

Meeting Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: September 25, 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; Dave Wiegand, Member; and Keith Semler,
6 Alternate were in attendance in person. Matt McKinney, Vice Chair;
7 and Elliott Kletter; Alternate were present 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; and Patti Richardson,
11 Planning Clerk

12 Due to technical difficulties, Mr. McKinney moved to call the meeting to order at 2:13 pm.

13 Mr. Quynn called for a vote, which carried unanimously.

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

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

16 Mr. Wiegand moved to approve the minutes as presented. Mr. Semler seconded the motion, which
17 carried unanimously.

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

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

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

22 Project Info: Harvest Homes, LLC, Owner

23 Lake Forest Estates, Lot 23

24 250 Adelaide Cir, Harpers Ferry, WV

25 Parcel ID: 06023A00230000; Size: 2.29 acres; Zoning District: Rural

26 Mr. David Lutman, owner, and Mr. Paul Raco with P.J. Raco Consulting, LLC were present to
27 represent the request.

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

29 Mr. Raco and Mr. Lutman explained the nature of the request to the Board.

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

32 Mr. McKinney moved to approve variance request #25-28-ZV with the condition that the applicants
33 are bound by their testimony. Mr. Quynn called for a vote, which carried four in support and one in
34 opposition (Semler).

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

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

- 1 Applicant: Elawan Energy
- 2 Parcel Info: Clarence & Donna Hough, Owner
- 3 Vacant parcel north of the property located at 340 Old Shennandale Rd.,
- 4 Charles Town, WV
- 5 Parcel ID: 06000500060000; Lot Size: 49.04 ac / Project Size: 49.04 ac;
- 6 Zoning District: Rural
- 7 Parcel Info: T. Todd & Susan Hough, Trustees
- 8 340 Old Shennandale Rd, Charles Town, WV
- 9 Parcel ID: 06000500010000; Lot Size: 206.84 ac / Project Size: 181.70 ac;
- 10 Zoning District: Rural
- 11 Parcel Info: Charles & Marie Hough (Life), Owner
- 12 620 Old Shennandale Rd, Charles Town, WV
- 13 Parcel ID: 06001100080000; Lot Size: 118.05 ac / Project Size: 32.11 ac;
- 14 Zoning District: Rural
- 15 Mr. Thomas Moore Lawson, attorney, and Mr. Luis Polo were present on behalf of the property
- 16 owners to represent the request.
- 17 Mr. Beall provided an overview of the staff report to the Board.
- 18 Mr. Lawson explained the nature of the request to the Board.
- 19 Mr. Quynn opened the public comment portion of the hearing.
- 20 Mr. Richard Zigler spoke in support of the request.
- 21 Mr. Doug Rockwell, Mr. Bob Aitcheson, and Ms. Patricia Funk spoke in opposition to the request.
- 22 Mr. Quynn allowed Mr. Zigler to provide additional testimony regarding the original contract with
- 23 the previous developer as Mr. Zigler's property is part of the overall project.
- 24 Mr. Quynn closed the public comment portion of the hearing.
- 25 Mr. Wiegand moved to go into deliberative session to discuss the request with legal counsel.
- 26 Mr. Quynn called for a vote on the motion to go into deliberative session, which failed two (2) in
- 27 support of the motion and three (3) in opposition (Selmer, McKinney, Kletter).
- 28 Mr. McKinney moved to deny variance request #25-27-ZV. Mr. Kletter seconded the motion, which
- 29 carried three (3) in support of the denial, one in opposition (Semler), and one (1) abstention
- 30 (Wiegand).

31 **Legal Update**

- 32 a. Discussion with possible deliberative session of the following pending lawsuits:
- 33 1. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy
- 34 Facility / File 22-9-CUP) Rockwell v. JCBZA
- 35 2. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin, Tiffany
- 36 Martin and Earthworx General Contracting Services, LLC v. Jefferson County Board of
- 37 Zoning Appeals
- 38 Mr. Groh stated there has been no action on the items noted above.
- 39 b. Discussion with possible deliberative session and signing of draft Findings/Decisions.

1 **Meeting: August 28, 2025**

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

17 **Zoning Administrator Report**

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

- 19 1. Monthly Zoning Certificate Activity Report. The Report was included in the Agenda packet.
- 20 2. Mr. Beall provided an update regarding the pending Solar Energy Facility text amendment to
21 the Zoning Ordinance, which was presented at the September 23rd Planning Commission
22 Meeting.

23 Mr. Wiegand moved to adjourn the meeting at 3:46 pm. Mr. Quynn called for a vote, which carried
24 unanimously.