



Jefferson County
Board of Zoning Appeals Agenda
Thursday, December 11, 2025 at 2:00 p.m.

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

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/83873934546>
Phone Option (Dial by Location): 301-715-8592 / Meeting ID: 838 7393 4546

Note: *The County does not transcribe meeting proceedings. Any party desiring a meeting transcript is responsible for providing a stenographer at their own expense.*

All requests are pursuant to the Zoning & Land Development Ordinance.

Approval of Minutes: November 13, 2025

Public Hearing – Administer Oath

Agenda Item #1 File #: 25-33-ZV and 25-34-ZV

The applicant is requesting a variance from the following Sections in order to install a drive through lane for a proposed Dunkin Donuts.

Request #1: Variance from Section 4.16 of the Zoning Ordinance (amended 07/25/1993) to reduce the front drive aisle and parking setback from 15' to 1.29' (25-33-ZV).

Request #2: Variance from Section 4.11 of the Zoning Ordinance (amended 07/25/1993) to eliminate the required landscaping along Flowing Springs Road (25-34-ZV).

Applicant: Capstone Realty III, LLC / attn.: Tilak Patel

Project Info: B33 Jefferson Crossing LLC / Attn: Alex Banchemo, Owner

112 Flowing Springs Rd, Charles Town, WV

Parcel ID: 02000800240001; Size: .8 acres;

Zoning District: Residential-Light Industrial-Commercial

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: November 13, 2025

1. Variance from Section 5.7B. Owners: Donald and Karen Nichols. File #25-31-ZV.

DRAFT Meeting Minutes
Jefferson County Board of Zoning Appeals

- 1 Meeting Date: November 13, 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: Dave Wiegand, Member; and, Keith Semler, Alternate; were present in
6 person. Tyler Quynn, Chair; Mikala Shremshock, and Elliott Kletter;
7 Alternate were in attendance via ZOOM.
8 Board Members Absent: Matt McKinney, Vice Chair, was absent with notice.
9 Staff Members Present: Andy Beall, Zoning Administrator; Steven Groh, Assistant Prosecuting
10 Attorney; Jennilee Hartman, Zoning Clerk

11 Mr. Semler moved to call the meeting to order at 2:08 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: October 23, 2025**

15 Mr. Wiegand moved to approve the minutes. Mr. Quynn called for a vote, which carried
16 unanimously.

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

18 **Agenda Item #1 File #: 25-31-ZV**

19 Request: Variance from Section 5.7B of the Zoning Ordinance (amended 07/25/1993) to
20 reduce the rear setback from 50' to 15' for a 40' x 30' accessory structure.

21 Project Info: Donald and Karen Nichols, Owner
22 121 Breezy Acres Ct. Charles Town, WV
23 Parcel ID: 06000900070005; Size: 2.70 acres; Zoning District: Rural

24 Mr. Donald Nichols, owner, was present to represent the request.

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

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

27 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
28 testimony. Mr. Quynn closed the public comment portion of the hearing.

29 Mr. Semler moved to approve variance request #25-31-ZV with the condition that the applicants are
30 bound by their testimony. Mr. Wiegand seconded the motion. Mr. Quynn called for a vote, which
31 carried unanimously.

32 **Legal Update**

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

34 1. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy
35 Facility / File 22-9-CUP) Rockwell v. JCBZA

36 2. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin, Tiffany
37 Martin and Earthworx General Contracting Services, LLC v. Jefferson County Board of
38 Zoning Appeals

39 Mr. Groh stated there has been no action on the items noted above.

40

1

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

3 **Meeting: October 23, 2025**

4 1. Variance from Section 8.15.A(a). Owners: Matt and Laura Knott. File #25-29-ZV.

5 2. Variance from Section 3.2G. Applicant: Rippon Energy Facility, LLC. Owners:
6 Clarence E Hough Et Al, View Mountain Farm LLC, and TCE Rippon Land Company
7 LL. File #25-30-ZV.

8 No Findings were provided.

9 **Zoning Administrator Report**

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

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

12 2. Approval of 2026 Board of Zoning Appeals Meeting Dates

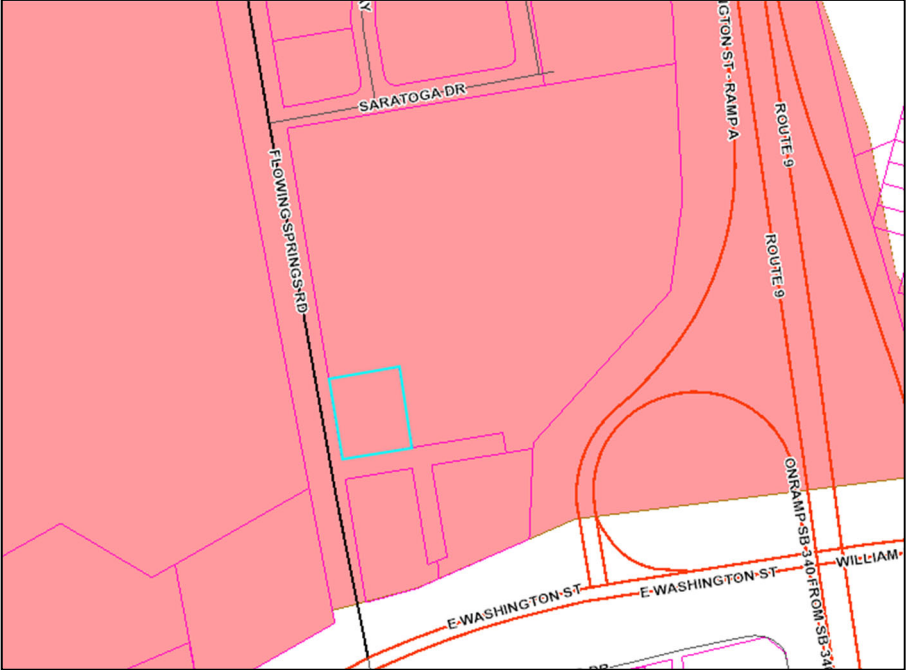
13 Mr. Wiegand moved to approve the calendar as presented. Ms. Shremshock seconded the
14 motion, which carried unanimously.

