



Jefferson County
Board of Zoning Appeals
Thursday, August 28, 2014, 2:00 p.m.

Members
Tyler Quynn, Chair
Jeffrey Bannon, Vice Chair
Christy Huddle
Matt Knott
Ted Schiltz

The Jefferson County Board of Zoning Appeals will meet in the Charles Town Library Conference Room located at 200 East Washington Street, at the side entrance on Samuel Street, in the City of Charles Town, WV. Unless otherwise noted, all requests are pursuant to the Zoning & Land Development Ordinance.

1. Approval of the minutes from the July 24, 2014 meetings.
2. Swearing in of members of the public intending to provide testimony.
3. ***Request postponed from July 24, 2014.*** Variance request by Jose I. Osorio, owner, from Section 4.10A to waive the requirement of a site plan to operate a monthly rodeo event with food vendors and grass parking for 100 vehicles on an active farm. Location: 1196 Van Cleavesville Rd, Kearneysville, WV. Shepherdstown (09); Map 15; Parcel: 1.7; Size: 80.15 ac; Zone: Rural; File: ZV14-11.
4. ***Request postponed from July 24, 2014.*** Variance request by Sara Lambert, Consultant, on behalf of Childs Road Church of God, owner, from Sections 4.11A.1 & 4.11J to reduce the landscaping buffer from 15' to 11'6" and Section 5.7B.2 & Appendix B to reduce the side setback from 50' to 11'6" to construct a 40' x 35' addition. Contact: Harold Newsome. Location: 3066 South Childs Rd, Kearneysville, WV. District: Middleway (07); Map 21; Parcel: 5.14; Size: 1.61 ac; Zone: Rural; File: ZV14-12.
5. ***Request postponed from July 24, 2014.*** Request for a Special Exception by Jacob and Tia Collis, owners, under Section 10.5B.3 for a Rural Reception/Event Facility to host farm weddings between March and October for Deerfield Farm Weddings. The applicant is seeking permission to operate the venue outdoors with rental tents during the event only; field parking would be provided for up to 75 cars, with an optional 10 handicap spaces in existing gravel lot; each event will cease by 11:00 p.m. Location: 6732 Scrabble Rd, Shepherdstown, WV. Shepherdstown (09); Map 3; Parcel: 8; Size: 10 ac; Zone: Rural; File: SE14-01.
6. ***Request postponed until September 25, 2014.*** Variance request by Mark Dyck, Consultant, on behalf of Tim Walther and Junipa Contento, Developers, from Section 2.2 to extend the time permitted for a Seasonal Use, which limits an event to not more than three consecutive days in each of the four solar systems. The applicant is requesting to hold a 5-day music festival and camp out during the June/August 2015 summer season. Property Owner: Nancy & Douglas Stolipher and Mark Stolipher. Location: 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-14.
7. ***Request postponed until September 25, 2014.*** Request by Mark Dyck, Consultant, on behalf of Tim Walther & Junipa Contento, Developers, to conduct a Seasonal Use event per Section 9.8 by hosting a 5 day musical festival and camp out, provided the previous variance request (ZV14-14) is approved, during the June/August 2015 summer season. Property Owner: Nancy & Douglas Stolipher and Mark Stolipher. Location: 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15.
8. Variance request by Doug Propst, applicant, from Appendix A, Residential Design Standards, to reduce the side setback from 12' to 6' to construct a new home. Property owner: Kenneth Lowe III and Andrew Lowe. Location: Maddex Farm Subdivision, Section I, Phase III, Hensel Dr., Lot 19, Shepherdstown,

WV. District: Shepherdstown (09); Map 8C; Parcel: 114; Size: 7,700 sq. ft.; Zoned: Residential-Light Industrial -Commercial; File: ZV14-16.

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

- a) Under the current CUP, can Morgan Academy use the house as a nonresidential use K-8 school?
- b) If yes, can Morgan Academy use the existing well and septic for this use?

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

10. Director's Report.

- a) Monthly Activity Report

11. Legal Update.

12. Signing of written decisions from prior Board of Zoning Appeals meetings.

Draft Minutes
Jefferson County Board of Zoning Appeals
Thursday, July 24, 2014

1 The Jefferson County Board of Zoning Appeals met on Thursday, July 24, 2014 at 2:00 p.m. The
2 meeting was at 200 East Washington Street, Charles Town, West Virginia, in the Conference Room
3 of the Old Charles Town Library. Unless otherwise noted, all requests are pursuant to the Jefferson
4 County Zoning and Land Development Ordinance.

5

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

10

11 Ted Schiltz was absent with notification.

12

13 Ms. Huddle motioned to commence the meeting at 2:03 p.m. Mr. Knott seconded the motion,
14 which carried unanimously.

15

16 Ms. Hartman swore in the individuals who indicated they would be giving testimony.

17

18 Mr. Quynn explained the proceedings of the meeting to those in attendance.

19

20 Approval of the minutes from the May 22, 2014 meeting. The following edits were suggested:

21

22 a) Page 3, line 26, change Markey to Market.

23

24 b) Page 3, line 41, change sentence to read, The Board took action on this item immediately
25 following the applicant's testimony. The Board did not deliberate on this Item. The action
26 previously taken for Item #4 prior to deliberation was, "Mr. Knott motioned to approve the
27 variance request. Ms. Huddle seconded the motion, which carried unanimously."

27

28 Ms. Huddle motioned to approve the minutes as corrected. Mr. Bannon seconded the motion,
29 which carried unanimously.

30

31 Approval of the minutes from the June 26, 2014 meeting. The following edits were suggested:

32

33 a) Page 1, line 15, change *motioned postpone the* to moved to postpone action on the.

34

35 b) Page 2, line 5, change "Mr. Frey stated that depending on financing and other matters
36 that their Board would need to review, they anticipated submitting a concept plan to the
37 Department by August and site plan approval by the end of the year." to "Mr. Frey stated
38 that depending on financing and other matters that their Board would need to review, they
39 anticipated submitting a concept plan to the Department by August and that they would
40 submit a site plan for review a couple of months after concept plan approval."

40

41 c) Page 3, line 42, insert *that* after *asked*.

41

42 d) Page 4, line 5, be sure to include the revised Rules of Procedure.

42

43 Ms. Huddle motioned to approve the minutes as corrected. Mr. Knott seconded the motion,
44 which carried unanimously.

45

46 2. Swearing in of the public intending to provide testimony. Ms. Hartman swore in the individuals
47 who indicated they would be giving testimony at the beginning of the meeting.

1 3. Variance request by owner, Leetown United Methodist Church, from Section 10.2I to permit
2 an animated sign & Section 10.4C to allow more than 1 sign along the road frontage & to
3 reduce the front setback from 25' to 12', measured from Leetown Rd., for a 4' x 5' sign.
4 Location: 11133 Leetown Rd. Kearneysville, WV. District: Middleway (07); Map 12; Parcel:
5 14; Size: 1.69 ac; Zone: Rural; File: ZV14-10.

6

7 The Board decide to hear Item #6 because the applicant was not available to speak on behalf of
8 their request. Ms. Brockman stated she had information to share with the Board and requested
9 that they come back to Item #3 after addressing Item #6. The Board agreed.

10

11 4. ***Request postponed until August 28, 2014.*** Variance request by owner, Jose I. Osorio, from
12 Section 4.10A to waive the requirement of a site plan to operate a monthly rodeo event with food
13 vendors and grass parking for 100 vehicles on an active farm. Location: 1196 Van Cleavesville
14 Rd., Kearneysville, WV. Shepherdstown (09); Map 15; Parcel: 1.7; Size: 80.15 ac; Zone: Rural;
15 File: ZV14-11.

16 This item was postponed until August 28, 2014.

17 5. ***Request postponed until August 28, 2014.*** Variance request by applicant, Sara Lambert, on
18 behalf of the owner, Childs Road Church of God, from Sections 4.11A.1 & 4.11J to reduce the
19 landscaping buffer from 15' to 11'6" and Section 5.7B.2 & Appendix B to reduce the side
20 setback from 50' to 11'6" to construct a 40' x 35' addition. Church contact: Harold Newsome.
21 Location: 3066 South Childs Rd., Kearneysville, WV. District: Middleway (07); Map 21;
22 Parcel: 5.14; Size: 1.61 ac; Zone: Rural; File: ZV14-12.

23 This item was postponed until August 28, 2014.

24 6. Variance request by applicant, Kevin Clark on behalf of the owners, Elsa and Harold Everling,
25 from Section 5.4B.1 to reduce the rear setback from 20' to 3' for a 15'5" x 21'10" deck on grade.
26 Location: 34 Blakeley Ridge Dr., Charles Town, WV. District: Harpers Ferry (04); Map 10A;
27 Parcel: 41; Size: 3,996 sq. ft.; Zone: Residential Growth; File: ZV14-13.

28 Harold Everling was present to address the Board and answer their questions. Ms. Brockman
29 presented her staff report to the Board specifically drawing their attention to the pictures.
30 Ms. Huddle had questions regarding the dimensions of the deck. Ms. Brockman stated the
31 deck would not impede the visibility of the traffic entering into the alley. Ms. Huddle
32 suggested that a text amendment should be drafted to address setback issues for these types
33 of lots. Mr. Everling stated their block contains the only units affected by this design issue.
34 Ms. Brockman stated any additional text amendments would have to wait until the adoption of
35 Comprehensive Plan. Mr. Quynn called for public comment. There was no public comment.

36

37 The Board agreed that a deliberative session was not necessary. Mr. Knott motioned to approve
38 the above referenced request. Ms. Huddle seconded the motion. Mr. Quynn suggested the motion
39 include that the applicant is bound by their testimony and that a building permit be applied for.
40 Mr. Knott and Ms. Huddle agreed. The Board approved the motion as amended unanimously.

41

1 7. ***Request postponed until August 28, 2014.*** Request for a Special Exception by owners,
2 Jacob and Tia Collis, under Section 10.5B.3 for a Rural Reception/Event Facility to host
3 farm weddings between March and October for Deerfield Farm Weddings. The applicant is
4 seeking permission to operate the venue outdoors with rental tents during the event only; field
5 parking would be provided for up to 75 cars, with an optional 10 handicap spaces in existing
6 gravel lot; each event will cease by 11:00 p.m. Location: 6732 Scrabble Rd., Shepherdstown,
7 WV. Shepherdstown (09); Map 3; Parcel: 8; Size: 10 ac; Zone: Rural; File: SE14-01.

8 4. Variance request by owner, Leetown United Methodist Church, from Section 10.2I to permit
9 an animated sign & Section 10.4C to allow more than 1 sign along the road frontage & to
10 reduce the front setback from 25' to 12', measured from Leetown Rd., for a 4' x 5' sign.

11

12 The applicant was not present to address the Board. Ms. Brockman informed the Board that
13 when staff conducted a site visit it appeared that the advertised 12' setback was not an accurate
14 measurement and that the proposed sign would be approximately 8' 8" from the edge of the
15 road right-of-way. Ms. Brockman stated that from the painted white line of Leetown Road to
16 the stoop of the church was 12', which as depicted on the sketch submitted by the applicant,
17 would be in alignment with the sign.

18

19 Ms. Brockman further explained that due to a recent interpretation change she believed that a
20 zoning variance request was no longer the appropriate application for seeking an animated
21 sign from the Board. Ms. Brockman explained this was due to the change in the definition of
22 variance. Ms. Brockman stated that a Conditional Use Permit would be a more appropriate
23 application. Discussion ensued regarding this change.

24

25 Ms. Huddle motioned to have Staff contact the applicant and request that they withdraw their
26 application and resubmit a new zoning variance application citing the more accurate 8' 8"
27 front setback for the new legal ad, for Staff to waive the application fee and to remove the
28 animated sign request from the application. Mr. Knott seconded the motion, which carried
29 unanimously.

30

31 7. Director's Report. Ms. Brockman introduce Rhonda Greenholtz, the office's new Planning
32 Clerk. Ms. Brockman updated the Board on the status of a pending rezoning request before
33 the County Commission, an upcoming public hearing for an extension related to the County
34 Commission's policy on SB595, the outcome of the public hearing for the Comprehensive
35 Plan and the status of the Mass Events amendment, which Ms. Brockman stated she would
36 forward to the Board as they would be the body addressing the requests.

37

38 8. Legal Update. None.

39

40 9. Signing of written decisions from prior Board of Zoning Appeals meetings.

41

42 a) Action on the Conditional Use Permit for Middleway Market. The applicant is proposing
43 to lift the nonconforming status from the following existing uses by granting said uses
44 permanent legal status: convenience store, which includes incidental propane service, ABC
off-premises packaged alcohol sales, video lottery/game room area & ABC on-premise

1 alcohol service, office/storage area, counter & deli service. The applicant is also seeking to
2 expand and/or add the following: increase the buildable area from 4,841.75 sq. ft. to 6,000
3 sq. ft.; to include a residential rental unit, to expand from counter & deli service to a
4 restaurant service with alcohol sales and delivery service; and, to permit gas pumps either on-
5 site or in conjunction with a partnership agreement with an adjacent neighbor. Owner:
6 Jefferson Reality, LLC. Location: 4843 Middleway Pike, Kearneysville, WV 25430. District:
7 Middleway (07); Map 19A; Parcels: 14 & 14.16; Size: 1.70 ac; Zone: Rural; File: CP14-01.
8 Meeting date 05/22/14. *Mr. Quynn signed Findings submitted by Mr. Groh.*
9
10 Ms. Huddle motioned to adjourn the meeting at 2:52 p.m. Mr. Knott seconded the motion, which
11 carried unanimously.
12
13 An audio transcript of this meeting can be found at the Department of Zoning and on the Department's
14 website at www.jeffersoncountywv.org. These minutes were prepared by Jennilee Hartman,
15 Zoning Clerk.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 28, 2014
Jose I. Osorio Variance Request (#ZV14-11)

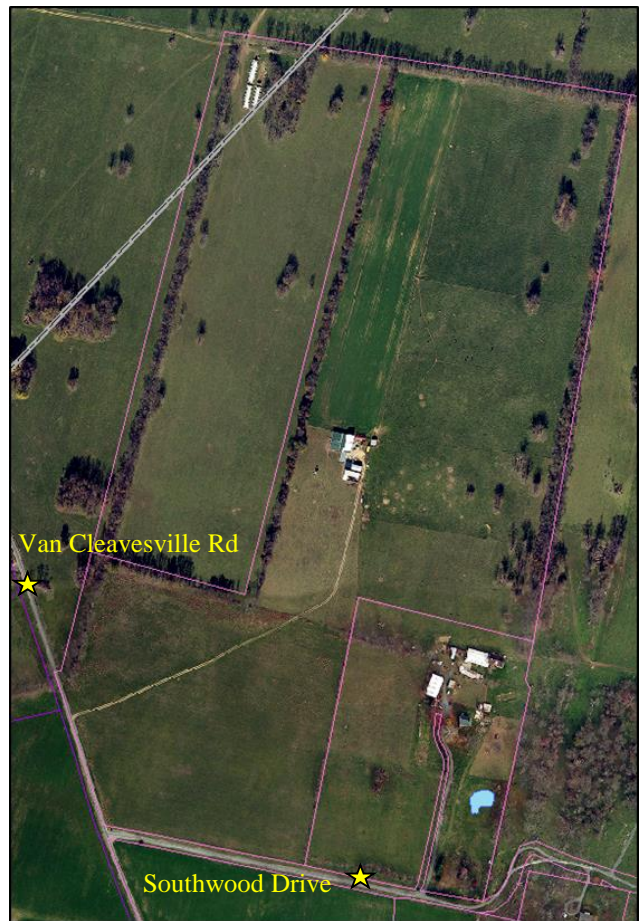
RELEVANT INFORMATION:

1. Overview of Request

The applicant has been approved administratively to host a monthly rodeo activity as an agricultural tourism enterprise. The rodeo proposes to utilize bulls raised in the farm, with participants providing their own horses. The applicant has constructed a deck area around an existing arena for the audience to stand. One food vendor is permitted as accessory to this use. The use is limited to once a month and is limited to 30 administratively waived permanent off-street parking. This request is to allow the once monthly rodeo activity to grow in a way that may require a larger grass parking area without processing a site plan. This cannot be administratively approved and requires BZA action.

2. Previous Case History

In the 1990's, a series of residential lots were permitted to be divided off an unpaved access easement. In 1996, the creation of an additional lot required to paving a 50' access easement to meet County road standards. At that time, the applicants requested a variance to not be required to do this upgrade, and offered to have the Residue of Lot 1 access off Van Cleavesville Road instead of Southwood Drive. This variance was denied and the subsequent plat included a note that requires the Lot 1 Residue to access off Southwood Drive. This Lot 1 Residue is the subject of this variance. Since that time, a driveway has been constructed on the Lot 1 Residue that accesses Van Cleavesville Road. A DOH highway entrance permit was obtained. In order to be in compliance with the plat, the applicant will either need to change the access point to the point approved on the Final Plat or process a Subdivision Waiver to lift the plat requirement by action of the Planning Commission.



3. Applicant's Justification of Request

In the attached application submitted for the variance request the applicant provided a response to the following four criteria for a variance:

- a) *Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.*
- b) *Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance.*
- c) *Would eliminate an unnecessary hardship and permit a reasonable use of the land.*
- d) *Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.*

Staff Report
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Jose I. Osorio Variance Request (#ZV14-11)

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

The provision that permits the administrative waiver of permanent off-street automobile parking and loading requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis, and require less than 30 spaces, was developed to enable and encourage a variety of rural activities that support the rural character and economy of the County anticipated to have a minimal impact on the neighborhood in which it is located. A land use that creates the need for more than 30 spaces needs to process as a standard commercial development which requires permanent paved parking and therefore typically requires processing a site plan. This request is to waive the site plan requirement and thereby allow a larger area of grass parking. The proposed use will still occur only once a month but would be permitted to grow beyond the administratively approved 30 spaces.



View of farm from Southwood Drive

b. Unique characteristics of property

The 80 acre parcel is the residue of a farm that has had multiple parent to child and minor subdivision divisions. The property has road frontage on Southwood Drive, the road which accesses the lots created by these divisions, as well as Van Cleavesville Road. While the Final Plat requires this lot to access Southwood Drive, the property has an existing approved access to Van Cleavesville Drive. This issue needs to be resolved by either relocating the drive or processing a Planning Commission waiver to lift the required access restriction.



Front entrance from Van Cleavesville Road

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 August 28, 2014
Jose I. Osorio Variance Request (#ZV14-11)

c. Character of area

The property is located in a fairly rural area of the County close to the Berkeley County line. It shares Southwood Lane with 6 other lots; however, it has a DOH approved access on Van Cleavesville Road. The property that is the subject of this variance is 80 acres in size and the proposed use is located near the center of the property and is accessed back a long driveway.



