



Jefferson County
Board of Zoning Appeals Agenda
Thursday, February 26, 2026 at 2:00 p.m.

Members
Matthew McKinney, Chair
David Wiegand, Vice Chair
Mikala Shremshock, Secretary
Tyler Quynn
Elliot Kletter
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/83684379212>
Phone Option (Dial by Location): 301-715-8592 / Meeting ID: 836 8437 9212

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: October 23, 2025 (reconsideration) and January 22, 2026

Public Hearing – Administer Oath

Agenda Item #1 File #: 26-1-ZV

Tabled from January 22, 2026. Item to be considered at a later date. New notice will be provided.

Request: Variance from Section 9.7 to reduce the front setbacks from 20’ to 18’; and, to reduce the side setback from 8’ to 6’ for a proposed dwelling unit.

Project Info: Randy Rivera, Property Owner
Harpers Ferry Campsites, Lots 59, 60 & 61
Vacant parcel north of 109 Old Deer Run, Harpers Ferry, WV
Parcel ID: 04013D00040000; Size: .4 acres; Zoning District: Rural

THE FOLLOWING REQUEST IS NOT SUBJECT TO A PUBLIC HEARING

Agenda Item #2 File #: 24-5-CUP – EXTENSION REQUEST

Request: Request for an eighteen month extension of the Global Environmental & Remediation Conditional Use Permit to operate as a Contractor with Outdoor Storage.

Project Info: Global Environmental & Remediation LLC, Property Owner
Parcel located north of the Middleway Pike and Shirley Road intersection (formerly addressed as 7367 Middleway Pike), Charles Town, WV
Parcel ID: 07002000090001; Size: ~6 acres; Zoning District: Rural

Discussion and Possible Action: To amend the Rules of Procedure pertaining to public comment.

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-19-2025-P-174 (RE: Rippon Solar Energy Facility / File 25-30-ZC) Aitcheson v. JCBZA

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

Meeting: January 22, 2026

1. Variance from Appendix B. Owner: Kingdom Ventures, LLC. Applicant: Kolan Investments, LLC / Attn: Dr. Kolawale Oshiyoye. File #26-1-ZV.
2. Variance from Appendix A. Owner: Lee and Dawn Mackey. File #26-3-ZV.

Draft Meeting Minutes

Jefferson County Board of Zoning Appeals

(Corrected 00/00/2026)

1 Meeting Date: October 23, 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; Dave Wiegand,
6 Member; Keith Semler, Alternate; and, Elliott Kletter; Alternate were
7 in attendance in person.
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 Mr. McKinney moved to call the meeting to order at 2:03 pm. Mr. Quynn called for a vote, which
13 carried unanimously.

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

15 Approval of Minutes: September 25, 2025

16 Mr. McKinney moved to go into deliberative session at 2:06 pm to discuss the minutes. Mr. Wiegand
17 seconded the motion, which carried unanimously.

18 Mr. McKinney moved to come out of deliberative session at 2:19 pm. Mr. Wiegand seconded the
19 motion, which carried unanimously.

20 Mr. McKinney moved to approve the minutes with the following edits:

- 21 • Page 2, Line 18: beginning with the sentence, “Mr. Wiegand questioned...”; strike all
22 sentences from Lines 18 through 25.
- 23 • Page 2, strike Lines 32 through 36; including the sentence that begins with “Mr. McKinney
24 stated his objection to doing so.”
- 25 • Page 2, Line 39: change *Quynn* to *Semler*.
- 26 • Page 2, strike Lines 40 through 42.
- 27 • Page 3, strike Lines 1 through 7.

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

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

30 Agenda Item # 1 File #25-29-ZV

31 Request: Variance from Section 8.15.A(a) to increase the maximum size of an Accessory
32 Dwelling Unit from 1,700 sf to 1,984 sf.

33 Project Info: Matt and Laura Knott, Owner

34 2374 Bakerton Rd., Harpers Ferry, WV

35 Parcel ID: 04000300330001; Size: 12.65 acres; Zoning District: Rural

36 Mr. Matt Knott, owner, and Mr. Paul Raco with P.J. Raco Consulting, LLC were present to
37 represent the request.

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

39 Mr. Raco and Mr. Knott explained the nature of the request to the Board.

1 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
2 testimony. Mr. Quynn closed the public comment portion of the hearing.

3 Mr. McKinney moved to approve variance request #25-29-ZV with the condition that the applicants
4 are bound by their testimony. Mr. Kletter seconded the motion. Mr. Quynn called for a vote, which
5 carried four in support and one in opposition (Semler).

6 **Agenda Item # 2 File #25-30-ZV**

7 Request: Variance from Section 3.2G to allow the applicant to request an additional extension for
8 an approved Conditional Use Permit to operate a Solar Energy Facility. The current
9 Conditional Use Permit is set to expire on December 7, 2025. The applicant is
10 requesting an additional nine (9) month extension from this expiration date. The
11 Conditional Use Permit was issued for approximately 737-acres of the 878-acre Rippon
12 Energy Facility. The proposal consisted of a 99MW solar electric generating facility,
13 which would have consisted of solar modules, a new substation to connect the solar
14 facility with the electric grid, and underground utilities. The project site has existing
15 high voltage power lines running through the property. (File 22-9-CUP).

16 Applicant: Rippon Energy Facility, LLC

17 Parcel Info: Bullskin LLC, Property Owner – This property has been removed from the project.
18 673 Old Shennandale Rd, Charles Town WV; Parcel ID: 06001100090000; Lot Size:
19 133.75 / Project Size: 106.52 ac; Zoning District: Rural

20 Parcel Info: Clarence E Hough Et Al, Property Owner
21 Vacant parcel located west of the property addressed as 957 Myerstown Rd,
22 Charles Town, WV; Parcel ID: 06001000030001; Lot Size: 108.66 ac / Project Size:
23 99.84 ac; Zoning District: Rural

24 Parcel Info: View Mountain Farm LLC, Property Owner
25 28 Dutch Hill Rd, Charles Town, WV; Parcel ID: 06002100060000; Lot Size: 101.6 ac /
26 Project Size: 97.01 ac; Zoning District: Rural

27 Parcel Info: TCE Rippon Land Company LLC, Property Owner
28 2646 Kabletown Rd, Charles Town, WV; Parcel ID: 06002100050000; Lot Size: 174.6 ac /
29 Project Size: 165.52 ac; Zoning District: Rural

30 Parcel Info: TCE Rippon Land Company LLC, Property Owner
31 Vacant parcel located east of the property addressed as 28 Dutch Hill Rd, Charles Town,
32 WV; Parcel ID: 06002100070000; Lot Size: 89.39 ac / Project Size: 86.07 ac; Zoning
33 District: Rural

34 Parcel Info: TCE Rippon Land Company LLC, Property Owner
35 Vacant parcel located east of the property addressed as 2646 Kabletown Rd, Charles
36 Town, WV; Parcel ID: 06002200050001; Lot Size: 232 ac / Project Size: 169.15 ac;
37 Zoning District: Rural

38 Parcel Info: Stanley W Jr & Katherine B Dunn, Property Owner - This property has been removed from
39 the project. 1371 Myerstown Rd, Charles Town, WV; Parcel ID: 06001000050000; Lot
40 Size: 366 ac / Project Size: 12.27 ac; Zoning District: Rural

41 Mr. Sam Gulland and Mr. Brian Kusiak with Rippon Energy Facility, LLC were present on behalf
42 of the property owners to represent the request.

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

- 1 Mr. Gulland and Mr. Kusiak explained the nature of the request to the Board.
- 2 Mr. Quynn opened the public comment portion of the hearing.
- 3 Mr. Christopher Stiles spoke in support of the request.
- 4 Mr. Bob Aitcheson, Ms. Krista Edwards, Mr. Robert Waltz, Mr. William Baty, and Ms. Tina Held
- 5 spoke in opposition to the request.
- 6 Mr. Quynn closed the public comment portion of the hearing.
- 7 Mr. Gulland provided rebuttal to the opposing arguments.
- 8 Mr. McKinney moved to approve variance request #25-30-ZV with the condition that the applicants
- 9 are bound by their testimony. Mr. Wiegand seconded the motion. Mr. Quynn called for a vote, which
- 10 carried four in support and one in opposition (**McKinney**).

11 **Legal Update**

- 12 a. Discussion with possible deliberative session of the following pending lawsuits:
 - 13 1. Jefferson County Circuit Court Case #CC-19-2022-C-141 (RE: Rippon Solar Energy
 - 14 Facility / File 22-9-CUP) Rockwell v. JCBZA
 - 15 2. Jefferson County Circuit Court Case # CC-19-2024-C-14 (RE: Jeremy Martin, Tiffany
 - 16 Martin and Earthworx General Contracting Services, LLC v. Jefferson County Board of
 - 17 Zoning Appeals
- 18 Mr. Groh stated there has been no action on the items noted above.

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

20 **Meeting: September 25, 2025**

- 21 1. Variance from Section 3.2G to extend Wild Hill Solar Project CUP #22-5-CUP.
- 22 Applicant: Elawan Energy. Owners: Clarence & Donna Hough, T. Todd & Susan
- 23 Hough, and Charles & Marie Hough (Life). File #25-27-ZV.
- 24 2. Variance from Section 9.7. Owners: Clarence & Donna Hough, T. Todd & Susan
- 25 Hough, and Charles & Marie Hough (Life). File #25-27-ZV.
- 26 A copy of the Findings will be provided to the Chair.

27 **Zoning Administrator Report**

- 28 Mr. Beall provided the Board with the following information:
 - 29 1. Monthly Zoning Certificate Activity Report. The Report was included in the Agenda packet.
 - 30 2. Mr. Beall provided an update regarding the pending Solar Energy Facility text amendment to
 - 31 the Zoning Ordinance, which was presented at the September 23rd Planning Commission
 - 32 Meeting.
- 33 Mr. Wiegand moved to adjourn the meeting at 3:43 pm. Mr. Quynn called for a vote, which carried
- 34 unanimously.

Draft Meeting Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: January 22, 2026
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 present in person. Elliott Kletter, Member, was present
7 via ZOOM. Matt McKinney, Vice Chair, joined via ZOOM at 2:22 pm.
8 Board Members Absent: Mikala Shremshock, Member, was absent with notification.
9 Staff Members Present: Andy Beall, Zoning Administrator; Steve Groh, Assistant Prosecuting
10 Attorney; and, Jennilee Hartman, Zoning Clerk

11 Mr. Quynn moved to call the meeting to order at 2:03 pm. Mr. Quynn called for a vote, which
12 carried unanimously.

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

14 **Election of Officers**

15 Mr. Quynn moved to nominate Mr. McKinney for the position of Chair and Mr. Wiegand for the
16 position of Vice Chair. Mr. Quynn called for a vote, which carried unanimously.

17 Mr. Wiegand moved to nominate Ms. Shremshock for the position of Secretary. Mr. Quynn called
18 for a vote, which carried unanimously.