15 Mr. Wiegand moved to adjourn the meeting at 2:18 pm. Mr. Quynn called for a vote, which carried
16 unanimously.

Staff Report
 Jefferson County Board of Zoning Appeals
 December 11, 2025

25-33-ZV B33 Jefferson Crossing-Dunkin Donuts (Setbacks) Variance Request
25-34-ZV B33 Jefferson Crossing-Dunkin Donuts (Landscaping) Variance Request

- Item #1: The applicant is requesting a variance from the following Sections in order to install a drive through lane for a proposed Dunkin Donuts.
- Request #1: Variance from Section 4.16 of the Zoning Ordinance (amended 07/25/1993) to reduce the front drive aisle and parking setback from 15' to 1.29'.
- Request #2: Variance from Section 4.11 of the Zoning Ordinance (amended 07/25/1993) to eliminate the required landscaping along Flowing Springs Road.

| | |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Owner: | B33 Jefferson Crossing LLC / Attn: Alex Banchemo |
| Applicant: | Capstone Realty III, LLC / Attn.: Tilak Patel |
| Consultant: | Frederick, Siebert & Associates, Inc. / Attn: Trevor Frederick |
| Parcel Information & Zoning District: | <p style="text-align: center;">Jefferson Crossing Nonresidential Subdivision, Lot 1 112 Flowing Springs Rd, Charles Town, WV Parcel ID: 02000800240001; Size: .8 acres; Zoning District: Residential-Light Industrial-Commercial</p>  |
| History: | <p>03/12/96: PC approves site plan for the construction of a two-unit shopping center (File: 96-03-S)</p> <p>06/11/96: Staff approved a redline revision to include the placement of a Freestanding Sign</p> <p>08/05/25: Staff approves a No Site Plan sketch to redesign an existing parking lot to include a drive through.</p> <p>05/13/25: Zoning certificates issued to split existing unit into Unit #114 (Buffalo Wild Wings) and Unit #112 (Dunkin Donuts)</p> <ul style="list-style-type: none"> • B33 Jefferson Crossing (Buffalo Wild Wings) File: #25-15-ZC • B33 Jefferson Crossing (Dunkin Donuts) File: #25-16-ZC |

Staff Report
 Jefferson County Board of Zoning Appeals
 December 11, 2025

25-33-ZV B33 Jefferson Crossing-Dunkin Donuts (Setbacks) Variance Request
25-34-ZV B33 Jefferson Crossing-Dunkin Donuts (Landscaping) Variance Request

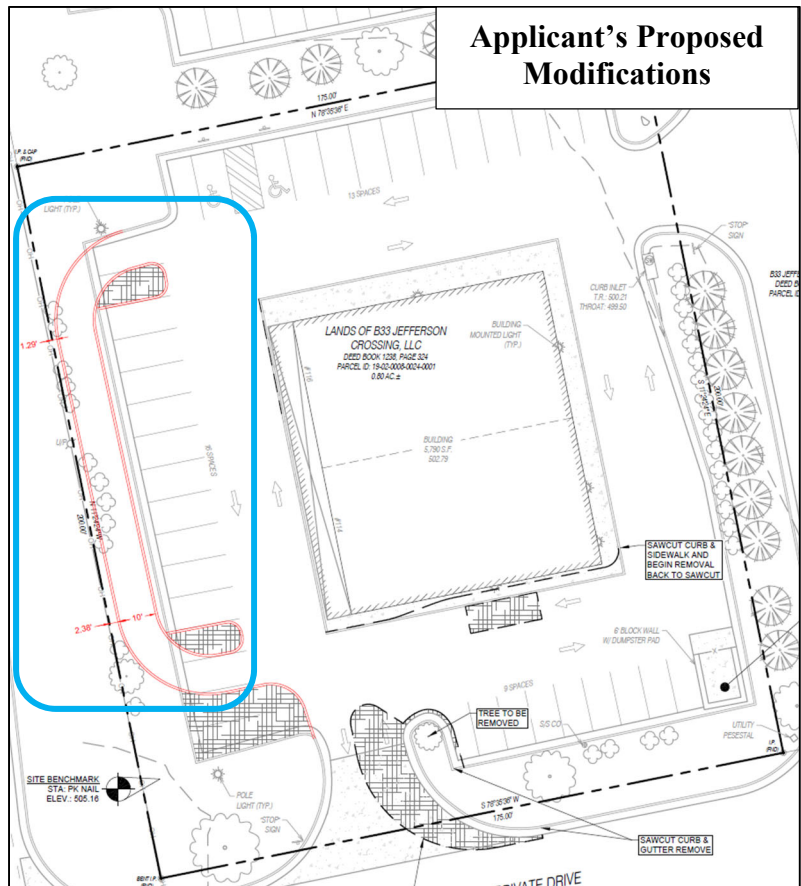
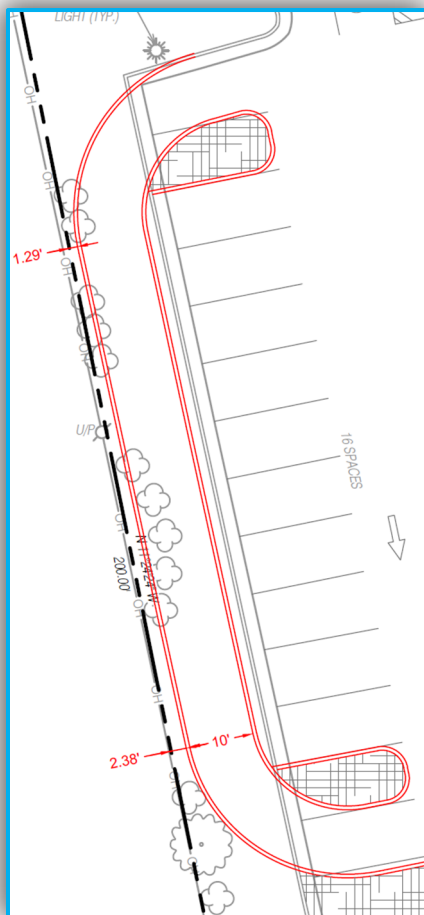
| | |
|-----------------------|--------------------------|
| Waivers/Variations: | None |
| Approved Activity: | Shopping Center |
| Site Visit Conducted: | No site visit conducted. |

Staff Overview

The site, originally approved in 1996, was intended as a retail unit and the current owners wish to transition to mixed use with a restaurant space occupying 50% of the building. They are proposing to install a drive thru lane (for a proposed Dunkin Donuts) to operate independently from the existing main drive aisle adjacent to Flowing Springs Road. In order to accommodate the desired drive thru lane, the applicant is seeking variances from Sections 4.16 and 4.11 of the Zoning Ordinance as amended 07/25/1993, to reduce the front drive aisle and parking setback from 15' to 1.29' and to eliminate the required landscaping along Flowing Springs Road.

Request #1: Front Parking and Drive Aisle Setback re: Section 4.16 (File # 25-33-ZV)

Variance from Section 4.16 of the Zoning Ordinance (amended 07/25/1993) to reduce the front drive aisle and parking setback from 15' to 1.29'. The drive aisle requirements found in Section 4.16 of the Zoning Ordinance as amended 07/25/1993, is 15'.



