

Jefferson County  
Board of Zoning Appeals

**Meeting Packet**

Thursday,  
March 27, 2014



**JEFFERSON COUNTY, WEST VIRGINIA**

**Department of Zoning**

116 East Washington Street, 2<sup>nd</sup> Floor

P.O. Box 338

Charles Town, West Virginia 25414

**Phone: 304-728-3228**

**Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)**

**Fax: 304-728-8126**

MEMORANDUM

TO: Jefferson County Board of Zoning Appeals Members

FROM: Jennilee Hartman, Zoning Clerk

DATE: March 20, 2014

SUBJECT: March 27, 2014 Board of Zoning Appeals Meeting

Please find enclosed a copy of the Agenda for the upcoming Board of Zoning Appeals meeting to be held on Thursday, March 27, 2014. Also for your review, you will find corresponding information regarding said Meeting. When applicable, I will include copies submitted to this office that pertain to items of new business. If you have any questions, or will not be able to attend the upcoming meeting, please do not hesitate to contact me.



**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Zoning**  
116 East Washington Street  
P.O. Box 338  
Charles Town, West Virginia 25414

Email: [zoning@jeffersoncountywv.org](mailto: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: March 21, 2014

SUBJECT: March Monthly Report of Department Activities

**ISSUED ZONING CERTIFICATES**

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#ZC14-08 ROBERT MULLEN – OWNER /  
WILLIAM B. MASON, III - APPLICANT

*Issuance Date:* March 11, 2014

*Proposed Use:* Change in Tenant. Continued Nonconforming Use as Automobile Repair Shop in operation since 1980.

*Physical Location:* 4893 Charles Town Road; Kearneysville, West Virginia 25430

*Zone:* Rural

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#ZC14-07 WESLEY M. & TERI L. SMOOT – OWNERS /  
THOMAS SMOOT - APPLICANT

*Issuance Date:* **Application Withdrawn – 3/10/14**

*Proposed Use:* Landscaping Business to include use of existing building for office space and storage of associated mowing equipment and parts. Possible future use to also consist of sale of Nursery items – plants, shrubs and trees.

*Physical Location:* 164 Tel Farm Lane; Kearneysville, West Virginia 25430

*Zone:* Rural

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## **ISSUED ZONING CERTIFICATES**

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#ZC14-09      AGGREGATE INDUSTRIES LAND COMPANY, INC. -  
CONTACT: RICHARD FREEDMAN / OWNER  
CLARK/ PARSONS, A JOINT VENTURE - CONTACT: GABE McCLAIN/APPLICANT

*Issuance Date:*            March 14, 2014  
*Proposed Use:*            Proposed improvements include, but are not limited to, minor grading, clearing of trees, modifying existing railway track, construction of additional railway track and gravel pad for the use of the Millville Quarry. Such improvements shall disturb less than one acre. Site to be temporarily used as a staging area and transfer point for brick and concrete materials for existing quarry operations.  
*Physical Location:*      57 Blair Road; Harpers Ferry, West Virginia 25425  
*Zone:*                        Rural

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#ZC14-10      CLIFFSIDE INN, LLC – CONTACT: C. SHULTZ / OWNER  
DEBORAH M. KELLY dba WHITE FLY OUTFITTERS / APPLICANT

*Issuance Date:*            March 14, 2014  
*Proposed Use:*            Retail Fishing Outfitter to occupy vacant freestanding retail structure with adjacent parking.  
*Physical Location:*      4332 William L. Wilson Freeway; Harpers Ferry, WV 25425  
*Zone:*                        Residential-Light Industrial-Commercial

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## **PENDING ZONING CERTIFICATES**

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#ZC14-05      JEFFERSON UTILITIES, INC. – OWNER /  
JESSICA BINGHAM / AT&T - APPLICANT

*Issuance Date:*            TBD  
*Proposed Use:*            Self-support Telecommunications Tower. AT&T will install a 50 kw generator on a 5' x 9' concrete pad, to be used as backup for existing cellular equipment.  
*Physical Location:*      426 Oak Lee Drive; Charles Town, West Virginia 25414  
(Oak Lee Water Tank)  
*Zone:*                        Rural

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#ZC14-06      GEORGE & MARY RUSHIZKY – OWNER /  
JESSICA BINGHAM / AT&T - APPLICANT

*Issuance Date:*            TBD  
*Proposed Use:*            Self-support Telecommunications Tower. AT&T will install a 50 kw generator on a 5' x 9' concrete pad, to be used as backup for existing cellular equipment.  
*Physical Location:*      8428 Shepherdstown Pike; Shepherdstown, West Virginia 25443  
*Zone:*                        Rural



**Jefferson County**  
**Board of Zoning Appeals**  
**Thursday, March 27, 2014, 2:00 p.m.**

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

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. Election of Officers
2. Approval of the minutes from the November 14, 2013, December 18, 2013 and January 23, 2014 meetings.
3. Swearing in of members of the public intending to provide testimony.
4. Action on the Conditional Use Permit for Sustainable Solutions, LLC. The applicant is proposing to use the existing expired nonconforming commercial buildings for the operation of a business that helps private Landowners, State & Federal Agencies and Non-Profits manage their land for Ecological, Economic and Social returns. The business will include a 12' x 12' company office within Building A (as shown on Figure 1. Site Map). The remaining portion of Building A, as well as Building's B and C, are to be used as shop space for storage, maintenance and repair of company equipment and vehicles and equipment. Two sign locations were proposed (a) to be located on the existing canopy; or, b) to be located on Building A. The applicant is proposing additional landscaping in the form of native trees, shrubs and flowers. Property owner: Steve Wandless. Contract Purchaser/Developer: James Remuzzi. Location: 4419 Kearneysville Pike, Shepherdstown, WV 25443. District: Shepherdstown (09); Map 8; Parcel: 9.3; Zone: Residential Growth; Size: 1.79 ac; File: CP13-01.
5. Discussion on the proposed amendments to the Board of Zoning Appeals Rules of Procedure, Effective July 21, 2011, (Draft 2).
6. Director's Report.
7. Legal Update.
8. Signing of written decisions from prior Board of Zoning Appeals meetings.



Draft Minutes  
Jefferson County Board of Zoning Appeals  
Thursday, November 14, 2013

The Jefferson County Board of Zoning Appeals met on Thursday, November 14, 2013. The meeting was held in the Charles Town Library Conference Room, located at 200 East Washington Street, in the City of Charles Town, West Virginia. Unless otherwise noted, all requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

Board members Christy Huddle, Vice Chair; Tyler Quynn, Jeffrey Bannon, and Matt Knott were present. Staff members present were: Jennie Brockman, Director of Planning and Zoning; Stephen Groh, Assistant Prosecuting Attorney; and Jennilee Hartman, Zoning Clerk.