Side property line natural buffer (left of driveway)



Side property line natural buffer (right of driveway)



Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 28, 2014
Jose I. Osorio Variance Request (#ZV14-11)

d. Impact on adjacent properties

The request under consideration would allow a principal permitted use to expand beyond the current approval level which allows up to 30 customer vehicles to park on grass to a proposed 100 vehicles to park on grass, waiving the requirement for permanent off-street parking meeting the County's standards by waiving the requirement for a site plan. The result of the variance would be that additional customers would be able to attend an event that is still proposed to occur no more often than one time per month. If the property continues to maintain access utilizing the drive from Van Cleavesville Road, the impact on the neighboring properties will be minimal



other than possible off-site noise during the monthly event. Staff noted while conducting the site visit that the current entrance to the property was not easily visible from Van Cleavesville Road and that the existing grass and shrubs made exiting the property hazardous. Staff would suggest that the Board consider requiring the applicant to clear the tall grass and shrubs 100', in both directions, from the entrance and to advertise the entrance on the day of the event.

However, the #96-42 Final Plat currently requires that this property access off Southwood Drive and allowing the event to increase in size could negatively affect adjoining properties if access occurred from Southwood Drive as required by the plat. It should be noted that if the variance is not approved, the applicant can still expand the proposed use but would be required to provide permanent off-street parking, which triggers the need for a site plan. The costs associated with the development of a parking lot and the preparation of a site plan would likely require the event to occur more often, which would then increase the impact.



View from Southwood Lane facing Van Cleavesville Road

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 28, 2014
Jose I. Osorio Variance Request (#ZV14-11)

e. Feasibility of complying with the ordinance by other means

The applicant could comply with the requirement that permanent off-street parking be provided and approved through a site plan process. The result of this process, however, would greatly change the character of the neighborhood and area. The proposed agricultural tourism use and the proposed related grass parking, even for a larger audience, complements the current rural and agricultural nature of the property and neighborhood.

5. Conditions of Approval

Should the Board choose to approve this request, possible conditions of approval include:

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

SECTION OF ORDINANCE TO BE VARIED:

Section 4.10 Site Plan Requirements

- A. Submittal and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.^{23, 26}



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

File Number: ZV14-11

Staff Initials: CPC

Fees Paid (\$100 or \$150): \$ 100.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Zoning Variance Request

Variances to the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.

Property Owner Information

Name: JOSE F OSORIO

Mailing Address: 2111 OLD NATIONAL PIKE

City: MIDDLETOWN State: MD Zip Code: 21769

Phone Number: 301 792 0837 Email: _____

Applicant Information

Name: JOSE F OSORIO

Mailing Address: 2111 OLD NATIONAL PIKE

City: MIDDLETOWN State: MD Zip Code: 21769

Phone Number: 301 792 0837 Email: _____

Engineer(s) or Surveyor(s) Information

Name: N/A

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 1196 VAN CLEVELS VILLE Rd

City: KEARNESVILLE State: WV Zip Code: 25430

Tax District: SHEPHERDSTOWN (09) Map No: 15 Parcel No: 1.7

Parcel Size: 80.15 ACRES Deed Book: 939 Page No: 656

Zoning District (please check one)

RECEIVED

JUN 19 2014

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

	Residential	Industrial	Residential-	
	Growth	Commerical	Light Industrial-	
	(R-A)	(I-C)	Commercial	Village
	(R-G)		(R-L-C)	(V)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of ways, and easements. Show the location of the intended construction or land use indicating building setbacks (i.e., the distance of the structure from all property lines), size and height. Identify all existing buildings, structures or land uses on the property. The sketch should show the full extent of the property. Sign and date the sketch.

Is there a Code Enforcement action pending in relation to this property? Yes No

Reference the section of Ordinance pertaining to this request: 4.10(A)

Briefly describe the nature of the variance request

TO WAIVE THE REQUIREMENT FOR A SITE PLAN TO OPERATE A ONCE A MONTH ROBO CAR FOR UP TO 100 VEHICLES!

If this request is for a setback variance, please one of the following

Front Setback Side Setback Rear Setback Reduction From _____ to _____

Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

THE EVENT WILL ONLY BE HELD ONCE A MONTH ON A LARGE, ACTIVE FARM WITH PRIVATE ROAD ACCESS.

In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?

THIS IS A RURAL PROPERTY THAT SHOULD NOT BE SUBJECT TO GRAVEL OR PAVED PARKING STANDARDS FOR A ONCE A MONTH EVENT.

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

THE ABILITY TO EXPAND THE AGRICULTURAL ACTIVITIES ON THIS PROPERTY WILL ALLOW THE APPLICANT TO KEEP THE FARM VIABLE.

How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?

THE ORDINANCE ENCOURAGES AGRICULTURAL ACTIVITIES.

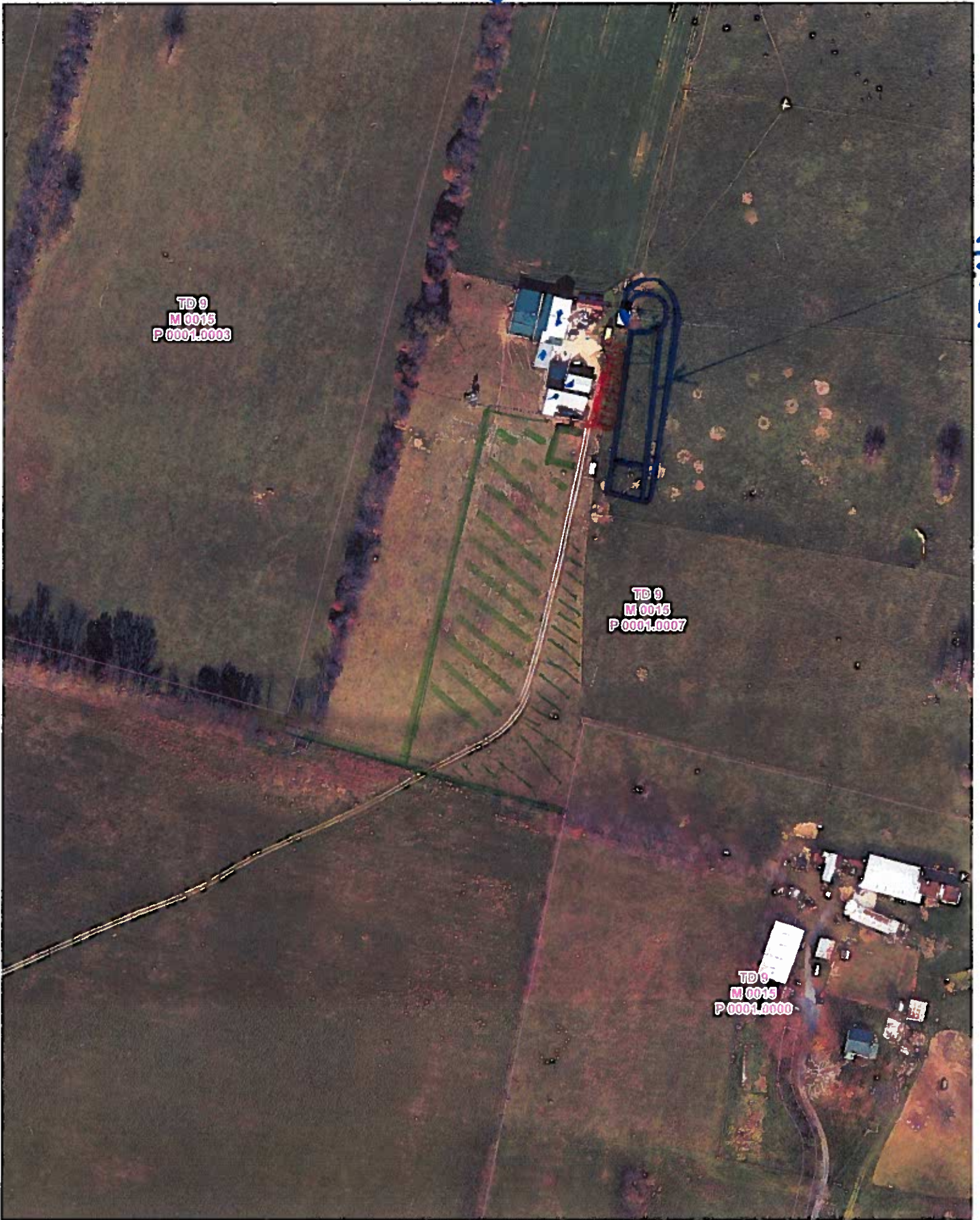
By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge. Note: Original signature is required. If additional signatures are necessary, please attach a separate sheet of paper.

[Signature] 6-17-14
Signature of Property Owner Date Signature of Property Owner Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to Zoning and Land Development Ordinance Section 3.4A(3)(b)).

July 24, 2014 WEDNESDAY, JULY 9, 2014 WEDNESDAY, JULY 9, 2014
Date of Public Hearing Advertising Date Placard Posting Date



ABA

ZC14-18

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 28, 2014

Childs Road Church of God Variance Request (#ZV14-12)

RELEVANT INFORMATION:

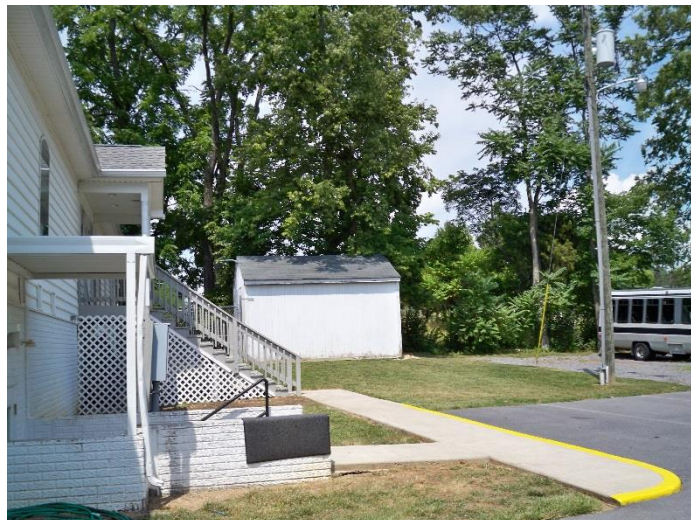
1. Overview of Request

The Childs Road Church of God is located on South Childs Road, near the intersection with WV 51. The existing structure consists of the original 2,520 square foot structure and a 6,233 square foot addition constructed in 2004. The sanctuary seats 220 people, requiring 44 parking spaces, which have been provided. The current request is to construct a 1,400 square foot addition.

The existing structure is non-conforming in that it was constructed prior to zoning and is located 9 feet from the side property line, where a 50 foot setback would be required. In 2004, the addition that was approved was allowed to expand the non-conforming structure within the 50 foot setback, up to a 35% expansion in length. As the church has utilized the 35% expansion permitted in the Zoning Ordinance, this request requires a variance to allow additional construction within the required 50 foot setback. The proposed addition is 40 feet in length and the closest point is proposed to be located 11'6" from the property line.



Property line to be affected



Location of proposed addition

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Childs Road Church of God Variance Request (#ZV14-12)

2. Previous Case History

In 2004, the Planning Commission approved a site plan for a 6,233 square foot addition. This addition was permitted to occur within the required 50 foot setback under the provision in the Zoning Ordinance that allows the expansion of a non-conforming use of up to 35% of the original non-conformity. The length of the side of the 2004 addition was 35% of the original side of the church structure.

3. Applicant’s Justification of Request

In the attached application submitted for the variance request the applicant provided a response to the following four criteria for a variance:

- a) *Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.*
- b) *Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance.*
- c) *Would eliminate an unnecessary hardship and permit a reasonable use of the land.*
- d) *Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.*

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

The purpose of the required 50 foot side yard setback and unscreened landscape buffer (or 15 foot screened buffer) for a non-residential use is to provide adequate buffer between the use and the neighboring properties, ensuring that sound and light and other potential negative impacts are minimized.

b. Unique characteristics of property

The Childs Road Church of God sits on a lot facing Childs Road, near to intersection with WV 51. The neighboring property to the north, along WV 51, comes to a very narrow point near the intersection and along the side yard that is the subject of this variance request. Locating the addition in this area allows the church to continue to use the existing parking area, existing septic reserve area. Existing stormwater pond and other features of the balance of the property and should have a minimal impact on the neighboring property.



Stormwater/septic reserve area

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 28, 2014

Childs Road Church of God Variance Request (#ZV14-12)



Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 28, 2014

Childs Road Church of God Variance Request (#ZV14-12)

c. Character of area

The property is located in a fairly rural area with a number of large rural residential lots in the vicinity. The area is heavily wooded and the church property itself has a fairly dense wooden boundary around much of the property. As noted earlier, the church is a non-conforming use in that it sits within the required 50 foot side yard setback and landscape buffer. This request is to allow an addition to the church following a similar setback line as the existing structure.

d. Impact on adjacent properties

Because of the shape of the neighboring property to the north and the location of the existing church structure, the requested variance to allow the addition to be located with a similar setback as the existing structure should have a minimal impact on that neighboring property. All other setbacks are being met.

e. Feasibility of complying with the ordinance by other means

While the addition could be located in a different area on the property, the impact of that location would likely be more significant as it would require moving the parking area in a manner that would impact more neighbors.

5. Conditions of Approval

Should the Board choose to approve this request, possible conditions of approval include:

1. The variance is limited to the proposed 1,400 square foot addition;
2. The applicant shall retain as much of the existing treed buffer as possible and replace as much of the impacted screened buffer as possible.

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

Buffer yard requirements are as shown in Appendix A and B of this Ordinance, and are summarized in this section.²⁷

A. Commercial Development²⁷

1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a fifty (50) foot or greater unscreened green space buffer or a fifteen (15) foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

J. Required landscape buffers for a non-residential use are indicated in Appendix B.²⁷

Section 5.7 Rural (R) District²³

B. Minimum Lot Area, Lot Width and Yard Requirements²³

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.²⁷
2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.²³



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

#

File Number: ZV14-12

Staff Initials: CLC

Fees Paid (\$100 or \$150): \$ 100.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Zoning Variance Request

Variances to the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.

Property Owner Information

Name: HAROLD R. NEWSOME
 Mailing Address: 32 NEW MEADOW DRIVE
 City: KEARNEYSVILLE State: WV Zip Code: 25430
 Phone Number: (304) 261-1276 Email: hrnewsome@netzero.com

Applicant Information

Name: Sara Lambert, Architect
 Mailing Address: P.O. Box 622
 City: Shepherdstown State: WV Zip Code: 25443
 Phone Number: 707 326-6443 Email: sara@saralambert.com

Engineer(s) or Surveyor(s) Information

Name: Lavelle and Associates
 Mailing Address: 334 East Second Street
 City: Frederick State: MD Zip Code: 21701
 Phone Number: 301 645-9722 Email: _____

Physical Property Details

Physical Address: 3066 South Childs Road
 City: Kearneysville State: WV Zip Code: 25430
 Tax District: Middleway Map No: 21 Parcel No: 5.14
 Parcel Size: 1.64 acres Deed Book: 558 Page No: 22

Zoning District (please check one)

	Residential	Industrial	Residential-	
Rural	Growth	Commerical	Light Industrial-	
(R-A)	(R-G)	(I-C)	Commercial	Village
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(R-L-C)	(V)

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of ways, and easements. Show the location of the intended construction or land use indicating building setbacks (i.e., the distance of the structure from all property lines), size and height. Identify all existing buildings, structures or land uses on the property. The sketch should show the full extent of the property. Sign and date the sketch.

Is there a Code Enforcement action pending in relation to this property? Yes No

Reference the section of Ordinance pertaining to this request: Section 5.7B, Section 4.11

Briefly describe the nature of the variance request

Reduce the side setback along the north property line to 11'-6".
Allow minor encroachment into 15' screened landscape buffer - 20' of 350 LF.

If this request is for a setback variance, please one of the following

Front Setback Side Setback Rear Setback Reduction From 50' to 11'-6"

Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

The existing Church facility ^{AS 1115} presently encroaches into the 50' side setback, to 9' off the north property line. The proposed addition will encroach less than the present building, so it is of no greater impact to the adjoining property.

In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?

Due to the present location of the existing building, currently substantially within the 50' setback, any reasonable expansion would subsequently encroach in a similar manner.

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

Alternative locations on the site would take away 4-5 parking stalls, interfere with current building fire egress routes, impinge on the septic reserve or be orphaned from the facility's existing central circulation core and general public access areas.

How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?

Proposed setback variance allows the proposed development to continue the property's present growth pattern of rural, low-rise structures.

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge. Note: Original signature is required. If additional signatures are necessary, please attach a separate sheet of paper.

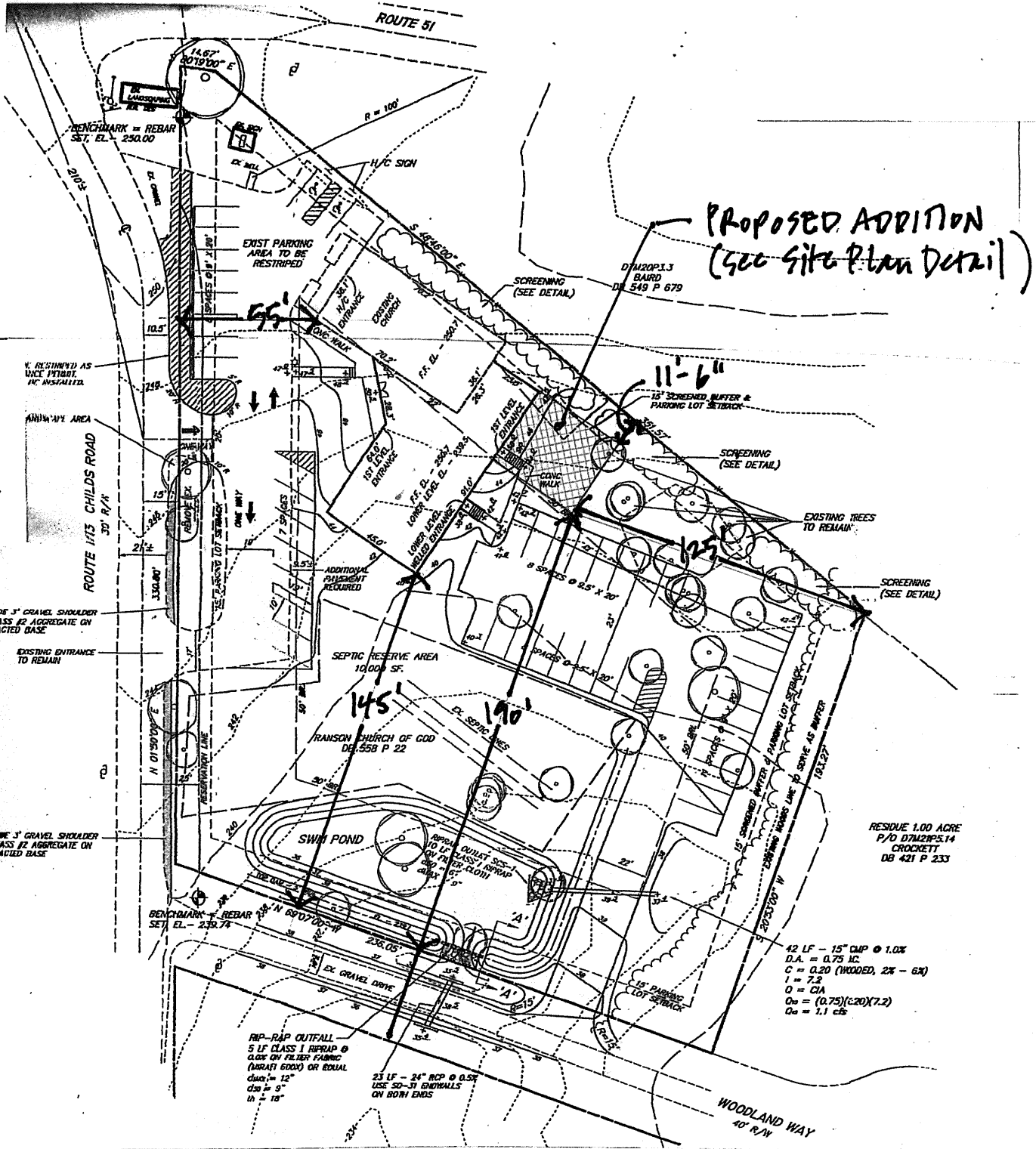
Arnold Reusoms 6/5/14
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to Zoning and Land Development Ordinance Section 3.4A(3)(b)).