Staff Report
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 December 11, 2025

25-33-ZV B33 Jefferson Crossing-Dunkin Donuts (Setbacks) Variance Request
25-34-ZV B33 Jefferson Crossing-Dunkin Donuts (Landscaping) Variance Request

Request #2: Landscape Buffer Requirement re: Section 4.11 (File # 25-34-ZV)

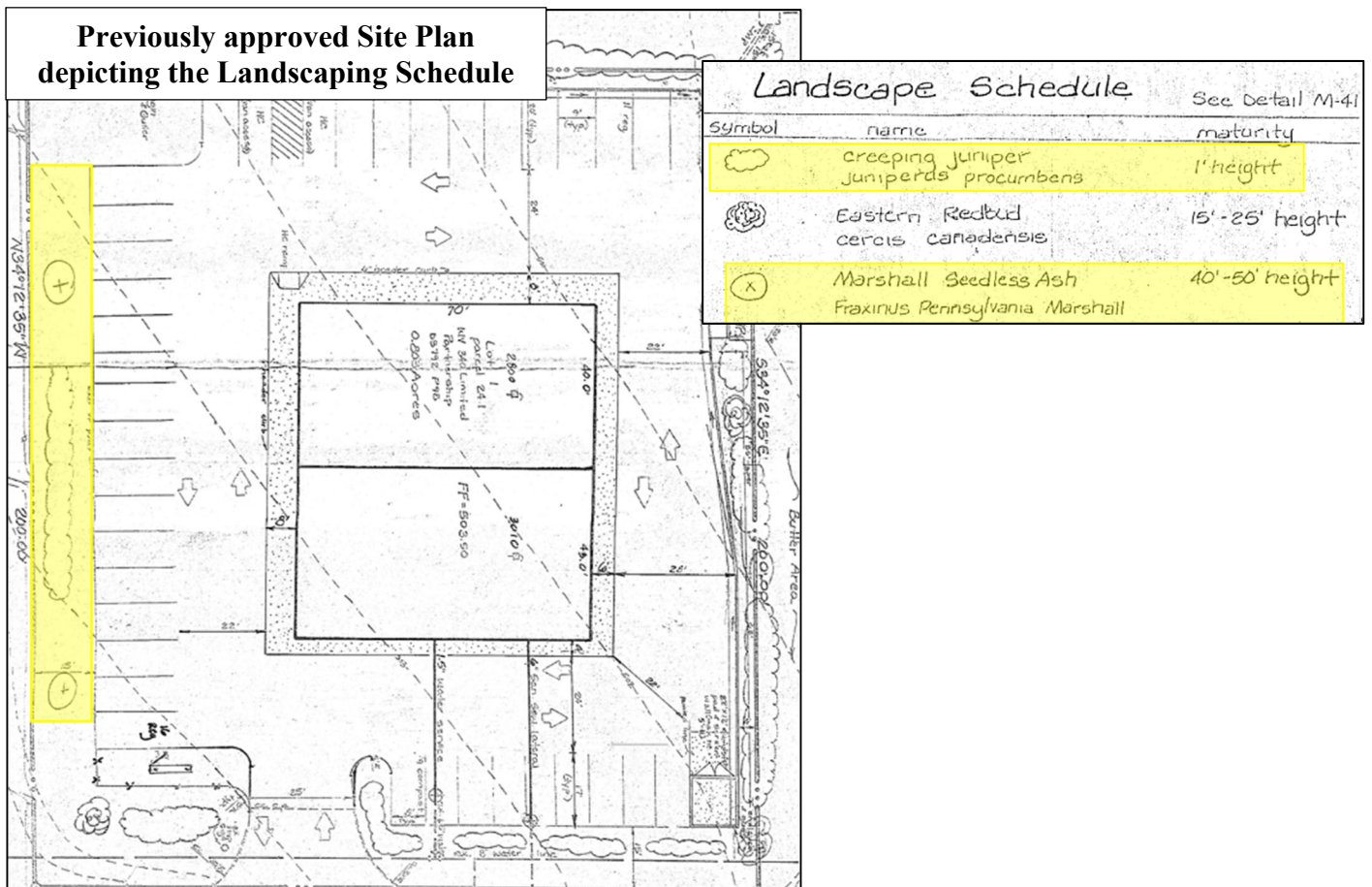
Variance from Section 4.11 of the Zoning Ordinance (amended 07/25/1993) to eliminate the required landscaping along Flowing Springs Road. In accordance with Section 4.11.H of the Zoning Ordinance, as amended 07/25/1993, deciduous street trees for shade and aesthetics are required. As the applicant is requesting to eliminate the required landscaping along Flowing Springs Road, Section 4.11.H also has the following landscape requirements:

- Evergreen buffer planting, as required, for full screening.
- Parking lot and internal drive plantings (**mix** of evergreen and deciduous) for partial screening and limited shade.
- Structure plants for aesthetics and limited shade.
- Schedule of plants including common name, scientific name, minimum size (height, caliper, etc.) quantity and specific limitation notes.

While similar variances were granted related to the landscape buffer requirements, the proposed project necessitates additional evaluation of the standards. Staff does not have the administrative discretion to modify the site development standards.

The purpose of the landscape buffer requirement is to reduce the impact that a land use might cause to an adjacent property by serving as a barrier to visibility, airborne particles, glare, or noise.

Note: the applicant was advised to contact the utility provider regarding the existing utility lines in the subject area.



Staff Report
Jefferson County Board of Zoning Appeals
December 11, 2025

25-33-ZV B33 Jefferson Crossing-Dunkin Donuts (Setbacks) Variance Request
25-34-ZV B33 Jefferson Crossing-Dunkin Donuts (Landscaping) 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;

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25-33-ZV B33 Jefferson Crossing-Dunkin Donuts (Setbacks) Variance Request
25-34-ZV B33 Jefferson Crossing-Dunkin Donuts (Landscaping) Variance Request

2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.