19 Mr. Quynn chaired the meeting in Mr. McKinney's absence.

20 **Approval of Minutes: December 11, 2025**

21 Mr. Wiegand moved to approve the December 11, 2025 minutes as presented. Mr. Wiegand stated
22 he would be abstaining as he was not present at the last meeting. Mr. Quynn called for a vote,
23 which carried three in support and one abstention (Wiegand).

24 Mr. Quynn and Mr. Wiegand raised a concern regarding the accuracy of the October 23, 2025
25 minutes with respect to the vote on Agenda Item #2 (File #25-30-ZV). Mr. Wiegand moved to have
26 staff recheck the record of the October 23, 2025 meeting. Mr. Quynn called for a vote, which
27 carried unanimously. Staff will report back to the Board at the next meeting.

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

29 The applicant for Agenda Item #1 was not present. Mr. Quynn called for Agenda Item #3 to be
30 considered.

31 **Agenda Item #3 File #: 26-3-ZV**

32 Request: Variance from Appendix A to reduce the rear setback from 50' to 35' for a 30' x 48'
33 accessory structure (detached garage).

34 Project Info: Lee and Dawn Mackey, Property Owner
35 Gary Donley Revocable Trust Minor Subdivision, Lot #1
36 3712 Engle Molers Rd, Harpers Ferry, WV
37 Parcel ID: 09001900050000; Size: .93 acres; Zoning District: Rural

38 Mr. Lee Mackey, property owner, was present to represent the request.

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

40 Mr. Lee Mackey explained the nature of the request to the Board.

1 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
2 testimony. Mr. Quynn closed the public comment portion of the hearing.

3 Mr. Wiegand moved to approve variance request #26-3-ZV. Mr. Quynn called for a vote, which
4 carried unanimously.

5 Mr. Quynn confirmed that the applicant for Agenda Item #1 was present. Ms. Hartman swore in the
6 applicant for the record.

7 **Agenda Item #1 File #: 26-1-ZV**

8 Request: Variance from Appendix B to eliminate the front drive aisle and parking setback to
9 allow for the redevelopment of an existing commercial lot.

10 Project Info: Kingdom Ventures, LLC, Property Owner
11 Kolan Investments, LLC / Attn: Dr. Kolawale Oshiyoye, Applicant
12 7595 Martinsburg Pike, Shepherdstown, WV
13 Parcel ID: 09007B00010000; Size: 2.69 acres;
14 Zoning District: Residential Growth

15 Mr. Eric Iser, representative for the applicant, was present to represent the request.

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

17 Mr. Iser explained the nature of the request to the Board.

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

20 Mr. Wiegand moved to approve variance request #26-1-ZV. Mr. Quynn called for a vote, which
21 carried unanimously.

22 Matt McKinney, Chair, joined the meeting via ZOOM at 2:22 pm.

23 **Agenda Item #2 File #: 26-2-ZV – THIS ITEM HAS BEEN WITHDRAWN**

24 Request: Variance from Appendix A to reduce the rear setback from 20' to 15' for a portion
25 of a proposed deck with stairs.

26 Project Info: Pamela Potts, Property Owner
27 Beallair subdivision, Lot #272
28 511 Shenandoah Crossing Dr., Charles Town, WV
29 Parcel ID: 04010A02720000; Size: .24 acres;
30 Zoning District: Residential Growth

31 No action was taken on this item as it had been withdrawn.

32 **Agenda Item #4 File #: 26-4-ZV – THIS ITEM HAS BEEN WITHDRAWN**

33 Request: Variance from Section 9.5 to allow an existing in-ground areaway to encroach 14'
34 into the rear setback.

35 Project Info: Theresa Hoyt, Property Owner
36 Beallair subdivision, Lot #273
37 101 Claymont Hill St., Charles Town, WV
38 Parcel ID: 04010A02730000; Size: .20 acre; Zoning District: Residential Growth

39 No action was taken on this item as it had been withdrawn.

1 **Agenda Item #5** **File #: 26-5-ZV**

2 Request: Variance from Section 9.7 to reduce the front setbacks from 20' to 18'; and, to
3 reduce the side setback from 8' to 6' for a proposed dwelling unit.

4 Project Info: Randy Rivera, Property Owner
5 Harpers Ferry Campsites, Lots 59, 60 & 61
6 Vacant parcel north of 109 Old Deer Run, Harpers Ferry, WV
7 Parcel ID: 04013D00040000; Size: .4 acres; Zoning District: Rural

8 The applicant for this item was not in attendance. Mr. Wiegand confirmed that the placard had been
9 posted on the subject parcel. Mr. Wiegand moved to table the item. Mr. Quynn called for a vote,
10 which carried unanimously. Staff noted they would follow up with the applicant.

11 **Zoning Administrator Report**

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

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

15 **Legal Update**

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

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

19 Mr. Groh stated he did not have an update on this item.

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

23 Mr. Groh stated that the judge found in favor of the Board and the item has been
24 dismissed. A copy of the Order denying Issuance of Writ was included in the packet.

- 25 3. Jefferson County Circuit Court Case #CC-19-2025-P-174 (RE: Rippon Solar Energy
26 Facility / File 25-30-ZC) Aitcheson v. JCBZA

27 Mr. Groh stated he is working to prepare a written response on this new case.

28 Mr. Wiegand moved to go into deliberative session at 2:31 pm to discuss this item.

29 Mr. McKinney seconded the motion, which carried unanimously.

30 Mr. Wiegand moved to return to regular session at 2:55 pm to discuss this item.

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

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

33 **Meeting: December 11, 2025**

- 34 1. Variance from Section 4.16 and Section 4.11. Owner: B33 Jefferson Crossing LLC.
35 File #25-33-ZV and 25-34-ZV.

36 No action was taken on this item.

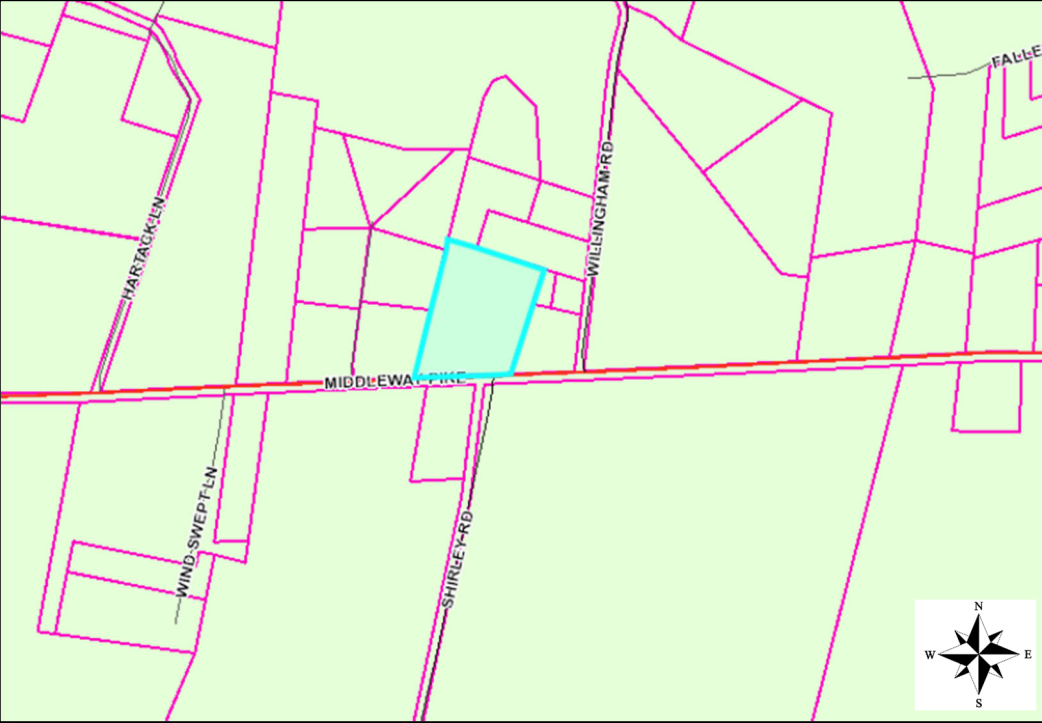
37 Mr. Wiegand moved to adjourn the meeting at 2:55 pm. Mr. Quynn called for a vote, which carried
38 unanimously.

Item #1 withdrawn
from this Agenda

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 February 26, 2026

**24-5-CUP Global Environmental & Remediation LLC
 Contractor with Outdoor Storage Conditional Use Permit - Extension Request**

Item #2 Request by Global Environmental & Remediation LLC for an eighteen month extension of their Conditional Use Permit to operate a Contractor with Outdoor Storage business. Per Section 3.2G of the Zoning Ordinance, the applicant is requesting an extension from March 10, 2026 to September 10, 2027.

Owner:	Global Environmental & Remediation LLC
Applicant:	Raymond Johnson
Parcel Information & Zoning District:	<p style="text-align: center;">Parcel located north of the Middleway Pike and Shirley Road intersection (formerly addressed as 7367 Middleway Pike), Charles Town, WV Parcel ID: 07002000090001; Size: ~6 acres; Zoning District: Rural</p> 
Full Project Description:	<p>A Conditional Use Permit to establish a construction company (proposed land use designation as listed in Appendix C of the Zoning Ordinance: Contractor with Outdoor Storage). The proposal consists of constructing a 100' x 100' building, employee parking area, and outdoor equipment storage. The business may employ up to five (5) employees. On-site customer visits will be minimal. A freestanding business sign in accordance with Article 10 is proposed.</p>
History:	<p>12/10/71: Plat of Survey (DB 337, PG 24) 12/07/82: Building Permit #82-333 for a 1,500 sf addition to an existing 1,500 sf masonry building. 07/25/24: Board of Zoning Appeals Approved Conditional Use Permit (File #24-5-CUP)</p>

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 February 26, 2026
24-5-CUP Global Environmental & Remediation LLC
Contractor with Outdoor Storage Conditional Use Permit - Extension Request

	<p>07/25/24: Board approved a variance request from App. B and Sec. 4.11E to utilize existing vegetation in lieu of a planted buffer along all property lines. (File #24-24-ZV)</p> <p>09/10/24: Conditional Use Permit Issued – Expiration Date 03/10/26</p> <p>04/08/25: Planning Commission Approved Concept Plan (File #25-2-SP)</p> <p>10/22/25: Site Plan and Stormwater Management Report submitted for 1st review. – Comments returned to consultant on 10/31/25.</p>
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Summary of Request and Purpose of Ordinance Requirements

The subject request by Global Environmental & Remediation LLC is for an eighteen month extension of their Conditional Use Permit to operate a Contractor with Outdoor Storage business. In accordance with Section 3.2G of the Zoning Ordinance, the applicant is requesting an extension from March 10, 2026 to September 10, 2027.