Edwin Kelly was absent with notification.

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

Mr. Quynn motioned to commence the meeting. Mr. Bannon seconded the motion, which carried unanimously. Ms. Huddle called the meeting to order at 2:00 p.m.

1. Approval of the minutes from the September 19, 2013 and October 10, 2013 meetings.

The minutes were not available therefore they were deferred until the next meeting.

2. Swearing in of members of the public intending to provide testimony.

Ms. Hartman swore in the public prior to the meeting.

Ms. Huddle explained to the public how the meeting would be conducted.

3. Variance request by owner, Susan Powell, from Section 9.7 for a reduction of the rear setback distance from 12' to 6' to allow for the construction of an 8' x 12' deck to be used for wheelchair access. Location: Shannondale, Section 5F, Lot 40, 480 Rolling Lane, Harpers Ferry, WV. District: Kabletown (06); Map: 6B; Parcel: 67; Zoned: Rural; Size 0.25 acres; File: #ZV13-30.

No one was available to represent the request. The Board moved to the next item to allow the applicant additional time to arrive, if necessary.

4. Variance request by owners, James M. and Bonnie K. Pretre, from Section 9.7 for a reduction of the rear and side setback distances from 6' to less than 1' to allow for an existing 12' x 18' shed to remain placed on current site. Location: 297 Euclid Ave, Charles Town, WV. District: Charles Town (02); Map: 10A; Parcels: 86 & 87; Zone: Residential-Growth; Size 18,750 sq. ft.; File: #ZV13-31.

Mr. James Pretre presented the request to the Board stating he was not aware of the permitting process. Mr. Pretre explained that the shed was located at the intersection of two alleys that were rarely travelled and that there were other sheds built along the alley. Mr. Knott asked if the shed was located in a utility easement. Mr. Pretre and Staff were unable to answer Mr. Knott's question.

Ms. Huddle called for public comment. There was no public comment.

5. Variance request by applicant, John Fridley, from Section 9.6C & 9.7 for a reduction of the front setback distance from 20' to 8' to allow for the construction of a 20' x 25' detached garage. Owner: William C. Palmer, Sr. Location: Shannondale, Sec. 1L, 1623 Lakeside Dr, Harpers Ferry, WV. District: Kabletown (06); Map: 6C; Parcel: 292; Zone: Rural; Size: 25,000 sq. ft.; File: #ZV13-32.

Mr. John Fridley represented the request to the Board explaining how the proposed variance differed from the previous request that he had represented to the Board in July. Mr. Fridley stated that moving the garage closer to the home would assist in reducing the sight-distance concerns expressed by the neighbors at the previous meetings. Mr. Fridley reviewed the pictures that had been submitted in the application with the Board and explained that the well cap would be protected by situating it between the two garage doors. Ms. Brockman's staff report had not been included in the mailed packet; therefore, Ms. Hartman went to the Office to obtain copies of the report for the Board. Ms. Brockman answered questions the Board had concerning measurement from the right-of-way.

6. Variance request by Kristen Stolipher, Consultant, on behalf of, Junipa Contento, Developer, from Section 2.2 to extend the time permitted for a Seasonal Use, which limits an event to not more than 3 consecutive days. The applicant is requesting to hold a 5-day music festival and camp out during the July/August 2014 summer season. Property Owner: Stiles Partnership 3 and 4. Location: 118 Goshen Arrabon Ln, Charles Town, WV. District: Kabletown (06); Maps: 20 & 21; Parcels: 13 & 4.1; Zone: Rural; Size: 271 ac (proposed use); File: ZV13-33.

See Item #7.

7. Request by Kristen Stolipher, Consultant, on behalf of, Junipa Contento, Developer, 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 (ZV13-22) is approved, during the 2014 summer season. Property Owner: Stiles Partnership 3 and 4. Location: 118 Goshen Arrabon Ln, Charles Town, WV. District: Kabletown (06); Maps: 20 & 21; Parcels: 13 & 4.1; Zoned: Rural; Size: 271 (proposed use); File: ZV13-34.

Ms. Brockman suggested that the Board allow the applicant and the public the ability to speak on both items at one time.

Mr. Robert Aitcheson interjected with a Dispositive Motion to Dismiss stating that he questioned the applicant's right to sign as owner of the property. Ms. Huddle asked Mr. Groh if they were permitted to entertain the Motion. Mr. Groh stated that since it was questioning the ownership of the property and not the merits of the variance the Motion seemed appropriate. Mr. Dyck requested a five minutes recess for the applicant's counsel to review the Motion. Ms. Huddle announced that the Board would review Item 5 now that they had the Fridley Staff Report in hand, which would allow them time to review the Motion.

5. Continued... Variance request by applicant, John Fridley, from Section 9.6C & 9.7 for a reduction of the front setback distance from 20' to 8' to allow for the construction of a 20' x 25' detached garage.

Ms. Brockman reviewed the staff report with the Board highlighting the portion that included why she determined the applicant did not have "three fronts". Ms. Brockman explained how the Ordinance defined a front and side line, and due to the curvature of Lakeshore Road she had determined that the property had a continual frontage.

Upon completing Ms. Brockman's review of her staff report for the Fridley variance request, Ms. Huddle asked Counsel how the Board should proceed with Items 6 and 7 in response to Mr. Aitcheson's Motion to Dismiss. Mr. Groh advised the Board to allow Mr. Aitcheson to argue the Motion to Dismiss. Bob Martin, attorney for the applicant of said Items, argued that property ownership would be part of their presentation and that the public would have an opportunity to rebut during the public hearing portion of the meeting. Ms. Huddle stated the Board would be hearing Mr. Aitcheson's Motion to Dismiss.