Conditions of Approval

Should the Board choose to approve this request, possible conditions of approval include:

1. No conditions of approval have been identified.

Section of Ordinance to be Considered

Section 4.11 of the Zoning and Development Review Ordinance, amended 07/25/1993 (attached)

Section 4.16 of the Zoning and Development Review Ordinance, amended 07/25/1993 (attached)

SECTION 4.16

When this section is in conflict with another section of the Zoning and Development Review Ordinance, this section shall prevail.

| ADJACENT USE \ PROPOSED USE | | BUILDING SETBACKS | | PARKING AND ACCESS DRIVE SETBACKS | | | | | BUFFERS UNSCREENED/SCREENED | | | | | DISTANCE REQUIREMENTS | | | | | |
|-----------------------------|----------------------|---------------------------|---------------------------|-----------------------------------|------------------------|------------------------------------|------------|------------|-----------------------------|------------------------|------------------------------------|------------|------------|-----------------------|------------------------|------------------------------------|------------|------------|---------------------------------------|
| | | any use except industrial | industrial use | residential zone | lot with a residential | church/school/inst. for human care | commercial | industrial | residential zone | lot with a residential | church/school/inst. for human care | commercial | industrial | residential zone | lot with a residential | church/school/inst. for human care | commercial | industrial | structure or lot on historic registry |
| FRONT | barn/feeding pen | see district requirements | see district requirements | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 75 | 75 | 75 | N/A | N/A | 75 |
| | comm'l lot <=1.5 ac. | 25 | 25 | 15 | 15 | 15 | 15 | 15 | 50/15 | 50/15 | 50/15 | N/A | N/A | 75 | 75 | 75 | N/A | N/A | 75 |
| | comm'l lot > 1.5 ac. | 25 | 25 | 15 | 15 | 15 | 15 | 15 | 50/15 | 50/15 | 50/15 | N/A | N/A | 75 | 75 | 75 | N/A | N/A | 75 |
| | industrial | 50 | 25 | 25 | 25 | 25 | 25 | 25 | 200 | 200 | 200 | 25 | N/A | 200 | 200 | 200 | N/A | N/A | 200 |
| | church | 25 | 25 | 15 | 15 | 15 | 15 | 15 | 50/15 | 50/15 | 50/15 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | multi-family | 25 | 25 | 15 | 15 | 15 | 15 | 15 | N/A | N/A/15 | N/A/15 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| SIDE | barn/feeding pen | see district requirements | see district requirements | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 75 | 75 | 75 | N/A | N/A | 75 |
| | comm'l lot <=1.5 ac. | 25 | 25 | 4 | 4 | 4 | 4 | 4 | 50/15 | 50/15 | 50/15 | 10 | 10 | 75 | 75 | 75 | N/A | N/A | 75 |
| | comm'l lot > 1.5 ac. | 50 | 25 | 10 | 10 | 10 | 10 | 10 | 50/15 | 50/15 | 50/15 | 10 | 10 | 75 | 75 | 75 | N/A | N/A | 75 |
| | industrial | 50 | 25 | 25 | 25 | 25 | 20 | 20 | 200 | 200 | 200 | 20 | 20 | 200 | 200 | 200 | N/A | N/A | 200 |
| | church | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 50/15 | 50/15 | 50/15 | 10 | 10 | N/A | N/A | N/A | N/A | N/A | N/A |
| | multi-family | 12 | 12 | 12 | 12 | 12 | 12 | 12 | N/A | N/A/12 | N/A/12 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| REAR | barn/feeding pen | see district requirements | see district requirements | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 75 | 75 | 75 | N/A | N/A | 75 |
| | comm'l lot <=1.5 ac. | 25 | 25 | 4 | 4 | 4 | 4 | 4 | 50/15 | 50/15 | 50/15 | 10 | 10 | 75 | 75 | 75 | N/A | N/A | 75 |
| | comm'l lot > 1.5 ac. | 50 | 25 | 10 | 10 | 10 | 10 | 10 | 50/15 | 50/15 | 50/15 | 10 | 10 | 75 | 75 | 75 | N/A | N/A | 75 |
| | industrial | 50 | 25 | 25 | 25 | 25 | 20 | 20 | 200 | 200 | 200 | 20 | 20 | 200 | 200 | 200 | N/A | N/A | 200 |
| | church | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 50/15 | 50/15 | 50/15 | 10 | 10 | N/A | N/A | N/A | N/A | N/A | N/A |
| | multi-family | 30 | 30 | 15 | 15 | 15 | 15 | 15 | N/A | N/A/15 | N/A/15 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |

- ^ (h) All required landscape plans shall contain the following elements:
1. Deciduous street trees for shade and aesthetics.
 2. Evergreen buffer planting, as required, for full screening.
 3. Parking lot and internal drive plantings (mix of evergreen and deciduous) for partial screening and limited shade.
 4. Structure plants for aesthetics and limited shade.
 5. Schedule of plants including common name, scientific name, minimum size (height, caliper, etc.) quantity and specific limitation notes.

Section 4.12 Outdoor Lighting

- (a) The location and height of all exterior lighting shall be shown on the Site Plan and will be reviewed by the Zoning Administrator to assure that lighting and glare does not adversely affect adjacent properties.

Section 4.13 Development in or Adjacent to the 100 Year Floodplain

- (a) The 100 year floodplain shall clearly be delineated on the site plan by the registered engineer or licensed land surveyor.
- (b) All land within the 100 year floodplain will be subject to the Jefferson County Flood Plain Management Ordinance.

Section 4.14 Development Adjacent to the Potomac or Shenandoah Rivers

- (a) Any development, other than residential development, that takes place after the adoption of this Ordinance must maintain a five hundred (500) foot buffer strip from the existing banks of the Potomac and Shenandoah Rivers and is subject to Section 4.13.

& Section 4.15 Locations of Jails/Prisons

Due to the special conditions surrounding a jail, prison, or penal institution, all such projects shall only be allowed in the Industrial-Commercial Zone and shall be subject to the Development Review System as outlined in Article 6 of this Ordinance. Furthermore, these projects shall comply with Article 5, Section 5.6(L), and Article 6 of the Jefferson County Zoning and Development Review Ordinance.



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

File #: 25-33-ZV
 Mtg. Date: 12/11/25
 Fee Paid: \$ \$150

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Application

Variances from the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the Ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the parcel's zoning classification.