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

The expiration date for a Conditional Use Permit is established in Section 3.2G of the Zoning Ordinance which states that 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.” The construction for the proposed contractor with outdoor storage has not yet commenced. A Site Plan and Stormwater Management Report were submitted and returned with staff comments on 10/31/2025.

Section 3.2G authorizes the Board of Zoning Appeals to grant a one-time extension after evaluating the hardship involved with noncompliance of the initial expiration date and further states, “The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen months.”

The process for an eighteen month extension is initiated with a written request to the Board. Any extensions beyond the eighteen months would necessitate a variance, subject to the process outlined in Article 6.

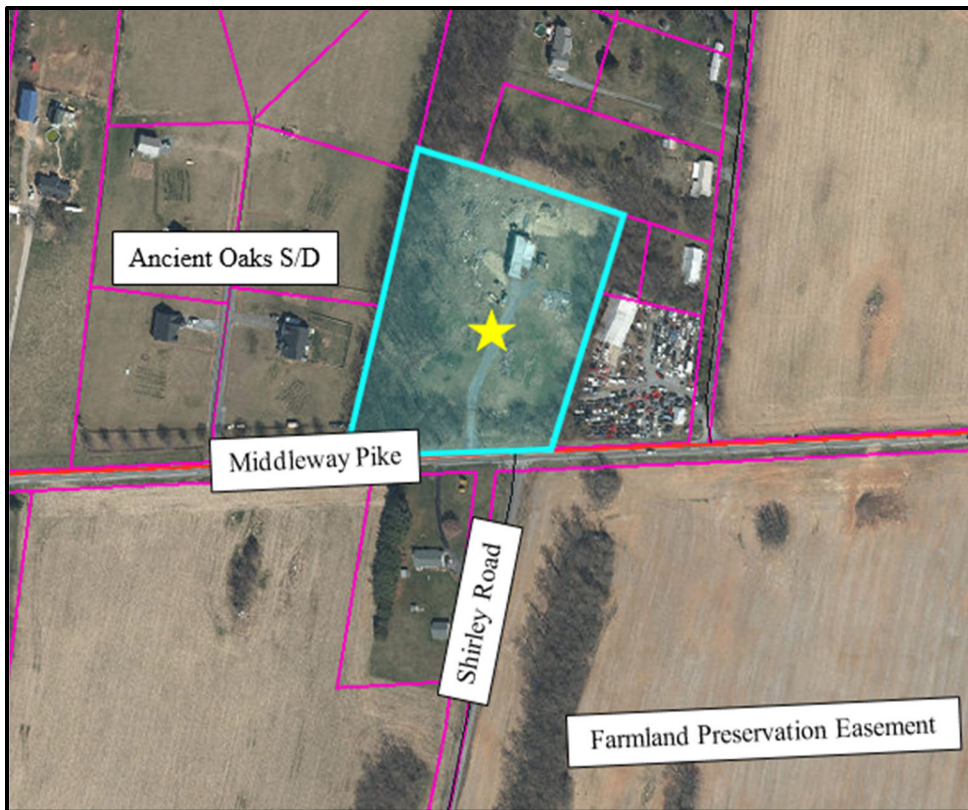
Project Status

- Conditional Use Permit for a rurally zoned 6 acre parcel (parcel id# 07002000090001) was granted by the Board of Zoning Appeals on 07/25/24.
- Conditional Use Permit #24-5-CUP Issued on 09/10/24 / Expiration date: 03/10/26.
- Concept Plan Approved by the Planning Commission on 04/08/25– approval is vested for two years (expiration date: 04/08/27).
- Site Plan and Stormwater Management Report were submitted for 1st review on 10/22/25 and returned with staff comments on 10/31/25.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
February 26, 2026
24-5-CUP Global Environmental & Remediation LLC
Contractor with Outdoor Storage Conditional Use Permit - Extension Request

Property Description

The subject parcel is comprised of six acres. It has approximately 430 feet of frontage along Middleway Pike (State Route 51). Based on staff's research, the site previously contained a wood products business which operated in the 1970s until the early 1990s. A 1982, a building permit indicated that the property once contained a 4,800 square foot steel building which housed a sawmill, a 3,000 square foot masonry building, and a 280 square foot office trailer. Presently, the original 3,000 square foot masonry building from 1982 remains on the property. It appears that the nonconforming use was abandoned in the 1990's and has remained vacant since that time.



Project Description

The applicant's description of the proposed business is provided on page 4 of the application. The proposal includes construction of a 100' x 100' building for warehousing construction materials and a small office space. The site improvements include installing an employee parking area, as well as an area for parking/storing construction vehicles and equipment. The business may employ up to five employees. The hours of operation are 7:00 a.m. – 5:00 p.m. Traffic impact is expected to be minimal, with employees arriving to park personal vehicles and exchange for company vehicles in the morning, then return at the end of the day. Customer visits are expected to be minimal. One freestanding business sign in accordance with Article 10 is proposed.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
February 26, 2026
24-5-CUP Global Environmental & Remediation LLC
Contractor with Outdoor Storage Conditional Use Permit - Extension Request

Attachments:

- Issued Conditional Use Permit (File #24-5-CUP)
- Approved Concept Plan – Sheet 2 (PC File #25-2-SP)
- Article 3 – Administration and Enforcement
- Memo RE: Commencement of a Land Use – Conditional Use Permits and Zoning Certificates, dated June 17, 2013



JEFFERSON COUNTY, WEST VIRGINIA

OFFICE OF PLANNING AND ZONING

116 EAST WASHINGTON STREET

CHARLES TOWN, WV 25414

CONDITIONAL USE PERMIT #24-5-CUP

GLOBAL ENVIRONMENTAL & REMEDIATION LLC

This is to certify that effective **September 10, 2024**, the property described below has been granted a Conditional Use Permit.

Property Owner: Global Environmental & Remediation LLC / Attn: Raymond Johnson

Contact Information: rjohnson@generalger.com / 703-401-5884

Property Location: Parcel located north of the Middleway Pike and Shirley Road intersection (formerly addressed as 7367 Middleway Pike), Charles Town, WV
Parcel ID: 07002000090001; Size: ~6 acres; Zoning District: Rural

Approved Use: Request for a Conditional Use Permit to establish a construction company (proposed land use designation as listed in Appendix C of the Zoning Ordinance: Contractor with Outdoor Storage). The proposal consists of constructing a 100' x 100' building, employee parking area, and outdoor equipment storage. The business may employ up to five (5) employees. On-site customer visits will be minimal. A freestanding business sign in accordance with Article 10 is proposed.

Pursuant to Article 6 of the Zoning Ordinance, as amended June 16, 2022, the Board of Zoning Appeals held a public hearing on July 25, 2024, for the purpose of determining if the Conditional Use met the criteria outlined in Section 6.3A.1-8. Finding that the Conditional Use met all of the criteria, the Board voted to **Grant** the request as presented to operate a construction company with up to five (5) employees and minimal customer visits, with the following conditions of approval:

1. The applicant is bound by their testimony.
2. Any proposed signage related to the land use will require evaluation by the Board at a future meeting.

In the event that the operation of this land use has not commenced by **March 10, 2026**, this Permit will expire. Prior to the expiration date, pursuant to Section 3.2G of the Zoning Ordinance, an extension request must be submitted to the Office for consideration by the Board of Zoning Appeals.

This Permit in no way relieves the Property Owner or Applicant from any requirements of Jefferson County Ordinances or Regulations unless the appropriate waivers/variances* are granted by the appropriate County authority.

Any future change in use or expansion will require processing through the Jefferson County Department of Engineering, Planning, and zoning to ensure compliance with County Regulations.

**BZA also granted a variance to modify the buffer screen requirements (File #24-24-ZV).*

Alexandra Beaulieu
Deputy Director & Zoning Administrator

September 10, 2024

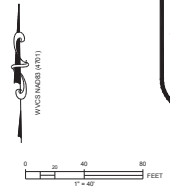
Date





SITE LOCATION
 ZONING FOR THIS SITE AND
 ALL SURROUNDING AREA
 IS ZONED RURAL

VICINITY MAP SCALE: 1" = 500'
 JEFFERSON COUNTY, WEST VIRGINIA



PARCEL INFORMATION:

1. ADDRESS - FORMER ADDRESS WAS 7367 MIDDLEWAY PIKE, CHARLES TOWN, WV 25414 PER THE JEFFERSON COUNTY ADDRESSING OFFICE. A NEW ADDRESS WILL BE ISSUED WHEN THE BUILDING PERMIT IS ISSUED.
2. ZONING - RURAL
3. A CONDITIONAL USE PERMIT (FILE#24-6 CUP) WAS GRANTED ON JULY 25, 2024 TO USE THE PROPERTY FOR A CONSTRUCTION COMPANY - PROPOSED LAND USE DESIGNATION IN APC-C, CONSTRUCTION WITH OUTDOOR STORAGE; PERMITTED WAS A 100' BY 100' BUILDING, EMPLOYEE PARKING AND EQUIPMENT STORAGE AREA.
4. A ZONING VARIANCE (FILE# 24-24-ZV) WAS APPROVED ON JULY 25, 2024 FOR THE EASTERN, WESTERN AND SOUTHERN PROPERTY LINES TO ALLOW FOR EXISTING VEGETATION TO REMAIN IN LIEU OF PLANTED BUFFERS ALONG NORTHERN PROPERTY LINE. THE EXISTING VEGETATION SHALL REMAIN AND BE SUPPLEMENTED BY A 20' - 40' PLANTED LANDSCAPING BUFFER.
5. DENSITY CALCULATIONS: NOT APPLICABLE
6. SOURCE OF MAPPING: TOPOGRAPHY SURVEY BY ALPHA ASSOCIATES, OCTOBER 2024.
7. ADJACENT ZONING AND USE DESIGNATIONS - SEE PLAN
8. TRAFFIC IMPACT DATA
 - a. ADT - ROUTE 51 = 4,999-50,000 VEH / DAY (WV DOT)
 - b. AS PER THE INSTITUTE OF TRANSPORTATION ON ENGINEERING, TRIP GENERATION MANUAL, 8TH EDITION, THIS USE FITS THE DESIGNATION OF THE LAND USE 110-GENERAL LIGHT INDUSTRIAL. LIGHT INDUSTRIAL FACILITIES ARE FREE-STANDING FACILITIES DEVOTED TO A SINGLE USE, USUALLY SOMETHING OTHER THAN MANUFACTURING, AND TYPICALLY HAVE MINIMAL OFFICE SPACE.
 AVERAGE VEHICLE TRIPS = NUMBER OF EMPLOYEES MULTIPLIED BY 3
 ADT = 9 X 3 = 13
 PEAK HOURS: SECONDARY OF WORK DAY & END OF WORK DAY:
 (PERSONAL CAR IN WORK TRUCK OUT)
 PEAK TRIPS = 9 X 2 = 10
9. NEAREST KEY INTERSECTION: ROUTE 51 AND ROUTE 19 (± 5 MILES EAST)
10. HIGHWAY PROBLEM AREAS
 - a. #54 - ROUTE 51 INTERSECTION WITH EARL RD. & DARKE LANE (± 1 MILE EAST)
 - b. #35 - ROUTE 51 INTERSECTION WITH CHILDS ROAD (± 1 MILE WEST)
11. THERE IS NO EVIDENCE OF SNIKHOLES OR WETLANDS ON THIS PARCEL.
12. THIS PROPERTY IS LOCATED ON FEMA PANEL NUMBER 64030120E, DATED 12/18/2006, AND IS DESIGNATED TO BE IN ZONE "X"; AN AREA DETERMINED TO BE OUTSIDE 9.2% CHANCE FLOODPLAIN.
13. WATER - DRILLED WELL, SEWER - SEPTIC TANK & DRAIN FIELD.
14. THIS IS A SINGLE USE COMMERCIAL PROJECT. THERE ARE NO RESTRICTIVE COVENANTS, CONDITIONS, RULES OR REGULATIONS PLANNED.
15. IN ACCORDANCE WITH THE CUP ISSUED FILE # 24-6 CUP, JULY 25, 2024, THE PROJECT IS INTENDED TO BE A CONSTRUCTION COMPANY WITH OUTDOOR STORAGE. THE DEVELOPER PLANS TO CONSTRUCT A 10,000 SF BUILDING, 100' X 100' FOR AN OFFICE, RESTROOMS, MATERIAL STORAGE AND EQUIPMENT MAINTENANCE.



