

Meeting Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: December 11, 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; Matt McKinney, Vice Chair; Mikala Shremshock,
6 Member; and Keith Semler, Alternate, were present in person.
7 Elliott Kletter, Alternate, was present via ZOOM.
8 Board Members Absent: Dave Wiegand, Member, was absent with notification.
9 Staff Members Present: Andy Beall, Zoning Administrator; and, Jennilee Hartman, Zoning Clerk

10 Mr. McKinney moved to call the meeting to order at 2:00 pm. Mr. Quynn called for a vote, which
11 carried unanimously.

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

13 **Approval of Minutes: November 13, 2025**

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

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

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

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

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

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

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

25 Project Info: B33 Jefferson Crossing LLC / Attn: Alex Banchero, Owner
26 112 Flowing Springs Rd, Charles Town, WV
27 Parcel ID: 02000800240001; Size: .8 acres;
28 Zoning District: Residential-Light Industrial-Commercial

29 Mr. Trevor Frederick, Engineer with Frederick, Seibert & Associates, Inc., and Tilak Patel with
30 Capstone Realty, LLC, were present to represent the request.

31 Mr. Beall provided an overview of both staff reports to the Board.

32 Mr. Frederick explained the nature of both requests to the Board. Mr. Frederick presented an exhibit
33 to the Board showing the proposed vegetation that would be planted in lieu of the required
34 landscaping. A copy of the exhibit was provided for the file. The Board expressed concern regarding
35 the traffic flow in relation to the existing parking spaces and the proposed drive through lane.
36 Mr. Frederick stated they would be willing to provide a traffic safety measure to separate the
37 shopping center traffic from the drive through lane.

38 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
39 testimony. Mr. Quynn closed the public comment portion of the hearing.

40 Mr. McKinney moved to approve variance request #25-33-ZV with the condition that the applicants
41 are bound by their testimony. Mr. Quynn called for a vote, which carried unanimously.

1 Mr. McKinney moved to approve variance request #25-34-ZV with the following conditions:

- 2 1. The applicant will provide the landscaping depicted on the exhibit.
- 3 2. The applicant will provide safeguards from the drive aisle to be approved by County staff.
- 4 3. The applicants are bound by their testimony.

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

6 **Zoning Administrator Report**

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

- 8 1. Monthly Zoning Certificate Activity Report. The Report was included in the Agenda packet.
- 9 2. Mr. Beall provided an update on the draft solar text amendment.

10 **Legal Update**

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

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

17 Legal counsel did not attend the meeting.

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

19 **Meeting: November 13, 2025**

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

21 Mr. Quynn was provided the Findings for signature.

22 Mr. Wiegand moved to adjourn the meeting at 2:41 pm. Mr. Quynn called for a vote, which carried
23 unanimously.