Property Owner Information

Owner Name: Alex Banchemo
 Business Name: B33 Jefferson Crossing, LLC
 Mailing Address: 601 Union Street, Suite 1115, Seattle, WA 98101
 Phone Number: 206-538-4871 Email: alex@bridge33capital.com

Applicant Contact Information

Applicant Name: Tilak Patel Same as owner:
 Business Name: Capstone Realty III, LLC
 Mailing Address: 1200 Dual Highway, Hagerstown, MD 21740
 Phone Number: 240-509-0190 Email: tilakbpatel@gmail.com

Consultant Information

Consultant Name: Trevor Frederick
 Business Name: Frederick, Seibert, & Associates, Inc
 Mailing Address: 128 S. Potomac St, Hagerstown, MD 21740
 Phone Number: 301-791-3650 Email: tfrederick@fsa-inc.com

Physical Property Details

Vacant Lot:

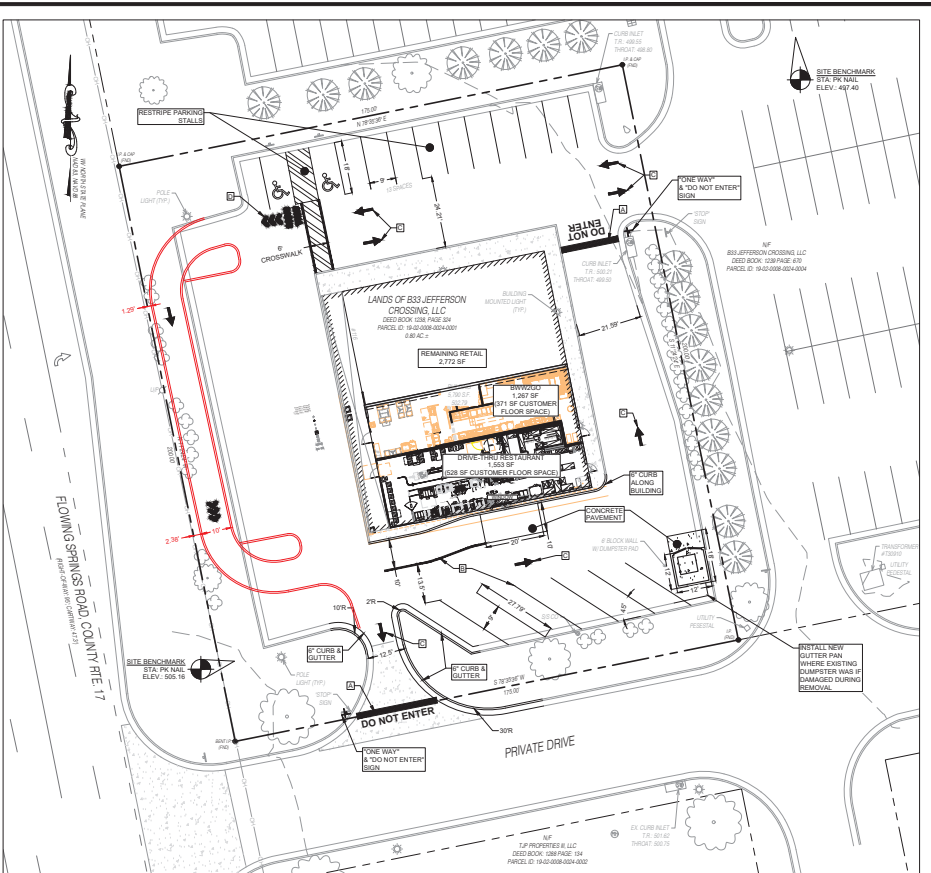
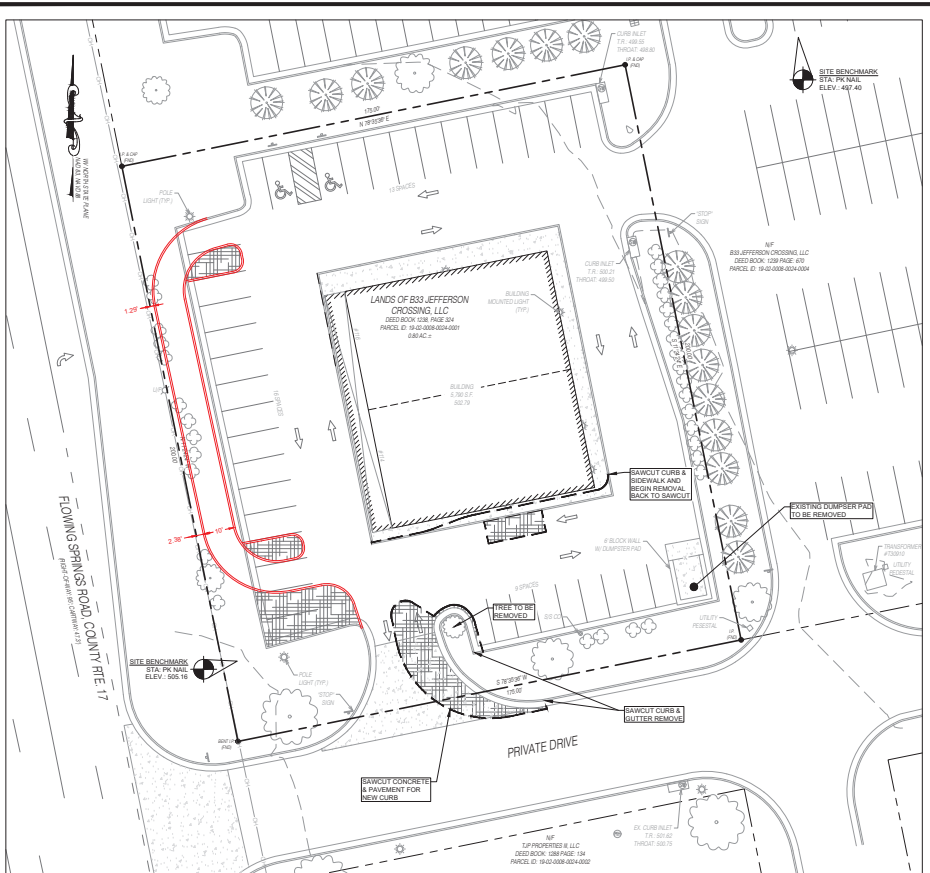
Physical Address: 116 Flowing Springs Rd, Charles Town, WV 25414
 Parcel ID: (Tax District / Map No. / Parcel No.) 19-02-0008-0024-0001
 Parcel Size: 0.80 Deed Book: 1238 Page No: 324

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 type="checkbox"/> Rural (R)* | <input type="checkbox"/> Light Industrial (LI) |
| <input checked="" type="checkbox"/> Residential-Light Industrial-Commercial (R-LI-C) | <input type="checkbox"/> Major Industrial (MI) |
| <input type="checkbox"/> Village (V) | <input type="checkbox"/> Planned Neighborhood Development (PND) |
| <input type="checkbox"/> Neighborhood Commercial (NC) | <input type="checkbox"/> Office/Commercial Mixed-Use (OC) |