Date of Public Hearing Advertising Date Placard Posting Date



CHILDS ROAD CHURCH OF GOD
 3066 SOUTH CHILDS ROAD, KEARNEYSVILLE

#ZV14-12

OVERALL SITE PLAN
 5-8-14 P-60

SITE PLAN PREPARED BY LAVELLE & ASSOCIATES
 336 EAST SECOND STREET, FREDERICK, MD
 PLAN DATED OCTOBER 2002, JOB FILE NO. 02-097
 (COMPLETE ENGINEERED SITE PLAN ON FILE AT COUNTY)

SARA LAMBERT ARCHITECT
 707.326.6443 SARA@SARALAMBERT.COM
 114 EAST GERMAN SUITE 201 . SHEPHERDSTOWN, WVA

5.8.14

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 28, 2014

Jacob and Tia Collis Special Exception Request (#SE14-01)

RELEVANT INFORMATION:

A. Overview of Request

On January 2, 2014, the Jefferson County Commission approved an amendment to the Jefferson County Zoning and Land Development Ordinance that included provisions for “Rural Reception/Event Facilities” to be approved through the Special Exception process, which requires a Public Hearing held by the Board of Zoning Appeals (BZA). A “Rural Reception/Event Facilities” is defined as “a facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events in the Rural, Village, Residential Growth and Residential-Light Industrial-Commercial Districts (permitted by Special Exception). Such events are limited to events that involve extended families and friends such as weddings, wedding receptions, birthday events, anniversary events, reunion events and/or family gatherings. No events that involve charging admission or are solely performance events are permitted under this provision.” There is also a provision for a “Rural Reception/Event Facilities, Small”, limited to not more than one event per month and not to exceed 75 cars, which can be processed administratively in accordance with provision of the Cottage Industry section of the Ordinance. This request does not fall under the “Small” provision.

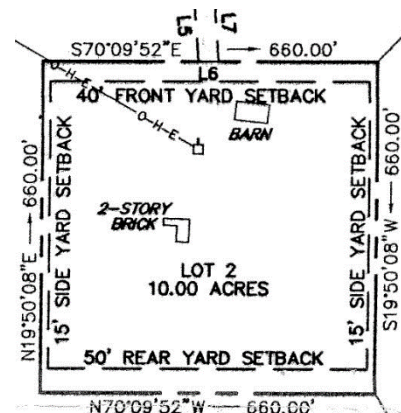
Section 10.5B(3) of the Zoning Ordinance provides that the following use may be approved as a Special Exception, after a Public Hearing before the BZA:

“Use of existing structures and outdoor areas as “Rural Reception/Event Facilities” for weddings and similar events in the Rural, Village, Residential Growth, and Residential-Light Industrial-Commercial Districts. Such a land use may be approved based on the Board’s evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. For events exceeding 300 persons, applicants shall provide a traffic control plan.”

The Collis request is the first to be processed under this provision of the Ordinance. They are proposing to host weddings and wedding receptions on their property utilizing outdoor areas only and/or rented tent structures which are removed after each event. They intend to limit the size of the weddings and receptions to 75 cars but would like to host such events more often than one per month. For this reason, this application is being processed through the Special Exception process.

B. Previous Case History

The parent to child transfer deed and plat, which created 10 acre subject parcel, was approved by the Planning staff on March 5, 2008 and was recorded with the County Clerk on March 14, 2008. The lot was approved under Section 2.1(b) of the 1979 Subdivision Ordinance.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 28, 2014

Jacob and Tia Collis Special Exception Request (#SE14-01)

C. Staff Evaluation of the Applicant’s Request

1. Type of Event:

The applicant would like to use their property to host weddings with no more than 75 cars total at each event, including up to 10 handicap spaces available on an existing gravel lot. The weddings will occur outdoors and/or in tents that will be set up for each event. The applicant has indicated that the Farm Weddings will be held from March through October; that they will occur on weekends; and will end by 11 PM.

2. Admission Fee/Donation:

In accordance with Section 2.2 of the Zoning Ordinance, by definition “no events that involve charging admission or are solely performance events are permitted under this provision”.

3. Type of Facility:

The applicant proposes the use of the yard or the farm field for the purpose of the wedding and will allow the use of tent structures for each event.

4. Proposed Frequency of the Event:

The applicant proposes to market the use of the property for outdoor farm weddings which can occur between March and October and has indicated that they will occur on weekends.

5. Adequacy of Parking Area:

The applicant has indicated that there a farm field that will be dedicated to grass parking and that there is an existing gravel parking lot near the existing house that is level enough to be dedicated to handicapped parking for up to 10 spaces.



Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 28, 2014

Jacob and Tia Collis Special Exception Request (#SE14-01)

6. Size of the Subject Property:

The property is 10 acres located centrally in the middle of a 160 acre farm.

7. Adequacy of Vehicular Access to the Property:

The 10 acre property shares an access with the parent farm and one other property which was subdivide from the parent parcel via another family transfer in 2011. If this was being administratively approved, public notice of the use of the shared access would be in the form of a Compatibility Assessment Meeting. Because this is being processed as a Special Exception, the public notice required for that BZA Public Hearing serves as notice to the neighbors to discuss the implication on the use of the shared drive at the Public Hearing. The applicant has submitted a letter from the person who shares the access indicating that they do not object to the proposed use.



Access to subject parcel



Third lot off Deerfield Drive

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 28, 2014

Jacob and Tia Collis Special Exception Request (#SE14-01)



Views from Scrabble Road

8. Impact on Adjacent Properties:

Other than the impact on the shared access, the location of this property in the center of a large farm limits the impact that any activity on this property would have on any neighboring properties other than the 160 acre farm.

9. Compatibility with the Neighborhood:

The property is located in a very rural area with fairly large residential lots and farms throughout the area. The proposed location for these events should be compatible with the neighborhood other than the amount of traffic that may be generated.

10. Attendance Provision:

The applicant has indicated that they intend to limit the attendance to 75 cars per event. It should be noted that the Zoning Ordinance requires that for events exceeding 300 persons, applicants shall provide a traffic control plan. This will be a requirement if such an event occurs.

11. Compliance with County Noise Restrictions per Section 8.9A.1:

The Zoning Ordinance requires that approvals of all Rural Reception/Event Facilities shall include a provision that noise at the property line shall conform to Section 8.9A.1 of the Ordinance and shall apply the Residential Growth District Standard to all adjacent lots containing a residence as well as adjacent lots in the Rural District. The supplemental information requires that the applicant acknowledge this requirement and certifies compliance with it.

D. Conditions of Approval

Should the Board choose to approve this request, possible conditions of approval include the following:

- a) The use shall be limited to weddings and wedding receptions utilizing outdoor areas only and/or rented tent structures which are removed after each event.
- b) Attendance at the events is limited to 75 cars per event OR if attendance at any event is expected to exceed 300 persons, applicants shall provide a traffic control plan.
- c) The events may occur on all weekends from March through October.
- d) Noise at the property line shall conform to Section 8.9A.1 of the Ordinance and shall apply the Residential Growth District Standard to all adjacent lots containing a residence as well as adjacent lots in the Rural District.

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 28, 2014

Jacob and Tia Collis Special Exception Request (#SE14-01)

SECTION OF ORDINANCE TO BE CONSIDERED:

Section 8.14 Rural Reception/Event Facility²⁶

A Rural Reception/Event Facility is a facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events. Such events are allowed by Special Exception in accordance with Section 10.5B of this Ordinance.

A Rural Reception/Event Facility, Small, is a Rural Reception/Event Facility in the Rural District only, for the hosting of events such as weddings with attendance not to exceed 75 cars, at a frequency of no more than one event per month. Such events are permitted administratively in accordance with the requirements of a Cottage Industry found in Section 4A.5 of this Ordinance; provided, however, that the maximum square footage for a Cottage Industry shall not apply to a proposed Rural Reception/Event Facility, Small. If these requirements are not complied with, the Cottage Industry permit can be revoked.

Approvals of all Rural Reception/Event Facility and Rural Reception/Event Facility, Small shall include a provision that noise at the property line shall conform with Section 8.9A.1 of this Ordinance and shall apply the Residential Growth District Standard to all adjacent lots containing a residence as well adjacent lots in the Rural District.

Section 8.9 Industrial and Commercial Uses²³

A. Industrial and commercial uses in all districts shall comply with the following standards:

1. Noise

All noise shall be muffled so as not to be objectionable due to intermitting, beat frequency, or shrillness. Noise levels shall not exceed the following sound levels dB(A). The sound-pressure level shall be

<u>Sound Measured In</u>	<u>DAY</u>	<u>NIGHT</u>
	<u>7 AM - 6 PM</u>	<u>6 PM - 7 AM</u>
Adjoining Agricultural or Residential Growth District	60 dB(A)	50 dB(A)

measured at the property line with a sound level meter.

Section 10.5 Special Exception Uses²⁶

A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals following a public hearing.

1. The public hearing shall be conducted according to the requirements of Section 3.4A.3(c).
2. Such hearing may be continued according to the requirements of Section 3.4A.3(d).
3. The public hearing is subject to the notification requirements of Section 3.4A.3(b).

B. The following uses may be approved as a Special Exception:

3. Use of existing structures and outdoor areas as “Rural Reception/Event Facilities” for weddings and similar events in the Rural, Village, Residential Growth, and Residential-Light Industrial-Commercial Districts. Such a land use may be approved based on the Board’s evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. For events exceeding 300 persons, applicants shall provide a traffic control plan.



JEFFERSON COUNTY, WEST VIRGINIA
Departments of Planning and Zoning
 116 East Washington Street, 2nd Floor, P.O. Box 338
 Charles Town, WV 25414

SE14-01
 File Number:
 Staff Initials: CPC
 Fees Paid: \$ 100.00

<http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html>

Email: zoningdepartment@jeffersoncountywv.org
planningdepartment@jeffersoncountywv.org

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

Application for Seasonal Use/Special Exception

Seasonal uses and special exceptions must be approved by the Board of Zoning Appeals pursuant to a public hearing. Seasonal uses cannot be approved for longer than one year at a time, and are limited to a single three-day consecutive period in each of the four solar seasons. For outdoor advertising signs, include (1) a full-color rendering of each sign proposed, including all dimensions of the sign and total square footage, (2) a sketch plan of the property, indicating the location of the sign and setbacks.

Type of Request

Seasonal Use: _____ Special Exception:

Property Owner Information

Name: Jacob + Tia Collis
 Mailing Address: 6732 Scabble Rd.
 City: Shepherdstown State: WV Zip Code: 25443
 Phone Number: 304-886-8757 Email: tia.collis@gmail.com

Applicant Contact Information

Applicant Name: Same as above
 Mailing Address: _____
 City: _____ State: _____ Zip Code: _____
 Phone Number: _____ Email: _____

Registered Engineer(s) or Surveyor(s) Information

Name: N/A
 Mailing Address: _____
 City: _____ State: _____ Zip Code: _____
 Phone Number: _____ Email: _____

Physical property details

Physical Address: 6732 Scabble Rd, Shepherdstown, WV 25443
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: Shepherdstown Map No.: 3 Parcel No.: 8
 Parcel Size: 10.00 acw Deed Book: 1048 Page No.: 126

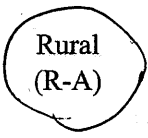
Zoning District (please check one)

1087-GH 647-GH

RECEIVED

JUN 27 2014

JEFFERSON COUNTY
 PLANNING, ZONING AND ENGINEERING



- Residential Growth (R-G)
- Industrial Commerical (I-C)
- Residential-Light Industrial-Commercial (R-L-C)
- Village (V)
- Rural (R-A)

Official Action of Board

Official Signature and Seal

President's Signature

Date

Deerfield Farm Proposed Farm Wedding Venue

10.0 Acres at 6732 Scrabble Rd, Shepherdstown
*No construction, will use raw land



Jefferson County Planning and Zoning Department
Rural/Reception Events Facility Special Exception Application Requirements

Jefferson County Zoning and Land Development Ordinance, as amended June 2, 2014

The requirements for the "Rural/Reception Events Facility" are established in Section 8.14 and Section 10.5B.3 of the Zoning Ordinance. A Special Exception application must be presented before the Board of Zoning Appeals at a public hearing and the application form must be accompanied by an acceptable Sketch Plan, at a readable scale, on plain white paper, including all the information listed below. The Board will make an approval determination and/or conditions of approval based on the following criteria: proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. Certain Rural/Reception Events Facility which meet the Ordinance definition of "small" may qualify for administrative review, but still require the submission of the Site Plan with the application.

Any property on which a Rural/Reception Events Facility is proposed shall be posted conspicuously by a zoning notice no less than twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days prior to the Board of Zoning Appeals Special Exception Hearing or prior to the approval of a Zoning Certificate for Rural/Reception Events Facility, Small. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant.

I certify that the proposed Rural Reception/Event Facility comply with this requirement.

NOTE: While required, the following is meant to be a guide for those processing a Rural Reception/Event Facility before the Board of Zoning Appeals. This document should not be used as the only basis for your request. There may be other relevant information pertaining to your request and/or property that may be useful to the Board; therefore, any additional information you wish to present is encouraged.

Type of Event (briefly describe event): Farm weddings

This request shall be limited to events that involve extended families and friends such as weddings, wedding receptions, birthday events, anniversary events, reunion events and/or family gatherings.

I certify that the proposed Rural Reception/Event Facility will meet this standard.

Please explain briefly how the proposed land use will meet this standard:

Admission Fee/Donation

No events that involve charging admission or are solely performance events are permitted under this provision.

I certify that the proposed Rural Reception/Event Facility will meet this standard.

Please explain briefly how the proposed land use will meet this standard:

Wedding use only, no admissions to guests will be charged.

Jefferson County Planning and Zoning Department
Rural/Reception Events Facility Special Exception Application Requirements
Jefferson County Zoning and Land Development Ordinance, as amended June 2, 2014

Type of Facility

- Outdoor Area Existing Structure
- Tent: Rented by Bride/groom Type: _____
Size: 40x60 Size: _____
- Open Size: _____

Proposed Frequency of the Event:

I would like to host 2 events per week; or,
I would like to host _____ events per month.

Anticipated Number of Attendees at the Events:

- Attendance will not exceed 75 cars (May allow administrative review)
- Attendance will exceed 75 cars but will not exceed 300 persons
- Attendance will exceed 300 persons (Requires submission of Traffic Control Plan)

Weekday Events:

- Monday Tuesday Wednesday Thursday Friday

Hours of operation: _____ A.M. to _____ P.M.
4 PM to 11 PM

Weekend Events:

- Saturday Sunday

Hours of operation: 11 A.M. to 11 P.M.

Size and Proposed Use of the Subject Property:

- Please provide a Sketch Plan, at a scale adequate to be read, on plain white paper, which depicts the following:
- Scale, North arrow, Title
 - Property boundaries, including whether there are multiple lots or parcels
 - Accurate locations and dimensions of the following:
 - Existing structures, including, but not limited to, existing homes and farms structures
 - Existing paved areas
 - Existing parking areas, drive aisles, access points
 - Existing wells and septic areas
 - Proposed parking areas for the rural event/facility (see more detail below)
 - Proposed location of port-a-potties (if proposed)
 - Health Department approval of port-a-potties or other restroom facilities will be required

Jefferson County Planning and Zoning Department
Rural/Reception Events Facility Special Exception Application Requirements

Jefferson County Zoning and Land Development Ordinance, as amended June 2, 2014

- Proposed location of trash receptacles
- Indicate graphically what area of the property will be utilized for the event, including which existing structures will be utilized for the events and what outdoor areas will be utilized for the event
- Indicate the size and location of proposed temporary tent structures, if applicable.

A written description of the proposed use should be provided on the application form

- Submit most recent deed to the property

Adequacy of Parking Area:

- Clearly depict the following on the attached Sketch Plan (clearly depict the parking area(s) and ADA space).

- Square footage of the proposed parking area
- Number of proposed parking spaces
- Type of parking area (pavement, gravel or grass)
- Proposed parking spaces and drive aisles and method of delineation
- Proposed valet parking or self-parking
- Proposed rotation of parking areas, if applicable.

- If grass parking is proposed, the following shall also be shown and drawn on plain paper or can be part of the sketch plan required:

- Areas identified as “usable ground” for location of grass parking areas and drive aisles, which shall be relatively flat areas and free of mud, ruts, etc.
- ADA parking requirements shall be addressed; in order to make reasonable accommodation for persons with disabilities, an unpaved accessible space may be created. Such space shall be identified as follows:
 - indicate whether line paint, roping off the area, or using orange cones will be utilized
 - the parking space shall be the standard width for a van-accessible space (16’ wide)
 - signs shall be placed within the enclosed area that says “disabled parking only.”
 - the ADA space shall be located closest to the rural reception activity or on the closest space available that is as level as possible.

Adequacy of Vehicular Access to the Property:

- On the attached Sketch Plan, please indicate the following:

- All access points to roads, driveways and easements
- The width of the legal access(es)
- If there is shared access;
- If the event is proposed to use more than one point of entry.

Note: No West Virginia Department of Highways Entrance Permit is required for a Rural Event/Facility

Jefferson County Planning and Zoning Department
Rural/Reception Events Facility Special Exception Application Requirements
Jefferson County Zoning and Land Development Ordinance, as amended June 2, 2014

Impact on Adjacent Properties and Compatibility with the Neighborhood

The proposed rural event/facility provisions of the Jefferson County Zoning and Land Development Ordinance is intended to allow uses that have minimal impact on the adjacent properties and are compatible with the neighborhood within which it is located.