NF
 JESSE B. BOYD
 T.M. 20 PARCEL 8.7
 D.B. 1354 PG. 491
 ZONING: RURAL
 CURRENT USE: RESIDENTIAL

NF
 GREGORY A. & TRACY Y.
 LONGEBEAR
 T.M. 20 PARCEL 10.3
 D.B. 860 PG. 324
 ZONING: RURAL
 CURRENT USE: RESIDENTIAL

NF
 MARK D. & JANE A.
 LITE
 T.M. 20 PARCEL 10
 D.B. 1300 PG. 455
 ZONING: RURAL
 CURRENT USE: RESIDENTIAL

NF
 TIMOTHY R. & COURTNEY L.
 MALHERSE
 T.M. 20 PARCEL 8.8
 D.B. 1370 PG. 491
 ZONING: RURAL
 CURRENT USE: RESIDENTIAL

NF
 VICTORIA & KENNETH JR.
 SERVICES
 T.M. 20 PARCEL 8.5
 D.B. 1270 PG. 484
 ZONING: RURAL
 CURRENT USE: RESIDENTIAL

NF
 HENRY B. DAVEPORT III
 T.M. 20 PARCEL 8.2
 D.B. 272 PG. 523
 ZONING: RURAL
 CURRENT USE: FARM

NF
 NANCY BLUE MAGAHA
 T.M. 20 PARCEL 8.1
 D.B. 1160 PG. 180
 ZONING: RURAL
 CURRENT USE: RESIDENTIAL

NF
 NANCY BLUE MAGAHA LLC.
 T.M. 13 PARCEL 1.4
 D.B. 1220 PG. 301
 ZONING: RURAL
 CURRENT USE: FARM

NF
 ROBERT T. STEINBERG
 T.M. 20 PARCEL 9.2
 D.B. 1210 PG. 457
 ZONING: RURAL
 CURRENT USE: NON-CONFORMING

SITE PLAN
 FOR
GLOBAL ENVIRONMENTAL & REMEDIATION LLC.
 MIDDLEWAY DISTRICT
 T.M. 20 PARCEL 8.1 D.B. 1256 PG. 678
 JEFFERSON COUNTY, WEST VIRGINIA

OWNER/DEVELOPER
 GLOBAL ENVIRONMENTAL & REMEDIATION LLC
 ADDRESS
 830 SOUTH CHILDS RD.
 KEARNEYVILLE, WV 25430
 PHONE
 304-264-0001
 ATTN: RAYMOND JOHNSON

REVISIONS

No.	ITEM	DATE

PROJ. NO.: 2410093.00
 DATE: 02/18/2025
 SHEET NO.:

JEFFERSON COUNTY
 PROJECT # 25-2-SP

C102
SITE PLAN
 FOR
GLOBAL ENVIRONMENTAL & REMEDIATION LLC.
 MIDDLEWAY DISTRICT
 T.M. 20 PARCEL 8.1 D.B. 1256 PG. 678
 JEFFERSON COUNTY, WEST VIRGINIA

CONCEPT PLAN

ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

Section 3.1 Administration

- A. The provisions of this Ordinance will be governed by the County Commission or the Zoning Administrator and Staff in accordance with §8A-1-1 et seq of the West Virginia State Code, as amended. With enactment of the Ordinance, the County Commission shall designate a Zoning Administrator for the day to day administration of the ordinance.^{5,17,21}
- B. An appeal to this Ordinance, however, may be made to the Jefferson County Board of Zoning Appeals subject to the provisions of §8A-1-1 et seq of the West Virginia Code, as amended.^{17, 21}
- C. The Jefferson County Board of Zoning Appeals shall evaluate all conditional use applications and approve or deny issuance of a conditional use permit.^{2, 17, 21, 32}
- D. All departments, officials, and public employees of Jefferson County which are vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building, or purpose if the same would be in conflict with the provisions of this Ordinance.

Section 3.2 Zoning Administrator

- A. The Zoning Administrator shall administer and enforce the Zoning and Land Development Ordinance. This includes but is not limited to the following:²³
 - 1. Make determinations that all applications required by the Ordinance are complete and that all fees are paid.
 - 2. Interpret the provisions of the Ordinance as required by law.
 - 3. Issue Zoning Certificates as permitted by the Ordinance.
 - 4. Determine sufficiency and completeness of applications for a Conditional Use Permit.³²
 - 5. Issue all permits and Certificates as permitted by the Ordinance.
 - 6. Prepare and submit reports as required by the Ordinance or the Board of Zoning Appeals or Planning Commission.
 - 7. Conduct meetings and conferences pursuant to the Zoning and Land Development Ordinance.^{17, 21, 23}
- B. Any decision or action by the Zoning Administrator based on Section 3.2A above is subject to appeal to the Board of Zoning Appeals.^{17, 21}
- C. It shall be unlawful to develop, construct, alter, or reconstruct any structure or to change the use of any structure or property without first obtaining a zoning certificate from the Zoning Administrator. This provision may not apply to the general maintenance or repair or any addition deemed not a major addition as defined in Section 2.2 of this Ordinance.^{17, 21, 23}
- D. Each application for a zoning certificate shall be accompanied by a copy of an approved site plan, if applicable, or by a legible drawing either drawn to scale or accurately indicating dimensions which show property boundaries and existing and proposed structures and other proposed changes or land development. The plans shall be retained in the Office of Planning and Zoning.^{17, 21, 23}
- E. Use of any property, developmental arrangement, or construction on any property other than that authorized in the zoning certificate is a violation of this Ordinance. All provisions of this Ordinance and amendments shall be maintained perpetually.
- F. The Zoning Administrator shall approve or disapprove issuance of a zoning certificate within sixty (60) days of the initial filing date providing the application is complete and fees are paid when filed and the request is in compliance of the provisions of this Ordinance.^{17, 21}

- 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.^{17, 21, 23}
- H. A filing fee, in accordance with the County fee structure, shall be charged for all zoning certification.

Section 3.3 Enforcement

- A. The Zoning Administrator or Staff shall promptly investigate any written complaint alleging a violation of this Ordinance and determine if a violation has occurred.^{17, 21}
- B. As provided in §8A-1-1 et seq of the West Virginia Code, as amended, any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty (\$50.00) or more than five hundred dollars (\$500.00) per day. Each day during which any violation of this Ordinance continues shall constitute a separate offense.^{5, 17, 21}
- C. When it appears to the Board of Zoning Appeals or the Zoning Administrator or Staff that a violation of this Ordinance has occurred, the County shall notify the responsible person by means of a written Violation Notice. The Violation Notice shall specify the nature of the violation and shall request that the violation be terminated within 15 days from the date appearing on the Notice. Failure to terminate the violation within the requested time shall be cause for the Board of Zoning Appeals or the Zoning Administrator or Staff pursuant to §8A-10-1, 2 and 3 of the West Virginia Code, as amended, to:^{17, 21, 23}
 - 1. Seek an injunction in the Circuit Court of Jefferson County to restrain the responsible person from continuing the violation cited or seek an injunction requiring the removal of structures or land uses from the property involved; or,
 - 2. Issue a warrant for the arrest of the person responsible for the violation and seek a conviction in the Circuit Court of Jefferson County.

Section 3.4 Boards and Commissions^{23, 32}

- A. Board of Zoning Appeals
 - 1. The Board of Zoning Appeals will consist of five members to be appointed by the County Commission. Their terms of office, succession, removal, filing of vacancies, and their powers and duties shall be provided in Chapter 8A of the West Virginia Code, as amended.
 - 2. Meetings of the Board of Zoning Appeals shall be conducted according to the Rules of Procedure adopted by the Board of Zoning Appeals. In the event of a conflict between this Ordinance and the Rules of Procedure, the Rules of Procedure shall prevail.²
 - 3. The powers and duties of the Board of Zoning Appeals include but are not limited to the following:
 - a. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official in regard to the enforcement of this Ordinance or of any ordinance adopted thereto.³²

- b. The Board of Zoning Appeals shall consider requests for variances, seasonal use permits, and special exceptions from the terms of this Ordinance.³²
- c. The Board of Zoning Appeals shall have authority over the issuance or denial of a Conditional Use Permit.³²

B. Planning Commission²³

1. Membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Planning Commission and Chapter 8A of the West Virginia Code, as amended.
2. The powers and duties of the Jefferson County Planning Commission include but are not limited to the following:
 - a. Review applications for major site plans, major subdivisions, and waivers from minimum standards, pursuant to the Subdivision and Land Development Regulations;
 - b. Review requests for amendments to the County zoning map and Zoning and Land Development Ordinance;
 - c. Research and recommend to the County Commission improvements to the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations;
 - d. Make recommendations to the County Commission concerning planning and zoning issues;
 - e. Make an annual report to the County Commission concerning the operation of the Planning Commission and the status of planning within its jurisdiction;
 - f. Prepare the Jefferson County Comprehensive Plan and recommend to the County Commission for adoption or amendment.

C. County Commission²³

1. General. The County Commission shall have all powers conferred upon it by the Constitution, the laws of the State of West Virginia, and the County Charter. With respect to development approval and amendments to this Ordinance and the County's Comprehensive Plan, the powers that the County Commission retains and shall exercise include but are not limited to the powers set out in this Section.
2. Approvals. Following a public hearing and the submittal of recommendations by Staff and the Planning Commission, the County Commission may take action on the proposed adoption of, or amendments to, the following, including text, maps, and other elements:
 - a. Comprehensive Plan
 - b. Zoning and Land Development Ordinance
 - c. Subdivision and Land Development Regulations
 - d. The Jefferson County Zoning Map
 - e. An Urban Growth Boundary in accordance with Chapter 8 of the West Virginia Code, as amended:
 - i. A boundary shall be established by the County Commission in agreement with each individual municipality regarding that municipality's boundary.
 - ii. If the County Commission and municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgment relief in the circuit court which shall submit the dispute to mediation or arbitration prior to final resolution by the circuit court.