Items #6 and #7 continued

Mr. Aitcheson stated he was a former lawyer; however, was not representing any interested party other than speaking as an adjacent landowner. Mr. Aitcheson stated his basis for the Motion is that Christopher Stiles, the individual who signed the variance request, did not have the legal authority to sign the application. Mr. Stiles was not a general partner of the Stiles Family Partnership 3, LLC. Mr. Aitcheson directed the Board's attention to Exhibit 1, which was an affidavit within the Motion signed by Joyce Rawn the controlling partner of the Stiles Family Partnership 3, LLC (hereinafter known as the Partnership), that states Ms. Rawn did not give permission for the requested activity and desires the Board to deny said request. Mr. Aitcheson stated for the record that he did not represent Ms. Rawn. Mr. Aitcheson proceeded to address each Exhibit within the packet attached to the Motion to Dismiss: Exhibit 1: Letter of objection from Joyce Stiles Rawn dated 11/13/13; Exhibit 1a: Stiles Property after Merger & Conveyance Plat, dated 01/08/92; Exhibit 2: Deed from Stanley and Barbara Stiles, Grantees to The Stiles Family Partnership Number Three, a West Virginia Partnership; Exhibit 3: West Virginia Certificate of Registry as a Limited Liability Partnership for the Stiles Family Partnership Number Three, LLP; Exhibit 4: Certification of ownership signed by Terrence Rawn and Joyce Rawn as Partners recorded on 04/23/2010; Exhibit 4a: Certification of ownership signed by Stanley Stiles and Barbara Stiles as Partners and Joyce Rawn as Witness recording date 03/10/2010; and, Exhibit 5: Notice of Public Hearing advertising the 11/14/13 BZA meeting for the Stiles' requests (see file for copies).

Mr. Martin addressed the Board stating that his clients are not contesting the ownership of the property; however, as Ms. Rawn's letter indicates a lease agreement exists between the Partnership and Riggs & Stiles, Inc., of which Chris, Stanley, and Barbara Stiles were the managing partners. Mr. Martin stated that C. Stiles signed the variance and seasonal use applications in his capacity as the lessee of the property. Mr. Aitcheson argued the lease agreement restricted the land to agricultural endeavors and submitted a copy of the lease as Exhibit 9 (see file for a copy). Ms. Huddle stated the Board did not enforce deed or lease agreements.

Mr. Quynn motioned to go into deliberative session at 2:55 p.m. Mr. Knott seconded the motion, which carried unanimously.

Mr. Quynn motioned to come out of deliberative session at 3:54 p.m. Mr. Knott seconded the motion, which carried unanimously.

Items #6 and #7 continued

The Board discussed various motions and agreed that the purpose of this motion was to act on Mr. Aitcheson's request. Ms. Huddle turned the Chair over to Mr. Quynn to make a motion. Ms. Huddle motioned to grant the Motion to Dismiss the applications as they have not been signed by the legal property owner or the legal owner's authorized representative. Mr. Quynn asked for a second. Mr. Bannon seconded the motion for discussion. Mr. Quynn called for discussion. Hearing none Mr. Quynn called for a vote, which failed one in favor (Ms. Huddle), two opposed (Mr. Quynn and Mr. Bannon) and one abstention (Mr. Knott).

Mr. Bannon motioned that the applicant be given an opportunity to address the issue of ownership before the item is dismissed. Ms. Huddle seconded the motion. Mr. Knott asked to amend the motion to state if the applicant did not own the property that they demonstrate how they are legally allowed to proceed. Mr. Bannon accepted the amendment. Mr. Quynn called for a vote, which carried unanimously. Mr. Quynn returned the Chair to Ms. Huddle.

Mr. Chris Stiles addressed the Board explaining that the purpose of the Partnerships was for estate planning purposes with the understanding that the Father could use the property as he saw fit until his death. Mr. C. Stiles stated the continued longevity of the lease was evidence of that fact. Mr. C. Stiles stated he was assured by his attorney that he had the right to sign the applications as President of Riggs & Stiles, Inc.

Mr. Martin stated he did not create the lease; however, he received a letter of intent from Mr. C. Stiles as the controlling partner of President of Riggs & Stiles, Inc. and the one authorized to conduct business on the property pursuant to the lease. Mr. Groh asked how the festival was meeting the criteria of the lease. Mr. C. Stiles stated the land would be in hay/ farming activities the other 360 days of the year. Mr. Martin stated it was not the Board's position to be arguing the contents of the lease. Mr. Martin also stated that Ms. Rawn has not terminated the lease but had only written a letter to the Board.

Ms. Huddle asked staff what the procedure was for having a lessee sign an application. Mr. Groh deferred to staff. Ms. Brockman stated the owner of the property typically signs the application as well as the lessee or interested applicant.

Mr. Bannon motioned to deny the request based on the fact that the application was not signed by the property owner. Ms. Brockman stated the application should not be denied but withdrawn due to improper filing. Mr. Bannon motioned to dismiss the request with the option for the applicant to reapply with the property owner's signature. Ms. Huddle turned the chair over to Mr. Quynn and seconded the motion. Mr. Quynn called for a vote, which failed two in support (Mr. Bannon and Ms. Huddle) and two opposed (Mr. Quynn and Mr. Knott). Mr. Quynn returned the chair to Ms. Huddle.

Mr. Groh stated that Robert's Rules of Order would dictate that since the Board cannot come to a consensus that status quo must be maintained and in this case that would be to allow the application to be heard. Ms. Huddle announced she had a more pressing engagement and left the meeting at 4:09 p.m. Ms. Huddle turned the Chair over to Mr. Quynn for the duration of the meeting.

Mr. Aitcheson stood to address the Board presenting a second point of order with a Motion to Continue. Mr. Quynn asked Mr. Aitcheson to wait until the Board addressed him. Mr. Aitcheson explained his Motion was to continue the public hearing to a later time to give Ms. Rawn time to attend. Mr. Quynn asked Mr. Aitcheson again to return to the audience stating he was out of order. Mr. Quynn explained to the audience that the Board would be deliberating on the first three variance requests and when they returned would continue the public hearing for the Stiles requests.

Mr. Bannon motioned to go into deliberative session at 4:19 p.m. Mr. Knott seconded the motion, which carried unanimously.

Mr. Quynn motioned to come out of deliberative session at 4:28 p.m. Mr. Knott seconded the motion, which carried unanimously.

### **Board of Zoning Appeals Rulings**

3. Variance request by property owner, Susan Powell, from Section 9.7 for a reduction of the rear setback distance from 12' to 6' to allow for the construction of an 8' x 12' deck to be used for wheelchair access.

Mr. Bannon motioned to defer this item until the next available Board meeting until the applicant can be present. Mr. Knott seconded the motion, which carried unanimously.

4. Variance request by property owners, James M. and Bonnie K. Pretre, from Section 9.7 for a reduction of the rear and side setback distances from 6' to less than 1' to allow for an existing 12' x 18' shed to remain placed on current site.

Mr. Quynn motioned to approve the above referenced request contingent upon the structure not being located in a power line right of way or easement and the applicant obtaining a building permit. Mr. Knott seconded the motion, which carried unanimously.