I certify that the proposed Rural Reception/Event Facility will meet this standard.

Please explain briefly how the proposed land use will meet this standard:

Events to follow noise ordinance and be over by 11 pm. Our land is in the middle of 180 acre family farm.

Noise

The ordinance requires that noise, at the property line, shall conform with Section 8.9A.1 of the Zoning Ordinance and shall apply the Residential Growth District Standard to all adjacent lots containing a residence as well adjacent lots in the Rural District.

Section 8.9 Industrial and Commercial Uses²³

A. Industrial and commercial uses in all districts shall comply with the following standards:

1. Noise

All noise shall be muffled so as not to be objectionable due to intermitting, beat frequency, or shrillness. Noise levels shall not exceed the following sound levels dB(A). The sound-pressure level shall be measured at the property line with a sound level meter.

Sound Measured In	DAY 7 AM - 6 PM	NIGHT 6 PM - 7 AM
Adjoining Agricultural or Residential Growth District	60 dB(A)	50 dB(A)

I certify that the proposed Rural Reception/Event Facility will meet this standard.

Please explain briefly how the proposed land use will meet this standard:

The dj's hired for weddings will be required to follow the noise ordinance.

Such note has been placed upon the Sketch Plan.

Shared Access

Properties utilizing a private, shared right-of-way, driveway or easement for vehicular access for a Rural Reception/Event Facility, Small are required to conform with the requirements of a Compatibility Assessment Meeting. The meeting shall be conducted as described in Sections 7.6A and 7.6C of this Ordinance, with the following exceptions:

1. The purpose of the meeting is for the applicant to inform adjacent owners of the proposed Rural Reception/Event Facility and to describe any associated traffic impacts.
2. Owners of all properties with vehicular access to the right-of-way or easement shall be notified of the date, time, and place of the meeting by registered mail. Letters shall be mailed 14 days prior to the

Jefferson County Planning and Zoning Department
Rural/Reception Events Facility Special Exception Application Requirements

Jefferson County Zoning and Land Development Ordinance, as amended June 2, 2014

scheduled date of the meeting. Staff shall approve the letter as adequate prior to mailing, and the applicant must provide proof of mailing.

3. During the Compatibility Assessment Meeting, attendees should limit their comments to the adequacy of the private, shared right-of-way, driveway or easement, to accommodate traffic generated by the proposed Rural Reception/Event Facility.
4. No Board of Zoning Appeals approval of the application is required.

Public input regarding properties utilizing a private, shared right-of-way, driveway or easement for vehicular access for a Rural Reception/Event Facility requiring BZA approval will occur at the public hearing for the Special Exception application.

I certify that the proposed Rural Reception/Event Facility comply with this requirement.

Attendance Provision

The size of the proposed events can affect the type of review and requirements expected of the applicant.

Anticipated attendance requiring less than 75 vehicles and meeting the other standard of a "Rural Event/Facility, Small" may be permitted to be reviewed administratively. Anticipated attendance of greater than 300 persons shall require a Traffic Control Plan and may trigger Building Permit Review.

I understand that it is the applicant's responsibility to submit a traffic control plan to the Department of Planning and Zoning for any event that shall exceed 300 persons as a part of the application process.

I certify that the proposed Rural Reception/Event Facility will meet this standard.

Please explain briefly how the proposed land use will meet this standard:

Anticipated attendance is less than 75 vehicles per wedding.

I understand that should the attendance/occupancy of an event hosted inside an existing structure exceed 300 people that the Department of Engineering will be notified and that I may be required to upgrade or modify the existing structure in addition to any improvements I have already made to meet current building code requirements.

Deed restrictions or Homeowners' Association covenants

Note: Deed restrictions or Homeowners' Association covenants which are not enforced by Jefferson County may prohibit the proposed land use. Applicants are advised to review deed restrictions and Homeowners' Association covenants.

I understand that it is an applicant's responsibility to verify whether deed restrictions or Homeowners' Association covenants prohibit the proposed land use.

Signature

Tin Collins

Date

8/12/14

Printed name

July 9, 2014

Jefferson County Planning Commission
Jefferson County
Charles Town, WV 25414

**Re: Collis Farm
Request for variance for wedding venue**

Dear Ladies and Gentlemen:

As owners of 160 acres of farmland butting the Jacob and Tia Collis farm acreage, we do not have any reservations concerning the use of the farmland as a wedding venue.

Respectfully,

Craig H. Collis

Craig H. Collis

Berniece D. Collis

Berniece D. Collis

8/13/14

I have determined that this shared access is only shared by this family member. All other lots abutting this driveway access from other public roads. For this reason, a NCM is not required and this letter shall suffice.

*Joseph M. Bodman, AICP
Acting Zoning Administrator*

NOTICE

Board of Zoning Appeals Public Hearings Postponed

The following items scheduled for the August 28, 2014 Board of Zoning Appeals meeting have been postponed until the September 25, 2014 Board of Zoning Appeals meeting. This meeting will take place at 2:00 p.m. in the Conference Room located in the basement of the Old Charles Town Library (200 E. Washington St., Charles Town, West Virginia, 25414).

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

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

All comments received pertaining to these applications must be submitted no later than September 17, 2014 for inclusion in the Board's mailed packet. Any individual submitting more than 5 pages (total) must provide 8 paper copies to the Department of Planning and Zoning.

For additional information please call the Department at 304-728-3228 or you may send an email to zoning@jeffersoncountywv.org.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

File Number: ZV14-14

Staff Initials: etc

Fees Paid (\$100 or \$150): \$ 100.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Zoning Variance Request

Variances to the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.

Property Owner Information

Name: Two Property Owners, see attached

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Email: _____

Applicant Information

Name: All Good Festival and Camp Out - Mr. Tim Walther, Ms. Junipa Contento

Mailing Address: 2801 Chevy Chase Circle

City: Jefferson State: MD Zip Code: 21755

Phone Number: (301) 834-4100 Email: tim@walther-productions.com

Engineer(s) or Surveyor(s) Information

Name: Mark Dyck

Mailing Address: 301 North Mildred Street, Suite 1

City: Charles Town State: WV Zip Code: 25414

Phone Number: (304) 725-8456 Email: mdyck@gordon.us.com

Physical Property Details

Physical Address: 261 Berry Hill Farm Lane

City: Summit Point State: WV Zip Code: 25446

Tax District: 6 Map No: 19 Parcel No: 7,16,8.4

Parcel Size: 347.15 (total) Deed Book: 944;913;1129 Page No: 45;746;678

Zoning District (please check one)

RECEIVED
JUL 31 2014
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

	Rural (R-A)	Residential Growth (R-G)	Industrial Commerical (I-C)	Residential- Light Industrial- Commercial (R-L-C)	Village (V)
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of ways, and easements. Show the location of the intended construction or land use indicating building setbacks (i.e., the distance of the structure from all property lines), size and height. Identify all existing buildings, structures or land uses on the property. The sketch should show the full extent of the property. Sign and date the sketch.

Is there a Code Enforcement action pending in relation to this property? Yes No

Reference the section of Ordinance pertaining to this request: Section 2.2

Briefly describe the nature of the variance request

This request is for a variance from the Zoning Ordinance Definition of a Seasonal Use which limits any seasonal use to not more than a single three day period. This request is for a music festival and camp out for 5 consecutive days.

If this request is for a setback variance, please one of the following

Front Setback Side Setback Rear Setback Reduction From _____ to _____

Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

This request from the seasonal use three day period is to allow for a more gradual ingress and egress of event traffic to ensure the safety and welfare of the community. The fifth day of the event is for departure only, no performances will be scheduled for the last day.

In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?

This request is for the purpose of adding two (2) days to the definition of a seasonal use. Additional days will provide for a more optimal and gradual traffic flow for the event, the neighbors and the community.

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

The granting of this variance request will allow for a better transition of the event into the community. The approval of this request will allow for a successful event which reduces peak traffic flow and upholds the tradition of a five (5) day event.

How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?

The approval of this request to extend a seasonal use by two days meets the intent of the Ordinance, since seasonal uses are currently permitted and promoted in Jefferson County. An increase in days will also increase the length of stay of the patrons which will result in an increase in revenue to the County and surrounding businesses.

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge. Note: Original signature is required. If additional signatures are necessary, please attach a separate sheet of paper.

Nancy Stolipker 7-29-14
Douglas Stolipker 7-29-14
Signature of Property Owner Date

Walt B 7-29-14
Signature of Property Owner Date

Notification Requirements (to be completed by staff)

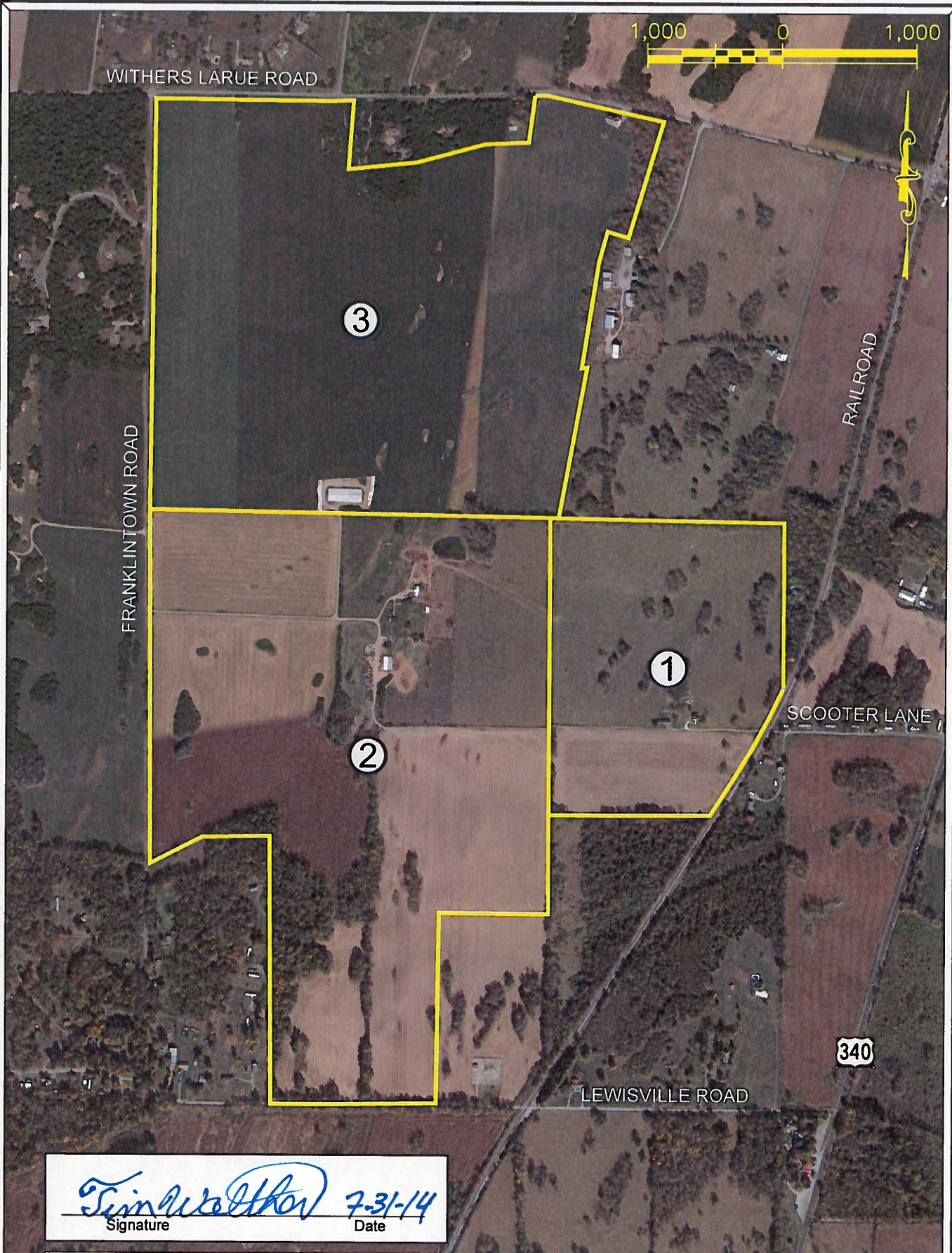
Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to Zoning and Land Development Ordinance Section 3.4A(3)(b)).

Date of Public Hearing

Advertising Date

Placard Posting Date

Tim Walker 7-31-14



PROPERTY SKETCH

ALL GOOD FESTIVAL
 VARIANCE REQUEST APPLICATION

Tim Stolipher 7-31-14
 Signature Date

PARCEL REFERENCE #	JEFFERSON COUNTY TAX INFORMATION			LAND AREA (ACRES)	OWNER
	DISTRICT	TAX MAP	PARCEL #		
1	KABLETOWN (6)	19	16	50	NANCY C. & DOUGLAS STOLIPHER
2	KABLETOWN (6)	19	7	150.31	MARK D. STOLIPHER
3	KABLETOWN (6)	19	8.4	146.84	MARK D. STOLIPHER



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338
Charles Town, WV 25414

File Number: _____

Staff Initials: _____

Fees Paid (\$100 or \$150): \$ _____

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Zoning Variance Request

Variances to the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.

Property Owner Information

Name: Nancy & Douglas Stolipher
Mailing Address: 1599 Roper North Fork Road
City: Charles Town State: WV Zip Code: 25414
Phone Number: 304-725-9561 Email: nansqh@hotmail.com

Applicant Information

Name: All Good Festival and Camp Out - Mr. Tim Walther, Ms. Junipa Contento
Mailing Address: 2801 Chevy Chase Circle
City: Jefferson State: MD Zip Code: 21755
Phone Number: (301) 834-4100 Email: tim@walther-productions.com

Engineer(s) or Surveyor(s) Information

Name: Mark Dyck
Mailing Address: 301 North Mildred Street, Suite 1
City: Charles Town State: WV Zip Code: 25414
Phone Number: (304) 725-8456 Email: mdyck@gordon.us.com

Physical Property Details

Physical Address: 261 Berry Hill Farm Lane
City: Summit Point State: WV Zip Code: 25446
Tax District: 6 Map No: 19 Parcel No: 16
Parcel Size: 50 Deed Book: 913 Page No: 678

Zoning District (please check one)

	Residential	Industrial	Residential-	
	Growth	Commerical	Light Industrial-	
Rural	(R-G)	(I-C)	Commercial	Village
(R-A)			(R-L-C)	(V)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of ways, and easements. Show the location of the intended construction or land use indicating building setbacks (i.e., the distance of the structure from all property lines), size and height. Identify all existing buildings, structures or land uses on the property. The sketch should show the full extent of the property. Sign and date the sketch.

Is there a Code Enforcement action pending in relation to this property? Yes No

Reference the section of Ordinance pertaining to this request: See application.

Briefly describe the nature of the variance request
See application.

If this request is for a setback variance, please one of the following

Front Setback Side Setback Rear Setback Reduction From _____ to _____

Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

See application.

In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?

See application.

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

See application.

How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?

See application.

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge. Note: Original signature is required. If additional signatures are necessary, please attach a separate sheet of paper.

Douglas Stolipker 7-29-14
Signature of Property Owner Date

Nancy Stolipker 7-29-14
Signature of Property Owner Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to Zoning and Land Development Ordinance Section 3.4A(3)(b)).

_____ _____ _____
Date of Public Hearing Advertising Date Placard Posting Date



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338
Charles Town, WV 25414

File Number: _____

Staff Initials: _____

Fees Paid (\$100 or \$150): \$ _____

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

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

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

Zoning Variance Request

Variances to the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.

Property Owner Information

Name: Mark D. Stolipher
Mailing Address: PO Box 190
City: Rippon State: WV Zip Code: 25441
Phone Number: (304) 279-3649 Email: bull4u@hotmail.com

Applicant Information

Name: All Good Festival and Camp Out - Mr. Tim Walther, Ms. Junipa Contento
Mailing Address: 2801 Chevy Chase Circle
City: Jefferson State: MD Zip Code: 21755
Phone Number: (301) 834-4100 Email: tim@walther-productions.com

Engineer(s) or Surveyor(s) Information

Name: Mark Dyck
Mailing Address: 301 North Mildred Street, Suite 1
City: Charles Town State: WV Zip Code: 25414
Phone Number: (304) 725-8456 Email: mdyck@gordon.us.com

Physical Property Details

Physical Address: 261 Berry Hill Farm Lane
City: Summit Point State: WV Zip Code: 25446
Tax District: 6 Map No: 19 Parcel No: 8.4; 7
Parcel Size: 297.15 (total) Deed Book: 944; 1129 Page No: 45; 746

Zoning District (please check one)

Table with 5 columns: Rural (R-A), Residential Growth (R-G), Industrial Commerical (I-C), Residential-Light Industrial-Commercial (R-L-C), Village (V). Includes checkboxes, with Rural (R-A) checked.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

File Number: ZV14-15
Staff Initials: etc
Fees Paid: \$ 100.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: zoningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: planningdepartment@jeffersoncountywv.org

Fax: (304) 728-8126

Application for Seasonal Use/Special Exception

Seasonal uses and special exceptions must be approved by the Board of Zoning Appeals pursuant to a public hearing. Seasonal uses cannot be approved for longer than one year at a time, and are limited to a single three-day consecutive period in each of the four solar seasons. For outdoor advertising signs, include (1) a full-color rendering of each sign proposed, including all dimensions of the sign and total square footage, (2) a sketch plan of the property, indicating the location of the sign and setbacks.

Type of Request

Seasonal Use: [checked] Special Exception: []

Property owner information

Name of Property Owner: Two Property Owners, See Attached
Mailing Address:
City: State: Zip Code:
Phone Number: Email:

Applicant contact information

Applicant Name: All Good Festival and Camp Out - Mr. Tim Walther, Ms. Junipa Contento
Mailing Address: 2801 Chevy Chase Circle
City: Jefferson State: MD Zip Code: 21755
Phone Number: (301) 834-4100 Email: tim@walther-productions.com

Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Gordon
Mailing Address of Engineer(s) or Surveyor(s): 301 North Mildred Street, Suite 1
City: Charles Town State: WV Zip Code: 25414
Phone Number: (304) 725-8456 Email: mdyck@gordon.us.com

Physical property details

Physical Property Address: 261 Berry Hill Farm Lane
City: Summit Point State: WV Zip Code: 25446
Tax District: 6 Map No.: 19 Parcel No.: 7;16;8.4
Parcel Size: 347.15 Deed Book: 944;913;1129 Page No.: 45;746;678

Zoning District: Rural (R-A) [checked] Residential Growth (R-G) [] Industrial Commerical (I-C) [] Residential-Light Industrial-Commercial (R-L-C) [] Village (V) []

RECEIVED

JUL 31 2014

JEFFERSON COUNTY PLANNING, ZONING AND ENGINEERING

Name of Temporary Business or Event

Music Festival and Camp-out

Description of Seasonal Use

5-day music festival and camp-out featuring a showcase of live touring bands consisting of Bluegrass, Jazz-Funk, Blues, Americana and Rock. The event will feature a wide variety of foods, arts and crafts, kids area, art installations and world class sound and lights. No performances on the fifth day.

