

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.