5. Variance request by applicant, John Fridley, from Section 9.6C & 9.7 for a reduction of the front setback distance from 20' to 8' to allow for the construction of a 20' x 25' detached garage.

Mr. Knott motioned to approve the above referenced request contingent upon the applicant installing a permanent protective device around the well cap. Mr. Bannon seconded the motion, which carried unanimously.

### Items #6 and #7 continued

Mr. Martin introduced himself and stated that he is the Assistant Prosecuting Attorney for Pocahontas County; however, he was not speaking in that capacity. Mr. Martin stated he met Mr. Walther and Ms. Conteno when having to represent the County and in doing so found them to be fine people who obeyed all the regulations. He has attended each All Good Festival since that time. Mr. Martin confessed that he had asked them to return to Pocahontas County but they did not have an adequate road system. Mr. Martin suggested Jefferson County, due to its proximity to airports and interstates. Mr. Martin explained that in his capacity as a County official he is asked to assess situations that may impact his county, for example whether the project would be a cost or a benefit to the County.

Mr. Aitcheson called for a point of order and objected to how Mr. Martin is using his official position to sway the Board and believes it is unethical. Mr. Martin argued that Mr. Aitcheson is out of line. Mr. Aitcheson stated that he wished a ruling on his objection for the record. Mr. Quynn asked Mr. Aitcheson to return to his seat. Mr. Martin stated that when presented with a proposal one should determine if it is more beneficial to the County than costly, and if so then it is good for the County. Mr. Martin brought out that West Virginia is primarily a tourism state and that this proposal would enhance that market. Mr. Martin added that the festival would hire hundreds of people, utilize an additional one hundred volunteers, and would work with law enforcement and sanitary officials to ensure the site is compliant. Mr. Martin agreed that the traffic would be a drawback. Mr. Martin concluded by stating that this festival is run by a highly organized company that has been doing this same festival for many years.

Tim Walther, owner and manager of the All Good Festival, provided the Board a brief history of the All Good Festival and listed their previous locations. Mr. Walther described the growth of the company and how they have tightened up their operations as they have grown over the last 20 years. Mr. Walther informed the Board that, as an example of their work, they had been nominated as *2012 Festival of the Year* by Pollstar Magazine.

Junipa Contento, owner and manager of the All Good Festival, explained that they have been doing festivals for approximately 20 years and that aside from their annual festival their group assists in organizing other well-known events throughout the year. Ms. Contento stated that they researched a number of properties before settling on the Stiles property. Ms. Contento explained to the Board that a site must meet many of the criteria necessary for a successful event. Ms. Contento stated they had met with Sheriff Dougherty prior to submitting the application. Further, Ms. Contento specified that they would be hiring Craig Manning to do a traffic control plan so that the event would be well organized.

Mark Dyck, consultant with Gordon, informed the Board that through many meetings with his clients that they are familiar with all the steps necessary to run a large scale event. Mr. Dyck stated the expected attendance is approximately 15 – 20,000 people. Mr. Dyck clarified that this is a 5-day event and that there would be performances on Thursday night in order to keep the arriving guests onsite to reduce traffic flow. There would be a two week set up period prior to the event and a 10-day period to clean on and off the site after the event. Mr. Dyck stated that there would be approximately 1,000 hired staff and 300 volunteers. Mr. Dyck explained the positive economic impact the event would have for the County. Mr. Dyck described the large scale exhibits which were displayed in the meeting room; Mr. Dyck provided and reviewed the following handouts with the Board (copies in the file):

- 1) Vicinity Map outlining the property owned by the Stiles family;
- 2) Site Aerial Map outlining the proposed event site and depicts the ridgeline;
- 3) A letter acknowledging an established working relationship with the representatives of the All Good Music Festival, dated 11/07/13.

Mr. Dyck stated that, in addition to working with local law enforcement, the applicant would be drafting an action plan with Fire and Emergency Management Services. Mr. Groh asked the applicants if they would be willing to reimburse the Sheriff's office for services rendered. Mr. Walther stated they would reimburse the County for any additional costs. Mr. Dyck informed the Board that Sheriff Dougherty

## Minutes

Board of Zoning Appeals

November 14, 2013

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offered to provide the Reserves which are their volunteer force. Mr. Dyck stated they would have a neighborhood plan which would include providing each surrounding neighbor with a direct telephone number to site security in the event they need assistance. Also, if requested, security can be posted on the neighboring properties. The site will be secured with a 6' chain link fence around the perimeter of the camping/event area with controlled access points to and from the site.

Kenneth Wersted, traffic consultant with Creighton Manning, provided the Board with an Event Transportation Sketch Plan and proceeded to review a PowerPoint presentation which addressed gates, access, parking availability, an arrival and exit plan, dissemination of traveler information, and the development of a plan to address emergency services, traffic management and other traffic control provisions such as barricades, signage, law enforcement and staffing (copy of handout and PowerPoint in file). Mr. Walther stated their company relied on social media to inform their customers of travel routes and greatly encouraged them to follow them. In addition, Mr. Walther informed the Board that they would have traffic control measures to prevent customers from attempting to take back roads to access the event. Ms. Contento stated she designed an application that could be downloaded to a Smart Phone which could alert the customer of alternate routes should traffic become too congested at one point of entry. Ms. Contento explained that during the initial check-in period customers are discouraged from leaving the site to allow the staff to concentrate on the influx of customers arriving. Mr. Walther stated that one measure of discouraging the customers from leaving is warning them that they will have to park in the day parking site upon re-entry and not their original campsite.

