

Meeting Minutes
Jefferson County Board of Zoning Appeals

1 Meeting Date: October 24, 2024
2 Meeting Location: County Commission Meeting Room located in the lower level
3 of the Charles Town Library (entrance on Samuel St.)
4 200 East Washington Street, Charles Town, WV 25414
5 Board Members Present: Tyler Quynn, Chair; Steve Guier, Jacob Harris, and David Wiegand
6 were in attendance
7 Board Members Absent: Matthew McKinney, Vice Chair and Mikala Shremshock, Alternate
8 was absent with notice.
9 Staff Members Present: Jennifer Brockman, Acting Zoning Administrator; and Colin Uhry, Planning
10 & Zoning Clerk

11 Mr. Harris moved to call the meeting to order at 2:01 pm. Mr. Quynn called for a vote, which
12 carried unanimously.

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

14 Approval of Minutes: Reconsideration of the August 22, 2024 minutes

15 Ms. Brockman explained complications regarding Mr. Wiegand's edits to the August 22, 2024
16 minutes. Mr. Wiegand moved to discuss reconsideration at the end of the meeting, which carried
17 unanimously.

18 Approval of Minutes: Approval of the September 26, 2024 and October 4, 2024 Minutes

19 Dave Wiegand moved to approve the minutes as presented, which carried unanimously.

20 Mr. Uhry swore in members of the public who indicated they would be providing testimony.

21 Agenda Item #1: File #: 24-7-CUP

22 Request: Request for a Conditional Use Permit to expand Executive Emergency Lighting's
23 business operations. The applicant is proposing to expand an existing emergency
24 vehicle outfitting and retrofitting professional office, which is designated as a
25 Contractor with Outdoor Storage (see Article 2). The proposal consists of
26 constructing a new 1,200 square foot building to house vehicles and a workshop for
27 the outfitting work.

28 Parcel Info: Executive Emergency Lighting LLC / Attn: Raymond Muth, Property Owner
29 Wilmoth Construction Subdivision, Lot 1, 21 Southpaw Lane, Shepherdstown, WV
30 Parcel ID: 09014BWAT10000; Property Size: 2.4 ac; Project Size: 1.4 ac; Zoning
31 District: Rural

32 Mr. Raymond Muth, owner of the property, was present to address the Board.

33 Ms. Brockman provided an overview of her staff report to the Board stating that the request was to
34 establish a new independent structure to house vehicles currently parked along Southpaw Lane and a
35 new workshop for workers. Mr. Harris questioned whether there was input from the Deerfield Village
36 HOA.

37 Mr. Quynn opened the public comment portion of the hearing. Mr. Matthew Harvey was present to
38 provide testimony. Mr. Harvey commended Executive Emergency Lighting for communication with
39 surrounding neighbors and gave support of the proposed permit. Mr. Quynn closed the public
40 comment portion of the hearing.

41 Mr. Harris questioned parking on the property. Mr. Guier questioned parking lot layout. Mr. Muth
42 provided an overview responding to the Board's questions.

1 Mr. Harris moved for a Summary Approval in accordance with Section 5.7(9) of the Boards' Rules
2 of Procedure (as amended 01/26/23) with the condition that the applicant is bound by their
3 testimony. Mr. Quynn called for a vote, which carried unanimously

4 Agenda Item #2: File #: 24-32-ZV

5 Request: Variance from Section 4.6D & Section 8.2 to reduce the distance requirement along
6 the eastern property line from 50' to 12'; and, the northern property line from 50' to
7 40' for a 24' x 30' barn.

8 Parcel Info: Reiner Castilla Casillo & Lourdes Castillo Santana, Property Owners
9 Duncan Minor Subdivision, Lot 2, 414 Kearneysville Pk., Kearneysville, WV
10 Parcel ID: 07000300290002; Size: 1 acres; Zoning District: Rural

11 Celia Lainez, friend and translator of the property owners, was present to address the Board.

12 Ms. Brockman provided an overview of her staff report to the Board stating the request was to reduce
13 the distance requirement along the eastern and northern property lines in order to receive approval for
14 their already established and built barn.

15 Ms. Lainez explained the barn was already built in this location as the property owners did not realize
16 they needed approval. They are just now trying to make sure everything is up to code. Ms. Brockman
17 explained the applicant has also provided three letters of support from the surround property owners.

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

20 Mr. Harris moved for a Summary Approval in accordance with Section 5.7(9) of the Boards' Rules
21 of Procedure (as amended 01/26/23) with the condition that the applicant is bound by their
22 testimony. Mr. Quynn called for a vote, which carried unanimously.

23 Agenda Item #3: File #: 24-33-ZV and 24-34-ZV

24 Request #1: Variance from Section 9.7 to reduce the rear setback from 12' to 6' for a 12' x 20'
25 accessory structure (Shed #1).

26 Request #2: Variance from Section 9.7 to reduce the rear setback from 12' to 6' for a 12' x 20'
27 accessory structure (Shed #2).