Name of Primary Contact/Responsible Party During Business Hours

Tim Walther and Junipa Contento

Primary Contact Telephone Number

(301) 834-4100

Duration of Temporary Use/Window of Authorization

Start Date: June 15, 2015 End Date: August 15, 2015

Total Number of Days: 5 days (not including set up or tear down)

Hours of Operation of Seasonal Use

24 hour camp-out event

How is the property currently used?

Agricultural use, currently being used as crop land for private use.

What is the proposed use of the property?

The proposed use is a music festival and camp-out event featuring an eclectic mix of bands, a wide variety of foods, arts and crafts, kids area, art installations and world class sound and lights.

On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Please specify the number and location of the existing/proposed parking spaces (if necessary).

**Original signature is required of all property owners (attach additional signature page if needed).
The information given is correct to the best of my knowledge.**

Nancy Stolicher 7-29-14
Douglas Stolicher 7-29-14

Signature of Property Owner 1 Date

[Signature] 7-29-14

Signature of Property Owner 2 Date

Notification Requirements

Date of Public Hearing

Advertising Date

Posting Requirements (number of days prior to scheduled hearing)

Tim Walther 7-31-14

Official Action of Board

Official Signature and Seal

Signature

Date

Signature

Date



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

File Number: _____

Staff Initials: _____

Fees Paid: \$ _____

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: zoningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: planningdepartment@jeffersoncountywv.org

Fax: (304) 728-8126

Application for Seasonal Use/Special Exception

Seasonal uses and special exceptions must be approved by the Board of Zoning Appeals pursuant to a public hearing. Seasonal uses cannot be approved for longer than one year at a time, and are limited to a single three-day consecutive period in each of the four solar seasons. For outdoor advertising signs, include (1) a full-color rendering of each sign proposed, including all dimensions of the sign and total square footage, (2) a sketch plan of the property, indicating the location of the sign and setbacks.

Type of Request

Seasonal Use: [checked] Special Exception: []

Property owner information

Name of Property Owner: Nancy & Douglas Stolipher
Mailing Address: 1599 North Fork Road
City: Charles Town State: WV Zip Code: 25414
Phone Number: (304) 725-9561 Email: nansqh@hotmail.com

Applicant contact information

Applicant Name: All Good Festival and Camp Out - Mr. Tim Walther, Ms. Junipa Contento
Mailing Address: 2801 Chevy Chase Circle
City: Jefferson State: MD Zip Code: 21755
Phone Number: (301) 834-4100 Email: tim@walther-productions.com

Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Gordon
Mailing Address of Engineer(s) or Surveyor(s): 301 North Mildred Street, Suite 1
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Phone Number: (304) 725-8456 Email: mdyck@gordon.us.com

Physical property details

Physical Property Address: 261 Berry Hill Farm Lane
City: Summit Point State: WV Zip Code: 25446
Tax District: 6 Map No.: 19 Parcel No.: 16
Parcel Size: 50 Deed Book: 913 Page No.: 678

Zoning District: Rural (R-A) [checked], Residential Growth (R-G) [], Industrial Commerical (I-C) [], Residential-Light Industrial-Commercial (R-L-C) [], Village (V) []

Name of Temporary Business or Event

See application.

Description of Seasonal Use

See application.

Name of Primary Contact/Responsible Party During Business Hours

See application.

Primary Contact Telephone Number

See application.

Duration of Temporary Use/Window of Authorization

Start Date: See application

End Date: See application.

Total Number of Days: See application.

Hours of Operation of Seasonal Use

See application.

How is the property currently used?

See application

What is the proposed use of the property?

See application.

On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Please specify the number and location of the existing/proposed parking spaces (if necessary).

See application.

**Original signature is required of all property owners (attach additional signature page if needed).
The information given is correct to the best of my knowledge.**

Douglas Stoliphen 7-29-14
Signature of Property Owner 1 Date

Nancy Stoliphen 7-29-14
Signature of Property Owner 2 Date

Notification Requirements

Date of Public Hearing

Advertising Date

Posting Requirements (number of days prior to scheduled hearing)

Official Action of Board

Official Signature and Seal

Signature

Date

Signature

Date



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

File Number: _____

Staff Initials: _____

Fees Paid: \$ _____

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Application for Seasonal Use/Special Exception

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Type of Request

Seasonal Use: [checked] Special Exception: []

Property owner information

Name of Property Owner: Mark D. Stolipher
Mailing Address: PO Box 190
City: Rippon State: WV Zip Code: 25441
Phone Number: (304) 279-3649 Email: bull4u@hotmail.com

Applicant contact information

Applicant Name: All Good Festival and Camp Out - Mr. Tim Walther, Ms. Junipa Contento
Mailing Address: 2801 Chevy Chase Circle
City: Jefferson State: MD Zip Code: 21755
Phone Number: (301) 834-4100 Email: tim@walther-productions.com

Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Gordon
Mailing Address of Engineer(s) or Surveyor(s): 301 North Mildred Street, Suite 1
City: Charles Town State: WV Zip Code: 25414
Phone Number: (304) 725-8456 Email: mdyck@gordon.us.com

Physical property details

Physical Property Address: 261 Berry Hill Farm Lane
City: Summit Point State: WV Zip Code: 25446
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Parcel Size: 297.15 Deed Book: 944; 1129 Page No.: 45; 746

Zoning District: Rural (R-A) [checked], Residential Growth (R-G) [], Industrial Commerical (I-C) [], Residential-Light Industrial-Commercial (R-L-C) [], Village (V) []

Name of Temporary Business or Event

See application.

Description of Seasonal Use

See application.

Name of Primary Contact/Responsible Party During Business Hours

See application.

Primary Contact Telephone Number

See application.

Duration of Temporary Use/Window of Authorization

Start Date: See application.

End Date: See application.

Total Number of Days: See application.

Hours of Operation of Seasonal Use

See application.

How is the property currently used?

See application.

What is the proposed use of the property?

See application.

On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Please specify the number and location of the existing/proposed parking spaces (if necessary).

See application.

Original signature is required of all property owners (attach additional signature page if needed). The information given is correct to the best of my knowledge.

 7-29-11

Signature of Property Owner 1 Date

Signature of Property Owner 2 Date

Notification Requirements

Date of Public Hearing

Advertising Date

Posting Requirements (number of days prior to scheduled hearing)

Official Action of Board

Official Signature and Seal

Signature

Date

Signature

Date

All Good Festival and Camp Out
Seasonal Use Permit Supplemental Information
July 31, 2014

Jefferson County Music Festival

Tourism is an important industry in West Virginia and Jefferson County is the largest generator of tourism dollars in the state. The continued development of this industry is an essential economic development strategy for the County. The All Good Festival is a regional event that will attract new visitors from the DC metropolitan area and beyond.

When tourists visit our county they support local business, fill up hotel rooms and generate tax revenue. The proposed festival is part of the growing, music based tourism sector, one which other entities such as Hollywood Casino are investing in. The festival will take place in the summer of 2015 and will be scheduled between June 15th and August 15th; the dates will be finalized as the organization of the event moves forward in consultation with various agencies in Jefferson County. The goal of the event is to bring music fans together to enjoy a tradition of live music and community amid the beautiful splendor of Jefferson County.

The five day event will take place from Thursday to Monday with all aspects being professionally managed. Attendees generally arrive on Thursday to set up in the camping areas and leave on Sunday or Monday morning, there will be no music on Monday. The festival maintains a zero footprint policy and organizes onsite and offsite cleanups during and after the event. It is understood that a plan detailing the location of all festival activities will need to be submitted to Jefferson County for approval as the next step in the application process.

1. Community Planning

The organizers will coordinate the event with Jefferson County Sheriff, Jefferson County Health Department and Jefferson County Emergency services. The festival will be organized to provide all county residents and patrons a safe weekend. The plans developed with these agencies will be shared with Jefferson County staff to ensure that a coordinated effort is undertaken and that plans are fully reviewed prior to the festival.

The proposed site is approximately 1.0 miles from Route 340 with the majority of the adjacent land used for agricultural purposes. The site is rolling and will allow for the location of the main stages in a fashion that reduces the impact on adjacent properties. As part of the festival a 50' buffer is proposed as shown on the attached exhibit.

During the detailed planning of the festival the organizers will designate a community representative who will be available to coordinate with the public.

2. Mass Events Ordinance

The Jefferson County Planning Commission has spent a tremendous amount of time working on a mass events ordinance. The Applicant has participated with this group is committed to the long term success of this ordinance. Many of the issues examined by this group are related to this application and the Applicant will agree to the following conditions;

- 2.1 The Applicant agrees to post a \$60,000 surety to cover unexpected costs to the County. To release the surety the Applicant will meet with the applicable County agencies within 60 days of the close of the event. At this meeting these agencies will provide a full accounting of any cost directly associated with the event and chargeable against the surety. The surety shall be submitted 45 days prior to the event.
- 2.2 The applicant will submit a Concept Plan in accordance with the Minor Site Plan process. The plan will include the following items and reflect the noted design standards;
 - a. Plan showing the layout of parking, performance areas, bathrooms, vendors, entrances, emergency entrances, entry gates, vehicle stacking areas, garbage locations, fencing, site security, buffers and equipment areas.
 - b. All performance areas will be a minimum of 1,000' from any offsite residential structure.
 - c. All festival elements, with the exception of site access points and security, will be set back 150' from any offsite residential structure.
 - d. The Applicant will provide the Concept Plan to the following entities; Jefferson County Health Department, EMS and Fire, 911 agencies.
 - e. The applicant will work with the Jefferson County Sheriff's office to prepare a safety plan that will cover all applicable situations. The plan will include staffing requirements by the Sheriff's office as well as emergency planning that includes fire and ambulance. This agreement shall be completed 45 days prior to the event. As agreed to by the parties the agreement may include financial compensation to cover County staffing costs.
 - f. The Applicant will provide a written agreement showing that a licensed garbage removal company and a licensed towing company have been engaged for the event.
- 2.3 The Applicant agrees to the following conditions as specified in the draft ordinance.
 - a. Provide \$2,000,000 of general commercial liability insurance.
 - b. No amplified performance after 3 a.m. or before 10 a.m.
 - c. No outdoor performance lighting after 3 a.m. or before 10 a.m.
 - d. All sales of alcohol shall be regulated by the West Virginia Alcohol Beverage Control Administration.
 - e. All trash shall be removed daily.
 - f. Event site shall provide ample potable water supply and proper sanitation facilities.

3. Community Benefit

The organizers will be focused on being good neighbors to the community. They will hire locally, purchase goods locally and solicit local non-profit organizations for their participation in the event.

Historically, the event raises \$10,000-\$15,000 for non-profit organizations and has collected 4,000-5,000 pounds of food annually for donation to local food banks.

4. Traffic Control

- 4.1 Traffic Planning – a full traffic plan will be prepared and submitted to the Sheriff’s Department and Jefferson County with the submission of the limited site plan. The plan will account for varying levels of traffic flow through the phases of the event and will include planning for emergency vehicle access at all times.
- 4.2 Pre Event Traffic – prior to the event, traffic will be accessing the site for festival setup. This traffic will include vehicles associated with vendors, stage setup and site preparation.
- 4.3 Thursday Arrival – the majority of the concentrated traffic, approximately 60-70%, for the event will occur on Thursday. Traffic will be guided to the site by signage and personal as proscribed by the traffic plan. Offsite manned traffic control will start along Route 340 to ensure the management of this traffic. Thursday traffic may include a queuing of traffic along access roads and Route 340.
- 4.4 Friday to Saturday – traffic is greatly reduced during this period. Traffic control will be maintained to ensure safe access to the site.
- 4.5 Post Event Traffic – departing traffic is less concentrated and spread over Sunday and Monday. Patrons can camp over on Sunday night but all patrons are required to leave on Monday. Departure from the site is not slowed by the check in process and will not result in the queuing association with entry to the site.

5. Safety/Security

- 5.1 Rules and Regulations – the organizers of the event want all patrons to be comfortable and safe, they know they are visitors in our community and their conduct is important. There will be rules for the festival and the rules will be enforced. A plan will be in place for anyone who does not obey the rules. Basic rules include;
 - a. No glass bottles
 - b. No fireworks
 - c. No personal camp fires
 - d. No dogs or pets
 - e. No illegal substances
 - f. No underage drinking
 - g. No ATV’s or motorcycles
 - h. No violence or aggressive conduct
- 5.2 Safety/Security Plan – a plan will be prepared and reviewed with law enforcement and emergency services agencies to address potential concerns, including weather related issues. Action plans will be in place to address all potential problems, including problems that may require law enforcement assistance.
- 5.3 Entry – all entry to the site will be limited to ticketed patrons. Vehicles will be checked prior to entry for items that violate the festival rules.
- 5.4 Site Security – security for the event will be provided by multiple professional security firms, at any given time up to 200 security personnel will be present. Security is divided into three primary areas;

- a. Perimeter security – perimeter security will be maintained 24 hours a day to prevent unauthorized entrance or exit to the property. The site will be secured with a 6’ chain link fence to maintain access control. The fencing will prevent trespassing on adjacent lands and ensure that all patrons are checked in prior to entering the site.
 - b. Camping areas - 24 hour security will be maintained in the camping areas to ensure the safety and enjoyment of all patrons. The security staff will operate per the approved plan and will be available to assist patrons throughout the event.
 - c. Production areas – the production areas will be secured to prevent accidental or intentional access by patrons.
- 5.5 Emergency Services – the organizers will prepare for all potential emergency events and coordinate with emergency service agencies. Planning includes basic preparation for concerns such as heat stroke and sunburn as well as more serious issues. At all times emergency service vehicles will be guaranteed safe access to the property.

6. Trash & Recycling

- 6.1 An experienced festival trash and recycling company will implement a comprehensive management plan, during and after the festival.
- 6.2 The company will strategically place upwards of 500 trash and recycling collection containers within and on the borders of the event.
- 6.3 As an environmentally conscious company, it is the organizers intent to leave both the site and access roads cleaner after the event than upon arrival.

7. Stage Areas

- 7.1 Stage areas will be designed to reduce impacts on residential structures.

8. Temporary Site Improvements

- 8.1 Most improvements for the festival will be temporary and removed upon completion. Any permanent features will be permitted as required by Jefferson County
- 8.2 No asphalt paving is proposed for the event.

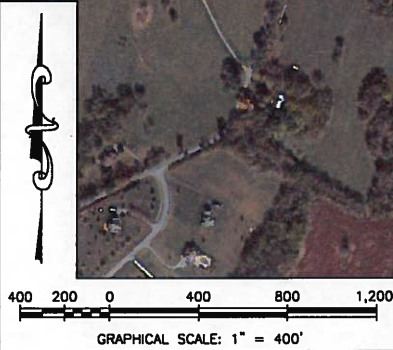
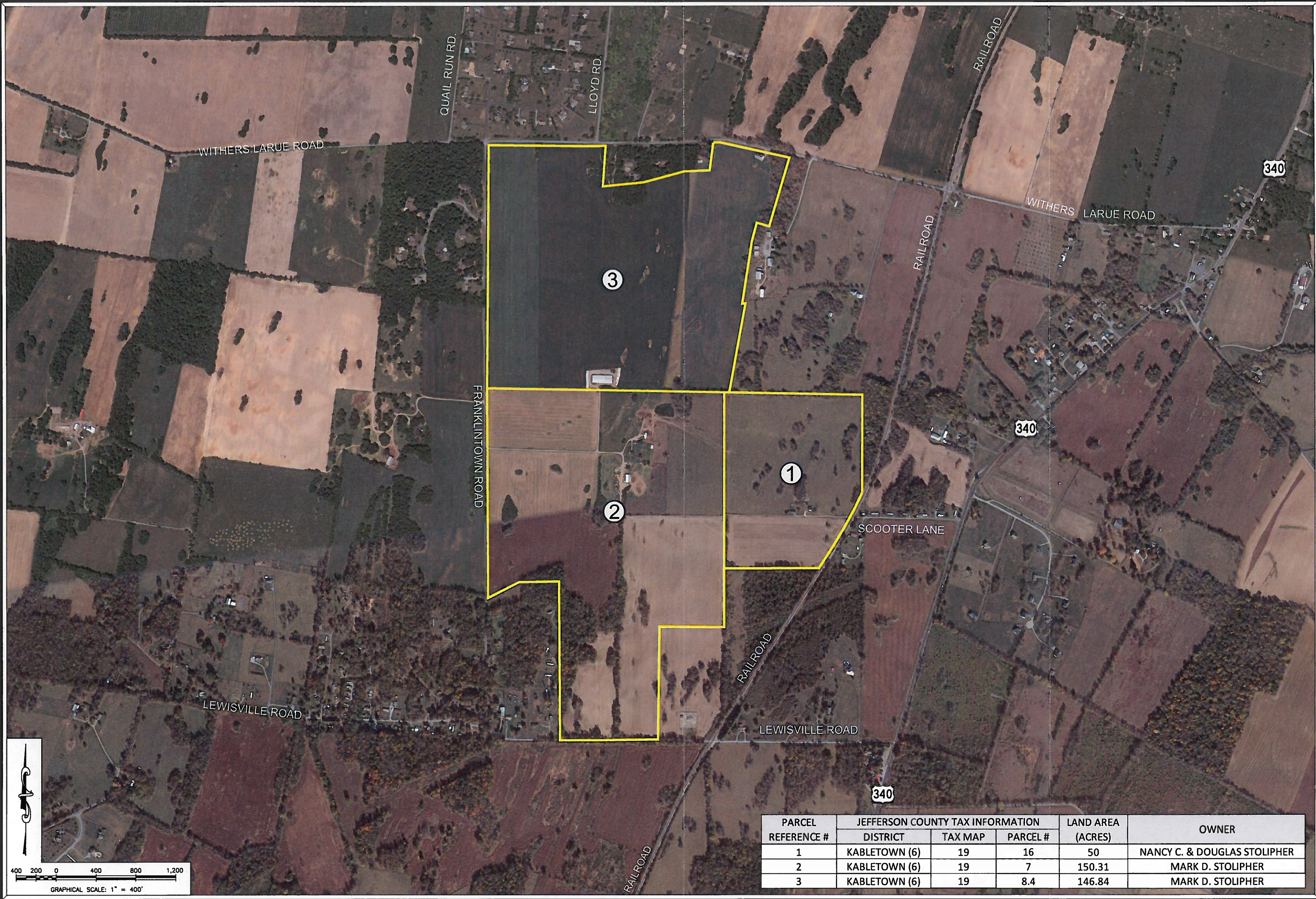
9. Power

- 9.1 The festival will provide independent power generation for the event. Local power may be used as a secondary source if readily available.