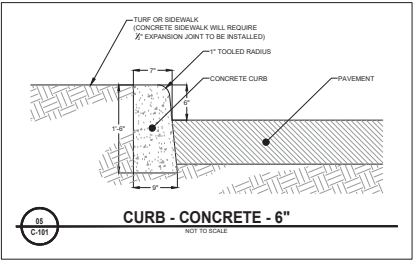
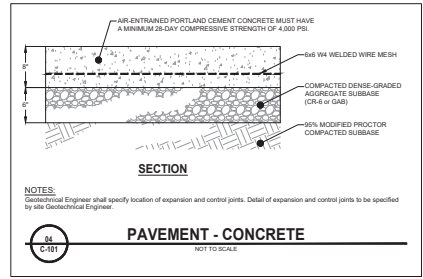
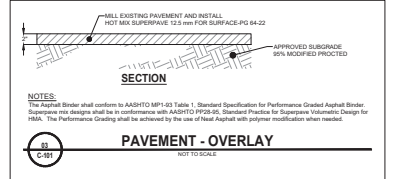
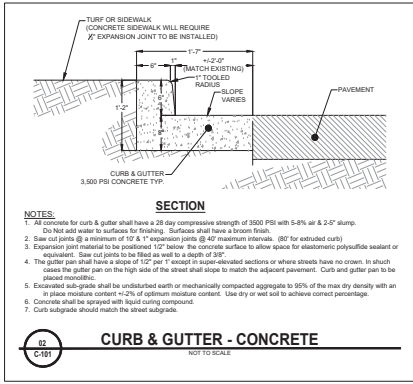
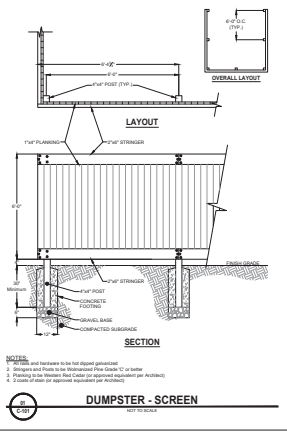
Is there a Code Enforcement action pending in relation to this property? Yes No

Date Received: Received via email 11/05/25 (jth)



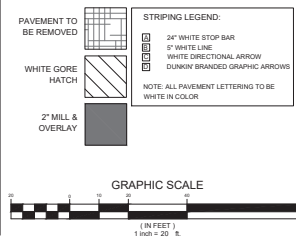
DEMOLITION PLAN

SITE PLAN



| PARKING REQUIREMENTS | |
|---------------------------------------|--------------------------------------------------------------------------------------------|
| RESTAURANT, TAVERN, LOUNGE, NIGHTCLUB | RESTAURANT WITH SEATING 1 SPACE FOR EVERY 50 SF OF CUSTOMER FLOOR SPACE 18 SPACES REQUIRED |
| SHOPPING CENTER RETAIL (>2,000 SF) | 5.5 SPACES FOR EVERY 1,000 SF FLOOR SPACE 15 SPACES REQUIRED |
| TOTAL PARKING REQUIRED | 33 SPACES REQUIRED |
| EXISTING PARKING PROPOSED PARKING | 38 SPACES (ON LOT) 24 SPACES (ON LOT) * |

*DECLARATION OF RECIPROCAL EASEMENTS AND COVENANTS RECORDED IN THE JEFFERSON COUNTY LAND RECORDS ON 05/08/2020 UNDER INSTRUMENT NO. 2020000956 IS ALLOWING CROSS PARKING ON THE ADJACENT PARCELS. THIS PROVIDED ADDITIONAL PARKING TO MEET THE PARKING REQUIREMENTS OF THIS PARCEL.



PROPOSED CONDITIONS
 THIS PLAN IS THE PROPERTY OF FREDERICK SEIBERT & ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF FREDERICK SEIBERT & ASSOCIATES, INC. ANY REVISIONS TO THIS PLAN SHALL BE MADE BY A SEPARATE SHEET OR BY A CORRECTIVE SHEET. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

FSAO
 FREDERICK SEIBERT & ASSOCIATES, INC.
 1000 W. MARKET STREET, SUITE 200
 FREDERICK, MD 21701
 TEL: 410-413-1111
 FAX: 410-413-1112
 WWW.FSAO.COM

NIRLOBB LLC
 1000 W. MARKET STREET AND WEST VIRGINIA ROUTE 9
 JEFFERSON COUNTY, WEST VIRGINIA
 25401-0000
 TEL: 304-528-1111
 FAX: 304-528-1112
 WWW.NIRLOBB.COM

PROJECT NO. 2024-0228
DATE 10-03-2024
DRAWN BY ABRAHAM MYERS
CHECKED BY T. FREDERICK
SCALE 1" = 20'
SHEET NO. C-101
TOTAL SHEETS 11



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

File #: 25-34-ZV
 Mtg. Date: 12-11-25
 Fee Paid: \$ \$150

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Variance Application

Variations from the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the Ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the parcel's zoning classification.

Property Owner Information

Owner Name: Alex Banchero
 Business Name: B33 Jefferson Crossing, LLC
 Mailing Address: 601 Union St, Suite 1115, Seattle, WA 98101
 Phone Number: 206-538-4871 Email: alex@bridge33capital.com

Applicant Contact Information

Applicant Name: Tilak Patel Same as owner:
 Business Name: Capstone Realty III, LLC
 Mailing Address: 1200 Dual Highway, Hagerstown, MD 21740
 Phone Number: 240-509-0190 Email: tilakbpatel@gmail.com

Consultant Information

Consultant Name: Trevor Frederick
 Business Name: Frederick, Seibert, & Associates, Inc
 Mailing Address: 128 S. Potomac St, Hagerstown, MD 21740
 Phone Number: 301-791-3650 Email: tfrederick@fsa-inc.com

Physical Property Details

Physical Address: 116 Flowing Springs Rd, Charles Town, WV 25414 Vacant Lot:
 Parcel ID: (Tax District / Map No. / Parcel No.) 19-02-0008-0024-0001
 Parcel Size: 0.80 Deed Book: 1238 Page No: 324

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 type="checkbox"/> Rural (R)* | <input type="checkbox"/> Light Industrial (LI) |
| <input checked="" type="checkbox"/> Residential-Light Industrial-Commercial (R-LI-C) | <input type="checkbox"/> Major Industrial (MI) |
| <input type="checkbox"/> Village (V) | <input type="checkbox"/> Planned Neighborhood Development (PND) |
| <input type="checkbox"/> Neighborhood Commercial (NC) | <input type="checkbox"/> Office/Commercial Mixed-Use (OC) |

Is there a Code Enforcement action pending in relation to this property? Yes No

Date Received: [11-07-25: Fee received](#)
[11-10-25: Signed application received.](#)

Briefly describe the nature of the request (include the dimensions of the proposed structure, if applicable):

Section of the Zoning Ordinance pertaining to this request: The existing landscaping between the front parking lot and Flowing Springs Road will be removed and replaced to allow for construction of an independent drive thru lane. [Section 4.11 of the Zoning Ordinance \(amended 07/25/1993\)](#) - jth

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.