- iii. Once the county has adopted an urban growth boundary by its designation on an adopted county zoning map, the gross area inside the boundary may not be reduced without written consent of the municipality.
 - iv. The County Commission shall review each urban growth boundary at a period not to exceed ten years or upon request of the individual municipality.
3. Hiring. The County Commission shall hire staff of the Office of Planning and Zoning.
 4. Appointments. The County Commission shall appoint the members of the Planning Commission and the Board of Zoning Appeals.
 5. Fees. The County Commission shall adopt a fee schedule for processing applications pursuant to this Ordinance. The fee schedule may be amended from time to time as determined appropriate by the County Commission.

D. Historic Landmarks Commission³⁵

1. A five member commission, appointed by the Jefferson County Commission. Powers, membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Historic Landmarks Commission and Chapter 8 Article 26A of the West Virginia Code.
2. The Jefferson County Historic Landmarks Commission does not have the authority to nominate or designate a historic site for inclusion on the National Register without the property owner's consent and does not have the authority to create a Historic District due to the restrictions in WV State Code §8-26A-3 and related statutes.
3. Historic Preservation is not to infringe on the property owner's rights. The Jefferson County Historic Landmarks Commission is encouraged to protect historic sites in Jefferson County by raising capital to purchase historic sites and battlefields at fair market value.
4. This Ordinance encourages the preservation of historic buildings and historic sites by working with the landowner on a voluntary basis. All historic sites in Jefferson County are classified by their Category of Importance, used to determine the level of protection afforded that site. The categories are as follows:
 - a. **Category I.** These are the most important historic sites in Jefferson County. This category includes individually listed National Register structures and properties; Historic Districts including their contributing structures; and Federally recognized Civil War Battlefields. These properties retain a high level of original condition and integrity.
 - b. **Category II.** These sites are classified as important. This category includes Jefferson County Landmarks, historic sites that may be National Register eligible, and other Civil War battle sites. Sites in this Category may have been altered or changed to such a degree that they no longer retain the same level of integrity as the original condition.
 - c. **Category III.** These sites have moderate importance.
 - d. **Category IV.** These are sites that are at least 50 years old, have little or no significance, but are listed on the Landmarks Commission's inventory.

Refer to Section 4.6 for distance requirements and protection radius standards.

JEFFERSON COUNTY, WEST VIRGINIA
Department of Planning & Zoning
116 East Washington Street, 2nd Floor
P.O. Box 338
Charles Town, West Virginia 25414

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228
Fax: (304) 728-8126

MEMO

TO: Planning, Zoning, and Engineering Departments
FROM: Steve Barney, Zoning Administrator, Planning and Zoning Department
DATE: June 17, 2013
RE: Determination: Commencement of a Land Use – Conditional Use Permits and Zoning Certificates

Background

The validity period for Conditional Use Permits (CUPs) and Zoning Certificates is established in Section 3.2G of the Jefferson County Zoning and Land Development Ordinance, which states:

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.

Because the ordinance does not define what is meant by commencement of a land use, I am issuing a determination to interpret this provision of the ordinance.

Determination of Commencement of Land Use

Commencement of a land use for site plan developments, residential subdivision developments, and other developments associated with Conditional Use Permits and Zoning Certificates shall be as follows:

1. **Site Plan**

A Conditional Use Permit or Zoning Certificate associated with a site plan development (industrial, commercial, multi-family, etc.) shall be considered to have commenced following:

- a. Approval of a site plan for the land use by the appropriate approving entity designated in the Jefferson County Subdivision and Land Development Regulations¹; and
- b. Issuance of a building permit application for the use, following site plan approval, subject to the following:
 - i. If construction lawfully begins for work shown on the approved building permit, then the construction/commencement of the use shall be considered valid, and the CUP or Zoning Certificate is no longer subject to expiration per Section 3.2G.

- ii. If no construction work lawfully begins for work shown on the approved building permit associated with a CUP or Zoning Certificate, the CUP or Zoning Certificate shall be valid until the later of:
 - (a) The expiration date of the CUP or Zoning Certificate, whichever is applicable (as amended by any extensions approved by the Board of Zoning Appeals); or
 - (b) The expiration date of the building permit.

2. Residential Subdivision Development

A Conditional Use Permit for a residential subdivision shall be considered to have been commenced after approval of a final plat by the appropriate approving entity designated in the Jefferson County Subdivision and Land Development Regulations.ⁱ

3. Other Developments

For land uses that do not require approval of a site plan or a residential subdivision plat prior to initiation, the use shall be considered to have commenced following:

- a. Lawful occupancy of the site by the land use (i.e. establishment of the business or other land use type for which the Conditional Use Permit or Zoning Certificate was issued, on the subject property, in compliance with all county requirements); or
- b. Issuance of a building permit application for the use, subject to the following:
 - i. If construction lawfully begins for work shown on the approved building permit, then the construction/commencement of the use shall be considered valid, and the CUP or Zoning Certificate is no longer subject to expiration per Section 3.2G.
 - ii. If no construction work lawfully begins for work shown on the approved building permit, the CUP or Zoning Certificate shall be valid until the later of:
 - (a) The expiration date of the CUP or Zoning Certificate, whichever is applicable (as amended by any extensions approved by the Board of Zoning Appeals); or
 - (b) The expiration date of the building permit

Please let me know if you need additional information.

ⁱ For site plans and final plats that require Planning Commission approval: In the event that a request to approve a site plan or final plat is scheduled on a Planning Commission agenda for a date prior to the expiration of the CUP or Zoning Certificate, and the meeting is postponed or the agenda item is postponed (by the behest of the Planning Commission rather than by request of the applicant) to a subsequent meeting, then the CUP or Zoning Certificate shall continue to be considered valid until the meeting at which the Planning Commission votes on the request.



Global Environmental & Remediation, LLC

2632 South Childs Road; Kearneysville, WV 25430

Phone: (304-279-5335) ♦ Rjohnson@generalger.com

Department of Engineering, Planning and Zoning
116 E. Washington Street, 2nd Floor
Charles Town, WV 25414

Subject: Global Environmental Conditional Use Permit – Expiration

This is in reference to the Conditional Use Permit for Global Environmental & Remediation, LLC (File #24-5-CUP) to operate a construction company under the land use designation (Contractor with Outdoor Storage), as listed in Appendix C of the Zoning Ordinance. The request was granted by the Board of Zoning Appeals on July 24, 2024.

We have not been able to get the site plan for this project completed and are requesting an extension for up to 18-months.

Either a representative or I will be in attendance at a meeting to answer any questions you may have.

Sincerely,


Raymond L. Johnson
Global Environmental & Remediation, LLC
2632 South Childs Road
Kearneysville, WV 25430
Ph. 304-279-5335
Rjohnson@generalger.com

Subject: Fwd: Global Environmental Conditional Use Permit - Expiration
Date: Friday, February 6, 2026 at 2:36:46 PM Eastern Standard Time
From: Raymond Johnson
To: Susan Johnson
Attachments: 24-5-CUP Global Environmental Building-Johnson CUP Issued 09-10-24.pdf

Sent from my iPhone

Begin forwarded message:

From: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Date: February 6, 2026 at 2:30:16 PM EST
To: Raymond Johnson <rjohnson@generalger.com>
Subject: Global Environmental Conditional Use Permit - Expiration

Good afternoon,

Please note that the issued Conditional Use Permit for Global Environmental is set to expire on **March 10, 2026**. This means that the land use must “commence” by this date. Generally “commence” means that a Building Permit or a Zoning Certificate related to the business must be issued prior to March 10th. I have attached a copy of the issued CUP for your reference.

To ensure that the project can continue, you may pursue one of the following options:

- ★ 1. Submit a letter requesting an extension of the Conditional Use Permit. You may request to extend the CUP up to 18-months. The letter will need to be evaluated by the Board of Zoning Appeals. You or a representative will need to be in attendance to answer any question that the Board may have related to the extension.
2. We would be able to issue a Zoning Certificate if you plan on storing any equipment related to the business on the property prior to the full commencement of the business. For example, parking trucks or other equipment on any existing gravel.

I'd be happy to provide additional information depending on which option you would like to pursue.

Please feel to reach out if you have any follow up questions.

Thank you very much.

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



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

Email: zoning@jeffersoncountywv.org

Phone: 304-728-3228

September 10, 2024

Global Environmental & Remediation LLC
Attn: Raymond Johnson
rjohnson@generalger.com

Mr. Johnson:

Enclosed is the Conditional Use Permit for Global Environmental & Remediation LLC (**File #24-5-CUP**) to operate a construction company under the land use designation Contractor with Outdoor Storage, as listed in Appendix C of the Zoning Ordinance. The request was granted by the Board of Zoning Appeals on July 25, 2024.

Please review the Restrictions/Conditions noted in the Permit. Any future change in use or expansion will require processing through the Jefferson County Department of Engineering, Planning, and Zoning to update this Permit and ensure compliance with applicable County Regulations.

Additional processing through the following government agencies may be required:

- West Virginia Division of Highways (entrance permit): 681-320-2039
- Jefferson County Health Department (well & septic): 304-728-8416
- Office of Building Permits & Inspections: 304-725-2998
- Office of Impact Fees, Contact Michelle Mason: 304-728-3331
- State Fire Marshal: 304-558-2191

In accordance with Section 3.2G of the Zoning Ordinance, 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. Therefore, **if the use has not commenced by March 10, 2026**, the Conditional Use Permit will expire, unless an extension is granted. If an extension is required, the request must be submitted to the Office of Planning & Zoning for consideration by the Board of Zoning Appeals, prior to the expiration date.

