

Minutes  
Jefferson County Board of Zoning Appeals  
Thursday, October 2, 2014

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

5  
6 Board members present: Tyler Quynn, Chair, Jeffrey Bannon, Vice Chair; Christy Huddle,  
7 Ted Schiltz, Matt Knott. Staff present: Jennifer M. Brockman, Acting Zoning Administrator/Director  
8 of Planning and Zoning, Steve Groh, Assistant Prosecuting Attorney, Jennilee Hartman, Zoning Clerk,  
9 Alex Beaulieu, Project Manager/Office Manager.

10

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

13

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

22

23 See Item 7.

24

25 2. Request postponed from August 28, 2014. Continued from September 25, 2014. Request by  
26 Mark Dyck, Consultant, on behalf of Tim Walther & Junipa Contento, Developers, to conduct a  
27 Seasonal Use event per Section 9.8 by hosting a 5 day musical festival and camp out, provided  
28 the previous variance request (ZV14-14) is approved, during the June/August 2015 summer  
29 season. Property Owner: Nancy & Douglas Stolipher and Mark Stolipher. Location: 261 Berry  
30 Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4;  
31 Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15.

32

33 Ms. Huddle motioned to go into deliberative session at 2:05 p.m. Mr. Bannon seconded the  
34 motion, which carried unanimously. The Board came out of deliberative session at 4:50 p.m.

35

36 **Board of Zoning Appeals Rulings**

37

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42 hold a 5-day music festival and camp out during the June/August 2015 summer season.  
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46

1 Ms. Huddle motioned to not approve the variance request to extend the time permitted  
2 for a Seasonal Use because the applicant has not met the following two required findings:  
3 1) the request arises from special conditions or attributes which pertain the property; and  
4 2) would eliminate an unnecessary hardship and does not allow a reasonable use of the land.  
5 Ms. Huddle added that the request is essentially a use variance, which is not allowed by state  
6 law. Mr. Schiltz seconded the motion, which carried three (3) in support and two (2) opposed  
7 (Mr. Knott and Mr. Bannon).  
8

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

17 Mr. Bannon motioned to approve file #ZV14-15 subject to the following conditions:  
18

- 19 a. Applicant shall use its best efforts to notify all homeowners within the 500 foot boundary  
20 of all properties and every property on Scooter Lane with exact dates to include possible  
21 'rain dates', if any, of the festival and anticipated set-up dates, no later than 3 months  
22 before the festival, and provide the names and addresses of those notified to staff at the  
23 same time.  
24
- 25 b. Applicant shall run an advertisement in both the Spirit of Jefferson and Martinsburg  
26 Journal noticing the exact dates to include possible 'rain dates', if any, no later than  
27 60 days before the festival for two consecutive weeks.  
28
- 29 c. The applicant shall comply with all requirements imposed for the purpose of this event  
30 by the Jefferson County Board of Health, the West Virginia Division of Highways, and  
31 the Jefferson County Sheriff's Department and submit written documentation with the  
32 Concept Plan. Any costs, bonds, sureties and/or liability insurance shall be posted as  
33 required by these entities prior to the issuance of a Zoning Certificate. In addition,  
34 applicant shall consult with Jefferson County Emergency Services Agency on how to  
35 provide EMS services at applicant's cost.  
36
- 37 d. While acknowledging that all parking will occur on grass fields, a Concept Plan in  
38 accordance with the Minor Site Plan process shall be submitted for staff review and  
39 comments detailing, at a minimum, the layout and locations of parking lots; performance  
40 and equipment areas (stages/sound systems); bathroom facilities; concessions and  
41 vendors; camping areas; all entrances, including emergency entrances, entry gates, and  
42 vehicle stacking areas; garbage collection locations and daily removal plans; fencing,  
43 site security, and proposed buffers. The applicant will schedule a meeting with Staff to  
44 determine a submission timeline.  
45

- 1 e. A \$60,000 surety shall be posted to cover unexpected costs to the County at least  
2 30 days prior to the event. Upon approval of the Concept Plan and posting of the  
3 required surety, a Zoning Certificate may be issued.  
4
- 5 f. The applicant shall be bound by their application [*see pages 2-4 of Supplemental*  
6 *Information submitted by applicant on July 31, 2014*] and by their testimony  
7 [*see September 25, 2014 Board of Zoning Appeals Meeting Minutes and #ZV14-15,*  
8 *Findings of Fact and Conclusions of Law dated \_\_\_\_\_*].  
9
- 10 g. Approval of this Seasonal Use is limited to one year in accordance with Section 9.8  
11 of the Zoning Ordinance and does not establish this festival as a legally existing non-  
12 conforming use should the Zoning Ordinance be amended to change the process for  
13 approval of such events. Any future festival shall comply with the regulations in effect  
14 at the time of application.  
15
- 16 h. Applicant shall confer with the Sheriff on a plan to expedite access for affected residents  
17 during the event.  
18
- 19 i. Applicant shall notify staff 45 days prior to the event of number of attendees expected  
20 (plus or minus 15%).  
21

22 Mr. Knott seconded the motion.  
23

24 Mr. Quynn offered the following amendment, “That the applicant agrees to execute further  
25 assurances and agreements as may be required by the Board of Appeals to protect the health,  
26 welfare and safety of the public associated with this event.” Mr. Schiltz seconded the  
27 amendment, which failed three opposed (Mr. Knott, Mr. Bannon and Ms. Huddle) and two  
28 in support.  
29

30 Mr. Schiltz offered an amendment to end the amplified music at 2:00 a.m. instead of the  
31 requested 3:00 a.m. The amendment died for a lack of a second.  
32

33 Mr. Quynn called for a vote of the original motion, which carried unanimously.  
34

35 Mr. Groh received clarification from the Board that the approval of Seasonal Use Application  
36 #ZV14-15 was for three days as required by the Ordinance.  
37

38 Ms. Huddle motioned to adjourn the meeting at 5:03 p.m. Mr. Knott seconded the motion, which  
39 carried unanimously.  
40

41 An audio transcript of this meeting can be found at the Department of Zoning and on the Department’s  
42 website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). These minutes were prepared by Jennilee Hartman,  
43 Zoning Clerk.