



**Jefferson County**  
**Board of Zoning Appeals Agenda**  
**Thursday, September 25, 2025 at 2:00 p.m.**

Members  
Tyler Quynn, Chair  
Matthew McKinney, Vice Chair  
Mikala Shremshock, Secretary  
David Wiegand  
Elliot Kletter, Alternate  
Keith Selmer, Alternate

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**Meeting Location:** County Commission Meeting Room  
Located in the main level of the Jefferson County Government Complex  
(entrance on East side of the building)  
393 N. Lawrence Street, Charles Town, WV 25414

**Broadcast Information:** ZOOM Meeting Link: <https://us02web.zoom.us/j/88269071192>  
Phone Option (Dial by Location): 301-715-8592 / Meeting ID: 882 6907 1192

**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.**

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**Approval of Minutes: August 28, 2025**

**Public Hearing – Administer Oath**

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**Agenda Item # 1      File #25-28-ZV**

**Request:** Variance from Section 9.7 to reduce the front setback from 40' to 31' for a new single family dwelling unit.

**Project Info:** Harvest Homes, LLC, Owner  
Lake Forest Estates, Lot 23  
250 Adelaide Cir, Harpers Ferry, WV  
Parcel ID: 06023A00230000; Size: 2.29 acres; Zoning District: Rural

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**Agenda Item # 2      File #25-27-ZV**

**Request:** Variance from Section 3.2G to allow the applicant to request an additional extension for an approved Conditional Use Permit to operate a Solar Energy Facility. The current Conditional Use Permit is set to expire on September 30, 2025. The applicant is requesting an additional 24-month extension from this expiration date. The application pertains to approximately 262 acres of the 841-acre Wild Hill Solar Project. The project consists of a 92.5MW solar electric generating facility with solar modules and a new substation to connect the solar facility with the electric grid (File 22-5-CUP).

**Applicant:** Elawan Energy

**Parcel Info:** Clarence & Donna Hough, Owner  
Vacant parcel north of the property located at 340 Old Shennandale Rd., Charles Town, WV  
Parcel ID: 06000500060000; Lot Size: 49.04 ac / Project Size: 49.04 ac; Zoning District: Rural

**Parcel Info:** T. Todd & Susan Hough, Trustees  
340 Old Shennandale Rd, Charles Town, WV  
Parcel ID: 06000500010000; Lot Size: 206.84 ac / Project Size: 181.70 ac; Zoning District: Rural

**Parcel Info:** Charles & Marie Hough (Life), Owner  
620 Old Shennandale Rd, Charles Town, WV  
Parcel ID: 06001100080000; Lot Size: 118.05 ac / Project Size: 32.11 ac; Zoning District: Rural

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**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: August 28, 2025**

1. Variance from Section 11.1, Appendix B, Section 4.11I, Section 8.9A.9, Section 10.4A.1, 10.4B.2, 10.4B.3, 10.4B.5. Applicant: WLR Automotive, Inc. Property Owner: SUSO 2 Alabama LP. Files #25-17-ZV, 25-18-ZV, 25-24-ZV, 25-25-ZV, and 25-26-ZV.
2. Variance from Section 10.4B.2, Section 10.4B.4, and Appendix B. Applicant: Mannings Assembly of God Church. Property Owner: Pentecostal Full Gospel Church. File #25-20-ZV.
3. Variance from Section 9.6C and 9.7. Property Owner: Brandon D & Charity Simon. File #25-21-ZV.
4. Variance from Section 10.4A. Property Owner: Christopher Tyler & Donna Hoffman. File #25-23-ZV.
5. Request for an eighteen month extension of the Franklinton Farm Solar Project's Conditional Use Permit to operate a Solar Energy Facility. Applicant: Franklinton Farm, LLC. Property Owner: Mark D. Stolipher and Michael Paul Chapman. File #24-4-CUP.

**DRAFT Meeting Minutes**  
**Jefferson County Board of Zoning Appeals**

1 Meeting Date: August 28, 2025  
2 Meeting Location: County Commission Meeting Room  
3 Located on the main level of the Jefferson County Government Complex  
4 393 N. Lawrence Street, Charles Town, WV 25414  
5 Board Members Present: Tyler Quynn, Chair; Keith Semler, Alternate; and Elliott Kletter,  
6 Alternate, were in attendance in person. Matt McKinney, Vice Chair;  
7 Dave Wiegand were in attendance via ZOOM.  
8 Board Members Absent: Mikala Shremshock was absent with notice.  
9 Staff Members Present: Andy Beall, Zoning Administrator; Steven Groh, Assistant Prosecuting  
10 Attorney; Jennilee Hartman, Zoning Clerk.

11 Mr. McKinney 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: July 24, 2025**

15 Mr. Quynn moved to approve the minutes as presented. Mr. Quynn called for a vote, which carried  
16 four (4) in support and one (1) recusal (Mr. Wiegand was not in attendance at the July meeting).

17 Ms. Hartman swore in members of the public who indicated they would be providing testimony.

18 Mr. Quynn stated the entire agenda would be rearranged.

19 **Agenda Item # 5 Extension Request File #24-4-CUP**

20 Request: Request for an eighteen month extension of the Franklinton Farm Solar Project's  
21 Conditional Use Permit to operate a Solar Energy Facility.

22 Applicant: Franklinton Farm, LLC

23 Parcel Info: Mark D. Stolipher, Property Owner

24 2998 Withers Larue Rd, Summit Point, WV 25446

25 Parcel ID: 06001900080004; Parcel/Project Size: 146.84 ac; Zoning District: Rural

26 Parcel Info: Mark D. Stolipher, Property Owner

27 322 & 288 Scooter Ln, Charles Town, WV 25414

28 Parcel ID: 06001900160000; Parcel/Project Size: 50 ac; Zoning District: Rural

29 Parcel Info: Mark D. Stolipher, Property Owner

30 261 Berry Hill Farm Ln, Summit Point, WV 25446

31 Parcel ID: 06001900070000; Parcel/Project Size: 150.31 ac; Zoning District: Rural

32 Parcel Info: Michael Paul Chapman, Trustees, Property Owner

33 651 & 653 Franklinton Rd, Summit Point, WV 25446

34 Parcel ID: 06001900060000; Parcel/Project Size: 154.16 ac; Zoning District: Rural

35 Mr. Paul Raco with P.J. Raco Consulting, LLC, Joe Knechel with Potesta Associates, and Robert  
36 McClusky with Jackson Kelly were present on behalf of the property owners to represent the  
37 request.

38 Mr. Beall provided a brief history of the project and an overview of the request.

39 Mr. Raco presented the request noting that the Zoning Ordinance contained a provision that allows  
40 for a one time extension of the Conditional Use Permit expiration date. The representatives argued  
41 that as the Finding of Fact and Conclusion of Law were signed after the Conditional Use Permit

1 was issued, that the date of the extension should be effective from the date the Findings were  
2 signed.

3 Mr. Quynn moved to grant the 18-month extension request from the date the Findings were signed.  
4 Mr. Quynn called for a vote which carried unanimously.

5 **Agenda Item # 4 File #25-22-ZV and #25-23-ZV**

6 Request #1: **WITHDRAWN.** Variance from Section 4.6B to reduce the distance requirement from  
7 a proposed commercial land use (antique shop) to a residential lot to the north and to  
8 the south (25-22-ZV).

9 Request #2: Variance from Section 10.4A to allow two proposed Attached Business Signs to  
10 each face a residential lot (25-23-ZV).

11 Project Info: Christopher Tyler & Donna Hoffman, property owner  
12 2148 Berryville Pike, Charles Town, WV  
13 Parcel ID: 06010A00230000; Size: .04 acres; Zoning District: Village

14 Ms. Donna Hoffman and Christopher Tyler, property owners, were present to address the Board.

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

16 Ms. Hoffman and Mr. Tyler explained the nature of the request to the Board.

17 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided  
18 testimony. Mr. Quynn closed the public comment portion of the hearing.

19 Mr. McKinney moved to approve variance #25-23-ZV with the condition that the applicants are  
20 bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

21 **Agenda Item # 3 File #25-21-ZV**

22 Request: Variance from Section 9.7 to reduce the front setback from 40' to 15' for an  
23 accessory structure; and, Section 9.6C to allow an accessory structure within the  
24 required front yard.

25 Project Info: Brandon D & Charity Simon, property owner  
26 1738 Leetown Rd, Summit Point, WV  
27 Parcel ID: 06001400010001; Size: 4.43 acre; Zoning District: Rural

28 Mr. Brandon Simon, property owner, was present to address the Board.

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

30 Mr. Simon explained the nature of the request to the Board.

31 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided  
32 testimony. Mr. Quynn closed the public comment portion of the hearing.

33 Mr. McKinney moved to approve variance #25-21-ZV with the condition that the applicant is  
34 bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

35 **Agenda Item # 2 File #25-20-ZV**

36 Request #1: Variance from Section 10.4B.2 to allow a second Freestanding Business Sign to be  
37 located on the subject parcel; and, Section 10.4B.4 to allow the proposed sign to face  
38 a residence.

39 Request #2: Variance from Appendix B to reduce the side setback for a proposed sign.

40 Applicant: Mannings Assembly of God Church

1 Project Info: Pentecostal Full Gospel Church, property owner  
2 19176 Charles Town Rd, Harpers Ferry, WV  
3 Parcel ID: 02021C00160000; Size: 1 acre; Zoning District: Village

4 Pastor Harold Sundry was present to address the Board.

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

6 Pastor Sundry explained the nature of the request to the Board.

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

9 Mr. McKinney moved to approve variance #25-20-ZV with the condition that the applicant is  
10 bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

11 **Agenda Item # 1 File #25-17-ZV, 25-18-ZV, 25-24-ZV, 25-25-ZV, and 25-26-ZV**

12 The applicant is requesting a variance from the following Sections in order to facilitate the  
13 redevelopment of the Charles Town Plaza. The redevelopment consists of demolishing an existing  
14 restaurant for the purpose of constructing a car wash.

15 Request 1A: Variance from Section 11.1 to reduce the required number of parking spaces  
16 (25-17-ZV).

17 Request 1B: Variance from Appendix B to reduce the building setbacks and to eliminate the  
18 parking/drive aisle setbacks (25-18-ZV).