Mr. Dyck presented a large scale exhibit, as provided in the packet, which was a schematic plan of the proposed locations for the camping/parking areas, RV/day parking, 2 ticketing/security check points with queuing stations, event area, spectator area, production area and 2 performance stages. Mr. Dyck stated that the way the stages and sound systems were situated were to allow the sound to be projected toward the Stiles property, crowd, and the existing ridgeline. Mr. Dyck contended that the ridgeline would absorb the majority of the sound projected towards the west and that there would not be a substantial amount of noise to the rear of the property. Mr. Groh asked what time the music would end. Mr. Walther stated approximately 2:00 am. Mr. Groh asked the applicant if they were aware of the noise restrictions in the Ordinance, citing that noise cannot exceed 50 decibels at the property line. Mr. Dyck stated they were aware of that section of the Ordinance. Mr. Groh asked if they could meet that standard. Mr. Dyck stated that Staff has stated that the noise requirements do not apply to commercial developments and that the festival would fall under that. Ms. Brockman did not concur. Mr. Walther stated they would meet noise requirements. Mr. Groh had additional questions for the applicants. Mr. Dyck, Mr. Walther and Ms. Contento respond to Mr. Groh's questions. Mr. Dyck explained there would be 250 security personnel on site at all times. Mr. Walther stated that by their calculations \$2.3 million in revenue will be brought into the County by means of the event. Approximately \$1.1 million would relate to gas and convenience items in the County with \$300,000 of the same to other areas of the State. Mr. Walther added that 1,200 staff members would be utilizing the hotels in the area and projecting another 2,200 guests would also accommodate the hotels. Mr. Walther's estimated \$150,000 – \$200,000 in sale taxes from the onsite vendors would go to the State. In addition, the festival hires local people and solicits local charities by allowing them to staff a beverage or ice stands, which help them raise money for their cause. Mr. Walther explained a promotion which encourages people to donate 10 pounds of food to receive a free poster, which has successfully risen up to 5,000 lbs in food for local charities. Mr. Walther stated the festival will encourage and promote return visitors. Mr. Groh asked what assurances the

County had that the festival would not exceed the allowable noise decibel. Mr. Dyck responded by saying that the festival wished to return the following year and that they would only be able to do that by proving themselves to County officials and the public. Mr. Dyck responded to Mr. Groh's concerns regarding a letter received from Preston County's County Commissioner by stating that Jefferson County is accustomed to dealing with large crowd relating to tourism and that in speaking with Sheriff Dougherty that he feels confident the event will succeed. Mr. Dyck stated there are arrests, as an example, during Redskin events; however, that did not make the event a bad event. Mr. Walther answered Mr. Groh's questions regarding illegal drug use by stating they prohibit its use using multiple avenues in addition to restricting any items that could be used as weapons.

Mr. Quynn opened the public hearing stating it would be for both Items #6 and #7. Mr. Quynn asked for a show of hands for those in support and then for those in opposition. Mr. Quynn then set a three minutes time limit on individuals wishing to provide testimony and 5 minutes for those who would be representing a group. Mr. Quynn asked that anyone giving testimony not duplicate information. The applicant would have an opportunity to rebut after public comment.

John Reisenweber, Director of the JCDA, stated for the record that they were not aware of the ownership issues regarding the property and it is not their policy to weigh in on those matters. Mr. Reisenweber stated his comments are limited strictly to the land use in question. Mr. Reisenweber read a letter of support into the record and added that the festival had a professional history and is successful (copy of letter in the file).

Annette Gavin, representative with the Jefferson County Visitor Bureau, read a letter of support into the record. Ms. Gavin stated the applicants have been open, honest, and proactive regarding their proposal. Ms. Gavin stated they were not aware of the current property owner issues but were only relating to the positive economic impact the proposal would have to Jefferson County (copy of letter in the file).

Mr. Steve Stolipher stated he was not present as a member of the Planning Commission but as a local property owner. Mr. Stolipher expressed his support of the project by explaining that tourism dollars were essential to Jefferson County. While acknowledging the festival would create temporary traffic issues, Mr. Stolipher stated that this type of revenue did not require the County to build housing and road systems; and therefore the County should embrace any tourism endeavors.

Chris Stray, attorney in Charles Town and resident in Shepherdstown, stated he has produced the one-day Shepherdstown festival for the past several years. Mr. Stray spoke in support of the request stating that he saw the impact the festival had not only during the festival but from the repeat visitors who took an interest in Shepherdstown because of the festival. Mr. Stray stated he has attended more than half of the events hosted by Mr. Walther and Ms. Contento and has been impressed at how well they manage and operate events.

Ron Rissler, local resident, stated that this is a property rights issue and therefore the owner should be permitted to what they want to do on their land. Mr. Rissler also believed that the land is primarily used for agriculture and that the event would only disturb the farming aspect for the requested 5 days.

Doug Rockwell, neighboring property owner, was concerned about the traffic generated by the event and stated that the width of Ward Clipp Road is 15' and that the feeder roads do not have a centerline.

Mr. Rockwell listed other road safety concerns and asked how emergency services would be able to reach neighboring properties due to the stacking of traffic.

Mary Goodson, neighboring property owner, spoke in opposition to the request stating she was concerned about the excess noise, the additional traffic on substandard roads, and the lack of willingness of the applicant to pay \$250,000 for police presence.

Angus Goodson, neighboring property owner, informed the Board that he commuted for 6 years and stated that there was a fair amount of traffic on Kabletown road early in the morning from people going to Virginia. Mr. Goodson was concerned that the added traffic from the event would create a hardship for those commuting.

Bill Napalie, neighboring property owner, questioned how the event will bring in additional revenue to the County if the event will be self-contained onsite, such as providing their own alcohol and food. Mr. Napalie expressed concern of how the festival will devalue his property as they have expressed a desire to continue the festival annually. Mr. Napalie stated the Nissan Pavilion does not stay open until 2:00 a.m. Mr. Groh asked what time would be more appropriate. Mr. Napalie stated, out of respect for a rock concert, he believed 12:00 a.m. would be a fair time although he'd prefer 11:00 p.m. Mr. Napalie expressed his hesitation in responding to Mr. Groh's question as he felt it was lending his support to the festival. Mr. Groh assured Mr. Napalie his response was not meant to insinuate his support of the request.

Kenny Nicewarner, neighboring property owner, stated his opposition to the request was not a personal affront to the property owner or the applicants. Mr. Nicewarner had concerns regarding the substandard roads that would access the property.

