

Minutes
Jefferson County Board of Zoning Appeals
Thursday, September 25, 2014

1 The Jefferson County Board of Zoning Appeals met on Thursday, September 25, 2014 at 2:00 p.m..
2 The meeting was at 200 East Washington Street, Charles Town, West Virginia, in the Conference
3 Room of the Old Charles Town Library. Unless otherwise noted, all requests are pursuant to the
4 Jefferson County Zoning and Land Development Ordinance.

5

6 Board members present: Tyler Quynn, Chair, Jeffrey Bannon, Vice Chair; Christy Huddle, Ted
7 Schiltz. Matt Knott arrived at 2:11 p.m. Staff present: Jennifer M. Brockman, Acting Zoning
8 Administrator/Director of Planning and Zoning, Steve Groh, Assistant Prosecuting Attorney, Jennilee
9 Hartman, Zoning Clerk.

10

11 Ms. Huddle motioned to commence the meeting at 2:04 p.m. Mr. Schiltz seconded the motion,
12 which carried unanimously.

13

14 Mr. Quynn explained the proceedings of the meeting to those in attendance. Mr. Quynn outlined the
15 amount of time each speaker would receive during the public hearings.

16

17 1. Approval of the minutes from the August 28, 2014 meeting. The Board requested the
18 following edits.

19

20 a) Page 2, line 26, add a comma after *themes*.

21 b) Page 2, line 33, change “*how will the sound/music be controlled*” to “**how the sound/music**
22 **will be controlled**”.

23 c) Page 2, line 42, delete the word *of*.

24 d) Page 5, line 20, add the word **to** after motioned and a ***d*** after *referenced*.

25

26 Mr. Bannon motioned to approve the minutes. Ms. Huddle seconded the motion, corrected,
27 which carried unanimously.

28

29 2. Swearing in of the public intending to provide testimony. Due to the number of people in
30 attendance, a sound system was provided to accommodate the public standing in the library
31 hallway. Mr. Quynn confirmed that all members of the public could hear the proceedings.
32 Ms. Hartman swore in the individuals who indicated they would be giving testimony.

33

34 3. Request postponed from July 24, 2014. Variance request by Jose I. Osorio, owner, from
35 Section 4.10A to waive the requirement of a site plan to operate a monthly rodeo event with food
36 vendors and grass parking for 100 vehicles on an active farm. Location: 1196 Van Cleavesville
37 Rd, Kearneysville, WV. Shepherdstown (09); Map 15; Parcel: 1.7; Size: 80.15 ac; Zone: Rural;
38 File: ZV14-11.

39

40 Mr. Jose Osorio was present to address the Board. Mr. Alber Soriano was present as a
41 translator on behalf of Mr. Osorio. Ms. Brockman provided a synopsis of her staff report to the
42 Board. Ms. Brockman stated staff issued a Zoning Certificate to Mr. Osorio to operate the
43 proposed rodeo on a smaller scale. Ms. Brockman explained that while researching the property
44 staff discovered an issue with the property’s access. Ms. Brockman noted that the applicant had
45 an approved highway entrance permit for the farm and that should the Board chose to approve
46 the variance, staff will work with the applicant to resolve the access issue. Ms. Brockman
47 added that the land use was approved as Agricultural Tourism and had received an

1 Administrative Waiver of Permanent Off-Street Parking for grass parking for up to 30 spaces;
2 not including participants and vendors. Ms. Brockman explained that the applicant was seeking
3 approval for up to 100 spaces, not to include participants and vendors, without having to
4 process a site plan. Mr. Quynn questioned why a site plan would be required for an agricultural
5 use. Ms. Brockman answered by stating that due to public attendance, the land use would be
6 deemed commercial and parking would be necessary, and as such, a site plan would be required.
7 Mr. Osorio addressed the Board explaining that the rodeo is part of the overall farm activity.
8 Mr. Osorio explained that he believed the rodeo would be beneficial to the County by adding
9 another recreational use for its residents. Mr. Osorio stated that national rodeo standards require
10 a property to be 25 acres and that his property of 80 acres exceeded that standard. Mr. Osorio
11 agreed to conform to any conditions that the Board may impose on the activity stating that he
12 wanted to abide by the law. Mr. Quynn opened the public hearing. There was no public
13 comment. Mr. Quynn closed the public hearing.