19 Request 1C: Variance from Section 4.11I to eliminate the requirement to install street trees  
20 (25-24-ZV).

21 Request 1D: Variance from Section 8.9A.9 to eliminate the requirement of a frontage road; and,  
22 Section 8.9A.10 to reduce the landscape buffer along a limited access highway  
23 (Route 340) (25-25-ZV).

24 Request 1E: Variance from Section 10.4A.1 to allow an Attached Business Sign to be located on  
25 the front, side, and rear of the proposed building; Section 10.4B.2 to allow a second  
26 Freestanding Business Sign to be located along Route 340; Section 10.4B.3 to  
27 reduce the front setback along Route 340; and, Section 10.4B.5 to allow a second  
28 Freestanding Sign for the proposed car wash as opposed to utilizing a Pylon Sign  
29 (25-26-ZV).

30 Applicant: WLR Automotive, Inc.

31 Project Info: SUSO 2 Alabama LP, property owner  
32 Charles Town Plaza, 60 Patrick Henry Way, Charles Town, WV  
33 Parcel ID: 02000800290002; Size: 21.33 acres;  
34 Zoning District: Residential-Light Industrial-Commercial

35 Mr. Tyler Lawson, attorney, Mr. Sandy Grandstaff with WLR Automotive Group, and Dave Trostle  
36 with Fredrick, Seibert & Associates were present to address the Board on behalf of the property  
37 owner.

38 Mr. Quynn requested that Mr. Beall begin by providing an overview of the staff reports pertaining  
39 to the site development.

40 Mr. Beall provided an overview of the following staff reports: #25-17-ZV, 25-18-ZV, 25-24-ZV, and  
41 25-25-ZV.

1 Mr. Lawson provided the Board with a handout that included enlarged images from the applications  
2 and staff reports as a point of reference. Mr. Lawson discussed the usage of current parking lot in  
3 relation the existing tenants and the proposed project. Mr. Lawson explained the nature of each  
4 request noting that the creation of the proposed cross access easement generated the need for some of  
5 the requested variances. Mr. Lawson explained that while the cross access easement was required, the  
6 adjacent property to share the easement was also owned by the property owner.

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

9 Mr. McKinney moved to approve variances #25-17-ZV, 25-18-ZV, 25-24-ZV, and 25-25-ZV with  
10 the condition that the applicant is bound by their testimony. Mr. Quynn called for a vote, which  
11 carried unanimously.

12 Mr. Beall provided an overview of the staff report pertaining to the proposed signage (#25-26-ZV).

13 Mr. Lawson elaborated on the nature of the request by referring to the images provided in the handout.  
14 Mr. Lawson explained that in addition to the internal signage proposed by the applicant that the older  
15 freestanding sign will be removed and a new freestanding sign will be erected along Route 340.

16 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided  
17 testimony. Mr. Quynn closed the public comment portion of the hearing.

18 Mr. McKinney moved to approve variance #25-26-ZV with the condition that the applicant is  
19 bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

## 20 **Zoning Administrator Report**

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

- 22 1. Monthly Zoning Certificate Activity Report. The Report was included in the Agenda packet.
- 23 2. Mr. Beall provided an update regarding the pending Solar Energy Facility text amendment to  
24 the Zoning Ordinance, which is to be presented at the September 9th Planning Commission  
25 Meeting.
- 26 3. Mr. Beall informed the Board that Colin Uhry was promoted from the Planning & Zoning  
27 Clerk position to the County Planner position.

## 28 **Legal Update**

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

- 30 1. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy  
31 Facility / File 22-9-CUP) Rockwell v. JCBZA
- 32 2. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin, Tiffany  
33 Martin and Earthworx General Contracting Services, LLC v. Jefferson County Board of  
34 Zoning Appeals

35 Mr. Groh stated each item is still pending.

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

## 37 **Meeting: July 24, 2025**

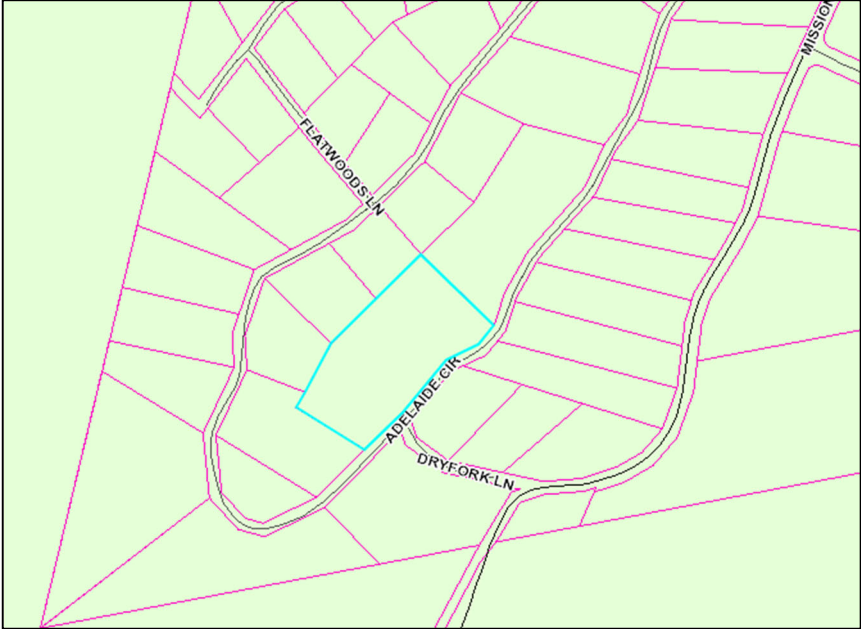
- 38 1. Variance from Appendix A. Property Owner: Carolina Moncada. File #: 25-19-ZV

- 1           2. Request for a Special Exception Permit to allow an off-premises sign for Rumsey Place
- 2           with a deviation from the following Sections: 10.2C, 10.4B.4, 10.5A.2 10.5A.4. Property
- 3           Owner: Federal Group Inc. / Attn: Tripp Lowe, File #25-2-SE.
- 4           A copy of the Findings were provided to the Chair.
- 5 Mr. Wiegand moved to adjourn the meeting at 3:24 pm. Mr. Quynn called for a vote, which carried
- 6 unanimously.



Staff Report  
 Jefferson County Board of Zoning Appeals  
 September 25, 2025  
**25-28-ZV Harvest Homes Variance Request**

Item #1 Variance from Section 9.7 to reduce the front setback from 40’ to 31’ for a new single family dwelling unit.

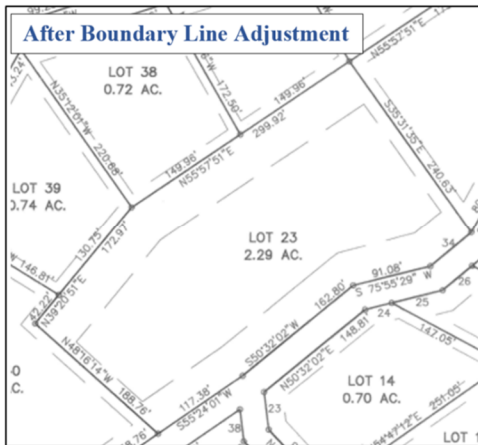
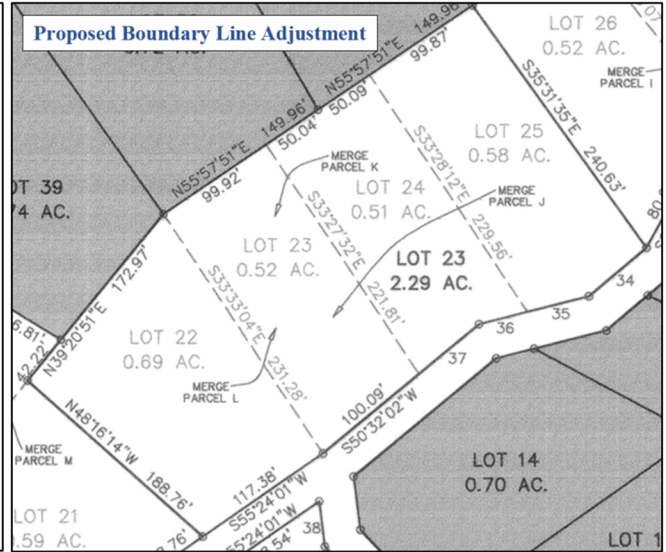
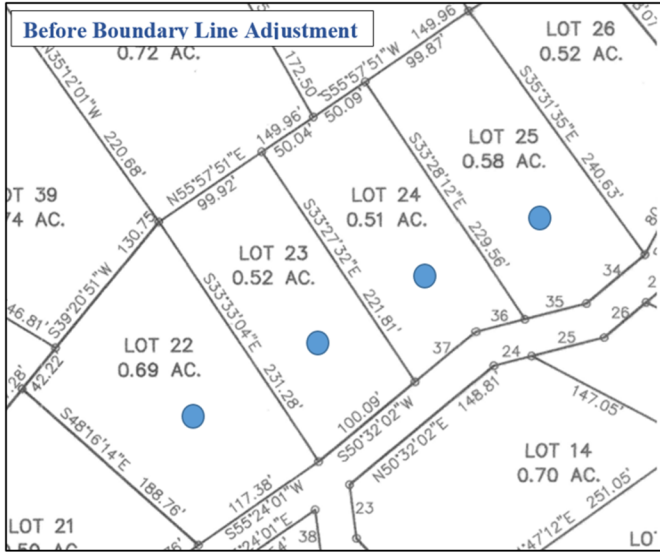
Owner:	Harvest Homes, LLC
Parcel Information & Zoning District:	<p style="text-align: center;">Lake Forest Estates, Lot 23          250 Adelaide Cir, Harpers Ferry, WV          Parcel ID: 06023A00230000; Size: 2.29 acres; Zoning District: Rural</p> 
History:	<p>10/25/1978: Original Keyes Ferry Acres South, Section 1 subdivision plat recorded (DB 448/PG 72)          12/08/04: Lake Forest Estates*, Section 1 Boundary Line Adjustment Plat recorded in <a href="#">Plat Book 21 at Page 53</a>  <i>*Subdivision was renamed.</i></p>
Waivers/Variations:	None
Approved Activity:	Residential
Site Visit:	Site visit not conducted

**Staff Overview**

The need for the subject request arises from a 2004 Merger by Boundary Line Adjustment consolidating (4) ~ ½ acre lots into (1) 2.3 acre lot. Rural zoned lots over 2 acres that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989 require setbacks of 40’ Front; 15’ Side; and 50’ Rear. To accommodate the desired location of the dwelling with attached deck, the applicant requests the required 40’ front setback be reduced to 31’.