Robert Aitcheson, neighboring property owner, drew two ovals on Mr. Dyck's large exhibit plat and informed the Board that the property owners allow septic companies to spread treated sewage on their adjacent farms in the specified locations. Mr. Aitcheson was concerned that the applicant was asking to hold the event without providing the Board a site plan for review. Mr. Aitcheson stated Mr. Stolipher would be gaining a commission should the request be granted. Mr. Aitcheson asked the Board members to confirm for the record if any of them had ex parte communications with any of the applicants or their representatives. Mr. Groh stated the Board did not have to address Mr. Aitcheson's question. Mr. Quynn explained to Mr. Aitcheson that he was permitted to have an additional three minutes and was advised not to duplicate any of the testimony that had been given by previous individuals. Mr. Aitcheson argued the fact that the applicant and their representatives had a one and half hour presentation; however, the public was being restricted to three minutes. Mr. Aitcheson also contested that the applicant had submitted new material at the meeting; therefore, they [the public] have not been given the opportunity to review the record in order to comment accordingly. Mr. Aitcheson argued that because he could not review the record which would then allow him to 'make a record' when he took the matter to court, he claimed the judge would send the matter back to the Board to allow him the right to 'make a record'. Mr. Aitcheson's three minutes had ended and Mr. Quynn allowed Mr. Aitcheson to have an additional minute but advised Mr. Aitcheson to provide testimony that was relevant to Jefferson County. Mr. Aitcheson argued that the experiences of past locations were relevant. Mr. Aitcheson asked that the Board continue the meeting for the following reasons: to provide Ms. Rawn an opportunity to attend the meeting because he was claiming that Ms. Rawn had terminated the lease agreement with Mr. Stiles; and because Craig Jennings, President of the Preston County Commission,

expressed an interest in attending the meeting but could not adjust his schedule to attend this meeting on short notice. Mr. Aitcheson asked that Dallas Wolfe's testimony be added into the record,

[the following excerpt is from page two of the Motion to Continue.]

The problem that the promoter can't control is the undesirable clientele that are attracted to these festivals. They are "the worst of the worst from everywhere", California, Colorado, Georgia, Canada, etc. Very few are from West Virginia. "You don't want those kinds of people in your County."

The Preston County festivals were "a big drugfest, like an open air drug market. The drug of choice from every part of the country. heroin, cocaine, molly, etc., was there. Traffic was bumper-to-bumper for three days". Over 30,000 people attended. Sheriff Wolfe had to hire over 100 police officers and State Troopers...

Mr. Quynn informed Mr. Aitcheson that his time had ended. Mr. Aitcheson argued that he should be given the opportunity to make a record. Mr. Aitcheson asked the Board if they would be ruling on his Motion to Continue. Mr. Quynn again informed Mr. Aitcheson that his time had ended. Mr. Aitcheson asked the Board if they would rule on his Motion to require a detailed site plan in compliance with permitting procedures before considering or granting the application. Mr. Quynn gave Mr. Aitcheson a final opportunity to return to his seat. Mr. Aitcheson again asked if the Board would rule on the Motion to Continue. Mr. Quynn stated that the outcome of the meeting would be determined after the continuance of the hearing. Mr. Aitcheson stated he wished to preserve his objection to the Board's failure to allow him to present evidence.

Mr. Quynn invited Mr. Rockwell up should he have additional testimony. Mr. Rockwell stated he did and addressed the Board. Mr. Rockwell noted that the Ordinance does not specify what standard apply to a Seasonal Use and how the Board should approve or disapprove one. Mr. Rockwell stated that in absence of any standards the Board should consider the other provisions of the Ordinance, "Section 1.1 *Purpose* A) Protect and encourage the health, safety and general welfare of the present and future population of Jefferson County." Mr. Rockwell added it may also be their purpose to protect those coming to the event. Mr. Rockwell questioned if an applicant could ask for a variance from the Section 2 Definitions, as he believed it to be a legislative decision and wished to note his objection for the record. Mr. Rockwell asked that should the Board grant the request that they put any exceptions and conditions in writing. Mr. Rockwell also asked the Board to consider the lighting and noise issues that would come from having 20,000 people on site, not just the music venue itself.

Ms. Hartman swore in Donna Gwine as she arrived late yet wished to provide testimony. Ms. Gwine stated she had concerns regarding the noise and sanitary conditions on site. Mr. Quynn informed Ms. Gwine that these issues had been addressed during the applicant's presentation and that she could review the video and audio record the following day. Ms. Gwine asked how the site was selected and asked if other sites could have been chosen. Ms. Brockman stated the purpose of this meeting is to review the specific application and not to discuss if an alternative site would be more suitable. Ms. Gwine also had traffic safety concerns.

Mr. Dyck rebutted the opposing testimony by addressing the following: the roads currently have semi-trailers and milk trucks safely traveling the road; if there are sight distance issues they will have a flag person stationed at those designated areas to slow traffic; he anticipated slow traffic due to the heavy volume of traffic; the traffic plans must be reviewed and approved by the Department of Highways; the event must have Health Department approvals; the applicant will cooperate with the local Sheriff's Department; he confirmed that while the event is self-contained the estimated amount of revenue to the County remains the same and all local hotels will be occupied; Mr. Dyck believes the variance is valid and that the Board has the authority to grant it as the use is permitted, only the days are limited.

Mr. Bannon motioned to go into deliberative session at 6:37 p.m. Mr. Knott seconded the motion, which carried unanimously.

Mr. Knott motioned to come out of deliberative session at 8:05 p.m. Mr. Bannon seconded the motion, which carried unanimously.

Mr. Bannon motioned to approve Items# 6 and #7 be approved with the following conditions:

- 1) The Applicants are bound by their testimony regarding the event.
- 2) Further, the applicants shall abide by the following conditions:
  - a. Comply with all governmental regulations.
  - b. Musical performance shall cease by 2:00 am Thursday, Friday and Saturday and by midnight Sunday. Musical performances shall not begin before 9:00 am on Friday, Saturday and Sunday.
  - c. No performance before 4:00 pm on Thursday. No performance on Monday.
  - d. Obtain an alcohol license, West Virginia Department of Highways permit, Health Department approval, state tax and business license and all other governmental approvals and provide written copies of same 90 days in advance to Planning Staff (only for the record/file).
  - e. Meet with Jefferson County Sheriff's Department, Jefferson County Emergency Services Agency, Jefferson Medical Center, and Jefferson County Homeland Security and provide each entity with anticipated attendance numbers. Obtain written requirements from the Police and EMS/Fire services and develop a public safety plan to meet public safety concerns; comply with all reasonable requests. The Applicants shall be responsible for the reasonable costs associated with the public safety plan. The Applicants shall provide written proof of public safety plan and cost recovery arrangements to Planning Staff 90 days in advance of the concert.
  - f. Provide public legal advertisement of performance dates and times 60 days in advance of the concert in Spirit of Jefferson.
  - g. Post the property continuously for 30 days in advance of concert with event dates and time.
  - h. Provide a Sketch Plan (Not To Scale) to the Planning Staff 120 days in advance of the concert addressing the locations of proposed stages, sound systems, bathroom

facilities, parking areas, concessions, fencing and access points. The Sketch Plan shall substantially match presentation provided to Board of Zoning Appeals.

Mr. Knott seconded the approval, which carried unanimously.