14
15 Ms. Huddle stated she did not believe a deliberative session was necessary. The Board
16 concurred. Ms. Huddle motioned to approve the above referenced request with the following
17 conditions:

- 18 a) The variance from the required site plan for the provision of permanent off street
19 parking shall be limited to the proposed once monthly agriculture tourism (rodeo) event;
- 20 b) Grass customer/audience parking shall be limited to 100 vehicles per event;
- 21 c) Applicant shall work with staff to resolve the violation related to the access on
22 Van Cleavesville Road.

23
24 Mr. Shiltz seconded the motion. Mr. Quynn stated the land use being considered was an
25 agricultural use and that grass parking on rural farmland would have less impact than asphalt
26 parking and farm equipment. Mr. Quynn called for a vote, which carried unanimously.

- 27
28 4. Request postponed until September 25, 2014. Variance request by Mark Dyck, Consultant, on
29 behalf of Tim Walther and Junipa Contento, Developers, from Section 2.2 to extend the time
30 permitted for a Seasonal Use, which limits an event to not more than three consecutive days in
31 each of the four solar seasons. The applicant is requesting to hold a 5-day music festival and
32 camp out during the June/August 2015 summer season. Property Owner: Nancy & Douglas
33 Stolipher and Mark Stolipher. Location: 261 Berry Hill Farm Ln., Summit Point, WV.
34 District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned:
35 Rural; File: ZV14-14.

36
37 See Item 7.

- 38
39 5. Request postponed until September 25, 2014. Request by Mark Dyck, Consultant, on behalf of
40 Tim Walther & Junipa Contento, Developers, to conduct a Seasonal Use event per Section 9.8
41 by hosting a 5 day musical festival and camp out, provided the previous variance request
42 (ZV14-14) is approved, during the June/August 2015 summer season. Property Owner:
43 Nancy & Douglas Stolipher and Mark Stolipher. Location: 261 Berry Hill Farm Ln., Summit
44 Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total);
45 Zoned: Rural; File: ZV14-15.

1 Tim Walther, Owner/Manager of All Good Music Festival, Mark Dyck, consultant with
2 Gordon Kenneth Wersted, traffic consultant with Creighton Manning, Bob Martin, Attorney,
3 and Christopher Stroeck, Attorney, were present to address the Board. Mr. Walther provided
4 the Board with a detailed summary of the proposal.

5
6 Mr. Walther noted the recent community objections and explained the following:

- 7 • Anticipated attendance would be 15-20,000 due to the change in venue from 2013 to
8 present and not holding the festival in 2014.
- 9 • Thursday arrivals lessen weekend traffic and a Monday morning departure reduces the
10 likelihood of DUIs compared to a Sunday afternoon/evening departure.
- 11 • A later curfew (3:00 a.m.) keeps the fans onsite as opposed to looking for alternative
12 forms of entertainment should the venue close early.
- 13 • Proposes an 8' fence with green windscreen erected 150' from Withers Larue Road;
14 should ticket sales be lower than anticipated the fence will be set further back.
- 15 • No fans will be allowed to leave the site on-foot. Anyone leaving the site will have his or
16 her wristbands removed.
- 17 • All patrons must display hangtags in their vehicles to access the site.
- 18 • Neighbors will be given a festival representative's cell phone number to contact in the
19 event of a disturbance or emergency.
- 20 • The festival does not condone or tolerate drug use. They confiscate any found during a
21 search.
- 22 • Addressing the high volume of arrests in 2012, Mr. Walther stated the police force had
23 been instructed to stop every car driving the direction of the festival. Of the arrests/
24 citations, not all were festival patrons. Mr. Walther referenced the 2013 festival in Ohio
25 and stated that only two arrests, relating to the festival, had been made that year.