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.

Staff Report  
 Jefferson County Board of Zoning Appeals  
 September 25, 2025  
**25-28-ZV Harvest Homes Variance Request**



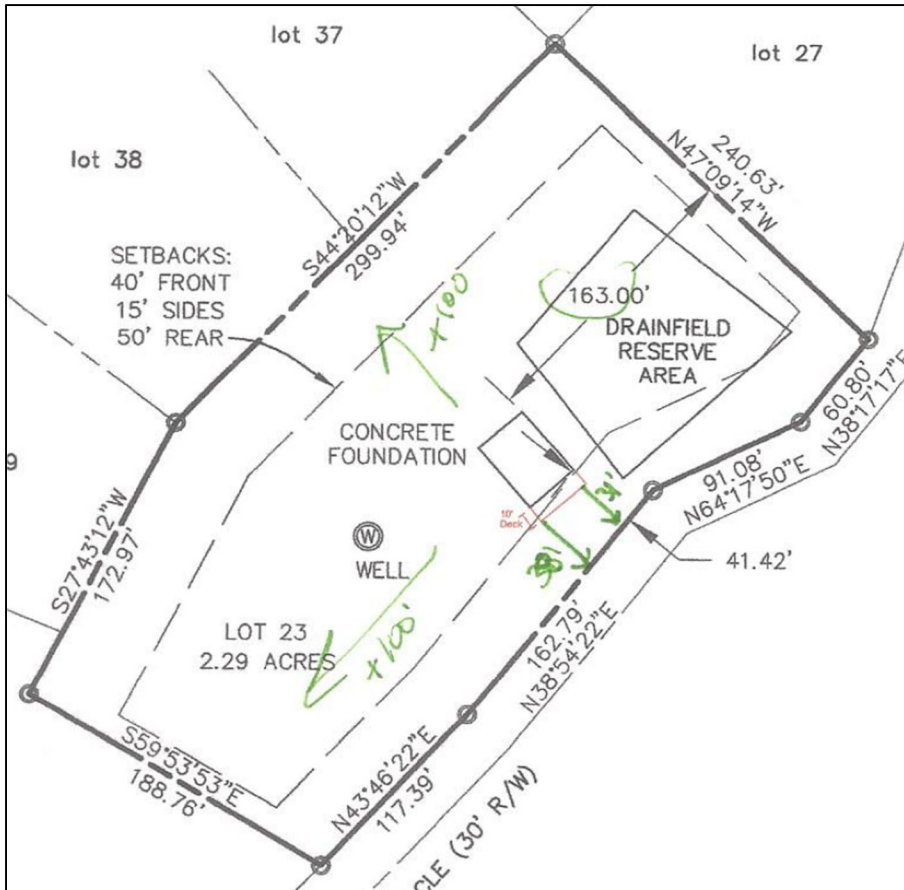
**Platted Setbacks**

**BUILDING SETBACK REQUIREMENTS:**

LOT AREA	FRONT	SIDE	REAR
OVER 2 ACRES	40'	15'	50'
40,000 SQ.FT. (0.92 ACRE) – 2 ACRES	25'	12'	12'
30,000 SQ.FT. (0.69 ACRE) – 40,000 SQ.FT. (0.92 ACRE)	20'	10'	12'
UNDER 30,000 SQ.FT. (0.69 ACRE)	20'	8'	12'

\* ANY PORTION OF A LOT ADJOINING A RIGHT OF WAY OR A ROAD SHALL BE A FRONT SETBACK.

Staff Report  
Jefferson County Board of Zoning Appeals  
September 25, 2025  
25-28-ZV Harvest Homes Variance Request



Applicant's Sketch



Staff Report  
Jefferson County Board of Zoning Appeals  
September 25, 2025  
**25-28-ZV Harvest Homes 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:**

**Section 9.7 Other Exceptions<sup>3</sup>**

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:<sup>23</sup>

Residential Growth District<sup>23</sup>

Single Family Residences

Over 40,000 square feet --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 40,000 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

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

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.



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

File #: 25-28-ZV  
 Mtg. Date: 09-25-25  
 Fee Paid: \$ 150

Email: [zoning@jeffersoncountywv.org](mailto: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: Harvest Homes LLC  
 Business Name: \_\_\_\_\_  
 Mailing Address: 67 Lutmans Lane, Suite 100, Shenandoah Junction, WV 25442  
 Phone Number: 304/702-2500 Email: Paul 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@gmail.com  
 Mailing Address: P.O. Box 548, Charles Town, WV 25414  
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

**Physical Property Details**

Physical Address: Lot 23 Lake Forest Estates, Adelaide Circle Vacant Lot:   
 Parcel ID: (Tax District / Map No. / Parcel No.) Kabletown, Map 23A, Parcel 23  
 Parcel Size: 2.29+- Acres Deed Book: 1345 Page No: 645

**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

**RECEIVED**

**AUG 22 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: Sec 9.6 and/or Appendix A Setback  
See attached

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

Front Setback       Side Setback       Rear Setback      Reduction from 40 to 30

**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

8-22-25  
Date

Property Owner Signature

Date

Harvest Homes, LLC  
Variance Request  
Article 5, Sections 9.6 and Appendix A Residential Setbacks  
Request for 31' Front Setback  
Jefferson County Zoning Ordinance  
August 22, 2025

**Brief Description**

Harvest Homes applied for and received a Building Permit for a House in Lake Forest Subdivision. Lake Forest was a subdivision that was approved by the Planning Commission in the early 70s as Keys Ferry Acres North which is further south on Mission Road from Shannondale. At that time, the Planning Commission approved setbacks were 10' on all sides. As the construction continued, the Applicant felt it prudent to add a deck due to the grade. He had a House Location survey done and was approximately 41.5 feet away from the front road ROW on one side of the house and approximately 48 feet away from the front road ROW on the other side of the house.

As you can see by the topography lines on the attached Tax Map, the property is a steeply sloping upwardly sloping lot from front to rear. The property has an average depth of 210 feet with a rise of about 60 feet from front to rear. Because of the topography on that property, four smaller lots were merged together in the 2000s to make one larger parcel so that a house, well, and septic could be installed. Several other lots were merged together, and the plat was re-recorded in mid 2000s as Lake Forest Subdivision. The setbacks from Section 9.6 (known as the sliding scale setbacks) were placed on the plat based on the size of the lots. So, for most of the lots in the subdivision the front setback is 25'. Only a couple of lots qualify for the 40' front setback.

As illustrated on the attachments, on this lot, because of the slope, the septic and septic reserve had to be located at the front of the lot in the most level area. And then the Applicant located the house as close to the septic and front road as possible due to the steep incline in the back of the property. The proposed deck will only be a 10' wide deck that would be cantilevered from the main living floor which would be above the ground floor basement. At one side of the house, the setback encroachment for the proposed deck would only be about 2 feet into the setback at approximately 38 feet, and on the other side of the house, the encroachment would be about 31.42 feet. Which would still be more than the standard 25' front setback on the majority of the lots in the subdivision.

Finally, this Lot qualifies for flexibility in the standards such as setbacks because it is within the Natural Resource Protection area of the County with respect to Hillside Development. The Land Development Ordinances recommends setback flexibility (among other standards) so that the least vulnerable areas of the lots can be used for development/construction. The location of the house maximizes that protection on this lot.

Accordingly, the Applicant respectfully requests that the variance be granted to allow the Front Setback reduction to be granted to 31' feet to accommodate the proposed cantilevered deck. Thank you for your consideration.

Harvest Homes, LLC  
Variance Request  
Article 5, Sections 9.6 and Appendix A Residential Setbacks  
Request for 31' Front Setback  
Jefferson County Zoning Ordinance  
August 22, 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 proposed deck will be designed, reviewed, approved, and built to IBC standards so Public Health, Safety, and Welfare standards will be addressed. Regarding the adjacent property owners, as explained in the Description, the majority of lots in the subdivision already have 25' front setbacks. The requested 31' (38' on the other side) front setbacks will exceed the majority of lots in the subdivision. Furthermore, the original approval of the subdivision contained 10' setbacks on all sides. Also, the lots are in a steep and heavily wooded neighborhood, so the cantilevered deck will blend into the surroundings.

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 lot is extraordinarily steep and is East of the Shenandoah River and qualifies under Hillside Development standards in the modern ordinances. In these areas, the Subdivision and Land Development Ordinance recommends flexible building standards including setback variations in areas of Hillside Development. The purpose, goals, and objectives are found in the following section of the Subdivision Ordinance.

**Sec. 22.504 Protection of Resources**

The protection of natural resources shall comply with all environmental protection requirements in the Zoning Ordinance and these Regulations. Before construction begins, these areas shall be protected from siltation. Staff shall inspect the proposed means of protection prior to permitting the construction to proceed.

A. Hillside Development.

1. General.

**This section applies to all lands east of the Shenandoah River** and all lands in natural conditions within 1000 feet of the Potomac and Shenandoah Rivers and Opequon Creek. Hillsides with slopes of 10 percent or more are sensitive areas which are frequently not able to tolerate subdivision development as is practiced on flatter land. The instability of such areas requires careful planning and design before development takes place. Natural slopes, trees, rock formations, and other features such as views can best be preserved if subdivision development is allowed to be flexible and

creative. In general, the integrity and durability of a hillside is inversely related to the amount of construction activity (particularly earthwork) that takes place on the hillside.

## 2. Principles and Guidelines.

Hillside subdivision proposals will be reviewed and considered on an individual, independent basis. The natural features of each hillside will determine final subdivision design configuration. The most informal development, consistent with principles of good access, proper drainage, and resource conservation, shall be considered. Planning Commission review of hillside subdivision proposals shall be guided by the following considerations:

a. Minimize the alteration of natural terrain and the removal of topsoil and vegetative cover.