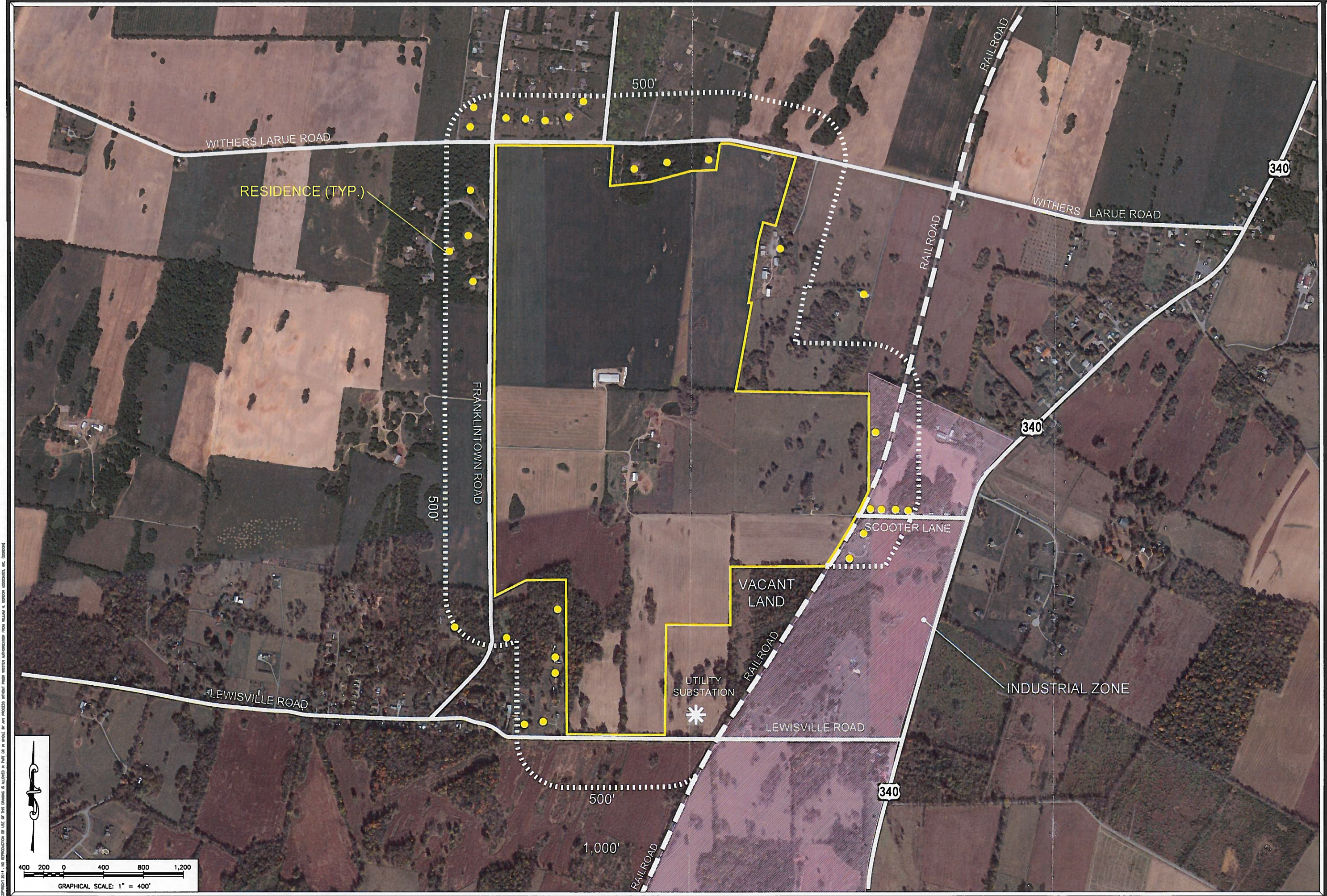
10. Lighting

- 10.1 Lighting will be provided to provide safe and secure access around the festival site.

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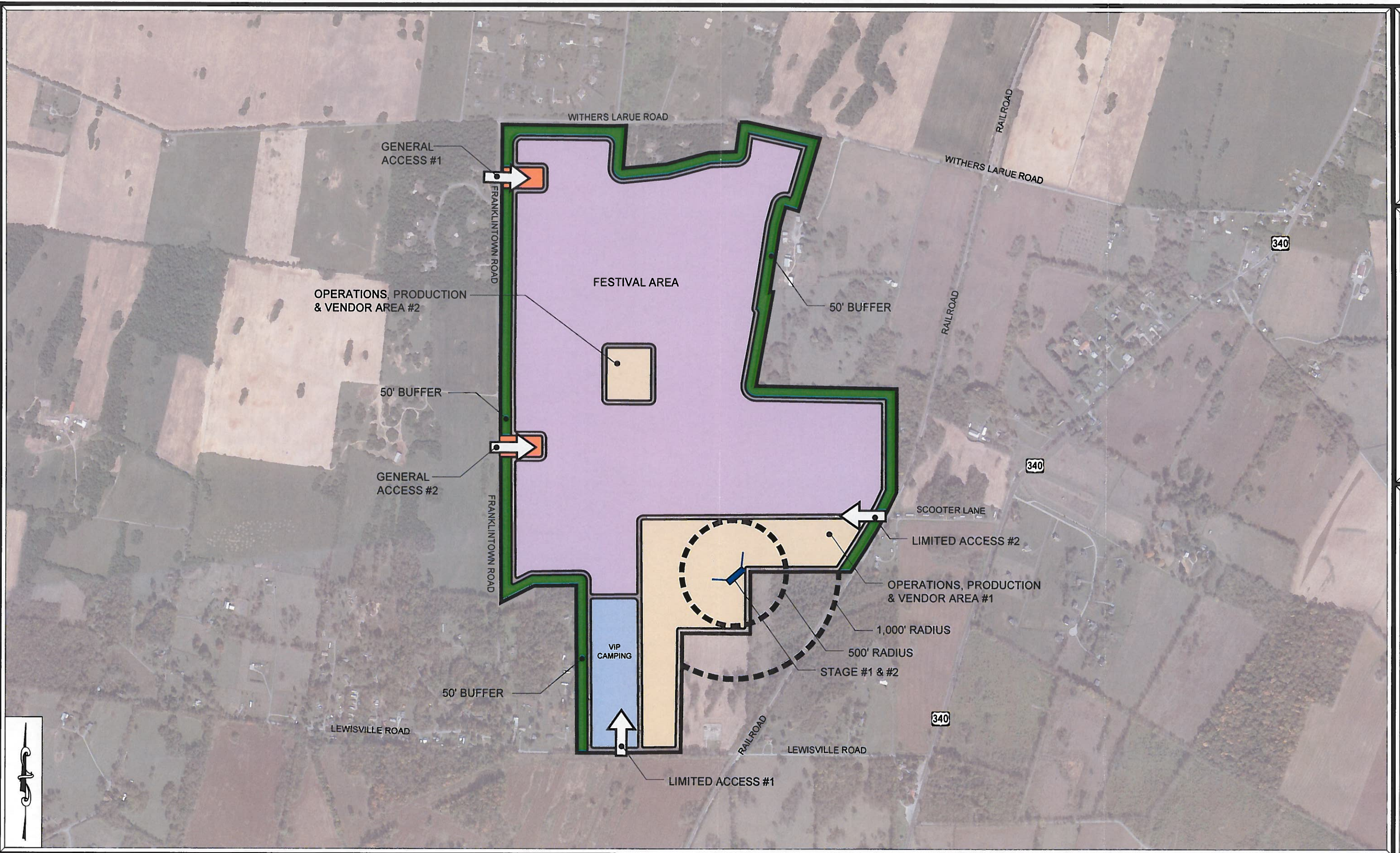


PARCEL REFERENCE #	JEFFERSON COUNTY TAX INFORMATION			LAND AREA (ACRES)	OWNER
	DISTRICT	TAX MAP	PARCEL #		
1	KABLETOWN (6)	19	16	50	NANCY C. & DOUGLAS STOLIPHER
2	KABLETOWN (6)	19	7	150.31	MARK D. STOLIPHER
3	KABLETOWN (6)	19	8.4	146.84	MARK D. STOLIPHER



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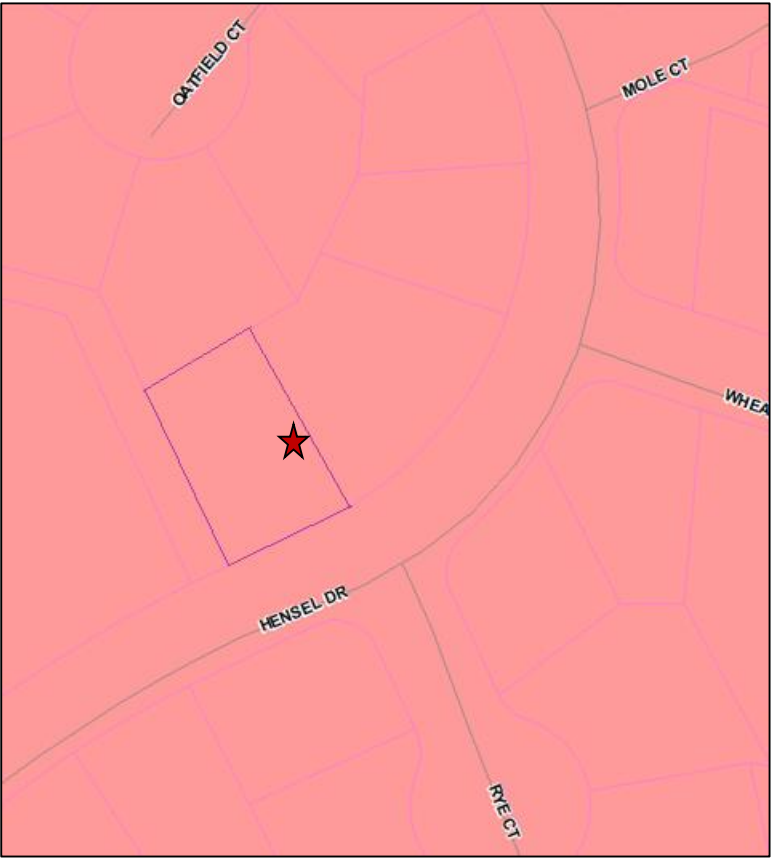


- NOTES:**
1. FESTIVAL AREA MAY INCLUDE NEIGHBORHOOD VENDING AREAS AND SMALL SECONDARY PERFORMANCE AREA.
 2. FESTIVAL AREA WILL INCLUDE LOCATIONS DESIGNATED FOR RV PARKING AND DAY PARKING.
 3. OPERATIONS AND VENDOR AREA #2 MAY INCLUDE A PERFORMANCE STAGE WITH REDUCED AMPLIFICATION.
 4. PERIMETER OF THE PROPERTY WILL BE FENCED TO PROHIBIT UNAUTHORIZED INGRESS OR EGRESS.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 August 28, 2014

Doug Propst Variance Request (#ZV14-16)

Item #8 Variance request by Doug Propst, applicant, from Appendix A, Residential Design Standards, to reduce the side setback from 12' to 6' to construct a new home.

APPLICANT:	Doug Propst
OWNER:	Kenneth Lowe III and Andrew Lowe
DEVELOPER:	n/a
CONSULTANT:	Paul J. Raco Consulting, LLC
PROPERTY LOCATION:	Maddex Farm Subdivision, Section I, Phase III, Hensel Dr., Lot 19, Shepherdstown, WV
LEGAL DESCRIPTION & ZONING DISTRICT:	District: Shepherdstown (09); Map 8C; Parcel: 114; Size: 7,700 sq. ft. Zone: Residential-Light Industrial -Commercial 
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North: RLIC South: RLIC</i> <i>East: RLIC West: RLIC</i>
PRIOR CASES:	02/25/94: Final plat recorded (#92-33) 06/22/95: Staff approved lot line adjustment
VARIANCE(S):	n/a
APPROVED ACTIVITY:	Single-Family Residential

Staff Report
Jefferson County Board of Zoning Appeals Meeting
August 28, 2014

Doug Propst Variance Request (#ZV14-16)

RELEVANT INFORMATION:

1. Overview of Request

Variance request by applicant Doug Propst, from Appendix A, Residential Design Standards, to reduce the side setback from 12' to 6' to construct a new home.

2. Previous Case History

The final plat for the Maddex Farm Subdivision, Section I, Phase III, Lots 1 - 11, 19 - 21 & Lot A-Residue, was recorded in the Courthouse on February 25, 1994.

In June of 1995 a series of boundary line adjustments lots shifted the original lot lines thus decreasing the size of the subject parcel.

3. Applicant's Justification of Request

In the attached application submitted for the variance request the applicant provided a response to the following four criteria for a variance:

- a) *Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.*
- b) *Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance.*
- c) *Would eliminate an unnecessary hardship and permit a reasonable use of the land.*
- d) *Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.*

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

Section 5.4B of the Zoning and Land Development Ordinance, "Minimum Lot Area, Height, and Yard Requirements", states that the setbacks, height, and other site development standards for residential development shall be as indicated in Appendix A. This section requires that all single-family dwelling units in this zoning district which are 6,000 to 10,000 square feet in size and are on public/central water and sewer shall have a 12 foot side yard setback.

The purpose of side yard setback requirement is to reduce the impact that a land use might cause to an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention purposes; and to allow room for utility easements.

Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 August 28, 2014

Doug Propst Variance Request (#ZV14-16)

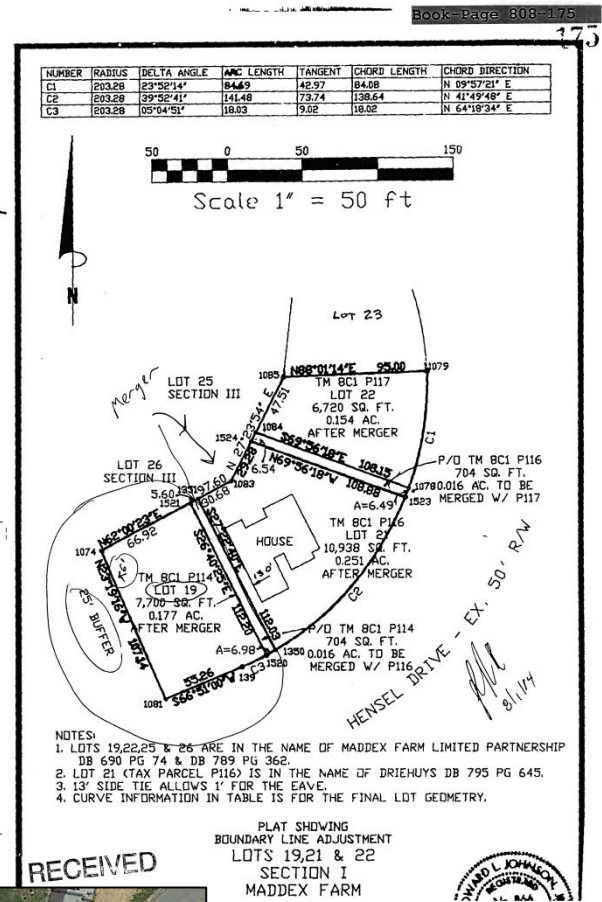
b. Unique characteristics of property

This property is located in a nearly completely built out residential subdivision. The subdivision consists of primarily single family detached lots but also contains some multi-family lots. In 1995, the plat was amended through a lot line adjustment that shifted a number of side lot lines of the single family lots by approximately 6 feet and resulting in the lot in question being narrower than the other lots.

Additionally, the property in question also abuts a 25 foot landscape buffer separating it from a multi-family residential lot.

c. Character of area

The lot in question, indicated by the yellow star, is one of the few unbuilt single family detached lots in this section of this subdivision. The subdivision includes single-family, multi-family and commercial development.



Staff Report
 Jefferson County Board of Zoning Appeals Meeting
 August 28, 2014

Doug Propst Variance Request (#ZV14-16)

d. Impact on adjacent properties

Approval of the requested variance will permit the construction of the home closer to the property line than otherwise permitted. The applicant indicates that they intend to construct a home of similar size and style as the rest of the neighborhood in order to be compatible with the other homes. Because this lot is narrower than the others, the request is to allow the placement of the new home closer to the side of the lot which abuts a 25' landscape buffer between the lot and the adjoining multi-family structure. A shorter setback on the buffer side of the property will have minimal impact on the adjacent properties.



e. Feasibility of complying with the ordinance by other means

The applicant could meet the required setbacks by building a smaller structure on this lot; however, the applicant contends that this would be less compatible with the neighborhood than the smaller setback that is being requests.

5. Conditions of Approval

Should the Board choose to approve this request, possible conditions of approval include:

- a. This variance shall be limited to the setback along the landscape buffer edge of the property.

SECTION OF ORDINANCE TO BE VARIED:

APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) in sq. ft.***	Area per Dwelling Unit (ADU) in sq. ft.	Min Lot Width	Max Building Height (ft)*	Setbacks (ft)			
							Front	Side	Street Side	Rear
Residential Growth	Single family detached dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

File Number: ZV14-16

Staff Initials: dlc

Fees Paid (\$100 or \$150): \$ #100.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Zoning Variance Request

Variences to the Zoning and Land Development Ordinance must comply with Article 8A-7-11 of the WV State Code. A variance is a deviation from the minimum standards of the ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district, nor shall it involve changing the zoning classification of a parcel of land.

Property Owner Information

Name: Kenneth Lowe III and Andrew Lowe

Mailing Address: P.O. Box 1341

City: Shepherdstown State: WV Zip Code: 25443

Phone Number: 304/279-6000 Email: _____

Applicant Information

Name: Doug Propst

Mailing Address: 212 E. Third Avenue

City: Ranson, State: WV Zip Code: 25438

Phone Number: 304/725-7912 Email: _____

Engineer(s) or Surveyor(s) Information

Name: Contact: P. J. Raco Consulting, LLC Paul J. Raco

Mailing Address: P.O. Box 548

City: Charles Town State: WV Zip Code: 25414

Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: Lot 19, Maddex Farm Section 1, Phase III. Hensel Drive

City: Shepherdstown State: WV Zip Code: 25443

Tax District: Shepherdstown Map No: 8C Parcel No: 114

Parcel Size: 7,700 sq. ft. Deed Book: 982 Page No: 558

Zoning District (please check one)

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

	Residential	Industrial	Residential-	
	Growth	Commerical	Light Industrial-	
Rural	(R-G)	(I-C)	Commercial	Village
(R-A)			(R-L-C)	(V)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

On a separate sheet of paper, provide a sketch showing the shape and location of the lot indicating all roads, rights of ways, and easements. Show the location of the intended construction or land use indicating building setbacks (i.e., the distance of the structure from all property lines), size and height. Identify all existing buildings, structures or land uses on the property. The sketch should show the full extent of the property. Sign and date the sketch.

