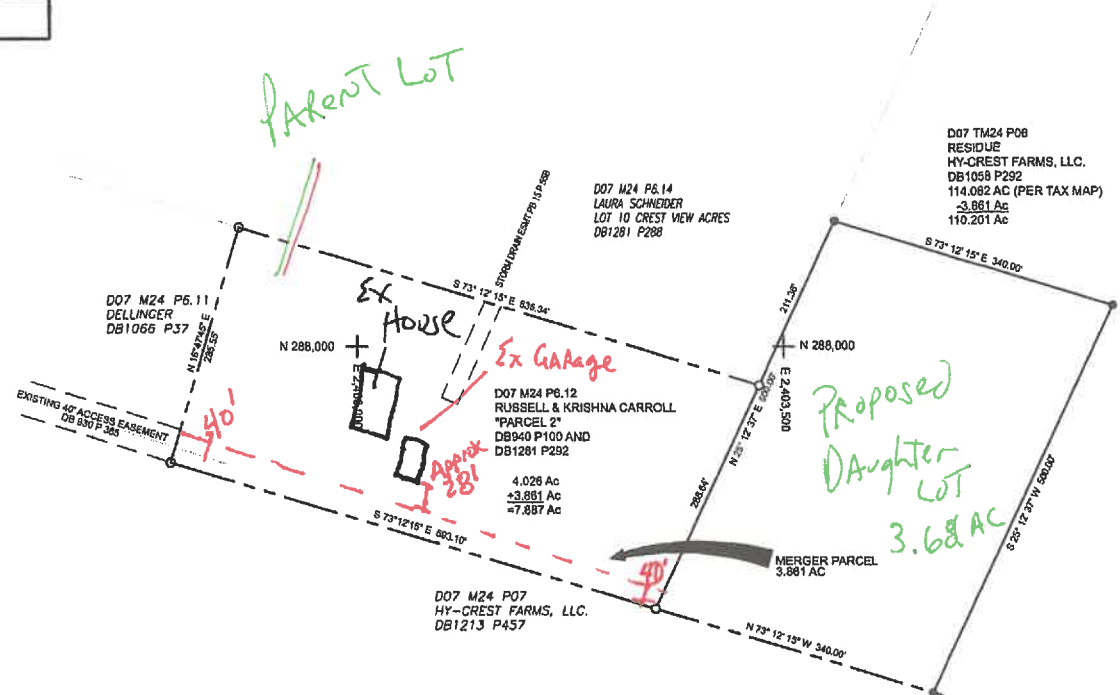


VITA, Esri, HERE, Garmin, INCREMENT P, Intermap, NGA, USGS

NAD 83 WV NORTH BASED
ON GNSS OBSERVATIONS



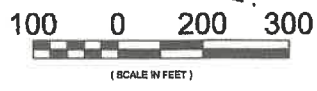
LOCATION MAP 1"=2000'



LEGEND

- FOUND #5 CAPPED REBAR
 - SET #5 CAPPED REBAR
 - EXISTING BOUNDARY
 - NEW PROPERTY LINE
 - - - ADJOINER DEPARTING LINE
- E 2,403.000
 + N 288.500 MAPPING COORDINATE GRID TICK

Acreage Table		
	HY-CREST FARMS	PCL 2
Existing	114.062 Ac.	4.028 Ac.
Merger	-3.861 Ac.	+3.881 Ac.
Final Area	110.201 Ac.	7.887 Ac.



PLAT SHOWING BOUNDARY LINE ADJUSTMENT

BY MERGER
HY-CREST FARMS, LLC
DB 1058 P 292

1694 SOUTH CHILDS ROAD, KEARNEYSVILLE, WV 25430
(304) 728-7551
MIDDLEWAY TAX DISTRICT M 24 P 06
JEFFERSON COUNTY, WV

Psh 4/18/25

SHEPP SURVEYING & MAPPING, PLLC
 M. MICHAEL SHEPP, PS
 P.O. BOX 1162
 SHEPHERDSTOWN, WV 25443-1162
 304.433.5000
 sheppsurveying@outlook.com

SCALE: 1"=100'
 DATE: January 10, 2025
 JOB No: 2409
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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
May 22, 2025 Board of Zoning Appeals Meeting