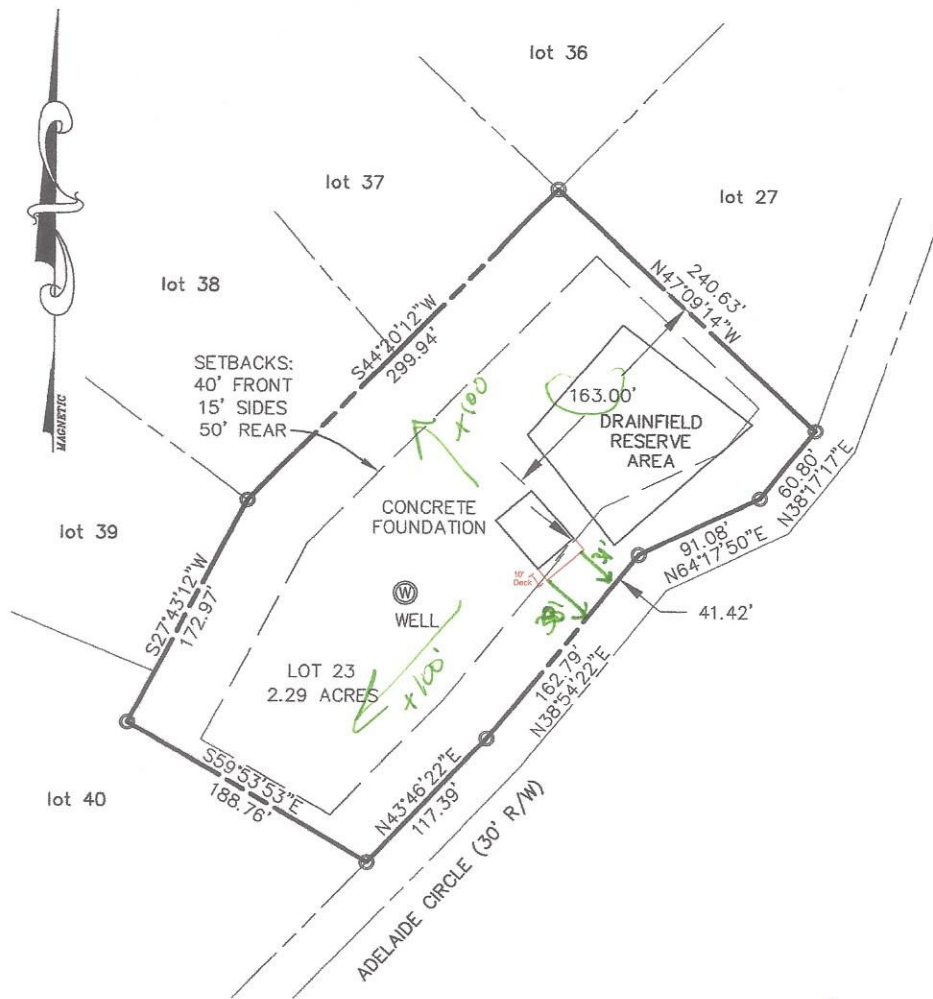
b. **Allow flexibility in density, lot size, lot shape, and setback so that the more buildable areas of a hillside can be developed, and the less buildable areas left in a natural condition.** Use of the cluster concept.

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

The house had to be constructed as close to the road as possible because of the steep slope, to avoid the more sensitive areas to the rear of the property, and because of the location of the septic reserve area. After construction began, the Applicant believed that a small, cantilevered deck on the 'second' floor would allow for the owner to take in the beauty of the area without further impacting the steep and natural resources on the balance of the property. This allows for a small deck while preserving the natural resources in the steep, forested on the majority of the site as recommended by the Land Development Ordinance.

## 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 Land Development Ordinances is to protect the more sensitive resources in this area of the County as outlined in the above section on Hillside Development. This section allows for the 'flexibility' of setbacks in this area. In this case, most of the property is protected and the house was located as close to the road as possible to avoid the steep sloped areas. The cantilevered deck in the front would go into the setback a maximum of 9 feet for a 31 feet front setback on the one side of the house. The majority of the front setbacks are 25' in this subdivision, which is less than what is requested for this lot to accommodate a small deck. Finally, as previously explained, the Planning Commission originally approved setbacks in this subdivision were only 10 feet. As such, the request very much meets the intent of the Subdivision, Zoning, and Land Development Ordinances in the County.



*PSH  
8/22/25*

**LOCATION SURVEY**

PLAT SHOWING IMPROVEMENTS TO LOT 23 SEC. 1, LAKE FOREST ESTATES SUBDIVISION, STANDING IN THE NAME OF HARVEST HOMES, AS RECORDED IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 1345\645 LOCATED IN KABLETOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.

DWG # HLS

DATE-7/9/25

GRAPHIC SCALE

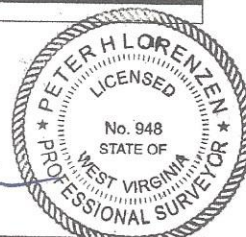


SURVEYED BY:

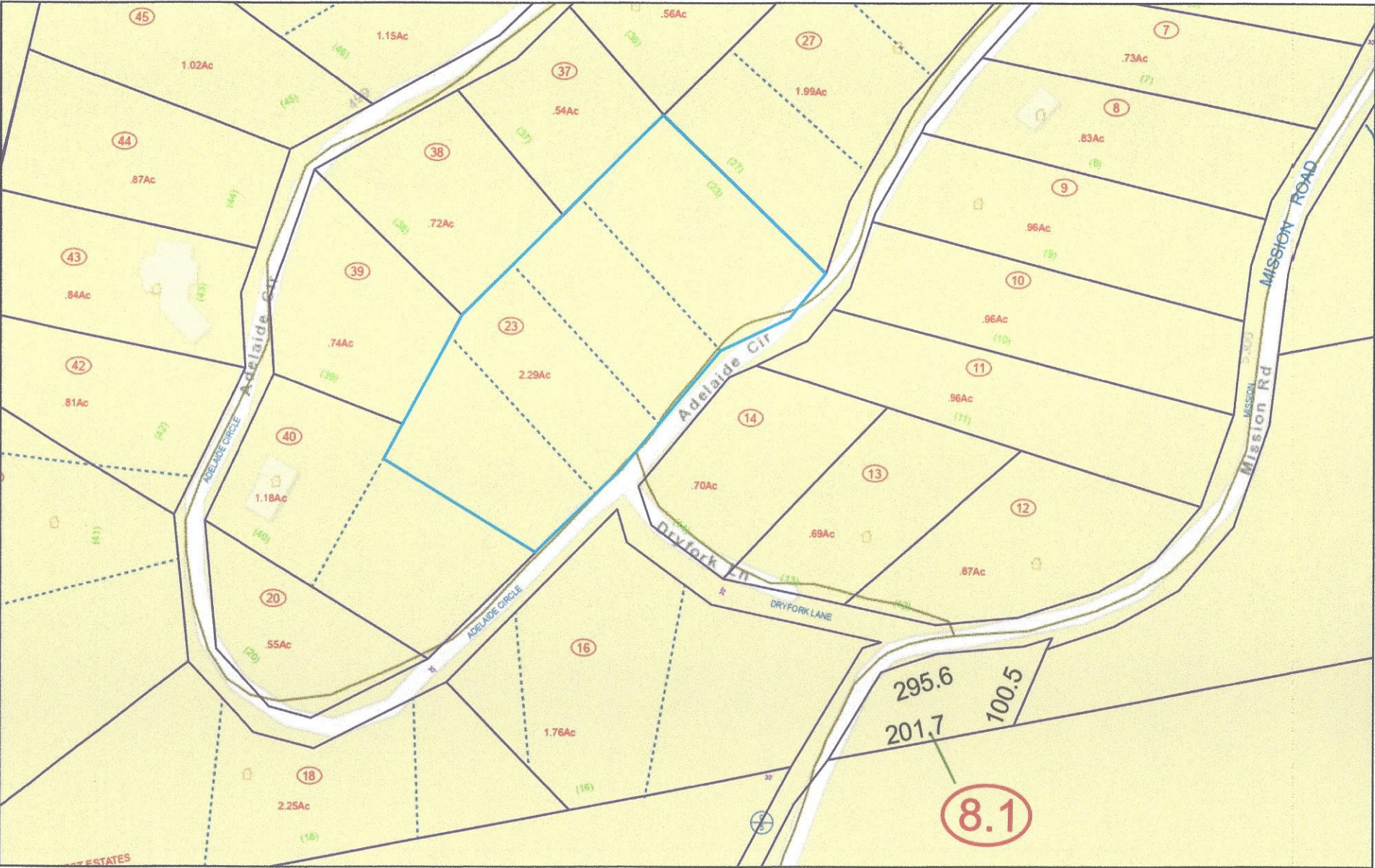
( IN FEET )

1-inch = 100 ft.

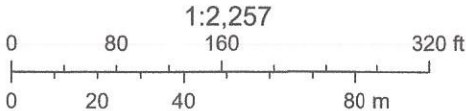
PETER H. LORENZEN P.S.  
SUMMIT POINT, W.V. 283-1276