Is there a Code Enforcement action pending in relation to this property? Yes No

Reference the section of Ordinance pertaining to this request: Appendix A Residential Design Standards

Briefly describe the nature of the variance request

See Attached

If this request is for a setback variance, please one of the following

Front Setback Side Setback Rear Setback Reduction From 12 to 6

Please explain why granting the variance will NOT adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

See Attached

In what way does this request arise from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance?

See Attached

How will granting this variance eliminate an unnecessary hardship and permit a reasonable use of the land?

See Attached

How will granting this variance allow the intent of the Zoning Ordinance to be observed and substantial justice to be done?

See Attached

By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge. Note: Original signature is required. If additional signatures are necessary, please attach a separate sheet of paper.

Herbert F. Lowe III *08/01/14*
Signature of Property Owner Date

Signature of Property Owner Date

Notification Requirements (to be completed by staff)

Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant to Zoning and Land Development Ordinance Section 3.4A(3)(b)).

08/28/14
Date of Public Hearing

08/13/14
Advertising Date

08/13/14
Placard Posting Date

Kenneth Lowe, III and Andrew Lowe
Request for a Variance from Appendix A,
Jefferson County Zoning Ordinance
Side Setback in Maddex Farm
Lot 19, Section 1, Phase III
August 1, 2014

Brief Description:

Maddex Farms was developed in the early 90s and was one of the first subdivisions in Jefferson County that developed lots that were less than 10,000 square feet as permitted in the Subdivision Ordinance. Therefore, as houses were built, lots were later adjusted by merger to build houses on the smaller lots. Appendix A requires a 12' side setback for houses in the Residential/Light Industrial/Commercial District. The Applicant is requesting a reduction from the 12' down to 6 feet. The original developer of this section of Maddex built houses and merged portions of the adjacent lots to keep the setbacks intact. However, this lot is the last lot in the line of the parcels that were merged to create better building envelopes. The developer then sold this vacant lot to the Applicant. The purpose of side setbacks is to protect adjacent property rights and safety. If the variance is granted, these issues will not be impacted because of the adjacent 25' buffer area next to the property.

The purchaser and subsequent contract purchaser entered into a contract to build a similar size house that exists on the other lots in the neighborhood. They thought that they had enough room because of the 25' buffer area that is adjacent to this lot. In fact, they found themselves approximately 6 feet short. This is the same approximate 6 feet that was merged away from this lot by the original developer. Therefore, the Applicant needs a variance down to 6 feet for this side. They will make sure that the other side (where the merger came off of), will maintain a 12' setback, so as not to impact that property owner.

Fortunately, this property is adjacent to the 25' buffer area, so there will not be a negative impact on a neighbor. Even with the 6' reduction of side setback, the house will still be 31 feet from the next residential property because of the buffer. The granting of the variance will permit consistency and compatibility of housing sizes in this neighborhood.

The Applicant respectfully requests a reduction from 12' to 6' for the side setback for Lot 19 in Section 1, Phase III of Maddex Farm.

Kenneth Lowe, III and Andrew Lowe
Request for a Variance from Appendix A,
Jefferson County Zoning Ordinance
Side Setback in Maddex Farm
Lot 19, Section 1, Phase III
August 1, 2014

Four Criteria:

1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents:

This variance will have no negative impact on the neighboring property since the adjacent property is a 25 feet buffer area. Also, the property is already served by Public Water and Sewer, so there will be no Health related effect.

Since the adjacent area is already open space, no house or outbuilding can be built within 31 feet of this property line if the variance is granted. Therefore, no typical setback issues will be created by the granting of this variance.

2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance:

This section of Maddex was developed in 1994. It was a very early section that had small lot sizes. As the original developer built houses in this section, they had to merger side properties into the adjacent properties to create parcels large enough to meet the 12' side setback. The last merger on this property subtracted 5.6 feet of property from the subject parcel (Lot 19). Therefore, this lot lost approximately 6 feet from the width of the original property. The Applicant later purchased the property without realizing that the mergers reduced the width of the already narrow parcel. Once they obtained the lot, they negotiated a contract with a perspective buyer to build a similar size house that already exists on the other lots in this section of Maddex Farm. At that point, the Applicant realized that they were 6 feet short of setback. This is basically the 6 feet that the original developer merged away from this parcel.

In this case, the Applicant is just trying to build a similar size house to the houses that the original developer built on this lot. Fortunately, this lot is adjacent to a 25' buffer area, so that no one else is impacted by the shift of lots and houses that left this lot 6 feet short.

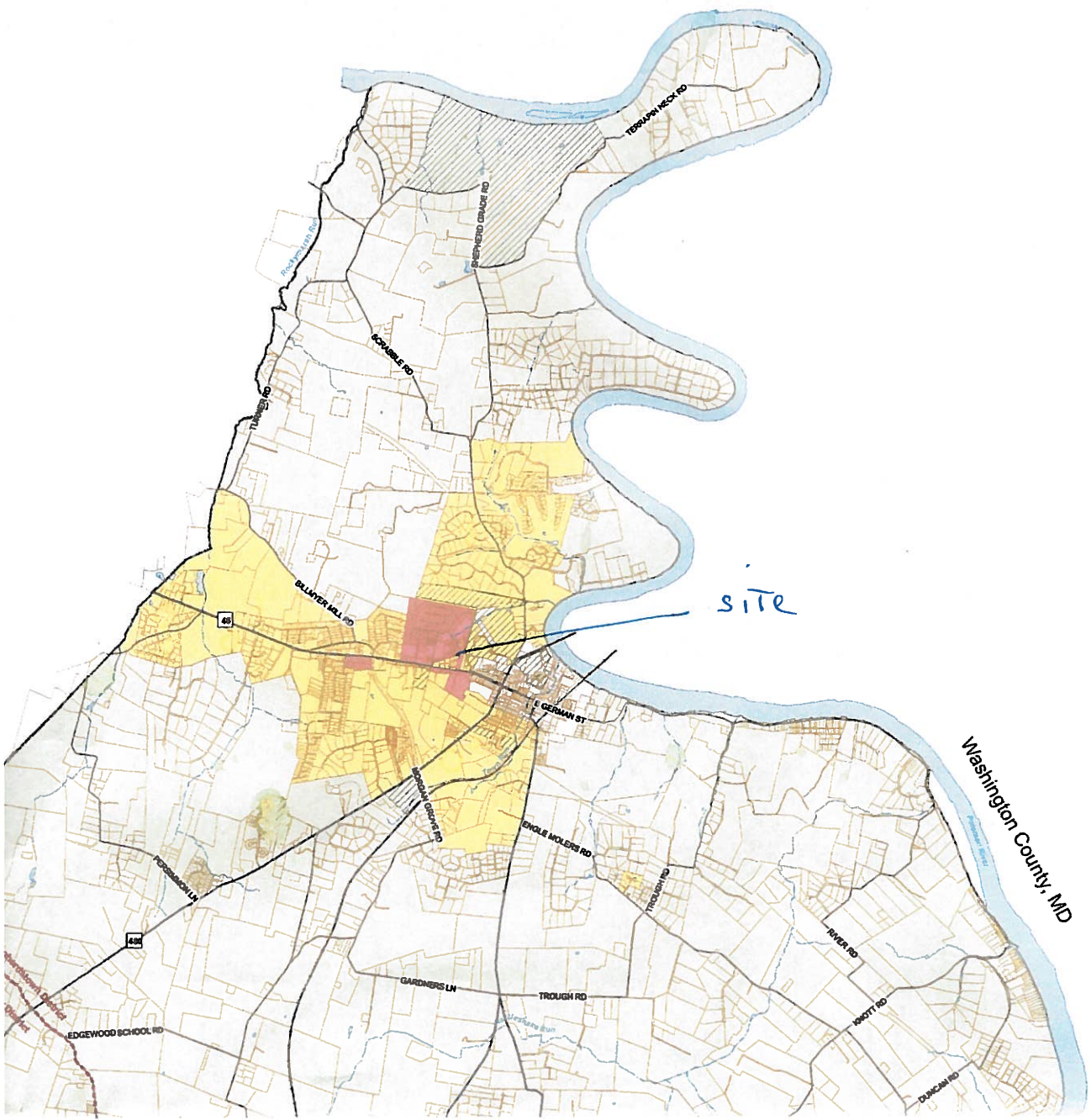
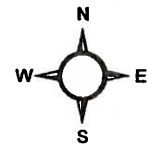
3. Would eliminate an unnecessary hardship and permit a reasonable use of the land:

The Applicant already has a contract on the house that is sized to compliment the neighborhood. If the Applicant and subsequent contract purchaser have to build a smaller house than the ones already in the neighborhood, then the whole neighborhood suffers from the standpoint of property values and compatible house sizes. This seems to be the leftover lot after a series of mergers to accommodate the other larger houses in the neighborhood. Fortunately, there is a little room to work with without affecting a neighboring property owner because of the buffer.

4. Will allow the intent of the zoning ordinance to be observed and substantial justice done:

The intent of side setbacks in the ordinance is to protect neighboring property owners from being impacted by construction close to the property line. In this case, there is no residential neighbor that would be impacted by the reduction of the setback because of a 25 feet buffer area between this lot and the neighboring lot. The intent of the Zoning Ordinance Setbacks is completely upheld with no adverse impact on a neighbor.

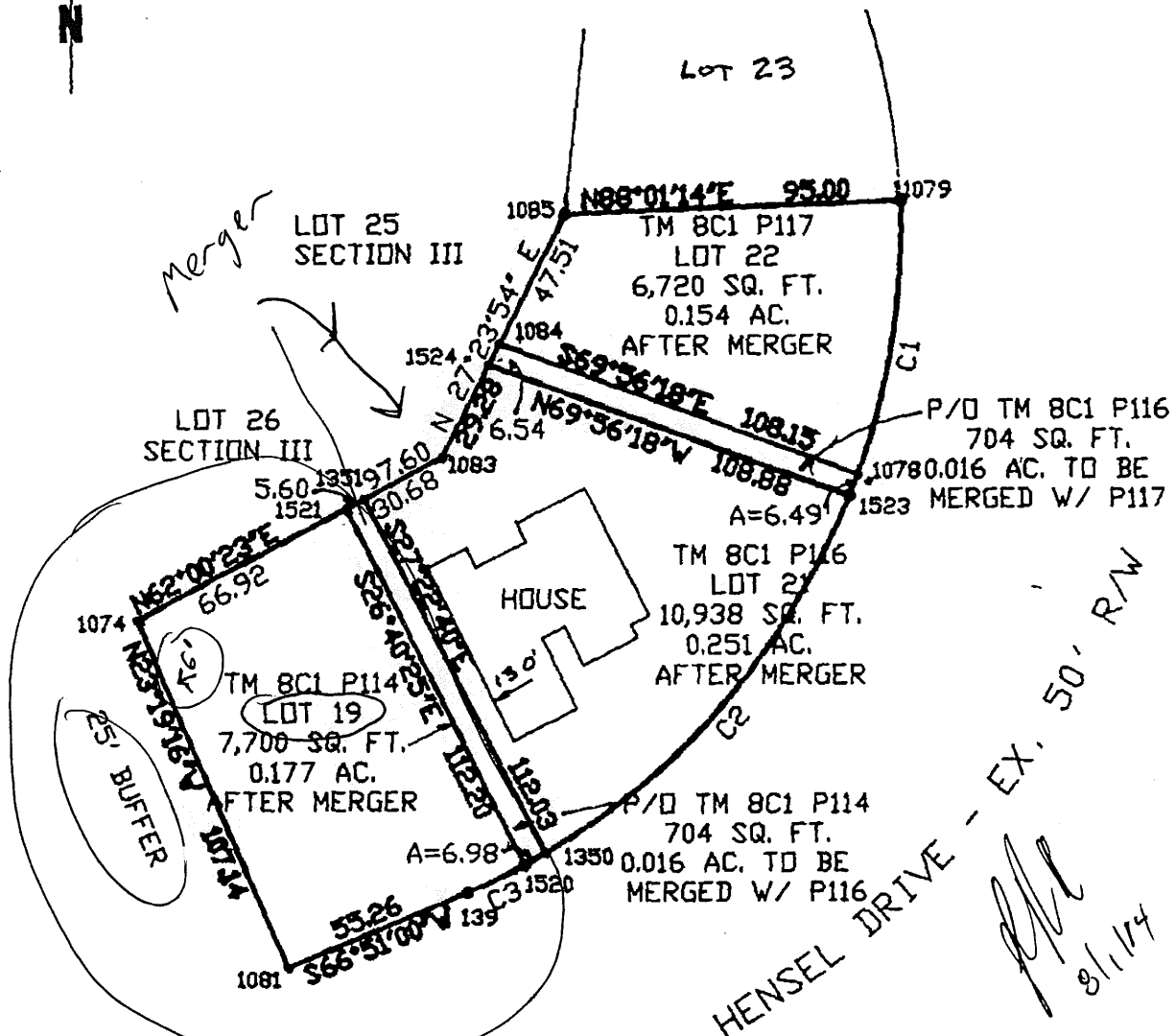
Since this lot is last in a line of lots that were merged to allow for the construction of similarly sized houses, substantial justice would be to allow the reduction of setbacks to finish this portion of the development. The Applicant is not the original owner and developer. The Applicant purchased the lot in good faith, thinking that the buffer area was part of the lot when the contract was written. This Applicant applied for the variance as soon as the problem was discovered as opposed to waiting until after the house was built. Accordingly, substantial Justice would be to allow the reduction of the setback.



NUMBER	RADIUS	DELTA ANGLE	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD DIRECTION
C1	203.28	23°52'14"	84.69	42.97	84.08	N 09°57'21" E
C2	203.28	39°52'41"	141.48	73.74	138.64	N 41°49'48" E
C3	203.28	05°04'51"	18.03	9.02	18.02	N 64°18'34" E



Scale 1" = 50 ft



NOTES:

1. LOTS 19,22,25 & 26 ARE IN THE NAME OF MADDEX FARM LIMITED PARTNERSHIP DB 690 PG 74 & DB 789 PG 362.
2. LOT 21 (TAX PARCEL P116) IS IN THE NAME OF DRIEHUYS DB 795 PG 645.
3. 13' SIDE TIE ALLOWS 1' FOR THE EAVE.
4. CURVE INFORMATION IN TABLE IS FOR THE FINAL LOT GEDMETRY.

PLAT SHOWING
BOUNDARY LINE ADJUSTMENT
LOTS 19,21 & 22
SECTION I
MADDEX FARM

RECEIVED

AUG 01 2014





Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

MEMORANDUM

TO: Board of Zoning Appeals
FROM: Jennifer M. Brockman, AICP,
Acting Zoning Administrator
DATE: August 28, 2014
RE: Request for Clarification for Morgan's Grove Market CUP

Morgan's Grove Market has requested approval to use the existing single family residential structure located closest to WV 480 for a private K-8 school for 40 students. This structure predates the approved Conditional Use Permit (CUP) and utilizes an approved well and septic system. It has been a rental residential property.

While a school was discussed as a proposed activity within Morgan's Grove Market Agricultural Based Economic Empowerment Zone, staff understood that this was to occur in one of the proposed new structures (which is the long term goal). Additionally, while the CUP mentions the two existing residential structures, it only did so to limit any residential use on the property to those two structures.

The key issue for staff is C.U.P. Provision #18 which requires that "the development shall be served by public water and sewer". There was no discussion at the time the CUP was issued about reuse of the existing residential structures for any of the permitted Conditional Uses and, in particular, whether that use could occur on the existing approved well and septic system as a transitional use until the project is completed.

If the BZA is inclined to agree that the use of this structure for a school meets the intent of the approved CUP, potential conditions could include one or more of the following:

- 1) Such use is limited to the proposed school;
- 2) Such use is limited to one year;
- 3) Such use is limited until the Violet Building is completed and approved for occupancy;
- 4) The applicant is required to submit a CUP amendment application for any use other than residential or the proposed school.

The intent of this agenda item is to receive clarification from the BZA regarding the intent of the original approved CUP for Morgan's Grove Market (CUP #12-01).

CPI2-01
S12-06
ZC14-37

Peter S Corum
Twin Oaks Subdivision, LLC
PO Box 536
Shepherdstown, WV

August 21, 2014

Board of Zoning Appeals
c/o Jennifer Brockman
PO Box 338
Charlestown, WV 25414

RECEIVED

AUG 21 2014

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Subject: Request for Clarification/Direction

Dear Board Members,

Morgan's Grove Market (MGM) would like to receive clarification from the BZA on the available uses for the existing residential rental property located at 3988 Kearneysville Pike, Shepherdstown, WV 25443, without changing the CUP. The existing use of the property has been as a single family residence (rental) with a proposed change of use as a non-residential, private K-8 school, Morgan Academy. Morgan Academy has been one of the original expected tenants in the 1st new construction building, Violet. Morgan Academy is a cornerstone of our youth educational programs in our Health and Wellness Center of Excellence, in particular, exploring farm to school. However, they need to move from Berkeley County to Jefferson County prior to the completion of the Violet building. This use would be temporary in nature, i.e. up to one year.

Questions:

1. Under the current Conditional Use Permit, can Morgan Academy use the house as a non-residential use – K-8 school?
2. If yes, can Morgan Academy use the existing well and septic, (initial inspections complete and positive), for this use?

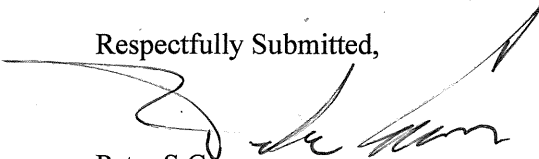
All governmental departments, including the Development Authority, have been trying to assist Morgan Academy in achieving occupancy by the start of her school, September 4, 2014.

Suggested options to resolve this situation:

- a. Advise the Zoning Administrator to issue the Zoning Certificate. (JC Zoning Ordinance Article 3 Section 3.2 A3 and B)
- b. Condition the approval to be for a specific period of time and use.
- c. That all State and County Health/Safety requirements be met for this specific use.
- d. That County Building Permit and Fee regulations be complied with.

If needed as a follow up, Morgan's Grove Market can submit an agenda request for the September BZA meeting for a more formal policy as it applies to the current MGM Conditional Use Permit, in particular, a transition formula for the existing buildings and how and what uses will be permitted by administrative means in the future.

Respectfully Submitted,



Peter S Corum
Managing Member

Attachment: Zoning Certificate application



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

File Number: _____

Staff Initials: _____

Total Fee: \$ _____

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Zoning Certificate Application

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. A zoning certificate 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. Any future change in use or expansion will require processing through the Jefferson County Departments of Planning, Zoning and Engineering to ensure compliance with all applicable County regulations.