26
27 Mark Dyck delivered a Powerpoint presentation the Board, which addressed the following issues:

- 28 • Concert performance schedule, Thursday 5:00 pm - 3:00 am; Friday - Saturday 10: 00 am
29 - 3:00 am; Sunday 10:00 am - 8:00 pm; Monday no performance.
- 30 • Guest arrival/departure [based on estimated traffic count of vehicles per hour (vph)]:
31 *Traffic patterns: Peak 400+ vph; High 200-400vph; Medium 100-200vph; Light >100vph*
32 Thursday: 6:00 - 7:00 am Light; 8:00 am Medium; 9:00 - 10:00 am High; 11:00 - 6:00 pm
33 Peak; 7:00 - 9:00 pm High; 10:00 Medium; 11:00 pm - 5:00 am Light
34 Friday: 6:00-7:00 am Light; 8:00 - 6:00 pm Medium; 7:00 pm - 5:00 am Light
35 Saturday: 6:00 am to 5:00 am Light
36 Sunday: 6:00-7:00 am Light; 8:00 am Medium; 9:00 - 10:00 am High; 11:00 am - 6:00 pm
37 Peak; 7:00 - 10:00 pm High; 11:00 Medium; 12:00 pm - 5:00 am Light
38 Monday: 6:00 am Light; 7:00 Medium; 8:00 am High; 9:00 am Peak; 10:00 am High;
39 11:00 am Medium; 12:00 pm - 5:00 am Light
- 40 • Mr. Dyck argued the applicant could have applied for two Seasonal Use applications,
41 thus extending the event up to 6 days by hosting the events during a seasonal transition
42 (ex. spring to summer).
- 43 • Coordination with law enforcement will include:
 - 44 ○ An agreement between the All Good Festival and the Jefferson & Clark County
45 Sheriffs regarding law enforcement activities associated with the proposed event.

- 1 ○ Support local law enforcement agency efforts.
- 2 ○ Full reimbursement of costs identified in the agreements between the Jefferson and
- 3 Clark County Sheriffs.
- 4 ○ Mr. Dyck quoted a positive review from a report drafted by the Licking County, Ohio
- 5 Sheriff's Office regarding their experience with the 2013 All Good Festival.
- 6 ● An Economic Impact Study by AC Entertainment Inc. was prepared in 2010 for Preston
- 7 County, WV, which determined the estimated business revenue for the All Good Music
- 8 Festival at 23,000 patron and 2,000 musicians, staff, volunteers and technicians was
- 9 approximately \$2,260,600.00.
- 10 ● Addressing potential County expenses, per the proposed agreement with the Sheriff's
- 11 Department, all potential expenses would be identified and paid in full. Additionally, a
- 12 \$60,000 surety would be posted to cover additional cost incurred by County from the
- 13 Festival.
- 14 ● The Festival would coordinate with the Jefferson and Clark County Sheriff's Department,
- 15 Jefferson County (JC) Health Department, JC Emergency Services Agency, JC Emergency
- 16 Communications, JC Fire/Rescue/Emergency Services. JC Visitors & Convention Bureau
- 17 and the West Virginia Department of Highways.
- 18 ● Site planning measures included establishing a neighborhood hotline as added security,
- 19 vehicular access to ensure direct access to Rt. 340 for adjacent residents, contracting an
- 20 offsite trash collection service, providing portable bathrooms & trash containers along the
- 21 access routes for those queued in traffic.
- 22 ● Using the site's natural topography to provide acoustical and visual separation.

23 During this portion of the presentation, Mr. Dyck reviewed a series of sketch plans which
24 depicted the proposed site layout including the proposed access points for patrons and
25 vendors, the stage locations, buffer areas from the property line and the stage areas, and the
26 location of the operations, campground and vendor areas.

- 27 ● Safety measures would be in effect for the site by providing onsite security, working with
- 28 the Sheriff's Department, enforcing the festival's rules, establishing a security perimeter
- 29 with fencing, site access is limited to those with wristbands and pedestrians who leave the
- 30 site will not be permitted to reenter, road access points will be restricted to patrons to
- 31 ensure the road safety of residents, 24-hour security will be provided, and a medical tent
- 32 and personnel will be located onsite and an emergency plan will be established.
- 33 ● Festival amenities will include vendors, family venues, showers and bathrooms, medical
- 34 facilities, and trash and recycling receptacles.
- 35 ● Voluntary conditions of approval as outlined in the Seasonal Use application.

36 Mr. Dyck concluded his Powerpoint presentation by addressing each of the four criteria outlined
37 in the variance request.

38
39 Mr. Wersted delivered a Powerpoint presentation the Board, which addressed the following issues:

- 40
- 41 ● Estimated ticket sales of 15-20,000 are equivalent to approximately 8,000 vehicles.
- 42 ● Arrival: 70% of patrons over 14 hours peaking in the afternoon; 5% overnight; remain
- 43 25% on Friday. Departure: (depending on musical line up) 80% Sunday; minimal
- 44 overnight; 20% Monday.