# Viewer Map

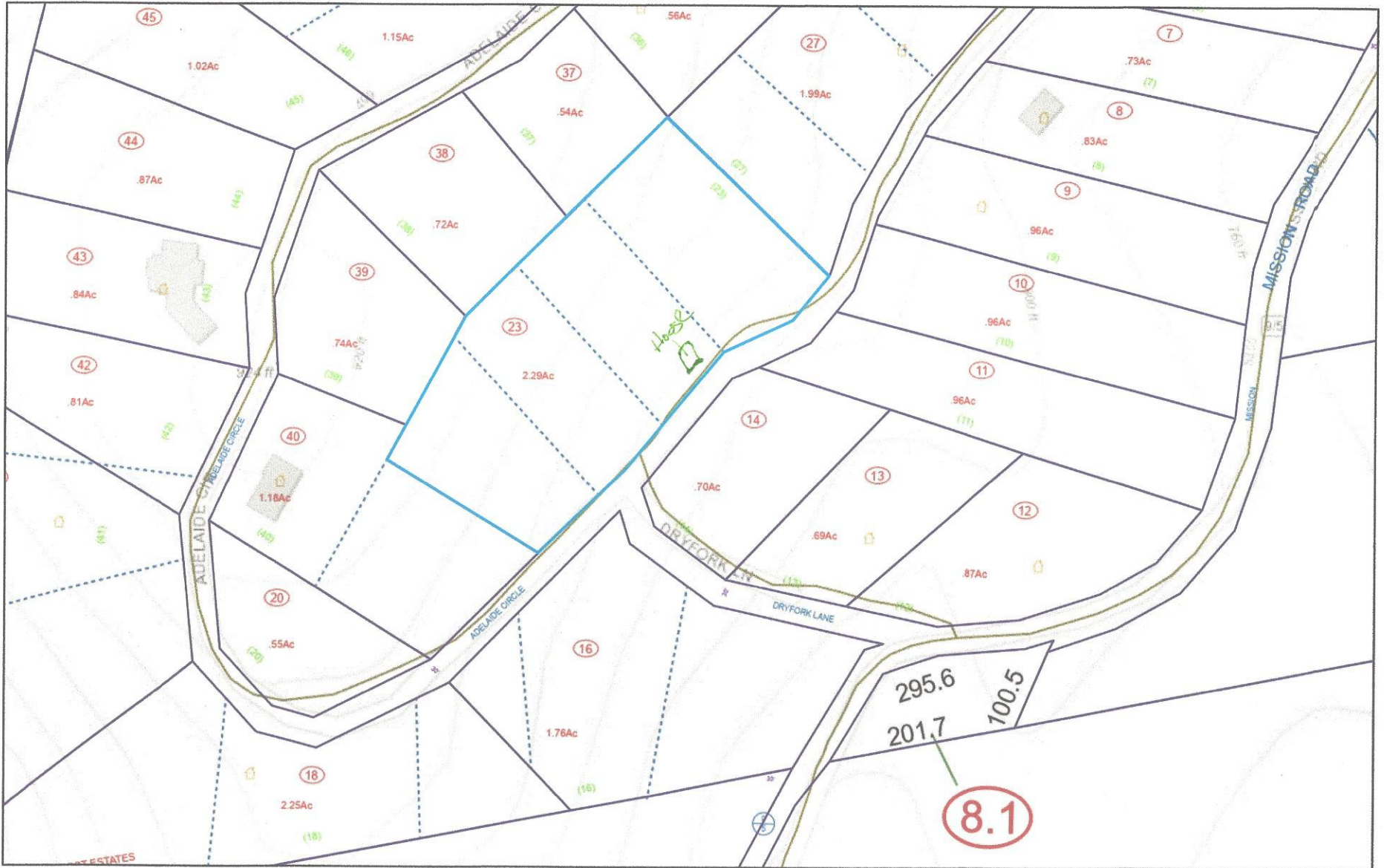


August 21, 2025



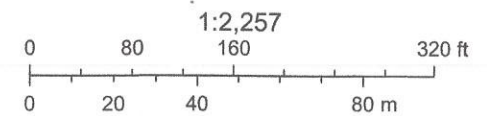
County of Loudoun, VITA, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

# Viewer Map



August 21, 2025

*PSR 8/22/25*

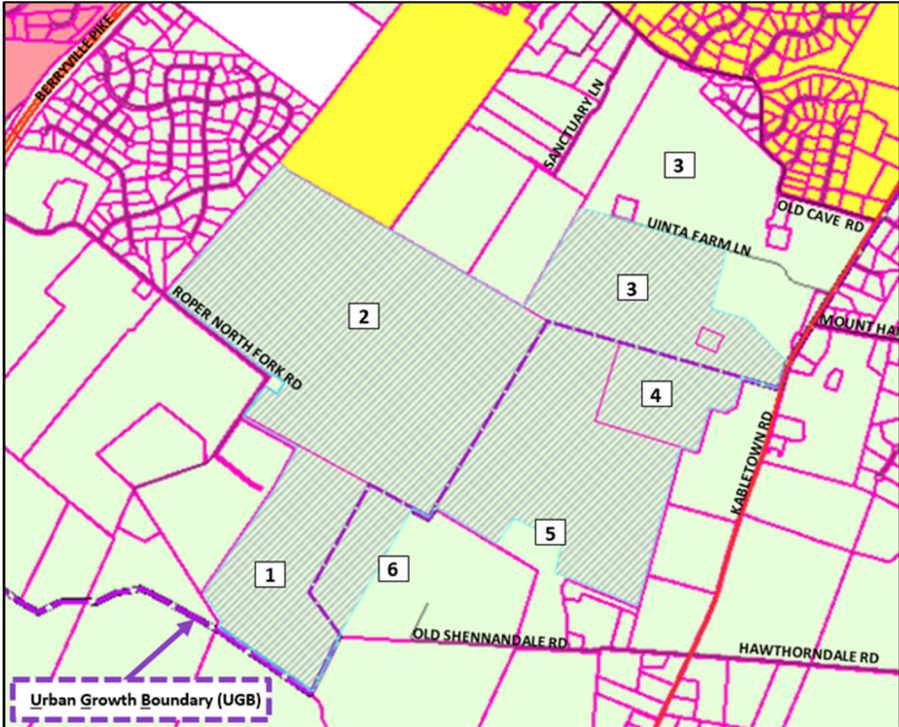


County of Loudoun, VITA, West Virginia GIS, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA



Staff Report  
 Jefferson County Board of Zoning Appeals  
 September 25, 2025  
**25-27-ZV Wild Hill Solar Project Variance Request**

Item #2 Variance from Section 3.2G to allow the applicant to request an additional extension for an approved Conditional Use Permit to operate a Solar Energy Facility. The current Conditional Use Permit is set to expire on September 30, 2025. The applicant is requesting an additional 24-month extension from this expiration date. The application pertains to approximately 262 acres (in the project area) of the 841-acre Wild Hill Solar Project. The project consists of a 92.5MW solar electric generating facility with solar modules and a new substation to connect the solar facility with the electric grid (File 22-5-CUP).

Project Name:	Wild Hill Solar Project (see full project description below)
Applicant:	Wild Hill Solar, LLC
Owner:	Multiple Owners / See Exhibit Below
Parcel Information/ Zoning District:	<p style="text-align: center;">Multiple Vacant Parcels / See Exhibit Below</p> 
Full Project Description:	<p>Wild Hill Solar Project: A 92.5 megawatt solar electric generating facility to be located on approximately 841 acres. The project will consist of rows of solar modules which are installed in arrays dispersed throughout the leased land. The project will also include construction of a new substation that will connect the solar energy facility with the existing 138-kilovolt overhead electrical transmission line passing through the southeast corner of the project area.</p>

Staff Report  
Jefferson County Board of Zoning Appeals  
September 25, 2025  
**25-27-ZV Wild Hill Solar Project Variance Request**

History:	08/25/22 Board of Zoning Appeals Meeting: Conditional Use Permit (#22-5-CUP) Public Hearing - Approved 09/13/22 Planning Commission Meeting: Concept Plan (#22-9-SP) Public Workshop - Approved 09/30/22 Conditional Use Permit Issued – Expiration Date 03/30/24 10/24/22: Zoning Certificate Issued (#22-56-ZC) 06/01/23 Conditional Use Permit revised to include <i>Project Applicant</i> information. Note: this revision did not extend the expiration date. 10/26/23: BZA granted an extension request to September 30, 2025.
----------	--

<b>Property Owners / Location</b>			
<b>Map Ref .#</b>	<b>Property Owner:</b>	<b>Physical Address</b>	<b>Parcel Information:</b>
1.	Clarence & Donna Hough	Vacant parcel east of the property located at 1343 Roper North Fork Rd, Charles Town	Parcel ID: 06001100070001; Lot Size: 107.38 ac / Project Size: 107.38 ac Zone: Rural
2.	Zigler, Inc.	1079 Roper North Fork Rd., Charles Town	Parcel ID: 06000400090000; Lot Size: 350.95 / Project Size: 350.95 Zone: Rural
3.	John Samuel & Alice Rissler Estate	616 Uinta Farm Ln., Charles Town	Parcel ID: 02001600060000; Lot Size: 293.33 / Project Size: 120.56 ac Zone: Rural
4.	Clarence & Donna Hough	Vacant parcel north of the property located at 340 Old Shennandale Rd., Charles Town	Parcel ID: 06000500060000; Lot Size: 49.04 ac / Project Size: 49.04 ac Zone: Rural
5.	T. Todd & Susan Hough, Trustees	340 Old Shennandale Rd Charles Town	Parcel ID: 06000500010000; Lot Size: 206.84 ac / Project Size: 181.70 ac Zone: Rural
6.	Charles & Marie Hough, Life	620 Old Shennandale Rd Charles Town	Parcel ID: 06001100080000; Lot Size: 118.05 ac / Project Size: 32.11 ac Zone: Rural

*Parcels highlighted in green were subject to the Conditional Use requirements as they are located outside of the County's identified Urban Growth Boundary. The other parcels included for informational purposes only, as they are part of the overall project site, which was approved by the Planning Commission as part of the Concept Plan.*

**Staff Overview**

This request pertains to the portion of the solar energy facility project that will occur on the 262 acres located outside of the Charles Town Urban Growth Boundary. The full project is proposed to occur on a total of 841 acres, with ~579 acres located within the Charles Town Urban Growth Boundary, where solar energy facilities are permitted by right.

Staff Report  
 Jefferson County Board of Zoning Appeals  
 September 25, 2025  
**25-27-ZV Wild Hill Solar Project Variance Request**

On August 25, 2022, the Board approved the issuance of the Conditional Use Permit with the following conditions of approval:

1. The applicant is bound by their testimony.
2. The applicant shall process a Concept Plan through the Planning Commission.
3. The project shall comply with all local, state, and federal regulations.

The subject request by Elawan Energy is for a 24-month extension of the Conditional Use Permit originally issued on September 30, 2022 with an expiration date of March 30, 2024.

*Pursuant to Section 3.2G of the Zoning Ordinance, a conditional use permit shall become void eighteen months after the date of issuance if the construction or use for which the permit was issued has not commenced\*. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen months.*

In accordance with Section 3.2G above, on 10/26/23, the BZA granted a one-time extension of 22-5-CUP with an expiration date of 9/30/25.

The current request does not include any new proposals or modifications beyond what was previously approved and is limited only to the expiration date.

Document Type	Issuance/Approval Date	Expiration Date	Extension Date
Conditional Use Permit <sup>1</sup>	09/30/22	03/30/24	09/30/25
Concept Plan <sup>2</sup>	09/13/22	09/13/24	None
Construction Plans	Submitted 05/08/24. Staff found the plans to be insufficient for review.		
Zoning Certificate <sup>3</sup>	10/24/22	04/24/24	None

As the Concept Plan approval for this project has expired, the applicant will be required to process a new Concept Plan through our office for the full 841-acre project. The Concept Plan process requires a Public Workshop to be held before the Planning Commission in accordance with the notification requirements of the Subdivision Regulations. This includes a legal ad, public notice placards (signs), and a letter sent to all adjoining property owners.