Date of Memo: May 16, 2025

- 1) Next regular meeting scheduled for **June 26, 2025**
 - Deadline for submission is Friday, May 23, 2025.
- 2) 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

May 2025

Zoning Certificate Activity Report

File # 25-9-ZC
Request: Temporary Sale of Legal Fireworks
Property Owner: B33 Jefferson Crossing II, LLC
Applicant: American Promotional Events, Inc.-East/ DBA-TNT Fireworks / Attn: Jerri Morfa
Parcel Information: 188 Flowing Springs Road, Charles Town, WV 25414
Parcel ID: 02000800240004 Size: 15.3 acres;
Zoning District: Residential-Light Industrial-Commercial;
Deed Book: 1239; Page: 670; Site Plan File: 94-04
Date of Issuance: 05/06/2025

File # 25-14-ZC
Request: Modifications to an Existing Telecommunications Tower (US Cellular)
Property Owner: Cynthia McKee
Applicant: Hardy Cellular Telephone Company / Attn: Gara Fluitt
Parcel Information: 237 Tel Farm Lane, Kearneysville, WV 25430
Parcel ID: 07001900240000; Size: ~107.5 acres;
Zoning District: Rural; Deed Book: 1264, Page: 180; PC File #01-18
See Easement Agreement recorded in Deed Book 1259, Page 602
Date of Issuance: 04/25/2025

File # 25-15-ZC
Request: Change in Tenant: Buffalo Wild Wings GO
Property Owner: B33 Jefferson Crossing II LLC
Applicant: Zelta Design / Attn: Katherine Saboya
Parcel Information: 114 Flowing Springs Road, Charles Town, WV 25414
Parcel ID: 02000800240001 Size: .8 acres;
Zoning District: Residential-Light Industrial-Commercial;
Deed Book: 1238; Page: 324; Site Plan File: S96-03; 25-1-NSP (parking lot redesign)
Date of Issuance: 05/13/2025

File # 25-16-ZC
Request: Change in Tenant: Dunkin Donuts
Property Owner: B33 Jefferson Crossing II LLC
Applicant: Zelta Design / Attn: Katherine Saboya
Parcel Information: 114 Flowing Springs Road, Charles Town, WV 25414
Parcel ID: 02000800240001 Size: .8 acres;
Zoning District: Residential-Light Industrial-Commercial;
Deed Book: 1238; Page: 324; Site Plan File: S96-03; 25-1-NSP (parking lot redesign)
Date of Issuance: 05/13/2025

Zoning Certificate Activity Report

May 2025

Page 2 of 2

File # **25-17-ZC**
Request: Temporary Sale of Legal Fireworks
Property Owner: SUSO 2 Alabama, LP
Applicant: American Promotional Events, Inc.-East/ DBA-TNT Fireworks / Attn: Jerri Morfa
Parcel Information: Charles Town Plaza, 96 Patrick Henry Way, Charles Town, WV 25414
 Parcel ID: 02000800290002; Size: 21.33 acres
 Zoning District: Residential-Light Industrial-Commercial;
 Deed Book: 1170; Page: 471; Site Plan File: S96-16 (Wal Mart Shopping Center)
Date of Issuance: 05/12/2025

File # **25-19-ZC**
Request: Modifications to an Existing Telecommunications Tower (AT&T)
Property Owner: Cynthia McKee
Applicant: Jacobs Telecommunications / Attn: Tootie Hudgins
Parcel Information: 237 Tel Farm Lane, Kearneysville, WV 25430
 Parcel ID: 07001900240000; Size: ~107.5 acres;
 Zoning District: Rural; Deed Book: 1264, Page: 180; PC File #01-18
 See Easement Agreement recorded in Deed Book 1259, Page 602
Date of Issuance: 05/13/2025

File # **25-20-ZC**
Request: Modifications to an Existing Telecommunications Tower (AT&T)
Property Owner: West Virginia American Water Company
Applicant: Smartlink / Attn: Zachary Arrasmith
Parcel Information: 426 Oak Lee Dr, Ranson, WV 25438
 Parcel ID: 02004E0WTT0000; Size: .38 acres; Zoning District: Rural;
 Deed Book: 868; Page: 336; Plat of Survey in Deed Book: 866; Page: 70
 Site Plan Files: #S97-07 (water tank) and #S11-03 (telecommunications)
Date of Issuance: 05/13/2025