Also enclosed are the Board of Zoning Appeals' meeting minutes from July 25, 2024, which includes the Board's conditions of approval for Zoning Variance File #24-24-ZV to allow for a modified buffer screen.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Alexandra Beaulieu
Deputy Director & Zoning Administrator

Rules of Procedure of the Jefferson County Board of Zoning Appeals

Jefferson County, West Virginia

Effective January 26, 2023

Table of Contents

Article I – General	3
Section 1.1 – Definitions.....	3
Section 1.2 – Authority.....	4
Section 1.3 – Severability.....	4
Section 1.4 – Amendments.....	4
Article II – Organization	4
Section 2.1 – Membership.....	4
Section 2.2 – Term of Office.....	4
Section 2.3 – Powers and Duties.....	4
Article III – Officers	5
Section 3.1 – Elections.....	5
Section 3.2 – Chairperson.....	5
Section 3.3 – Vice Chairperson.....	5
Section 3.4 – Secretary.....	5
Section 3.6 – Replacing Officers.....	5
Section 3.7 – Alternate Members.....	5
Article IV – Meetings	6
Section 4.1 – Regular Meetings.....	6
Section 4.2 – Special Meetings.....	6
Section 4.3 – Recording of Meetings.....	6
Section 4.4 – Quorum and Majority Vote.....	6
Section 4.5 – Agendas.....	6
Section 4.6 – Executive Sessions.....	6
Section 4.7 – Procedures for Conducting Meetings.....	7
Section 4.8 – Open Governmental Proceedings.....	7
Article V – Consideration of Items	7
Section 5.1 – Voting.....	7
Section 5.2 – Recusal.....	7
Section 5.3 – Ex Parte Communications.....	7
Section 5.4 – Continuance.....	8
Section 5.5 – Notice.....	8
Section 5.6 – Submissions to the Board.....	8
Section 5.7 – Procedure for Hearings.....	8
Section 5.8 – Reopening Hearing.....	9
Article VI – Appeals	9
Section 6.1 – Scope of Appeals to the Board.....	9
Section 6.2 – Time.....	9
Section 6.3 – Posting of Property.....	9
Section 6.4 – Publication of Notice.....	9
Section 6.5 – Supplementation of Record for an Appeal Hearing.....	10
Section 6.6 – Appeals of Board Decisions.....	10

RULES OF PROCEDURE OF THE
JEFFERSON COUNTY BOARD OF ZONING APPEALS

WHEREAS, W.Va. Code § 8A-8-1, et seq., provides for the establishment and powers of a Board of Zoning Appeals, and

WHEREAS, the Jefferson County Board of Zoning Appeals is duly authorized, pursuant to W.Va. Code § 8A-8-9, to adopt rules of procedure to carry out its obligations pursuant to the Jefferson County Zoning and Development Review Ordinance and West Virginia law, and

WHEREAS, the Jefferson County Board of Zoning Appeals wishes to establish certain rules and regulations to effectuate its purpose and provide consistency for its proceedings,

NOW, THEREFORE, the Jefferson County Board of Zoning Appeals hereby adopts these Rules of Procedure which shall be applicable to all proceedings of the Board.

ARTICLE I – GENERAL

Section 1.1 – Definitions

As used throughout these Rules of Procedure, the following terms shall be defined as follows:

<i>Administrative Official</i>	Refers to any member of staff, including but not limited to the Zoning Administrator, who has made a decision or determination of an issue relating to the Zoning Ordinance.
<i>Appellant</i>	Refers to any party which has filed a timely appeal with the Board.
<i>Board</i>	Refers to the Jefferson County Board of Zoning Appeals.
<i>County Commission</i>	Refers to the County Commission of Jefferson County.
<i>Item</i>	Refers to any matter before the Board for consideration or discussion, and shall be construed broadly.
<i>Member</i>	Refers to a member of the Board.
<i>Ordinance</i>	Refers to the Jefferson County Zoning and Land Development Ordinance.
<i>Present</i>	A person is present at a meeting when in attendance physically, or by video conference when the meeting is so noticed.

Respondent The Zoning Administrator when a timely appeal is filed alleging error with respect to a formal zoning decision or zoning determination or the owner of the property subject to an appeal by a third party.

Staff Refers to the Department of Zoning and its employees.

Section 1.2 – Authority

These Rules of Procedure and its provisions are authorized by W.Va. Code § 8A-8-9, which empowers the Board, among other things, to adopt rules and regulations concerning the filing of appeals, applications for variances and conditional uses, the giving of notice, and the conduct of hearings.

Section 1.3 – Severability

The invalidation of any provision or section of these Rules of Procedure shall not invalidate any other provision or section of these Rules of Procedure.

Section 1.4 – Amendments

These Rules of Procedure may be amended at any regular meeting of the Board by a majority vote of the Board, and shall take effect immediately or at a date certain determined by the Board.

ARTICLE II – ORGANIZATION

Section 2.1 – Membership

Pursuant to W.Va. Code § 8A-8-4, the Board shall be comprised of five (5) members appointed by the County Commission. Membership on the Board shall be in compliance with all the requirements of W.Va. Code § 8A-8-4.

Section 2.2 – Term of Office

Upon appointment to the Board, a member shall serve a term of three (3) years pursuant to W.Va. Code § 8A-8-4(d). If a vacancy occurs, the County Commission shall appoint a member for the unexpired term.

Section 2.3 – Powers and Duties

In addition to the powers and duties provided in these Rules of Procedure, the Board and its members shall have such other powers and duties as provided by ordinance and/or law, including but not limited to W.Va. Code § 8A-8-9.

ARTICLE III – OFFICERS

Section 3.1 – Elections

At its first regular meeting each year, the Board shall elect from its members a Chairperson and Vice Chairperson.

Section 3.2 – Chairperson

The Chairperson shall serve a term of one (1) year, and shall preside at all public hearings held by the Board. The Chairperson may call special meetings of the Board as necessary, and is empowered to certify by signature or otherwise any official and valid action of the Board. The Chairperson shall also perform such duties and functions as may from time to time be required by the Board.

Section 3.3 – Vice Chairperson

During any absence of the Chairperson, the Vice Chairperson shall assume the duties and functions of Chairperson. The Vice Chairperson shall also perform such duties and functions as may from time to time be required by the Board.

Section 3.4 – Secretary

In the absence of both the Chairperson and Vice Chairperson, the Board Secretary shall fulfill the duties and functions of the Chairperson and/or Vice Chairperson.

Section 3.5 – Absence of Chairperson and Vice Chairperson

In the absence of the Chairperson, Vice Chairperson, and Secretary, any present member may call to order a regular or special meeting of the Board, which shall thereupon immediately empower one or more of its present members to fulfill the duties and functions of Chairperson and/or Vice Chairperson during said absence.

Section 3.6 – Replacing Officers

In the event of the death, resignation, or removal of an officer of the Board, the Board shall thereupon elect one of its members to complete the unexpired term. A four-fifths majority of the total membership of the Board may, at any regular meeting, remove the Chairperson and/or the Vice Chairperson from office, provided that a new election to fill the remaining term(s) of office is immediately held.

Section 3.7 – Alternate Members

Pursuant to W.Va. § Code 8A-8-4(e), the County Commission may appoint up to three (3) additional members to serve as alternate members of the Board. The term for an alternate member is three (3) years. An alternate member shall serve on the Board when one of its regular members is unable to serve, and in such instance shall have all powers and duties of a regular member. The alternate member shall serve until a final determination is made in the matter to which the alternate member was initially called on to serve. Alternate members shall be entitled to be present at all Board meetings and deliberations.

ARTICLE IV – MEETINGS

Section 4.1 – Regular Meetings

The Board shall hold regular meetings on the fourth (4th) Thursday of each month at 2:00 p.m. in the ground floor meeting room of the Old Charles Town Library, at 200 East Washington Street, Charles Town, West Virginia. Prior notice shall be provided in the event that any regular meeting is held at a different location, at a different time, or by video conference. A regular meeting may be postponed, cancelled or rescheduled for appropriate reasons such as inclement weather or conflict with a holiday, and in such case prior notice of said postponement or cancellation shall be provided if possible.

Section 4.2 – Special Meetings

A special meeting may be called by the Chairperson or by two or more members of the Board, with said meeting to be held on a different day and/or a different time than regular meetings. Pursuant to W.Va. Code § 8A-8-5, notice for all special meetings shall be in writing, include the date, time and place (and will state that the meeting will be held by video conference, if applicable) of the special meeting, and be sent to all members at least two days before the special meeting. Written notice of a special meeting is not required if the date, time and place of the special meeting were set in a regular meeting. A special meeting may be postponed or cancelled for appropriate reasons, and in such case prior notice of said postponement or cancellation shall be provided to the public and members if possible.

Section 4.3 – Recording of Meetings

All meetings of the Board shall be recorded, and such recordings shall be maintained and made available, upon request and in accordance with the procedures of the Board and/or its staff, to the public. Recordings shall be maintained by staff for a minimum of five years.

Section 4.4 – Quorum and Majority Vote

In order to conduct a regular or special meeting, a quorum of members must be present. A majority of members of the Board shall constitute a quorum. Once the requirement for a quorum has been met, no action of the Board shall be official or valid unless authorized by a majority of members making up said quorum at a regular or special meeting.

Section 4.5 – Agendas

An agenda shall be made available prior to the start of all regular and special meetings. Items shall be listed on the agenda in such a manner as to sufficiently identify the substance of the item and allow for a vote on the item by the Board if necessary. The Board may deviate from the order of an agenda if necessary.

Section 4.6 – Executive Sessions

The Board may hold an executive session, closed to the public, during any meeting to consider matters permissible in executive sessions pursuant to W.Va. Code § 6-9A-4, including, but not limited to, deliberations toward a decision on an appeal or other item, privileged discussions with legal counsel, and personnel matters.

Section 4.7 – Procedures for Conducting Meetings

In the absence of state law or of other procedures of the Board, Roberts Rules of Order, current edition, shall be the parliamentary authority of meetings of the Board.

Section 4.8 – Open Governmental Proceedings

All meetings and actions of the Board shall comply with the requirements of West Virginia’s open meetings laws, codified at W.Va. Code § 6-9A-1, et seq.

ARTICLE V – CONSIDERATION OF ITEMS

Section 5.1 – Voting

A member must be present at a meeting to vote on any item considered at said meeting. Voting by proxy is not permitted. Abstention and recusal shall be permitted only for reasons set forth in these Rules. Any member who abstains, recuses himself/herself, or otherwise chooses not to participate in a vote shall thereupon publicly state the reason.

Section 5.2 – Recusal

A member may recuse himself/herself in relation to an item for the reasons set forth herein, in which case such member shall not participate in discussion, consideration or vote on said item. Valid reasons for recusal include (1) having a personal interest in an item, (2) having a contractual, employment, or other relationship with a party involved with an item, (3) being unable to impartially consider an item, or (4) having been absent from part or all of the discussion or consideration of an item. A member recusing himself or herself shall thereupon state the reason for such recusal and leave the meeting, remaining absent for the duration of consideration and/or discussion of the item.

At all times, a member shall recuse himself or herself when his or her participation in the consideration, discussion, or vote regarding an item would give rise to the appearance of impropriety.

At all times, a member shall make full public disclosure of any and all issues which may tend toward an appearance of impropriety, and such disclosure shall be made prior the Board’s consideration of the relevant item

Section 5.3 – Ex Parte Communications

For purposes of these Rules of Procedure, ex parte communications consist of communications regarding the substance of an item that is or will be before the Board for consideration and/or discussion, when such communications are between one or more members of the Board and one or more individuals involved with the item. No member of the Board shall voluntarily and knowingly engage in ex parte communications without the authority of the Board. In the event that a member of the Board has engaged in or receives any ex parte communication, said member shall bring the same to the attention of the Board and shall publicly disclose the same. Communications with third parties regarding procedural aspects of items do not constitute ex parte communications.