As the Zoning Certificate for this project has also expired, the applicant will be required to obtain a new Zoning Certificate, provided this extension request is approved by the Board of Zoning Appeals and the approval of the Concept Plan by the Planning Commission.

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."

Staff Report  
Jefferson County Board of Zoning Appeals  
September 25, 2025  
**25-27-ZV Wild Hill Solar Project Variance Request**

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.

**Sections of Ordinance to be Considered:**

**Section 3.2 Zoning Administrator**

- G. A zoning certificate and/or conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months. Pursuant to Chapter 8A of the West Virginia Code as amended, a Zoning Certificate or Conditional Use Permit associated with a subdivision or land development plan - whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010 - shall remain valid until July 1, 2012, provided that the land development plan or plat received at least preliminary approval by the Planning Commission or County Commission by March 1, 2010.

- \* In order for the conditional use permit to be considered vested, a building permit is required to be issued (see attached policy dated June 17, 2013).



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

File #: 25-27-2V  
 Mtg. Date: 09-25-25  
 Fee Paid: \$ 150

Email: [zoning@jeffersoncountywv.org](mailto: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: Multiple Owners--see attached.  
 Business Name: \_\_\_\_\_  
 Mailing Address: See attached.  
 Phone Number: See attached. Email: See attached.

**Applicant Contact Information**

Applicant Name: \_\_\_\_\_ Same as owner:   
 Business Name: Elawan Energy  
 Mailing Address: c/o Thomas Moore Lawson, Esq., Thomas Moore Lawson, P.C., P.O. Box 2740, Winchester, VA 22604  
 Phone Number: 540-665-0050 Email: tlawson@lspc.com

**Consultant Information**

Consultant Name: \_\_\_\_\_  
 Business Name: Elawan Energy  
 Mailing Address: c/o Thomas Moore Lawson, Esq., Thomas Moore Lawson, P.C., P.O. Box 2740, Winchester, VA 22604  
 Phone Number: 540-665-0050 Email: tlawson@lspc.com

**Physical Property Details**

\*See attached Vacant Lot:

Physical Address: Multiple Addresses--see attached.  
 Parcel ID: (Tax District / Map No. / Parcel No.) See attached.  
 Parcel Size: See attached. Deed Book: See attached. Page No: See attached.

**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

**RECEIVED**

AUG 22 2025

Date Received:

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:

Section 3.2(G)

Applicant requests an additional extension to the approved Conditional Use Permit (CUP) for the Solar Project (CUP File #22-5).

**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.

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.*

See attached.

Property Owner Signature

Date

Property Owner Signature

Date

**PROPERTY OWNER INFORMATION:**

**Clarence & Donna Hough, Owner**

Property Address/Info: Vacant parcel north of the property located at 340 Old Shennandale Rd., Charles Town, WV 25414; Parcel ID: 06000500060000; Lot Size: 49.04+/- acres; Zoning District: Rural; Deed Book 1224, Page 469.

Mailing Address: 620 Old Shennandale Rd., Charles Town, WV 25414.

Phone: 304-725-9655

E-mail: wedrinkmilk@hotmail.com

**T. Todd & Susan Hough, Trustees**

Property Address/Info: 340 Old Shennandale Rd, Charles Town, WV 25414; Parcel ID: 06000500010000; Lot Size: 206.84+/- acres; Zoning District: Rural; Deed Book 1125, Page 476.

Mailing Address: 219 Ann Lewis Rd, Charles Town, WV 25414.

Phone: 304-279-0132

E-mail: farmwife90@aol.com; ttoddhough@icloud.com

**Clarence & Donna Hough, Trustees**

Property Address/Info: 887 Old Shennandale Rd, Charles Town, WV 25414; Parcel ID: 06001100080000; Lot Size: 118.05+/- acres; Zoning District: Rural; Deed Book 1209, Page 172.

Mailing Address: 620 Old Shennandale Rd., Charles Town, WV 25414.

Phone: 304-725-9655

Email: wedrinkmilk@hotmail.com

**OTHER PARTIES FOR INFORMATIONAL PURPOSES:**

**Clarence & Donna Hough, Owner**

Vacant parcel east of the property located at 1343 Roper North Fork Rd, Charles Town 25414  
Parcel ID: 06001100070001; Lot Size: 107.38+/- acres; Zone: Rural.

**Zigler, Inc., Owner**

1079 Roper North Fork Rd., Charles Town 25414

Parcel ID: 06000400090000; Lot Size: 350.95+/- acres; Zone: Rural.

**Ronald D. Rissler, et al., Owner**

221 Uinta Farm Ln., Charles Town 25414

Parcel ID: 02001600180000; Lot Size: 293.33+/- acres; Zone: Rural.

**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 variance requests an additional extension to a currently approved Conditional Use Permit (CUP). As such, granting this variance will have no adverse effect on public health, safety or welfare, or the rights of the 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?**

Applicant was not a party to the initial CUP process and requires additional time to develop the properties.

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

Approval of the variance would eliminate unnecessary hardship and permits a reasonable use of the property. Granting this variance will provide Applicant sufficient time to develop the properties as approved.

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

Applicant's proposed use is permitted pursuant to the currently approved CUP.

Granting this variance will not hinder or discourage the use of adjacent land or buildings.

# THOMAS MOORE LAWSON, P.C.

\*OF COUNSEL - WILLIAMS MULLEN

120 EXETER DRIVE, SUITE 200  
POST OFFICE BOX 2740  
WINCHESTER, VA 22604  
TELEPHONE: (540) 665-0050  
FACSIMILE: (540) 722-4051

\*THOMAS MOORE LAWSON • [TLAWSON@LSPLC.COM](mailto:TLAWSON@LSPLC.COM)

August 29, 2025

Andy Beall, Zoning Administrator  
Jennilee Hartman, Zoning Clerk  
Jefferson County Office of Planning & Zoning  
P.O. Box 716  
Charles Town, WV 25414

Re: Elawan Energy  
Project File #25-27-ZV  
Our File No. 1559.002

## VIA E-MAIL

Dear Jennilee and Andy:

This is to confirm my client's request for an extension of twenty-four (24) months for the Conditional Use Permit ("CUP") identified as File #22-5-CUP and granted for property owners Clarence & Donna Hough, T. Todd & Susan Hough, and Charles & Marie Hough. The other parties to the full project, but not subject to the CUP, were Zigler, Inc. and John Samuel & Alice Rissler Estate.

The reason for the twenty-four (24) month extension is to take into account that Elawan Energy ("Elawan") is the party in the process of entering into leases for the above-referenced property owners to be able to install a commercial solar facility and related/ancillary equipment. The previous CUP approval was granted to EDF Renewables on August 25, 2022 and the applicant's name was subsequently corrected to Wild Hill Solar, LLC ("Wild Hill").

There have been significant enhancements of commercial solar and related technology that will be installed at the above-referenced sites. In order to accomplish same, additional engineering work will need to be performed, which does take time. Also, the approval process will require submittals to the County and other reviewing agencies to obtain their comments and approvals. Further, because Wild Hill allowed its interconnection agreement with the power company to expire, Elawan will need to file its own new interconnection request, which is its own process. We are advised that the deadline for submitting same is April 27, 2026, but that application can be filed earlier. Upon receiving approval of the extension requested herein, it is

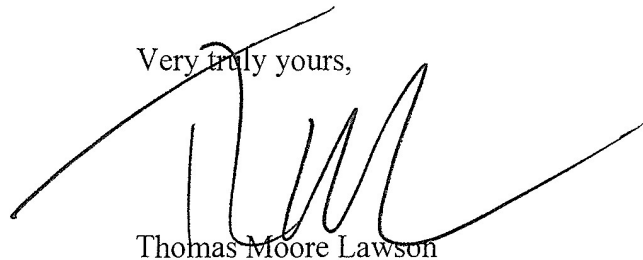
Elawan's intention to file the interconnection application in advance of the April 27, 2026 deadline.

This Board also needs to know that the interconnection application process has now been reformed and it is anticipated that the processing time for issuing Generation Interconnection Agreements will take a minimum of six hundred fifty (650) days and could/will in all likelihood take two (2) years. In the intervening time period, and while the interconnection request is being evaluated, there are numerous filings required to include a concept plan, construction plans, Storm Water Management Plan, and a minor subdivision to allow for the creation of a substation which will be conveyed to First Energy as part of any approved interconnection agreement. All of these processes take time, and we would expect will consume the twenty-four (24) month time period being requested. We do understand that the key to the conditional use permit vesting is obtaining a building permit. Elawan would hope and expect to have that accomplished within the twenty-four (24) month period.

It is for these cumulative reasons that Elawan is requesting a twenty-four (24) month extension of the CUP.

Thank you for your assistance and cooperation. If, after reviewing the contents of this letter, you or any individual with the County has any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. Moore Lawson', written over a horizontal line.

Thomas Moore Lawson

TML:atd  
cc: Elawan Energy

**PROPERTY OWNER SIGNATURES:**

Clarence Hough  
Clarence Hough, Owner

Aug. 22, 2025 (Date)

Clarence Hough  
Clarence Hough, Trustee

Aug. 22, 2025 (Date)

Donna S. Hough  
Donna Hough, Owner

Aug. 22, 2025 (Date)

Donna Hough  
Donna Hough, Trustee

Aug. 22, 2025 (Date)

T. Todd Hough  
T. Todd Hough, Trustee

Aug. 22, 2025 (Date)

Susan Hough  
Susan Hough, Trustee

Aug. 22, 2025 (Date)

**SIGNATURES OF OTHER PARTIES FOR INFORMATIONAL PURPOSES:**

Clarence Hough  
Clarence Hough, Owner

Aug. 22, 2025 (Date)

Donna Hough  
Donna Hough, Owner

Aug. 22, 2025 (Date)

Richard A. Zigler  
Zigler, Inc., Owner  
By: Richard A. Zigler  
Its: President

Aug. 22, 2025 (Date)

Ronald D. Rissler  
Ronald D. Rissler, et al., Owner  
By: Ronald D. Rissler  
Its: Owner

Aug. 22, 2025 (Date)





# Public Comment



Dear Board Members,

Here we are again, Farmers looking for **NEEDED** additional income.