Property Owner Information

Name: PETER CORUM
Mailing Address: PO Box 536
City: Shepherdstown State: WV Zip Code: 25443
Phone Number: 304 283 2467 Email: petercorum@gmail.com

Applicant's Information

Applicant Name: PETER CORUM
Mailing Address: PO Box 536
City: Shepherdstown State: WV Zip Code: 25443
Phone Number: 304 283 2467 Email: petercorum@gmail.com

Registered Engineer(s) or Surveyor(s) Information

Name: Dirk Stansbury
Mailing Address: 3 Sue Court
City: Martinsburg State: WV Zip Code: 25405
Phone Number: 304 596 2543 Email:

Physical Property Details

Physical Address: SEE Attachment 1
City: State: Zip Code:
Tax District: Map No: Parcel No:
Parcel Size: Deed Book: Page No:

Zoning District (please check one)

Table with 5 columns: Rural (R-A), Residential Growth (R-G), Industrial Commerical (I-C), Residential-Light Industrial-Commercial (R-L-C), Village (V). Includes checkboxes for each category.

RECEIVED

AUG 21 2014

JEFFERSON COUNTY PLANNING, ZONING AND ENGINEERING

Type of Certificate

Change in Use <input checked="" type="checkbox"/>	Change in Non-Conforming Use <input type="checkbox"/>	Change in Owner/Tenant <input type="checkbox"/>	Sign <input type="checkbox"/>
Cottage Industry <input type="checkbox"/>	Home Occupation, Level 1 <input type="checkbox"/>	Home Occupation, Level 2 <input type="checkbox"/>	Other <input type="checkbox"/>

Please list "other": _____

How is the property currently used?

Farm Market (MORGAN'S GROVE MARKET)

Please provide any information or known history regarding this property (ex: previous zoning certificate, site plan, subdivision, variance, etc.).

Conditional use permit # 12-01 APR 19, 2012

Give a brief description of your proposal (include separate sheet of paper if necessary)

Private school for K-12 (LEASE & RETAIL space). THIS IS A FUTURE ~~PER~~ OCCUPANT OF BUILDING VIOLET - TEMPORARY USE OCCURRING OF 40 DAYS

On a separate sheet of paper, sketch the shape and location of the lot, including property boundaries, with accurate dimensions. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Please specify the number and location of the existing/proposed parking spaces (if necessary).

Original signature of all property owners is required. Attach additional signature page if needed. The information given is correct to the best of my knowledge.

[Signature]
Signature of Property Owner 1 Date

Signature of Property Owner 2 Date

For Office Use

Restrictions/Conditions

Action Taken

Attachment 1:
2011

September 21,

3988 Kearneysville Pike (Rt 480)
Shepherdstown, WV 25443

Name and address of owner(s):

Parcel 26.1 and 26.3
Twin Oaks Subdivision, LLC
PO Box 536
Shepherdstown WV 25443
Tel: (304) 283-2467

Parcel 26.2
Peter S. Corum*
PO Box 536
Shepherdstown WV 25443
Tel: (304) 283-2467

Parcel 26.4
J. Edward Slonaker*
PO Box 536
Shepherdstown WV 25443
Tel: (304) 283-2467

*(Member of Twin Oaks Subdivision, LLC)

Developer of all Parcels
Twin Oaks Subdivision, LLC
PO Box 536
Shepherdstown, WV 25443
Tel: (304) 283-2467

Name and address of contact person:

Peter Corum
PO Box 536
Shepherdstown, WV 25443

Tel: 304 283-2467

Tract size, shape, location and zoning:

The proposed area for zoning amendment is located in Shepherdstown District; Tax Map 13 parcel 26.1, parcel 26.2, parcel 26.3 & parcel 26.4.

The original tract acres:

Parcel 26.1	6.69 acres	DB 995	PG 321
Parcel 26.2	2.0 acres	DB 454	PG 445
Parcel 26.3	3.0 acres	DB 992	PG 60
Parcel 26.4	2.0 acres	DB 974	PG 346

The parcels have a total acreage of 13.69 acres.

Current zoning:

"Rural District"

Plat, locator maps and tax map attached as pages 2, 3, 4 and 5.



<p>1. INTRODUCTION</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>LIMITS OF WORK / PHASE 1 Morgan's Grove Market Ketchikan, Alaska 99901 Sheperdstown Blvd., Jefferson County, West Virginia</p>	<p>PLANNING CONSULTANTS 5400 CENTER DRIVE S DUBLINO, WV 26040 204-671-4700</p>	<p>Peter G. Owen 141 Main Street East / PO Box 600 Shepherdstown, WV 25443</p>
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Attachment 2

Ph1 LIMITS

DETAIL Box A

EXISTING STRUCTURE
30x96



Rte. 480 / 50' R/W / 40 MPH

EX. HOUSE TO REMAIN
THIS PHASE

GRADE PAD

TEMP. RETURN

NO PAVEMENT WORK
OR STORM SEWER

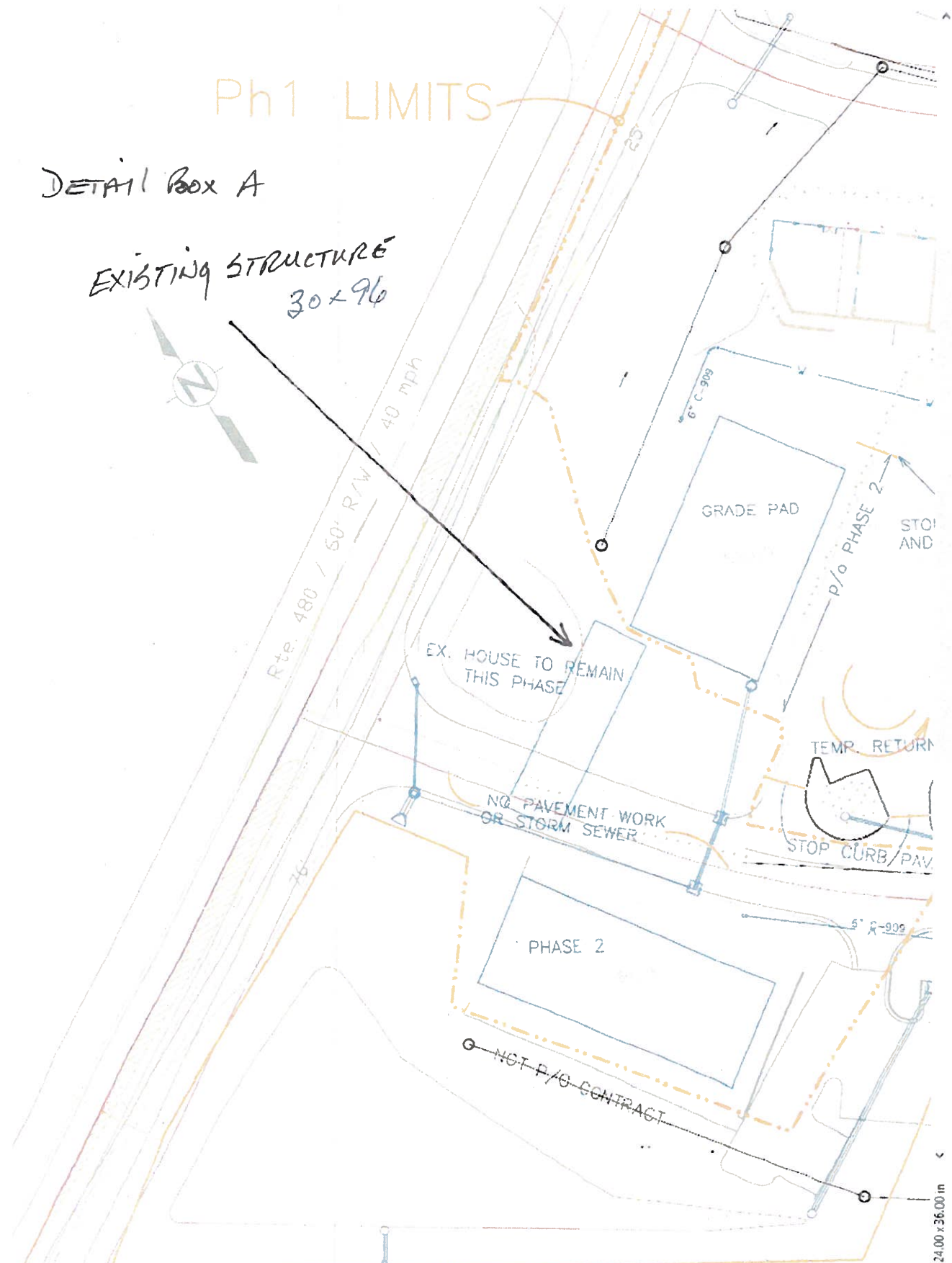
STOP CURB/PAV

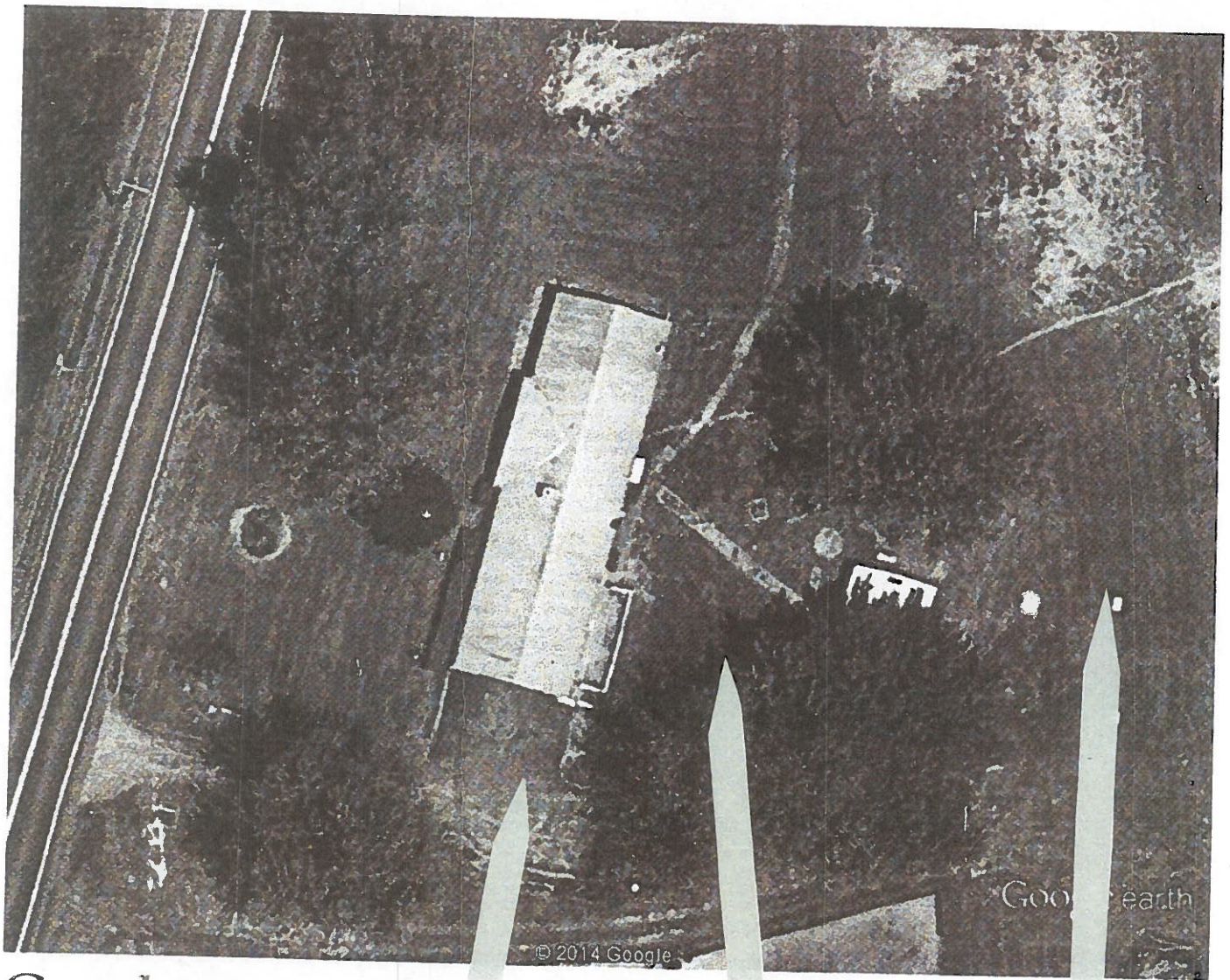
PHASE 2

NOT P/O CONTRACT

24.00 x 36.00 m

Attachment 3





Google earth

feet
meters 100 40

ADA PAVED PARKING

STAFF PARKING

VISITOR PARKING

CURRENT ACCESS for building
will continue.

Attachment 4



Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Director's Report Board of Zoning Appeals Meeting August 28, 2014

- 1) Recent/Upcoming CC Actions relevant to Planning:
 - a) PC recommended "SB 595" Vested Development Time Extensions Proposal – CC to hold Public Hearing (*CC action anticipated 8/28/14*)
 - b) Recommendation from the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for two parcels owned by Hoy Shingleton, Trustee for Pearl Perkins, Beneficiary; and Eric and Stacy Lindberg;. The properties are designated as Tax District: Middleway (07), Map: 1, Parcels: 1.2 (16.62 acres, with 12.67 acres in Jefferson County) and 1.1 (7 acres), located on the north side of Route 115 (Old Route 9/Charles Town Road), along the Berkeley/Jefferson County line for the purpose of setting a public hearing to be held by the County Commission (*CC action anticipated 8/28/14*)
- 2) Recent/Upcoming Planning Commission Actions relevant to Zoning:
 - a) Envision Jefferson 2035 Update Planning Commission Public Hearing follow up (*special meeting to review comments and provide input 8/26/14; next meeting 9/9/14*)
 - b) Public Hearing on proposed Mass Events text amendment File #ZTA 14-02, deleting the term "Seasonal Use" from Section 2.2; adding the definition of "Mass Event" to Section 2.2; deleting Section 9.8 "Seasonal Use"; and creating a new Section 8.16 "Mass Event Regulations" which includes details on the Public Hearing process before the Board of Zoning Appeals and the submittal of a Concept Plan, which is administratively approved. (*PH held August 12, 2014; follow up to occur 9/9/14 tentatively*)
- 3) Board of Zoning Appeals Ethics Training
 - a) Date and Time TBD
- 4) Upcoming BZA meeting
 - a) September 25, 2014

JEFFERSON COUNTY, WEST VIRGINIA
Department of Zoning

116 East Washington Street
P.O. Box 338
Charles Town, West Virginia 25414

Email: zoning@jeffersoncountywv.org

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

MEMORANDUM

TO: Board of Zoning Appeals Members
CC: Engineering & Building Permits Departments
FROM: Acting Zoning Administrator, Jennifer M. Brockman
DATE: August 22, 2014
SUBJECT: August Monthly Report of Department Activities

ISSUED ZONING CERTIFICATES

ZC14-30 JOSEPH P. TERANGO – OWNER / APPLICANT

Issuance Date: July 24, 2014
Proposed Use: Home Occupation Level I. Internet sales of custom sports equipment. Limited amount of inventory stored on premises. No customer visits to property – orders to be shipped or hand-delivered directly to customers. Proposed business will be conducted from an existing 9' x 10' home office.
Physical Location: 198 Kelcar Drive; Summit Point, West Virginia 25446
Zone: Rural

#ZC14-32 AMERICAN TOWERS, LLC – OWNER
AT&T MOBILITY / AGENT: JEFF MACHIRAN - APPLICANT

Issuance Date: July 24, 2014
Proposed Use: Wireless Facility Co-location at Round Hill Site #FA10050972. Property contains existing 360' self-support cell tower. Installation of one new 6' diameter microwave dish to existing self-support tower and its ancillary equipment. Additionally, one new CAT-5e cable to be installed following existing AT&T coax cable route.
Physical Location: 17435 Raven Rock Road; Charles Town, West Virginia 25414
Zone: Rural

ISSUED ZONING CERTIFICATES

#ZC14-33 AMERICAN TOWERS, LLC – OWNER
JACOB TELECOMMUNICATIONS, INC. / CONTACT: RON SERGEANT –
APPLICANT

Issuance Date: July 31, 2014
Proposed Use: Wireless Facility Co-location – Site Name US.WV.ATC.92816.
Structural modification to reinforce the existing 360' self-support
cell tower.
Physical Location: 17435 Raven Rock Road; Charles Town, West Virginia 25414
Zone: Rural

#ZC14-31 REBA JAMISON – OWNER
MICHAEL NAPIER - APPLICANT

Issuance Date: August 09, 2014
Proposed Use: Cottage Industry. Auto Repair / Auto Body Repair Shop
Physical Location: 115 Mahoney Drive; Harpers Ferry, West Virginia 25425
Zone: Village

PENDING ZONING CERTIFICATES

ZC14-13 OBF PROPERTIES / CONTACT: CHRIS HANSEN – OWNERS
ABS ENTERPRISES / CONTACT: SAAD SHADKAMI - APPLICANT

Issuance Date: TBD
Proposed Use: Commercial warehouse for pre-packaged and refrigerated food
items.
Physical Location: Box Factory Road; Summit Point, West Virginia 25446
Zone: Rural

#ZC14-15 OBF PROPERTIES / CONTACT: CHRIS HANSEN – OWNERS
ABS ENTERPRISES / CONTACT: SAAD SHADKAMI - APPLICANT

Issuance Date: TBD
Proposed Use: Commercial warehousing, agri-business, storage, document
shredding and general business..
Physical Location: Box Factory Road; Summit Point, West Virginia 25446
Zone: Rural

PENDING ZONING CERTIFICATES

#ZC14-34 GINA BILLER – OWNER / APPLICANT

Issuance Date: TBD

Proposed Use: Cottage Industry. Repair of stained glass items to also include sale of onsite stained glass creations and related class instruction. Said occupation will be conducted in an existing 24' x 32' studio located on premises.

Physical Location: 4922 Charles Town Road; Kearneysville, West Virginia 25430
Zone: Rural

#ZC14-35 GINA BILLER – OWNER / APPLICANT

Issuance Date: TBD

Proposed Use: Farmers Market consisting of sale of fresh honey and eggs; hand-crafted wreaths from homegrown flowers and plants/produce from onsite garden. Size of existing Farmers Market structure: 10' x 20'. Daily hours of operation: Thursday – Sunday, 10:00 a.m. to 7:00 p.m. Seasonal opening dates: April 1st – December 15th.

Physical Location: 4922 Charles Town Road; Kearneysville, West Virginia 25430
Zone: Rural

#ZC14-36 TROY BROWN – OWNER /
HAISHAN WANG - APPLICANT

Issuance Date: TBD

Proposed Use: Change in Ownership/Tenant. Chinese Restaurant with in-house dining and carryout. Alcohol served on premises to include beer, wine and liquor.

Physical Location: 60 Patrick Henry Way; Charles Town, West Virginia 25414
Zone: Residential-Light Industrial-Commercial

#ZC14-37 PETER CORUM – OWNER / APPLICANT

Issuance Date: TBD

Proposed Use: Temporary Use. Private school for grades K-12 (lease of retail space). Said school is a future occupant of the building designated as “Violet”.

Physical Location: 3988 Kearneysville Pike; Shepherdstown, West Virginia 25443
Zone: Rural