Section 5.4 – Continuance

The Board may continue, reschedule, or re-open proceedings on an item for any good cause.

Section 5.5 – Notice

All items shall be noticed in accordance with the Ordinance, these Rules of Procedure, and staff procedures. In accordance with Section 3.4A(3)(b)(ii) of the Jefferson County Zoning and Land Development Ordinance (6/1/14), “the subject property shall be posted conspicuously” shall mean that a notice shall be posted on every road, right-of-way, and/or easement on which the public may travel adjoining or abutting the property, as determined by the Zoning Administrator. If an item is continued, rescheduled, or postponed, and the new time and date are announced at the same meeting, then no additional notice is required for that item. If an item is continued, rescheduled, or postponed, and the new time and date are not announced at the same meeting, all parties of record shall be provided not less than seven (7) calendar days notice of the new time and date.

Section 5.6 – Submissions to the Board

Submissions regarding all items for Board consideration shall be made in accordance with the Ordinance, these Rules, and relevant staff procedures. Staff may establish deadlines for submittal of applications and supplemental material. Late submissions, including submissions made the day before or the day of any meeting of this Board, may not receive full consideration by the Board due to the lack of time for proper Board and staff review.

Section 5.7 – Procedure for Hearings

Prior to hearings on all items, the Board will require all persons present who wish to give comments on any item to place their name on a written list of anticipated speakers.

Hearings on items shall be conducted in the following manner:

- (1) Chairperson opens public hearing;
- (2) Staff presents summary of application and staff report;
- (3) Applicant/Appellant testimony;
- (4) Respondent(s) testimony;
- (5) Public comment;
- (6) Rebuttals of staff, applicant/appellant and respondent(s);
- (7) Chairperson calls for a vote for closed deliberation and recesses public hearing if motion carries;
- (8) After consideration, Board reopens public hearing and renders a decision.
- (9) In the case of a variance request where no one has filed written opposition and no one but the applicant appears to testify, any member may move for summary approval by unanimous consent based on the Board’s consideration of the application and the written staff report.

The Chairperson shall preside at the hearing and shall make such rulings as may be necessary to conduct a hearing in an efficient and orderly manner including, but not limited to, the imposition of time limitations and the exclusion of irrelevant, repetitive, or cumulative evidence or testimony. A member may question the rulings of the Chairperson, and such questions may be decided by a motion and subsequent majority vote of the Board.

Section 5.8 – Reopening Hearing

At any time prior to the rendering and/or filing of a decision, the Board may, upon the request of a party or upon its own motion, reopen proceedings on an item for the receipt of further evidence or information. All parties of record shall be given proper notice of the reopening and granted an opportunity to review additional evidence and information and file any rebuttal or additional comments.

ARTICLE VI – APPEALS

Section 6.1 – Scope of Appeals to the Board

Pursuant to W.Va. Code § 8A-8-9, the Board shall hear, review and determine appeals from an order, requirement, decision or determination made by an administrative official or party charged with the enforcement of a zoning ordinance or rule and regulation adopted pursuant thereto.

Section 6.2 – Time

All appeals to the Board shall be filed within thirty (30) days of the entry of the order, requirement, decision or determination which is the subject of the appeal. Within ten (10) days of receipt of a complete appeal form and associated fee(s), the Board, through its Staff, shall set a date for a public hearing of the appeal.

Section 6.3 – Posting of Property

If an appeal hearing involves the use of land, including requests for exceptions, variances, and conditional use permits, the property owner shall post signs on the property showing the date, time, and place of the hearing on every road, right-of-way, and/or easement on which the public may travel adjoining or abutting the property, as determined by the Zoning Administrator. The signs shall be posted at least fifteen (15) days in advance of the hearing. All signs shall be prepared by the Board's staff and the Appellant shall bear reasonable costs associated therewith.

The property owner is responsible for compliance with the posting requirements set out herein, and said property owner shall bear the burden of proof of compliance in the event that a question regarding compliance arises. In the event that the application is for an appeal of a decision made by the Zoning Administrator that involves a property not owned or leased by the appellant, staff shall contact the property owner and inform them of the need to post a sign on their property. If they are unwilling to allow the appellant to post the sign, staff shall post the sign.

Section 6.4 – Publication of Notice

At least fifteen (15) days prior to an appeal hearing, the Board, through its staff, shall publish a notice of public hearing in a local newspaper. The notice shall include the date, time, and place of the hearing and shall be a class I legal advertisement in compliance with W.Va. Code § 59-3-1, *et seq.* The Board may require the Appellant to pay for the cost of the advertisement.

Section 6.5 – Supplementation of Record for an Appeal Hearing

Appellant(s) may provide two copies of supplemental materials to the Board in advance of a hearing on an appeal of an administrative decision and the same must be submitted no later than 15 days prior to the hearing date. The Appellant(s) shall also deliver complete copies of the supplemental materials to any applicable Respondent(s) at the same time and shall certify to staff that such materials were delivered as required.

No later than one (1) week prior to an appeal hearing, any Respondent(s) may file documentation with the Board for consideration and shall deliver complete copies of any material submitted to all other parties and shall certify to staff that such materials were delivered as required. The Board may consider the written decision being appealed together with all materials in the official file maintained by staff at the time of the hearing without necessity of mailing or delivery to any party. The parties may review the administrative file prior to the hearing.

All submissions shall be made in accordance with the Board of Zoning Appeals Rules of Procedure. Failure to follow submission guidelines by an Appellant shall be considered failure to file a complete appeal and the Board in its discretion may postpone the hearing until the Appellant complies or ignore the supplemental materials and base its decision upon other materials provided.

Section 6.6 – Appeals of Board Decisions

Pursuant to W.Va. Code § 8A-9-1, every decision of the Board is subject to review by petition for writ of certiorari in circuit court.

These rules became effective on the 26th day of January 2023.

JEFFERSON COUNTY
BOARD OF ZONING APPEALS,

By: _____

Chairperson

PLANNING COMMISSION PUBLIC MEETINGS POLICY

Approved by Planning Commission 07/08/2025

The Planning Commission establishes its own rules for the conduct of public hearings and public workshops to ensure a smooth and orderly process. Procedures and policies for public hearings and public workshops are found below.

Public comment is welcome and encouraged to be submitted prior to all meetings.

PUBLIC HEARINGS AND PUBLIC WORKSHOPS PROCEDURES FOR APPLICATIONS

All persons planning to testify on an item open to public comment should refer to the Conduct of Public Hearings and Public Workshops Section found below. The following is an outline of the procedures for public hearings and public workshops followed by the Commission when a land use application is presented. The items are listed in the order in which they usually occur.

1. The President or the presiding Commission member will call for the public hearings and public workshops by naming the specific case and the application by its proper name. If any members of the Commission need to make disclosures or recuse themselves based on the application before them, the Commission members shall do so at this time.
2. The President or the presiding Commission member will ask Staff to present the case. The Staff will describe the property and describe the application request and action required.
3. The President or the presiding Commission member will then allow the applicant, or authorized agent, to make their presentation. The time limit for the applicant's presentation is normally ten (10) minutes; however, the President or the presiding Commission member may allow up to fifteen minutes (15) for complex cases.
4. After reviewing the public hearings and public workshops procedures, the President or the presiding Commission member will call for citizen testimony. All presentations are timed and limited to a three (3) minute period. Persons will be recognized in the order in which their names appear on the Speakers List. A written statement to the Planning Commission Staff may be submitted if you do not want to speak directly to the Commission. All written correspondence is entered into the public record for each application.

5. Following the completion of the citizen testimony, the applicant will have the opportunity to respond to questions and/or issues raised by the Commission and/or citizens. The time limit for the applicant's rebuttal testimony is normally five (5) minutes.
6. After the applicant's rebuttal, the President or the presiding Commission member will recognize the Staff for their recommendation, closing comments, and/or responses to questions. In addition to the closing remarks from Staff, Commission members will be recognized for their questions, concerns, or comments on this application.
7. Following all comments, the President or the presiding Commission member will call for a motion for Commission discussion and action.

CONDUCT OF PUBLIC HEARINGS AND PUBLIC WORKSHOPS


Public comment is welcome and encouraged to be submitted prior to all meetings. All persons planning to testify shall sign up on the designated Speakers List prior to the meeting, which shall be available no later than fifteen (15) minutes before the meeting is called to order. After the meeting is called to order, sign-ups will close for that meeting. When called upon to speak, the speaker must be recognized by the President or the presiding Commission member, and the speaker must state their name and address for the public record.

All presentations are timed and limited to a three (3) minute period. Persons whose presentations do not pertain to the current agenda item may have their public comment period ended early by the President or the presiding Commission member. If the speaker does not finish their presentation, a copy of the statement may be provided to the Planning Commission staff as soon as possible. The entire presentation will then be entered as part of the public record.

In order to minimize repetitive testimony, organizations are encouraged to have only one person speak for their group, with other members of the organization standing to show their support. Testimony determined to be repetitive and of little additional value to the Commission and the public by the Commission may be stopped by the President or by the presiding Commission member.

The total allotted time for each public hearing or public workshop shall be ninety (90) minutes. The allotted time will only be given to the individuals that are signed up and cannot be dedicated to other individuals, groups or organizations. Each person may testify only once per Public hearings or Public Workshop, unless called back to the podium at the request of a Commission member.

Approved by Action of the Planning Commission: By a vote of 7 For 0 Against


Mike Shepp
Planning Commission President

7/22/25
Date



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 Thursday, February 26, 2026 Board of Zoning Appeals Meeting

Date of Memo: February 20, 2026

- 1) Next regular meeting scheduled for **Thursday, March 26, 2026**
 - Deadline for submission was Friday, February 20, 2026.
- 2) Zoning Certificate Activity Report – attached
- 3) Solar Text Amendment - Engineering is currently reviewing potential changes to the Subdivision & Land Development Regulations. Planning Commission review TBD.
- 4) On January 22, 2026, the County Commission adopted (2) new zoning districts: Residential Commercial; and Rural Residential.