- 1 • Maps depicting the projected travel patterns, staffed traffic control locations, restricted
2 access roads, potential queuing locations, the exit plan, and planned local resident
3 access roads were highlighted.
- 4 • Traffic control measures, agency reviews and safety concerns due to narrow road widths
5 were discussed.
- 6 • Estimated queuing time was equivalent to 200 cars/mile with an average of 2 minutes/car
7 for processing through search/ticketing. Queuing begins on the property.
- 8 • Public outreach includes closing roads to patrons, issuing resident tags to expedite
9 resident access, and assisting in identifying easiest routes for residents to travel.

10
11 During the presentation, an open dialogue between the Board, Mr. Groh, Mr. Walther, Mr.
12 Dyck and Mr. Wersted ensued concerning traffic safety and the length of time local residents
13 not attending the festival would be delayed due to the anticipated queuing. Ms. Huddle had
14 specific concerns regarding the narrow width of the roads and how local residents with larger
15 farm vehicles would be accommodated. Addressing this concern, Mr. Wersted explained that
16 residents not attending the festival could not drive around traffic into the opposing lane to
17 avoid waiting in line; however, one lane of traffic would always be clear for travel and that
18 they would work with residents to identify these roads. Mr. Dyck explained the check in
19 process was lengthy for safety reasons; however, peak travel time was expected to be during
20 working hours. Mr. Walther stated that status updates would be provided to patrons via
21 Facebook and Twitter, which would assist in directing traffic to alternative access roads to
22 lessen traffic in more congested areas.

23
24 Mr. Dyck and Mr. Walther also address the Board's questions regarding the necessity of a 5-
25 day event, an emergency evacuation plan, and the type of activities that continue onsite after
26 the amplified music was turned off.

27
28 Ms. Huddle motioned to take a short break at 3:38 p.m. Mr. Schiltz seconded the motion,
29 which carried unanimously. Ms. Huddle motioned to reconvene at 3:49 p.m. Mr. Bannon
30 seconded the motion, which carried unanimously.

31
32 Ms. Brockman reviewed her staff report with the Board. Ms. Brockman read the definition of
33 a variance and stated the Board would have to determine if varying the definition of Seasonal
34 Use met the definition of variance. Ms. Brockman stated that while the presentation addressed
35 the four criteria required for approving a variance, the variance request application and
36 submitted materials did not. In addition, Ms. Brockman stated she believed the applicant's
37 response to the hardship criteria was not typical. Further, it is her opinion [as the Acting
38 Zoning Administrator] that two Seasonal Use applications for the same property by the same
39 applicant could not run consecutively. Ms. Brockman noted that staff would suggest that the
40 Board restrict performance activities on Monday, should the Board be inclined to approve the
41 variance request and Seasonal Use application. Ms. Brockman pointed out that, while not
42 referenced in her staff report, additional emergency services would be necessary during the
43 festival. Ms. Brockman reminded the applicant that an 8' fence, as opposed to a 6' fence,
44 would require a building permit. Ms. Brockman concluded by emphasizing the importance of
45 a joint meeting with all agencies to determine the overall costs associated with the festival.

1 Mr. Quynn opened the public hearing.

2
3 Jeff Hunter, Kenny Liner, April Reardon, and Robert Dutrow spoke in support of the requests.
4 Each individual testified to the positive effects the festival would have on the local economy by
5 providing employment to local individuals and business; by introducing people to Jefferson
6 County, which encourages repeat tourism; by contributing to various local charitable outreach
7 programs; and by providing opportunities for artisans and musicians to reach a broader
8 audience. Due to their positive experiences with the festival, they explained that they have
9 continued supporting the festival by attending and/or working the event for a number of years.
10 They argued that the public had misrepresented owners of the music festival and the fan base
11 because they believe that the festival was a professional production that attracted premier
12 musicians and people with a strong sense of community. Doug Stolipher, property owner, also
13 spoke in support of the requests, stating he felt the proposal promoted tourism, that the
14 applicants were good people, and that the money earned from the event would sustain the farm.
15