8. Director's Report. Ms. Brockman informed the Board there was a Director's Report in the packet if they wished to know of any prior or upcoming events.
9. Legal Update. None.
10. Signing of written decisions from prior Board of Zoning Appeals meetings. None.
11. Correspondence. None.

Ms. Brockman stated she would check the availability of the meeting room for the January meeting and will contact the Board with possible meeting dates.

Mr. Bannon motioned to adjourn the meeting at 8:09 p.m. Mr. Knott seconded the motion, which carried unanimously.

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

Draft Minutes  
Jefferson County Board of Zoning Appeals  
Wednesday December 18, 2013

The Jefferson County Board of Zoning Appeals met on Wednesday, December 18, 2013. The meeting was held in the Charles Town Library Conference Room, located at 200 East Washington Street, in the City of Charles Town, West Virginia. Unless otherwise noted, all requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

Board members Christy Huddle, Vice Chair; Edwin Kelly, Tyler Quynn Matt Knott and Jeffrey Bannon were present. Staff members present were: Jennie Brockman, Director of Planning and Zoning and Jennilee Hartman, Zoning Clerk.

Mr. **Quynn** motioned to commence the meeting. Mr. **Kelly** seconded the motion, which carried unanimously. Ms. Huddle called the meeting to order at 3:14 p.m.

1. Election of Officers – Deferred until the January 2014 meeting.
2. Approval of the minutes from the September 19, 2013, October 10, 2013 and November 14, 2013 meeting.

Ms. Huddle called for action on the September 19, 2013 minutes.

- 1) Ms. Huddle suggested the following edits:
- 2) Page 1, Item 1b, insert *word* before *represented* and italicize the words *represented* and *presented*.
- 3) Page 3, first paragraph, fourth line down, insert *to* after *according*.
- 4) General comment: all references to *Boards'* change to *Board's*.
- 5) Page 3, second paragraph, second line up, change the semicolon to a comma.
- 6) Page 3, last paragraph, sixth line up, insert *in* after *approved*.
- 7) Page 4, first paragraph, last sentence, confusing language within the quote cited. Confirm direct quote and correct accordingly.
- 8) Page 4, third paragraph, third line, change the comma to a colon.
- 9) Page 4, third paragraph, add comma after the word *amendment*.
- 10) Page 4, fourth paragraph, third line up, change *the created* to *they created*.
- 11) Page 5, eighth paragraph, second line down, add *As an example*, before *Mr. Raco* and replace *gave an example of* with *said* (within the same sentence).
- 12) Page 5, last paragraph and line, add parentheses around the words *the Appellant* and remove the commas.
- 13) Page 6, second paragraph, fifth line down, reword the sentence which references *text highlighted* so that it reads clearer.
- 14) Page 7, Item 7, second paragraph, fifth line down, change *neighboring* to *neighborhood*.
- 15) Page 7, Item 7, second paragraph, eleventh line up, pluralize *meetings*.
- 16) Page 7, Item 7, second paragraph, seventh line up, pluralize *sites*.
- 17) Page 8, second paragraph, third line down, remove the second *not*.
- 18) Page 8, second paragraph, fourth line down, insert *above* after *from*.
- 19) Page 8, second paragraph, sixth line up, pluralize *meetings*.
- 20) Page 8, second paragraph, fourth line up, change *were* to *was*.
- 21) Page 8, third paragraph, change reference from *Mr.* to *Ms.* Brockman.
- 22) Page 9, second paragraph, third line down, capitalize *Consulting*.
- 23) Page 9, third paragraph, fourth line down, change “on *the*” to “on *to*”.
- 24) Page 9, third paragraph, fifth line up, change *aide* to *aid*.
- 25) Page 10, second paragraph, second line down, add comma after *Bernazzoli*.

- 26) Page 11, last paragraph, seventh line up, change *affect* to *affected*.
- 27) Page 12, first paragraph, sixth line, add comma after *rent*.
- 28) Page 13, first paragraph, third line up, insert *he* after *however*.
- 29) Page 13, fifth paragraph, reword sentence to read, "...13 trees as depicted in dark green on..".
- 30) Page 13, last paragraph, second line down, insert the phrase *as it could be*, after *worded*.
- 31) Page 13, last paragraph, third line up, remove the word *was*.

Mr. Kelly motioned to approve the September 19, 2013 minutes as corrected. Mr. Bannon seconded the motion, which carried unanimously.

Ms. Huddle called for action on the October 10, 2013 minutes.

- 1) Page 1, Item 3, third paragraph, change *requested* to *request*.
- 2) General comment: all references to *Boards* change to *Board's*.
- 3) Page 2, third paragraph, last line, insert *be* after *permitted*.
- 4) General comment: replace and/or correct all references to read **Rev. Georgia DuBose**.
- 5) General comment: replace and/or correct all references to read *St. John's Episcopal Church*.
- 6) Page 4, sixth paragraph, seventh line up, insert a comma after *dissolved*.
- 7) Page 4, sixth paragraph, fifth line up, change *applicant* to *application*.
- 8) Page 5, second paragraph, fourth line down, insert an *a* before *petition*.
- 9) Page 5, second paragraph, sixth line down, insert *from* before *which*.
- 10) Page 5, third paragraph, third line down, change *heat* to *heating*.
- 11) Page 5, sixth paragraph, third line down, insert *he* after *however*.
- 12) Page 5, sixth paragraph, last line, remove "*Mr. Quynn asked why the...*".
- 13) Page 5, last paragraph, second line down, clarify where Ms. Dunn presently works.
- 14) Page 6, second paragraph, third line down, insert *they* after *constraints*.
- 15) Page 6, second paragraph, third line up, change *license* to *licensed*.
- 16) Page 6, fourth paragraph, only sentence, change *JC* to *JCHC*.
- 17) Page 6, last paragraph, third line down, change text as follows: '...exempt, ~~that~~ the...'
- 18) Page 6, last paragraph, fourth line down, insert *active* before *church*.
- 19) Page 6, last paragraph, eighth line down, remove comma after *Applicant*.
- 20) Page 6, last paragraph, ninth line down, change *is* to *if*.
- 21) Page 6, last paragraph, last line, add a comma after *at*.
- 22) General comment: correct spacing issues between words.

Mr. Kelly motioned to approve the October 10, 2013 minutes as corrected. Mr. Bannon seconded the motion, which carried unanimously.

Ms. Huddle called for action on the November 14, 2013 minutes.

Mr. Quynn motioned to defer action on the November 14, 2013 minutes until the next meeting. Mr. Kelly seconded the motion, which carried three (3) in support and one (1) abstention (Mr. Knott). Ms. Huddle stated that the Board would defer action on the November 14, 2013 minutes because the Board members did not have time to review the draft version of the minutes.