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

February 2026

Zoning Certificate Activity Report

File #	25-56-ZC
Request:	Telecommunications Tower Equipment Modifications
Property Owner:	Kenneth Wilt
Applicant:	Amentum / Attn: Kisha Snipes (AT&T)
Parcel Information:	3343 Shepherdstown Pike, Shenandoah Junction, WV 25442 Parcel ID: 02002000310000; Size: ~53 acres; Zoning District: Rural; Deed Book: 1045; Page: 445; PC File #S10-11 (new telecommunications facility)
Date of Issuance:	02/10/2026
File #	26-2-ZC
Request:	Farm Vacation Enterprise (5 lodging units)
Property Owner:	Stiles, Stanley and Barbara Estate (c/o Chris Stiles)
Applicant:	P.J. Raco Consulting, LLC / Attn: Paul Raco
Parcel Information:	250 Dairy Lane, Berryville, VA 22611 Parcel ID: 06001800020004; Size: 2.09 acres; Zoning District: Rural; Deed Book: 534; Page: 58
Date of Issuance:	02/10/2026
File #	26-3-ZC
Request:	New Signage – Jimmy Johns
Property Owner:	SUSO 2 Alabama, LP / Attn: Stelios Mourtzakis
Applicant:	Sign Here / Attn: Douglas Martin
Parcel Information:	130 Patrick Henry Way, Charles Town, WV 25414 Parcel ID: 02000800290002; Size: 21.33 acres; Zoning District: Residential-Light Industrial-Commercial; Deed Book: 1170; Page: 471; Change in Tenant Approval: 25-35-ZC
Date of Issuance:	01/27/2026
File #	26-4-ZC
Request:	New Signage – UPS Store
Property Owner:	B33 Jefferson Crossing, LLC
Applicant:	Mid-Atlantic Permitting Services, LLC
Parcel Information:	71 Jefferson Crossing Way, Suite D, Charles Town, WV 25414 Parcel ID: 02000800240009 Size: 1.17 acres; Zoning District: Residential-Light Industrial-Commercial; Deed Book: 1317; Page: 500; Change in Tenant Approval: 25-55-ZC
Date of Issuance:	01/30/2026
File #	26-7-ZC
Request:	Short Term Rental: Oak and Ember Retreat
Property Owner:	Ashley and Eric Shoeneberg
Applicant:	82 CCEAS LLC
Parcel Information:	82 Christ Church Rd., Harpers Ferry, WV 25425 Parcel ID: 06002601350000; Size: 1 acres; Zoning District: Rural; Deed Book: 1361; Page: 189
Date of Issuance:	02/10/2026



West Virginia E-Filing Notice

CC-19-2025-P-174

Judge: Bridget Cohee

To: Jefferson County Prosecuting Attorney
jeffersonprosecutor.efile@jcpawv.org

NOTICE OF FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

Wanda C. Aitcheson v. Matthew McKinney

CC-19-2025-P-174

The following order - case was FILED on 2/6/2026 1:55:38 PM

Notice Date: 2/6/2026 1:55:38 PM

Tina Renner
CLERK OF THE CIRCUIT COURT
Jefferson County
PO Box 1234
CHARLES TOWN, WV 25414

(304) 728-3231
circuitclerk@jeffersoncountywv.org

In the Circuit Court of Jefferson County, West Virginia

**Wanda C. Aitcheson,
Robert D. Aitcheson,
Wanda C. Aitcheson, Trustee,
Robert D. Aitcheson, Trustee,
Pamela K. Rowley ET AL,**
Plaintiffs,

v.

Case No. CC-19-2025-P-174
Judge Bridget Cohee

**Matthew McKinney,
David Wiegand,
Keith Semler,
Christopher Stiles,
Tyler Quynn ET AL,**
Defendants

Order Granting Motion to Dismiss

The Respondent, the Jefferson County Board of Zoning Appeals (hereinafter “BZA”) filed a Motion in Opposition to Issuance of Writ and to Dismiss the Petition and to Strike Individual Board Members as Parties on January 30, 2026. In consideration of the Motion, exhibits thereto, any opposition to same, the pleadings in support thereof filed by the co-Respondent, Rippon Energy Facility, LLC, the Court makes the following findings of fact and conclusions of law:

BACKGROUND

1. This matter involves a Petition filed in opposition to a Variance granted by the BZA to Rippon Energy Facility, LLC (“the applicant”), for a time extension for a previously approved Conditional Use Permit (“CUP”) for a 99MW solar energy generating facility in the Kabletown area of Jefferson County.

2. On June 7, 2024, the BZA granted an eighteen-month extension discussed in Zoning Ordinance 6.3 which extended the CUP vesting time until December 7, 2025.

3. At the October 23, 2025 BZA meeting, the Applicant, concerned engineering challenges might prevent vesting, requested a variance to extend the time to vest the CUP by nine months.

4. The BZA considered the Variance request on October 27, 2022 and issued a final written Order granting the Variance on December 8, 2025.

5. The variance extended the deadline to vest the CUP for nine months.

6. The Planning Commission approved the Concept Plan for the project on November 15, 2022.

7. The County issued a Zoning Certificate on November 1, 2023.

8. The submission of construction and storm water plans vested the Concept Plan on November 7, 2025.

CUP VESTED PRIOR TO VARIANCE

9. The County issued a building permit application on December 2, 2025, prior to the expiration date of the CUP without regard to the Variance at issue.

10. Long-standing Jefferson County Zoning policy, established in June 2013 by the Zoning Administrator, provides the issuance of building permit application vests a CUP (*see* Respondent's Exhibit 1; June 17, 2013 Policy of the Zoning Administrator concerning vesting of CUP, hereinafter "the Policy").

11. The Zoning Administrator issued the Policy to clarify when a project "commences" for the purposes of vesting a CUP under Zoning Ordinance §3.2(G) (CUP is "void" if construction of use has "not commenced" within applicable time period).

12. The Policy provides that a non-residential CUP commences --and thus vests-- upon the issuance of a building permit application for the first phase of the project (*see* Policy §3).

13. The Policy has been applied consistently to all county issued CUP's without contest or appeal.

14. "Interpretations of statutes by bodies charged with their administration are given great weight unless clearly erroneous.' Syl. Pt. 4, *Security Nat'l Bank & Trust Co. v. First W. Va. Bancorp*, 166 W.Va. 775, 277 S.E.2d 613 (1981)." Syllabus Point 3, *Corliss v. Jefferson County Bd. of Zoning Appeals*, 214 W.Va. 535, 591 S.E.2d 93 (2003).

15. The Policy issued by the Zoning Administrator does not conflict with the Ordinance and clarifies the meaning of "commences." The Policy is not clearly erroneous and the Court must defer to the judgment of the County appointed Zoning Administrator.

16. A building permit application is issued when an Applicant successfully completes all necessary pre-conditions necessary for a final building permit staff review.

17. On or about December 2, 2025, the applicant qualified for the issuance of a building permit application, which is numbered 25-1121. The number reflects the date the building permit application was issued on the particular project, in the case #25-1121, December 2, 2025 application date (*see* Respondent's Exhibit 3; January 21, 2026 Building Permit).

18. At a later date, after final staff review, the permit is issued with a project but relates back to the date the building permit application was issued commencing the CUP.

19. In the instant project, the applicant met all pre-conditions and the County staff issued a building permit application on December 2, 2025. With the build permit application, **the CUP vested five days prior to the expiration of the CUP without regard to the additional time the disputed variance granted.**

20. The dispute as to the validity of the Variance is Moot as the formal building permit based upon the accepted application was issued during the pendency of the valid Variance which would also have vested the CUP if the Policy did not already do so.

BZA LAWFULLY ISSUED VARIANCE

21. Even if the Petition were not moot, the Court would still dismiss the Petition for failure to state a claim.

22. The Petitioners sole challenge is a claim that the BZA lacks the legal authority to issue a variance to extend the CUP to allow additional time to vest the project. Significantly, the Complaint does not alleged the factual underpinnings of the variance were erroneous or unsupported by evidence at the hearing. Therefor the only issue with regard to the variance is a purely legal one: the Petitioners' claim the law does not allow the BZA to grant a variance to extend the time to perfect the CUP previously approved.

23. Since no factual issues are disputed the Court need not grant the writ which triggers the production of the factual record. The Court may address the alleged "legal error" concerning the Variance by examination of the applicable law. This Court "the Court or judge may consider and determine the sufficiency of the allegations of illegality contained in the petition **without further pleadings** and may make a determination . . . on the facts set out in the petition." West Virginia Code §8A-9-6(a) (emphasis added).

24. A decision of a Board of Zoning Appeals decision comes with a "presumption of correctness" *Quinto v. City of Fairmont Planning Commission*, 2017 WL 5013320 (2017) (unpublished) (applying to the standard set forth in *Wolfe v. Forbes*, 159 W. Va. 34, 217 S.E.2d 899 (1975). Furthermore, "Interpretations of statutes by bodies charged with their administration are given great weight unless clearly erroneous." Syl. Pt. 4, *Security Nat'l Bank & Trust Co. v. First W. Va. Bancorp*, 166 W. Va. 775, 277 S.E.2d 613 (1981)." Syllabus Point 3, *Corliss v. Jefferson County Bd. of Zoning Appeals*, 214 W. Va. 535, 591 S.E.2d 93 (2003).

25. Subject to the presumption of correctness, this Court may review the decision of the BZA for legal error or plain error of fact. West Virginia Code §8A-9-1(a).

26. The West Virginia Code §8A-7-11(b) and §6.2 of the Jefferson County Zoning and Land Use Ordinance both *require* the BZA to issue a variance. Each states “**the Board SHALL GRANT A VARIANCE**” if the criteria for one are met. Variances to extend the CUP completion time are lawful and routine actions.

27. The BZA has full authority granted by the Legislature and by the local Zoning Ordinance to grant variances for additional time to CUP applications.

28. The Ordinance defines a Variance as “a deviation from the minimum standards of the Zoning and Land Development Ordinance.” (*see* Ordinance Section 2.2 - Definitions). The only limitation on a variance is it “shall not involve permitting land uses that are otherwise prohibited in the zoning district or . . . change the zoning classification of a parcel of land. (*see* Ordinance Section 2.2 - Definitions).

29. Solar projects are a permitted use in every zoning classification. (*see* Ordinance 8.20, “Solar Energy Facilities shall process as a Principal Permitted Use in areas inside of the Urban Growth . . . Solar Energy Facilities shall process as a Conditional Use in areas outside of the Urban Growth Boundary (UGB) and Preferred Growth Area (PGA).”)

30. Since the West Virginia Code and local Zoning Ordinance expressly allow variances as a primary listed function of the BZA, the Court should give the same presumption of correctness and deference to the BZA granting a standard variance to extend time deadlines.

31. The BZA committed no legal error when granting the Variance at issue to extent time to vest the CUP.

32. Even if the project had not vested without the need for the Variance, the BZA correctly applied the law.

33. The Petition is Moot due to the issuance of a building permit application within the original time granted to the CUP.

34. Even if the issue were not factually moot, the BZA committed no legal error in granting a variance to extend time to vest the CUP.

35. The Court does not reach or address the additional issues raised by the BZA. Based upon the foregoing, the motion to strike the individual Commissioners, the opposition to requested stay and the issue of vested property rights raised in the Respondent's motion are moot.

WHEREFORE, based upon the foregoing it is ORDERED the Motion to Dismiss filed by the Respondent BZA, hereby GRANTED.

It is further ORDERED that the Clerk shall send a copy of this Order to all Counsel of Record and any *pro se* Parties of Record and remove this matter from the active docket of the Court.

/s/ Bridget Cohee
Circuit Court Judge
28th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtsww.gov/e-file/ for more details.