Over the years, changes within the Board and County commissions have reshaped the local landscape. Notably, even individuals who once strongly opposed solar initiatives have reconsidered their positions, often moving on after reaching **certain agreements**. Despite these shifts, farmers in 2025 continue to struggle financially and urgently require additional sources of income.

Throughout this period, farmers have faced persistent opposition. Online media groups have voiced their protests, while some residents have offered unsolicited advice, suggesting that farmers divide their land, rent portions, or sell it outright. The challenges are further compounded by input from county residents who live considerable distances from the farms—often five or more miles away, with Shepherdstown being at least twelve miles distant. Additionally, many county residents have moved to Jefferson County but continue to shop, visit entertainment venues, and seek medical services in neighboring states like Maryland or Virginia. Despite all these factors, the core issue remains: farmers are still struggling to maintain viable livelihoods.

It is now time to respect the agriculture industry that built this county.

Our family has provided information from research in Spotsylvania, VA, to correct misinformation that was provided to the residents and commissions, regarding solar. Additionally, we provided examples of solar farm locations throughout the country to prove property values are not impacted in areas where solar farms are operating. The time has come to consider ongoing challenges faced by farmers.

Next generation family members are walking away from 14-hour days, no weekends/holidays off, limited if any possible vacation time and gambling their income with Mother Nature. The dissolving labor pool and theft of catalytic converter, broken locks along with stolen gas, tools, truck batteries, replacement parts, generators and wood from our farms. When is it going to be enough. The discounted tax rate is helpful but not enough to buy a good used tractor. Farmers know and truly understand the Farmland Protection is not a multiple year payout instead it places a permanent easement which significantly reduces the land's market value, loss of future options for the land and the farmer still pays the taxes. Farmers do not have excessive wealth to condense but we have love of land and preserve it the best we can.

Housing developments contain paved driveways and streets, so please indulge me as I provide some environmental concerns I have over asphalt.

Paved driveways and roadways reduce water infiltration in natural vegetative areas while increasing the amounts of pollutants in our water.

Does every housing development that has been built and is being built in Jefferson County, have the engineers/designs consider permeable soils and the deep-water table? Does every housing development have asphalt designed with infiltration systems? What about frost penetration depth?

Bottom line is solar panels do not need paved roads, schools, public transportation, emergency services, hospitals, child/adult daycare, gas stations or electric hook-ups to charge a car/truck, sewage or other public utilities to operate.

During a solar panel's life, it will be replaced as needed. Just as a house needs to be repainted, new windows, remodeled or repaving driveway.

Therefore, is time to decide 30 plus years of solar where bees and other vegetation can and will be grown or a house that cannot be pulled out of the ground or restored the land to its natural state because plumbing pipes, electrical wires, sewer hook ups, etc.

Sincerely,

Jean Zigler Kotch

## Zoning

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**From:** Zoning  
**Sent:** Thursday, September 11, 2025 11:20 AM  
**To:** Jean Zigler  
**Subject:** Re: Please provide to the Zoning Appeals board.

Good morning,

This email is to confirm receipt of the attached letter, which will be included in the September 25, 2025 Board of Zoning Appeals packet.

Thank you and have a nice day.

Jennilee Hartman, Zoning Clerk  
Office of Planning and Zoning  
304-728-3228

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**From:** Jean Zigler <zigboyswv@gmail.com>  
**Sent:** Wednesday, September 10, 2025 5:24 PM  
**To:** Zoning  
**Subject:** Please provide to the Zoning Appeals board.

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

Dear Sir or Madam,

Please provide a copy of the attached letter to the Board of Zoning Appeals, for the 9/25/25 meeting.

Thank you for your help with this matter.

Jean Zigler Kotch



## Planning Department

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**From:** Planning Department  
**Sent:** Friday, September 12, 2025 4:19 PM  
**To:** 'Robert Aitcheson'  
**Subject:** RE: Jefferson County Office of Planning and Zoning file #25-27-2V

Good afternoon,

Please note that our office is in receipt of your email. Your comments will be included in the Board's packet for the upcoming September 25, 2025 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, September 19, 2025.

Thank you,

Jennilee Hartman, Zoning Clerk  
Office of Planning and Zoning  
304-728-3228

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**From:** Robert Aitcheson <bob.aitch46@gmail.com>  
**Sent:** Friday, September 12, 2025 4:09 PM  
**To:** Planning Department <PlanningDepartment@jeffersoncountywv.org>  
**Subject:** Jefferson County Office of Planning and Zoning file #25-27-2V

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

To the Jefferson County Board of Zoning Appeals:

### OBJECTION AND MOTION TO DISMISS

#### I. Introduction

The Applicant has filed a request for, ostensibly, a variance from Jefferson County Zoning Ordinance, Section 3.2G for a second and this time, a 24 month extension of its Conditional Use Permit issued September 30, 2022. The undersigned, Robert D. Aitcheson, a resident and citizen of the Kabletown District, Jefferson County, West Virginia, OBJECTS and MOVES TO DISMISS subject Application for the following reasons:

- 1) For the BZA to grant this Application would require an amendment of the Zoning Ordinance, which the BZA has no power to do.
- 2) Assuming arguendo, that the BZA would have the power to amend section 3.2G (which, as stated, it does not) a variance is not the proper vehicle for Applicant to obtain the remedy it seeks.
- 3) Even if variance were the appropriate vehicle, Applicant cannot meet the criteria necessary for the BZA to grant a variance in this case.

The Applicant uses the excuse that a new company has come in and needs to redo, and in some instances undo, what has already been done. It is beyond comprehension why the instant Application was even allowed to be placed on the BZA docket when it is so clearly without foundation or merit.

nb. This document has been prepared by Robert D. Aitcheson for himself and not on behalf of any other person. It contains his opinions based on a layman's reading and understanding of the Zoning Ordinance and applicable precedent.

## II. Relevant Facts

On September 30, 2022, a Conditional Use Permit was issued to Wild Hill Solar LLC for an 841 acre industrial scale solar project. A June 1, 2023 letter from Zoning Administrator Beaulieu correctly advised that the original Zoning Certificate would be "void" if construction is not started by March 30, 2024.

On September 29, 2023, Wild Hill filed a request for an 18 month extension. Following a hearing before the BZA on October 26, 2023, and over the objection of a number of County residents, the BZA granted an extension to September 30, 2025.

On August 22, 2025, a new company, Elawan Energy (but the same landowners) filed the instant request for a purported variance from section 3.2G of the Zoning ordinance for approximately 262 acres of the original 841 acres relying on a claim that the "interconnection application [which lapsed or was withdrawn by Wild Hill] has now been reformed" and processing time will take 650 days to 2 years. In the meantime, of course, they claim there are a lot of other things that need to be done but can't explain why they couldn't have been done in the intervening three (3) years from September 30, 2022 til now.

## III. Discussion

The Applicant seeks relief from the provisions of section 3.2G of the Zoning Ordinance, which states in relevant part:

"A zoning certificate and/or a conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A ONE-TIME EXTENSION OF THIS TIME FRAME MAY BE GRANTED after evaluation of the hardship involved with noncompliance with this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals AND SHALL NOT EXCEED EIGHTEEN (18) MONTHS...."(Emphasis added.)

In order for the relief to be granted, the BZA would, among other things, have to amend section 3.2G, which it does not have the power to do. Nowhere in the Zoning Ordinance, including Section 3.4A(3) and Article 6, is the BZA given this power. Moreover, it is clear from applicable authorities that the BZA is not a legislative body.

"Long ago, this Court observed that 'a zoning appeals board is simply an administrative agency, acting in a quasi judicial capacity.' Wolfe v. Forbes, 159 W. Va. 34,45, 217 S. e. 2d 899, 906 (1975) (citation omitted) We explained that 'a board of zoning appeals is not a law-making body and, consequently, has no power to amend the zoning ordinance under which it functions. Id.'"

Far Away Farm LLC v. Jefferson County BZA, 222 W. Va. 252, 664 S.E. 2d 137 (2008)

The project had its one time extension. Section 3.2G is clear that a one time extension is the only one available. For that reason alone, the Application should be denied and dismissed.

Even if the BZA could amend section 3.2G, a variance is not the remedy. Addressing the “unnecessary hardship” requirement that must be satisfied for a variance to be granted, the Supreme Court of Appeals long ago explained the nature of a variance:

... ‘unnecessary hardship’ for a variance is not merely a financial or economic hardship. Instead, it must be the result of a property’s unique physical characteristics- such as size, shape, or topography that prevent it from being used in a manner that is otherwise permitted. The inability to achieve maximum profit is not a sufficient basis for a variance.

State ex rel. Young v BZA of City of Charleston, 259 S.E. 2d 14 (W. Va. 1979)

In other words, a variance request is meant to be used to address a property owner’s inability to use the property for an allowed use due to the unique attributes of the property itself. It is not a remedy for a party seeking an unauthorized extension. This attempt to use the variance in this manner is utterly without basis. For this reason also, the Application should be denied and dismissed.

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Even if a variance were a proper remedy for Applicant’s problem, Applicant cannot satisfy all four (4) of the criteria set forth in W. Va. Code 8A-7-11(b):

- (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 ordinance to be observed and substantial justice done.

The 262 acres is owned by some or all of the Hough parties. There are NO special conditions or attributes of the property not created by the parties and their agent Wild Hill, failing to move forward with the project for three (3) years.

The excuse that there have been changes in technology is a ruse. If anything, we have now been shown explicitly that industrial scale solar is, at best, a toxic (think runoff from cancer causing cadmium telluride, storage battery leakage, etc.) and disproportionately inefficient use of scarce resources (farm land, rare earth minerals, etc.). At worst, it’s a scam to suck up taxpayer dollars for wealthy investors and it only works during the daytime when it is not raining, snowing or cloudy.

#### IV. Conclusion

In effect, what Applicants want the BZA to do is change the law (section 3.2G) so that they, having failed to move forward for three (3) years, do not have to start the whole CUP process all over again.

As discussed above, the BZA has no power to amend section 3.2G nor to ignore it. That should end the matter right there.

Probing further, however, there is no legally cognizable reason to justify their delay. If they were being transparent, they would probably tell the BZA that they have been waiting for a more favorable regulatory climate but that is not a justification for their delay.

WHEREFORE, the subject Application should be DENIED and DISMISSED.