16 Ward Zigler and Ed Hannon stated they were neutral with regard to the requests. Mr. Zigler
17 provided the Board with background knowledge from his former years as a Board member.
18 Mr. Zigler believed that should the Board approve the request and that logic dictated that the
19 event should be for 5 days. Mr. Hannon, Deputy Director of JC Emergency Services Agency,
20 stated that Jefferson County had limited resources to accommodate the festival. Mr. Hannon
21 said an incident action plan must be established in advance of the event. Mr. Hannon pointed
22 out that there must be enough resources to ensure the safety of the event-goers as well as the
23 residents. Mr. Hannon noted that a disaster plan would be required to know what resources
24 would be necessary in the event of a mass incident. Due to budget cuts, there is no funding
25 available to use outside resources in the event of an emergency; therefore, the JCESA must
26 enter into an agreement with the All Good Festival to ensure compensation.
27

28 Dale Manuel and Lyn Widmyer noted for the record that they would be speaking as members of
29 the public and not as County Commission members. Each spoke in opposition to the request.
30 Mr. Manuel questioned how the festival would be in conformance with the noise ordinance
31 should the applications be approved. Mr. Manuel stated the County Commission has the ability
32 to control the ABC license and would be suggesting the CC hold another public hearing related
33 to that license. Mr. Groh asked Mr. Manuel the current daily jail fee was and how much the
34 County paid in jail fees last year. Mr. Manuel stated the daily fee was \$48 and that the County
35 paid \$1.2 million for the year. Mr. Groh stated it was his understanding that Preston County's
36 jail fees for the festival weekend was equivalent to their entire year of fees. Ms. Huddle stated
37 she would not endorse using Preston County's figure because, as Mr. Walther testified, many
38 people were pulled over that year, even those not attending the festival. Ms. Widmyer
39 questioned the Board's authority to grant a variance from 3 days to 5 days and to permit the
40 music to extend past the 11:00 p.m. curfew in the Noise Ordinance. Ms. Widmyer further
41 argued that all conditions offered by the applicant could only be met after the festival has taken
42 place. In addition, no clear timelines are established. Ms. Brockman clarified that the
43 11:00 p.m. noise curfew is imposed by the Noise Ordinance and states that all noise shall be
44 restricted to 65 decibels detectible at the property line, which the applicant states they will
45 adhere to. Ms. Widmyer suggested that the Board require the applicant to provide sound
46 measuring devices at the property lines. Ms. Huddle was opposed to this suggestion.

1 Linda Gutsell, attorney, stated she would be representing a group of individuals. The following
2 is a list of client names that was provided by Ms. Gutsell: Jessica Forbes, Timothy Cunnien,
3 Wayne & Rose Ann Glover, Mathew & Amanda Glover, Henry Schlachter, III, Kathleen Fuller,
4 Kevin & Jane Paradis, David & Connie Adkins, Marc & Holly Waybright, and Richard &
5 Lisa Jenkins. Ms. Gutsell made the following arguments:
6

- 7 1. Questioned the Board's authority/jurisdiction by stating that in 2004 West Virginia
8 Code, Chapter 8A the definition of *Variance* was changed, thus prohibiting a Board
9 from varying a "use". Ms. Gutsell argued that by definition, a Seasonal Use was
10 3 days and by changing it to 5 days the Board would be varying the use.
- 11 2. Ms. Gutsell cited application deficiencies, which she noted were mostly addressed
12 during the applicant's presentation; however, this did not allow the public an
13 opportunity to prepare for the meeting.
- 14 3. Using the applicant's presentation, Ms. Gutsell stated the number of attendees arriving
15 on the first day would be approximately 12,000, which would create a traffic backup
16 from the property to Charles Town.
- 17 4. Stated the applicant did not identify the property's 'hardship'. Ms. Gutsell argued that
18 there are four other zoning districts within which campgrounds are permitted, other
19 than this district.
- 20 5. There are many other viable, reasonable uses for the land; therefore, the Board should
21 deny the request.
- 22 6. Ms. Gutsell argued that the applicant did not meet the substantial justice criteria.
- 23 7. Compensation of loss to the neighbors.
- 24 8. The application does not clearly represent who is responsible for the festival.
- 25 9. Ms. Gutsell stated she wished to make her standard due process objection noted for the record.
26