28 Parcel Info: Mark Johnson, Property Owner
29 3292 Old Leetown Pike, Ranson, WV
30 Parcel ID: 02000500050000; Size 1.4 acres; Zoning District: Rural

31 Jennifer Johnson, property owner, was present to address the board.

32 Ms. Brockman provided an overview of her staff report to the Board stating the request was to reduce
33 the distance requirement along the rear setback from 12' to 6' for two 12' x 20' accessory structures.

34 Ms. Johnson explained the need for two sheds in the specific locations specified to the Board.

35 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
36 testimony. My. Quynn closed the public comment portion of the hearing.

37 Mr. Harris moved for a Summary Approval in accordance with Section 5.7(9) of the Boards' Rules
38 of Procedure (as amended 01/26/23) with the condition that the applicant is bound by their
39 testimony. Mr. Quynn called for a vote, which carried unanimously.

40 Agenda Item #4: File #: 24-35-ZV and 24-36-ZV

41 Request #1: Variance from Section 9.7 to reduce the side setback from 15' to 6' for a 24' x 32'

1 accessory structure (Shed #1).

2 Request #2: Variance from Section 9.7 to reduce the side setback from 15' to 5' for a 12' x 30'
3 accessory structure (Shed #2).

4 Parcel Info: Joseph Delauter, Property Owner
5 58 Keala Dr., Charles Town, WV

6 Parcel ID: 06002100010006; Size 2.86 acres; Zoning District: Rural

7 Joseph Delauter, property owner, and Mike Meadows, friend of the property owner, were present to
8 address the board

9 Ms. Brockman provided an overview of her staff report to the Board stating the request was to reduce
10 the distance requirement along the side setback from 15' to 6' for a 24' x 32' accessory structure and
11 reduce the distance requirement along the side setback from 15' to 5' for an existing 12' x 30'
12 accessory structure.

13 Mr. Delauter explained the need for two sheds that require variances, with one already being built
14 and one planned on being built directly adjacent to the existing structure.

15 Mr. Quynn opened the public comment portion of the hearing. No members of the public provided
16 testimony. My. Quynn closed the public comment portion of the hearing.

17 Mr. Harris moved for a Summary Approval in accordance with Section 5.7(9) of the Boards' Rules of
18 Procedure (as amended 01/26/23) with the condition that the applicant is bound by their testimony.
19 Mr. Quynn called for a vote, which carried unanimously.

20 Agenda Item #5: File 24-37-ZV and 24-38-ZV

21 Request #1: Variance from Appendix B to reduce the side setbacks for Buildings #1 and #2 from
22 25' to 5' for a proposed interior property line of a boundary line adjustment with
23 Parcel 142.

24 Request #2: Variance from Appendix B to eliminate the site developments standards pertaining
25 to landscaping and parking & drive aisle setbacks for a proposed interior property
26 line of a boundary line adjustment with Parcel 142

27 Parcel Info: MC2 Properties LLC / Mark Cerasi, Property Owner
28 Building #1: 272 James Burr Blvd, Kearneysville, WV
29 Building #2: 65 Steeley Way, Kearneysville, WV
30 Parcel ID: 02000101410000; Size 1.29 acres; Zoning District: Industrial Commercial

31 Ms. Brockman explained to the Board that Mark Cerasi, the property owner, needed to postpone to
32 the December 12, 2024 meeting.

33 Mr. Guier moved to allow Mr. Cerasi to be added to the December 12, 2024 Agenda, which carried
34 unanimously.

35 Approval of Minutes: Reconsideration of the August 22, 2024 minutes

36 Mr. Wiegand moved to discuss reconsideration in a deliberative session, which began at 3:08 PM.

37 Mr. Guier moved to open the meeting back for discussion, which carried unanimously at 3:39 PM.

38 Mr. Quynn motioned to reconsider the August 22, 2024 meeting minutes, which was seconded by
39 Mr. Harris and carried unanimously.

40 Mr. Wiegand explained that the motion he was voting on was for a 6 foot fence, not an 8 foot, which
41 was not reflected in the minutes.

1 Mr. Guier, a member who was not present August 22, 2024, was able to give an outside perspective
2 regarding what he heard on the recording.

3 Mr. Wiegand motioned to edit the minutes from saying 8' to 6' as stated, seconded by Mr. Harris,
4 which carried unanimously.

5 **Zoning Administrator Report**

6 Ms. Brockman provided the Board with the following information:

7 1. Ms. Brockman provided the Board with a tentative calendar for the 2025 Board of Zoning
8 Appeals Meeting.

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10 2. Monthly Zoning Certificate Activity Report. The Report was included in the Agenda packet.

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
14 Energy Facility / File 22-9-CUP) Rockwell v. JCBZA

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

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19 Mr. Wiegand motioned to cancel the November 14, 2024 meeting due to lack of agenda items, which
20 carried unanimously.

21 Ms. Brockman reminded Board members of the upcoming public hearing for the 2045
22 Comprehensive Plan on December 4, 2024.

23 Mr. Wiegand moved to adjourn the meeting at 3:53 pm. Mr. Quynn called for a vote, which carried
24 unanimously.