This variance request does not cause any adverse impacts to the public health, safety or welfare as the relocated landscaping will still provide a visual barrier from headlights shining towards the public roadway.

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 shopping center was developed in the 1990s under a different owner group and was developed as a retail use. The market has changed and the reuse of the site will be mixed use with restaurant space taking 50% of the building. The site did not allow for a drive thru facility as previously approved.

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

Granting the variance will allow the drive thru lane to operate independently of the main drive aisle in front of the building and allow for multiple uses of the building without turning away potential customers. The intent of the landscape ordinance will still be met with additional landscaping on site.


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

The landscaping that will be removed will be replaced and additional landscaping provided on site.

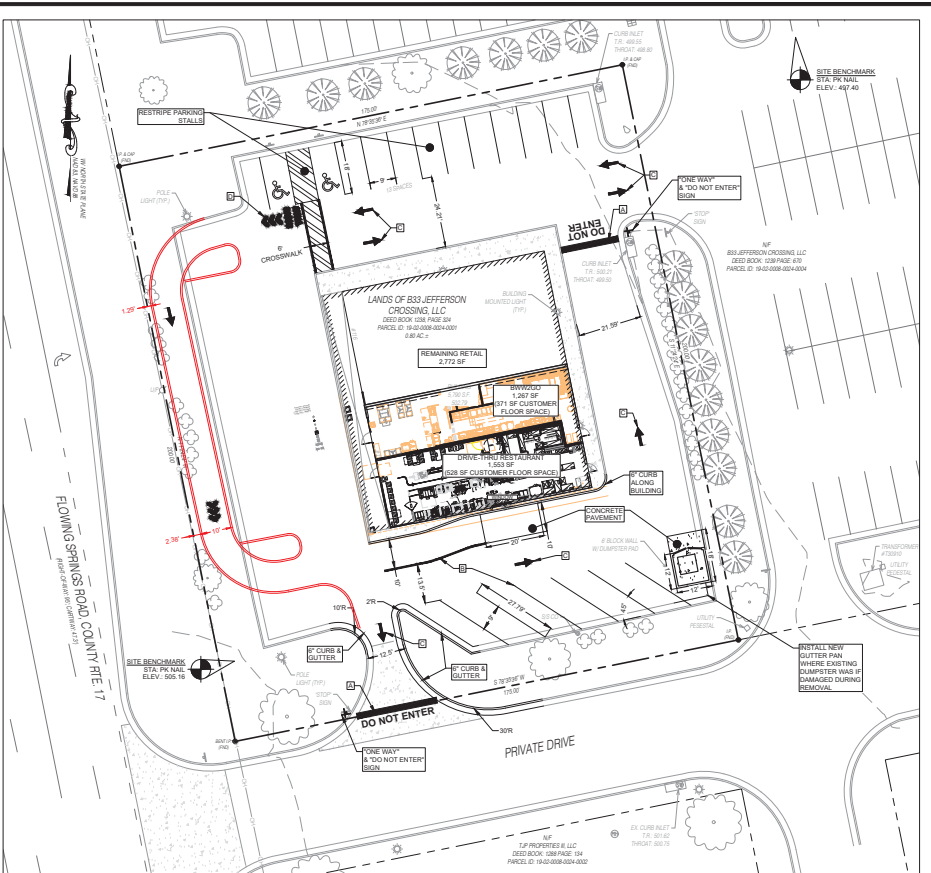
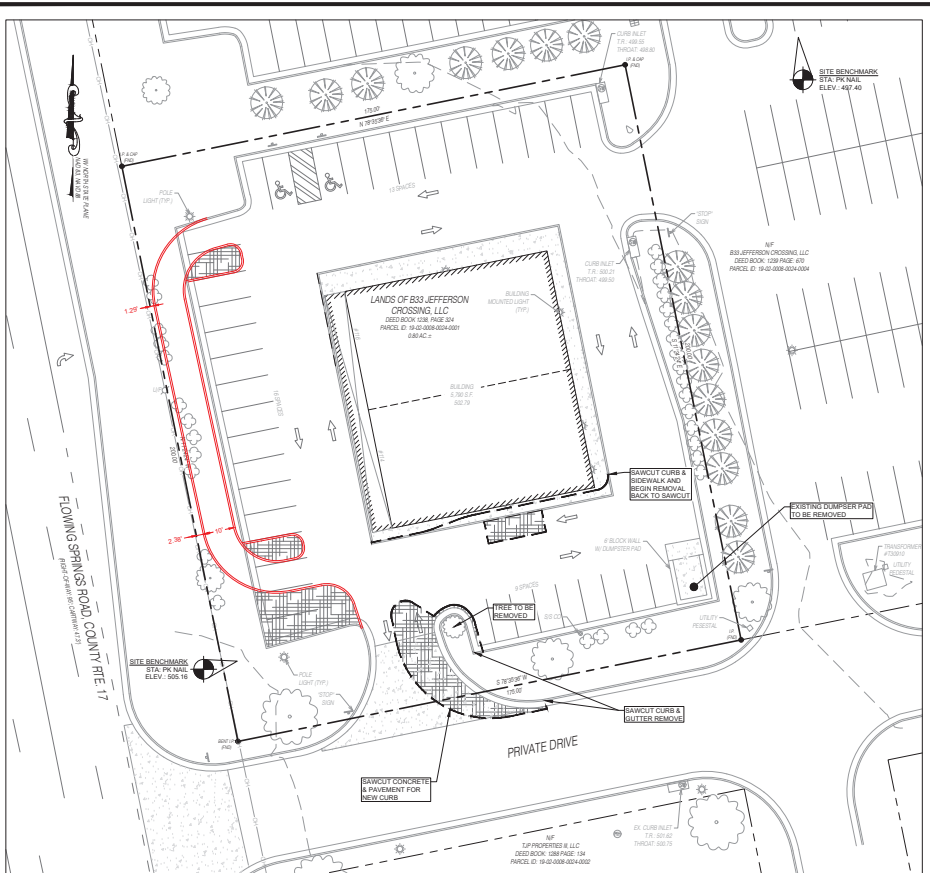
I authorize the Planning and Zoning staff to revise the application/sketch on my behalf. I understand that said revisions will be discussed with me prior to revising the application/sketch.

The information given is correct to the best of my knowledge. Property Owner Signature Required.