27 Gary Groves, John Burnell, William O'Neal, James Lavine, Ken Hawthorn, Jim Larue and Cheryl
28 Lavine, spoke in opposition to the requests. The neighboring property owners voiced their
29 concerns regarding the extended commute to work and costs associated with it; contended that the
30 onus of monitoring the sound should not be on the residents; expressed concern regarding the lack
31 of restrictions on attendance and the duration of the daily amplified performance; expressed
32 concern regarding the close proximity of the site to the power substation and railroad; questioned
33 if the intensity of the use would cause further road deterioration; questioned how service vehicles
34 like ambulances and school buses would access residents during queuing; noted that there are
35 sinkholes on the property; expressed concern for the safety of the attendees; and also noted that
36 tractor trailers frequented the proposed access roads. Doug Rockwell also spoke in opposition to
37 the request.
38

39 Mr. Schiltz motioned to take a short break at 6:07 p.m. Mr. Knott seconded the motion, which
40 carried unanimously. Mr. Knott motioned to reconvene at 6:18 p.m. Ms. Huddle seconded the
41 motion, which carried unanimously.
42

43 Bob Martin, representative, for All Good Music Festival, provided the Board with a brief
44 overview of the history of the festival and his affiliation with it. Mr. Martin gave a personal
45 experience of a large venue constructed near his hometown and its temporary effects on the
46 residents. Mr. Martin asserted that Mr. Walther hired a team of professional consultants in

1 an effort to ensure the festival is run safely and efficiently. Mr. Martin concluded by stating
2 the County would realize a significant profit by hosting the festival.
3 Mr. Dyck rebutted neighbor's comments by stating that the site would have onsite medical care;
4 noted that few properties could accommodate the needs of the festival as well as this site could
5 with its various access points; argued that the race track is a self-contained venue; however,
6 revenue from its operation is received by Jefferson County; stated that a variance from a
7 standard can be requested as it is temporary and not considered a principal permitted use; noted
8 that measures will be taken to protect the power substation and railroad; stated that a detailed
9 traffic plan will be created to address all traffic concerns and no one will have to take off work
10 as Route 340 will be accessible at all times. When asked, Mr. Dyck and Mr. Walther argued
11 they should not be required to pay the County's jail fee because they should not be responsible
12 for someone else's actions. However, Mr. Walther stated he will do what the Board requires.
13 Discussion regarding capping attendance or date/time stamping tickets occurred; however,
14 Mr. Walther stated that he did not wish to cap the attendance and explained that in his
15 experience stamping the tickets has proven unsuccessful.

16
17 Mr. Quynn closed the public hearing.

- 18
19 7. Request postponed until October 23, 2014. Appeal by Appellant William Neufeld of the
20 Acting Zoning Administrator's decision that the Appellant's 15' access adjoining the
21 Stonebrook Subdivision is not a road, which would require a front yard setback.

22
23 This item was postponed until October 23, 2014 at 2:00 p.m.

- 24
25 8. Request postponed until October 23, 2014. Variance request by Harold Barlow, owner,
26 from Section 8.2 to reduce the 75' distance requirement to 20' for Barn #1 and 33' for
27 Barn #2 to accommodate a proposed minor subdivision. Location: 779 Persimmon Lane,
28 Shepherdstown, WV. District: Shepherdstown (09); Map: 15; Parcels: 10; Size: 5 ac;
29 Zoned: Rural; File: ZV14-17.

30
31 This item was postponed until October 23, 2014 at 2:00 p.m.

32
33 Ms. Huddle motioned to go into deliberative session at 6:44 p.m. Mr. Bannon seconded the motion,
34 which carried unanimously. Ms. Huddle motioned to come out of deliberative session at 7:17 p.m.
35 Mr. Bannon seconded the motion, which carried unanimously.

36
37 **Board of Zoning Appeals Rulings**

- 38
39 3. Request postponed from July 24, 2014. Variance request by Jose I. Osorio, owner, from
40 Section 4.10A to waive the requirement of a site plan to operate a monthly rodeo event with food
41 vendors and grass parking for 100 vehicles on an active farm. Location: 1196 Van Cleavesville
42 Rd, Kearneysville, WV. Shepherdstown (09); Map 15; Parcel: 1.7; Size: 80.15 ac; Zone: Rural;
43 File: ZV14-11.