Robert D. Aitcheson  
654 Ward Clipp Rd  
Charles Town, WV 25414

## Zoning

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**From:** Zoning  
**Sent:** Wednesday, September 17, 2025 10:05 AM  
**To:** 'Krista Edwards'  
**Subject:** RE: 25-27-ZV Wild Hill Solar

Good morning,

Please note that our office is in receipt of your email. Your comments will be included in the Board's packet for the upcoming September 25, 2025 Board of Zoning Appeals meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, September 19, 2025.

Thank you,

Jennilee Hartman, Zoning Clerk  
Office of Planning and Zoning  
304-728-3228

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**From:** Krista Edwards <kristaedwards2014@gmail.com>  
**Sent:** Wednesday, September 17, 2025 8:17 AM  
**To:** Zoning <Zoning@jeffersoncountywv.org>  
**Subject:** 25-27-ZV Wild Hill Solar

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

Please consider the following comments on the above-referenced variance application:

The application is improper on its face and should be summarily dismissed. The Zoning Ordinance establishes a time limitation for development under a Conditional Use Permit and authorizes the Board to grant a single 18-month extension. The Wild Hill project was approved in 2022. In 2023 the Board granted Wild Hill an 18-month extension on its CUP, which will expire in the coming weeks. The current applicant now seeks to end-run the Zoning Ordinance's explicit limitation on the Board's discretion by restyling its request as a variance application. This is a blatant misuse of the variance process and should be summarily rejected on that basis, without considering the applicant's supposed justification.

Indeed, Applicant's assertions in support of its application only underscore its misuse of the variance process. Applicant (Elawan Energy) points out that it "was not a party to the initial CUP process" and argues it therefore is not responsible for the conditions giving rise to its variance request. According to Applicant, the CUP holder Wild Hill Solar, LLC "allowed its interconnection agreement with the power company to expire," necessitating a new interconnection application process that could take up to two years. Further, Applicant states that it intends to install newer and "enhanced" solar and related technology that will require additional, time-consuming engineering work. None of these circumstances justifies a further extension of the Wild Hill CUP. Far from it, the facts that the project will involve a new operator, new technology, and an uncertain interconnection arrangement are further grounds for denying the application. Applicant effectively seeks an entirely new and extended CUP, a request far beyond the Board's purview.

Ultimately there's no lawful way for the Board to resuscitate the dormant Wild Hill Solar project. And that's okay. The proposed operator, technology, and interconnection status are not the only changes since the 2022

CUP was issued. The policy landscape has shifted dramatically, in large measure because completion of the Blake Solar Facility (also approved in 2022) demonstrated how incompatible utility-scale solar is with rural land use in Jefferson County. Public opposition to further solar development became a central issue in last year's County Commissioner elections. After hearing candidates criticize the County's solar development standards at several public forums, we decided to put the issue to all candidates in a precise, direct, and public way, leaving no doubt about their positions on this important issue. In a letter to the editor of *The Spirit of Jefferson*, published October 17, 2024, we asked all candidates to make the following pledge:

“As a candidate for Jefferson County Commission, I am committed to preserving the county's rural character, natural resources and beauty. If elected, I will use all lawful authority to:

- Oppose the construction of utility-scale solar facilities on undeveloped or agricultural land;
- Oppose the use of tax incentives for utility-scale solar development;
- Mitigate the adverse impacts of existing solar facilities; and
- Ensure full transparency and public participation in all decisions involving solar development.”

All four of the candidates who won seats on the County Commission, including the President and Vice President, agreed to the pledge, committing to a new policy direction on solar development. These changes are underway through the Planning Commission. Any action by the board to purport to extend a 2022 solar facility CUP would undermine the Commission's authority on these matters.

For these reasons, we urge the Board to deny the application.

Respectfully submitted,

John A. Cline and Krista Edwards  
Road

904 Ann Lewis  
Charles Town, WV 25414

Robert Funk and Patricia Funk  
252 Old Shennandale Road  
Charles Town, WV 25414  
patandbobfunk@gmail.com  
304-702-5231

RECEIVED

SEP 17 2025

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

Date: September 17, 2025

Jefferson County Board of Zoning Appeals  
116 East Washington Street  
Charles Town, WV 25414

Re: Objection and Motion to Dismiss File No. 25-27-2V Request for 24-Month Extension of Conditional Use Permit for Wild Hill Solar LLC (now Elawan Energy)

Parcel: 06000500060000, 06000500010000, 06001100080000  
Original Permit Issued: September 30, 2022

Dear Members of the Jefferson County Board of Zoning Appeals:

We write as an adjacent property owners and Jefferson County resident to object to—and move to dismiss—the above-referenced application for a 24-month extension of the conditional use permit originally granted to Wild Hill Solar LLC on September 30, 2022. The extension request, now submitted in the name of Elawan Energy, fails as a matter of law and public policy for the following reasons:

#### 1. Adverse Impacts on Adjacent Property Owners

As adjacent property owners in a **rural** zone, our rights and quality of life will be significantly harmed if this variance is granted:

- **Loss of Property Value:** Industrial solar fields diminish the rural character and marketability of nearby homes.
- **Toxic Runoff:** Cleaning agents, panel degradation byproducts, and potential battery-storage leaks introduce chemicals into soil and waterways.
- **Heat-Island Effect:** Large arrays absorb and radiate heat, creating localized “heat domes” that raise ambient temperatures, stress vegetation, and alter microclimates.
- **Glare and Visual Intrusion:** Reflective panel surfaces can blind motorists, disturb neighbors, and degrade scenic views.
- **Noise Pollution:** Inverter hum, transformer buzz, and maintenance operations disrupt residential peace.
- **Wildlife Disruption:** Ground-mounted arrays eliminate habitat for ground-nesting birds and pollinators, fragment wildlife corridors, and reduce biodiversity.
- **Soil Compaction & Erosion:** Construction machinery compacts earth and increases erosion, exacerbating stormwater management issues.

- Chemical Leaching & Fire Risk: Faulty modules or wiring can spark fires; some panel components contain trace heavy metals that may leach over time.
- Loss of Agricultural Land: Converting farmland or pasture to solar arrays undermines local food production and the county's agricultural heritage.

## 2. Change of Corporate Identity Triggers Fresh Review

- The applicant has changed from Wild Hill Solar LLC to Elawan Energy. Any new applicant must file a brand-new conditional use permit application. The Board cannot simply transfer or extend the original permit without a full public notice, new site plan review, and opportunity for neighbor comment.

## 3. Unaltered Site Conditions—Size, Shape, and Topography

- Since September 2022, the physical configuration of the project site has materially unchanged in size, shape and topography.

## 4. Inadequate Compliance with Zoning Standards

- The application makes no showing that Elawan Energy will adhere to the operational limits—including noise, dust control, and hours of maintenance—imposed on Wild Hill Solar LLC in 2022.

## 5. Community and Environmental Concerns

- Increased grading has already produced excessive sediment runoff from previous solar project in the Kabletown District. Without fresh stormwater management plans and bonding, neighbors face heightened flood and erosion risks.

## Relief Requested

In light of the foregoing, we respectfully request that the Board:

1. Dismiss the pending file request for a 24-month extension of the conditional use permit.
2. Require a new conditional use permit application by Elawan Energy, complete with full public notice and an additional public hearing to allow neighbors to review and comment on these material changes.

Thank you for your careful consideration of this objection. We are available to provide any further information the Board may require and respectfully request notice of any hearing date.

Sincerely,

  
Robert Funk and Patricia Funk

cc: Jefferson County Commission



# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor

Charles Town, WV 25414

Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Phone: (304) 728-3228

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**Zoning Administrator's Report**  
**September 25, 2025 Board of Zoning Appeals Meeting**

**Date of Memo: September 19, 2025**

- 1) Next regular meeting scheduled for **Thursday, October 23, 2025**
  - Deadline for submission was Friday, September 19, 2025.
- 2) Zoning Certificate Activity Report – attached
- 3) Staff has finalized the solar energy facility text amendment with direction to process as a major site plan concept plan principally permitted in the industrial districts, permitted by CUP in the rural district, and not permitted in all other zoning districts. Planning Commission to review at their meeting on September 23, 2025.



Jefferson County, West Virginia  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 E. Washington Street, 2<sup>nd</sup> Floor  
Charles Town, West Virginia 25414  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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**September 2025**  
**Zoning Certificate Activity Report**

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<b>File #</b>	<b>25-31-ZC</b>
Request:	Trackside Caboose Lodge - Farm Vacation Enterprise
Property Owner:	Harry M & Carol F Kable
Applicant:	Lisa Kable Parcel Information: Vacant – Rosemont Way, Charles Town WV Parcel ID: 02001200090004; Size: 6.97 acres; Zoning District: Residential Growth; Deed Book: 1242; Page: 175
Date of Issuance:	09/02/2025
<b>File #</b>	<b>25-34-ZC</b>
Request:	Change in Nonconforming Use – Power House Motor Sports (motorcycle repair shop)
Property Owner:	Lawrence Flynn
Applicant:	Power House Motor Sports
Parcel Information:	4893 Charles Town Rd, Ste. 100, Kearneysville, WV Parcel ID: 07000200090000; Size: 3.102 acres; Zoning District: Rural; Deed Book: 1324; Page: 234
Date of Issuance:	09/02/2025
<b>File #</b>	<b>25-37-ZC</b>
Request:	Change in Tenant (DALB) – Warehousing and Distribution, Limited
Property Owner:	Newline Associates, LLC / Attn: Bill Gaestel
Parcel Information:	Burr Industrial Park, Lot #8, 261 Industrial Boulevard, Kearneysville, WV 25430 Parcel ID: 02000200010014; Size: 3.04 acres; Zoning District: Industrial-Commercial; Deed Book: 1269; Page: 23; Plat Book 4, Page 85A
Date of Issuance:	09/17/2025
<b>File #</b>	<b>25-38-ZC</b>
Request:	Shopping Center: Change in Tenant (Charles Town Fitness Expansion)
Property Owner:	The Kentland Foundation / Attn: Leo Walker
Applicant:	Charles Town Fitness / Attn: John Link
Parcel Information:	Somerset Plaza <u>Existing facility:</u> 64 Somerset Boulevard, Charles Town, WV 25414 <u>Expansion:</u> 62 Somerset Boulevard, Charles Town, WV 25414 Parcel ID: 02000900080007; Size: 15.07 acres Zoning District: Residential-Light Industrial-Commercial; Deed Book: 700; Page: 61
Date of Issuance:	09/15/2025

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