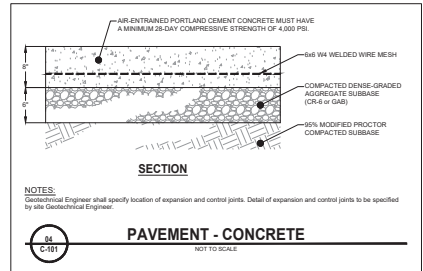
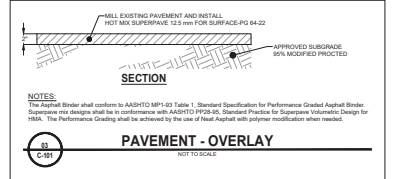
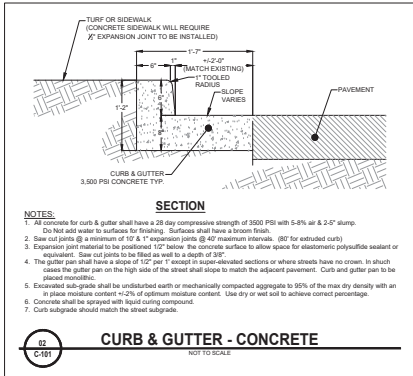
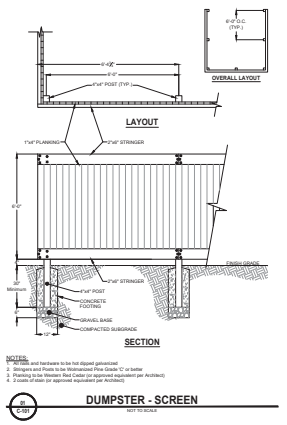
By signing this application, I grant permission to County staff to walk onto the subject property to take photos for the Board of Zoning Appeals staff reports.


Property Owner Signature 11/10/25 Date

Property Owner Signature Date



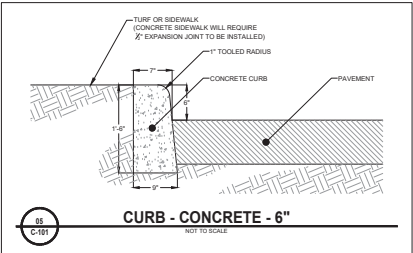
DEMOLITION PLAN



SITE PLAN

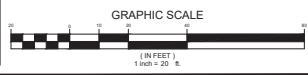
| PARKING REQUIREMENTS | |
|---------------------------------------|--------------------------------------------------------------------------------------------|
| RESTAURANT, TAVERN, LOUNGE, NIGHTCLUB | RESTAURANT WITH SEATING 1 SPACE FOR EVERY 50 SF OF CUSTOMER FLOOR SPACE 18 SPACES REQUIRED |
| SHOPPING CENTER RETAIL (>2,000 SF) | 5.5 SPACES FOR EVERY 1,000 SF FLOOR SPACE 15 SPACES REQUIRED |
| TOTAL PARKING REQUIRED | 33 SPACES REQUIRED |
| EXISTING PARKING PROPOSED PARKING | 38 SPACES (ON LOT) 24 SPACES (ON LOT) * |

*DECLARATION OF RECIPROCAL EASEMENTS AND COVENANTS RECORDED IN THE JEFFERSON COUNTY LAND RECORDS ON 06/08/2020 UNDER INSTRUMENT NO. 202000095 IS ALLOWING CROSS PARKING ON THE ADJACENT PARCELS. THIS PROVIDED ADDITIONAL PARKING TO MEET THE PARKING REQUIREMENTS OF THIS PARCEL.



| STRIPING LEGEND: | |
|------------------|--------------------------------|
| [Symbol] | 24" WHITE STOP BAR |
| [Symbol] | 9" WHITE LINE |
| [Symbol] | WHITE DIRECTIONAL ARROW |
| [Symbol] | DUNKIN' BRANDED GRAPHIC ARROWS |

NOTE: ALL PAVEMENT LETTERING TO BE WHITE IN COLOR



FSAO
 FREDERICK, SEBERT & ASSOCIATES, INC.
 1000 W. MARKET STREET, SUITE 200
 FREDERICK, MD 21701-4808
 TEL: 301-797-0000
 FAX: 301-797-0001
 WWW.FSAO.COM

NIRLOBH LLC
 1200 LAMAR AVENUE, SUITE 200
 WEST VIRGINIA
 CHARLESTON, WV 25301
 TEL: 304-725-1100
 FAX: 304-725-1101
 WWW.NIRLOBH.COM

PROJECT NO: 2024-0208
DATE: 10-03-2024
DRAWN BY: ARAM MYERS
CHECKED BY: T. FREEDRICK
SCALE: 1" = 20'
SHEET NO: C-101
TOTAL SHEETS: 11



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Zoning Administrator's Report December 11, 2025 Board of Zoning Appeals Meeting

Date of Memo: December 4, 2025

- 1) Next regular meeting scheduled for **Thursday, January 22, 2026**
 - Deadline for submission is Friday, December 19, 2025.
- 2) Zoning Certificate Activity Report – attached
- 3) Solar Text Amendment - Engineering is currently reviewing potential changes to the Subdivision & Land Development Regulations. A draft will be ready for the January 2026 Planning Commission meeting.



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington Street, 2nd Floor
Charles Town, West Virginia 25414
www.jeffersoncountywv.org

December 2025
Zoning Certificate Activity Report

File # 25-49-ZC
Request: Modifications to an Existing Telecommunications Tower (antennas)
Property Owner: Richard Childs
Tower Owner: American Tower Corporation
Applicant: Amentum / Attn: Tootie Hudgins
Parcel Information: 41 S. Childs Rd., Kearneysville, WV 25430
Parcel ID: 07002500110002; Current Size: ~17 ac
Zoning District: Rural; Deed Book: 459; Page: 146; Site Plan: 20-4-SP
Date of Issuance: 12/03/2025

File # 25-51-ZC
Request: New Signage – United Bank
Property Owner: United Bank / Attn: Shannon Mundella
Applicant: Baer's Sign Service, LLC / Attn: Mike McEntire
Parcel Information: 7867 Martinsburg Pk., Shepherdstown, WV 25443
Parcel ID: 09008C00660000; Size: .78 acres;
Zoning District: Residential-Light Industrial-Commercial;
Deed Book: 1212; Page: 550; Site Plan File: 04-18
Date of Issuance: 12/03/2025

File # 25-52-ZC
Request: Bed and Breakfast (Updated to include school bus)
Property Owner: Bruce Kaiser
Parcel Information: 12 Steptoe Street, Summit Point, WV 25446
Parcel ID: 06016B00150000; Size: ~0.72 acres;
Zoning District: Village; Deed Book: 669; Page: 639
Date of Issuance: 12/03/2025