44
45 This item was considered and approved at the beginning of the meeting.
46

- 1 4. Request postponed until September 25, 2014. Variance request by Mark Dyck, Consultant, on
2 behalf of Tim Walther and Junipa Contento, Developers, from Section 2.2 to extend the time
3 permitted for a Seasonal Use, which limits an event to not more than three consecutive days in
4 each of the four solar systems. The applicant is requesting to hold a 5-day music festival and
5 camp out during the June/August 2015 summer season. Property Owner: Nancy & Douglas
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7 District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned:
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9
- 10 See item #5.
11
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13 Tim Walther & Junipa Contento, Developers, to conduct a Seasonal Use event per Section 9.8
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16 Nancy & Douglas Stolipher and Mark Stolipher. Location: 261 Berry Hill Farm Ln., Summit
17 Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total);
18 Zoned: Rural; File: ZV14-15.
19
- 20 Ms. Huddle motioned to continue Items #4 and #5 until Thursday, October 2, 2014 at
21 2:00 p.m. at which time the BZA would reconvene to review the items in deliberative session
22 and to take action at that time. The public hearing is closed; therefore, the Board will not hear
23 additional comments; location to be announced. Mr. Knott seconded the motion, which
24 carried unanimously.
25
- 26 6. Request postponed until October 23, 2014. Appeal by Appellant William Neufeld of the
27 Acting Zoning Administrator's decision that the Appellant's 15' access adjoining the
28 Stonebrook Subdivision is not a road, which would require a front yard setback.
29 This item was postponed until October 23, 2014 at 2:00 p.m.
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- 31 7. Request postponed until October 23, 2014. Variance request by Harold Barlow, owner,
32 from Section 8.2 to reduce the 75' distance requirement to 20' for Barn #1 and 33' for
33 Barn #2 to accommodate a proposed minor subdivision. Location: 779 Persimmon Lane,
34 Shepherdstown, WV. District: Shepherdstown (09); Map: 15; Parcels: 10; Size: 5 ac;
35 Zoned: Rural; File: ZV14-17.
36
- 37 This item was postponed until October 23, 2014 at 2:00 p.m.
38
- 39 8. Director's Report. Ms. Brockman provided the Board with a copy of a draft version of the
40 Rules of Procedure, which revised the text regarding noticing/posting. Ms. Brockman stated
41 the document would be on their October 23, 2014 meeting for discussion and possible action.
42 Ms. Brockman informed the Board of the status of the Comprehensive Plan, the open Zoning
43 Administrator position, and the altered November and December BZA meeting dates.
44
- 45 9. Legal Update. None.

1 10. Signing of written decisions from prior Board of Zoning Appeals meetings. Not available.

2

3 a. Request postponed from July 24, 2014. Request for a Special Exception by Jacob and
4 Tia Collis, owners, under Section 10.5B.3 for a Rural Reception/Event Facility to host
5 farm weddings between March & October for Deerfield Farm Weddings. The applicant
6 is seeking permission to operate the venue outdoors with rental tents during the event
7 only; field parking would be provided for up to 75 cars, with an optional 10 handicap
8 spaces in existing gravel lot; each event will cease by 11:00 p.m. Location: 6732
9 Scrabble Rd, Shepherdstown, WV. Shepherdstown (09); Map 3; Parcel: 8; Size: 10 ac;
10 Zone: Rural; File: SE14-01.

11 b. Correspondence from Peter S. Corum, owner/applicant, on behalf of Morgan's Grove
12 Market (#S12-06) requesting the Board to clarify the available uses for the existing
13 residential rental property located at 3988 Kearneysville Pk., Shepherdstown, WV
14 25443, without changing the Conditional Use Permit (#CP12-01). The applicant is
15 requesting to temporarily change the use of the residence to a nonresidential, private K-8
16 school (Morgan Academy) and seeks the Board's determination on the following issues:

17 a) Under the current CUP, can Morgan Academy use the house as a nonresidential
18 use K-8 school?

19 b) If yes, can Morgan Academy use the existing well and septic for this use?

20 District: Shepherdstown (09); Map 13; Parcels: 26.1, 26.2, 26.3, 26.4; Size: 13.69 ac
21 (combined); Zoned: Rural; File: ZC14-37.

22

23 Ms. Huddle motioned to adjourn the meeting at 7:24 p.m. Mr. Knott seconded the motion,
24 which carried unanimously.

25

26 An audio transcript of this meeting can be found at the Department of Zoning and on the Department's
27 website at www.jeffersoncountywv.org. These minutes were prepared by Jennilee Hartman,
28 Zoning Clerk.