3. Swearing in of members of the public intending to provide testimony.

Ms. Hartman swore in the individuals who indicated they would be giving testimony prior to the meeting being recorded.

4. Deferred from the November 14, 2013 meeting. Variance request by property owner, Susan Powell, from Section 9.7 for a reduction of the rear setback distance from 12' to 6' to allow for the construction of an 8' x 12' deck to be used for wheelchair access. Location: Shannondale, Section 5F, Lot 40, 480 Rolling Ln, Harpers Ferry, WV. District: Kabletown (06); Map: 6B; Parcel: 67; Zoned: Rural; Size 0.25 acres; File: #ZV13-30.

Susan Powell was not in attendance. The Board asked if Staff had called the Applicant to remind her of the meeting. Ms. Brockman stated Staff had not; however, they had notified Ms. Powell of the new date and time for her deferred request. The Board postponed Ms. Powell's request until the end of the meeting in the event she was running late.

5. Variance request by applicants, Bill and Belinda Lewis, from Section 4.3B to re-establish an expired nonconforming commercial use in the Rural Zoning District. The applicants intend to establish an open air flea market consisting of 15 rental spaces totaling 6,000 sq. ft., a 2,000 sq. ft. whole sale parking area for the sale of RVs, boats, etc., and to utilize an existing building as indoor retail and storage space and public restrooms. The site was previously Eastern Homes Inc.; a mobile home sales and restoration operation. Property owner: Gilbert A. Mobley, Sr. Location: 6468 Charles Town Road, Kearneysville, WV. District: Middleway (07); Map: 4; Parcel: 8; Size 5 acres; Zoned: Rural; File: #ZV13-35.

Bill and Belinda Lewis presented the request to the Board. Ms. Lewis stated they wished to open a thrift store with an outdoor flea market that would be open Friday, Saturday, Sundays and on holidays during the summer. Mr. Lewis added that he felt the use would be an economic benefit to the community. Ms. Brockman explained that since the property owner was trying to sell the parcel privately that he could not produce a sales listing for the record and therefore required BZA action to reestablish a nonconforming use. Ms. Brockman stated that in 1994 the subject parcel was approved to have an 8,000 square foot area to sell motor vehicles, which encompasses the approximate location of the proposed whole sale area for RVs, boats, etc. Ms. Brockman informed the Board that the Department of Highways issued a permit for the proposed thrift shop and flea market contingent upon the Applicant closing the east and west entrances along Old Charles Town Road. Ms. Brockman reviewed the possible conditions of approval listed in the staff report.

Ms. Huddle called for public comment.

Tammy Turner and Butch McKinney, adjacent property owners, spoke in opposition to the request. Ms. Turner expressed concern regarding the way the site was maintained while the outdoor flea market was in operation the previous summer. Ms. Turner also referenced the onsite port-a-potties as potentially being a problem. Mr. McKinney stated that any vehicles sold at a commercial location must have a dealer license. Ms. Huddle confirmed with Mr. McKinney that this was a state law. Mr. McKinney asked why the Applicant was not utilizing the vacant commercial site located in close proximity to this parcel. Ms. Huddle addressed Ms. Turner's concerns by stating that the conditions listed by Staff included restricting outdoor storage. Ms. Turner also asked if the Applicant would be permitted to live on the property in addition to having the commercial venture approved. Ms. Brockman stated that a residential use is a principal permitted use on the subject parcel. Ms. Huddle explained that the request would not be changing the zoning of the property but would allow the Applicant to reestablish the

nonconforming use on the property. Ms. Turner stated they were not against businesses; however, they were concerned about their property value and that of their rental property located across the street.

The Applicants addressed their history with the property beginning with the violation notice in August 2013, which notified them that the open air flea market they were operating was not in compliance with the County's Zoning Ordinance. The Lewises informed the Board that they immediately closed the business and have been working with Mason Carter, the Ordinance Compliance Officer and Steven Barney, the previous Zoning Administrator, to rectify the situation since that time. The Lewises asserted they were in business with a third party who was not as cooperative in seeking compliance with the County's regulations. The Lewises explained that they are legally free to lease the subject parcel exclusively. Ms. Lewis stated the individual who would be selling wholesale vehicles has a dealer's license to sell vehicles. Mr. Lewis assured the Board that the property would not operate as it had the previous summer and that they would follow all of the County's regulations.

6. Variance request by applicant, Duane Dunn with Dunn's Contracting, LLC., from Section 5.10C.1(a) for a reduction of the front setback from 20' to 12' to attach a 12' x 18' shed-roof to an existing log building; and, from Section 9.6C to permit a structure within the required front yard. Property owner: Bernard Heiler. Location: 7198 Queen St., Kearneysville, WV. District: Middleway (07); Map: 22B; Parcel: 27; Size .83 acres; Zoned: Village; File: #ZV13-36.

Duane Dunn, applicant, and Bernard Heiler, owner, were present to address the Board. Mr. Dunn concisely explained the request to the Board. Mr. Heiler stated various lawn care items would be stored inside the log structure. Mr. Heiler explained that the log structure had been neglected over time and the intent of the proposed shed-roof would be to protect the logs from further weather damage. Mr. Heiler stated the logs, from the structure in question, came from a historical structure that was previously dismantled and then reassembled on the subject property; however, it is not on the historical register. Mr. Quynn had questions for Mr. Heiler regarding the structure's history.

Ms. Huddle called for public comment.

Ms. Dolores Milstead and Carol Pitts, local residents, spoke in opposition to the request. Ms. Milstead read a petition into the record, which was signed by five (5) adjacent property owners, requesting that the Board deny the applicant's request for the reasons stated within. Ms. Milstead submitted the petition for the record. Ms. Milstead argued that the application uses the term structure; however, the agenda incorrectly stated a shed-roof. Ms. Huddle explained that they consider the term structure to mean any form of building or construction. Ms. Milstead pointed out that the 6' fence referenced in the application does not extend along the entire length of the property line in question, and therefore would not block the view structure. Ms. Milstead stated they have had conversations with the applicant regarding the renovation or replacement of the damaged logs, and therefore do not believe the shed-roof is necessary to cover damage to two logs. Ms. Milstead argued that the shed-roof would not keep the visual integrity of the historic district because neighboring roofs are gables. Ms. Milstead also stated that they are concerned about the size of the proposed structure and that water and sewer has been recently connected to the structure. Ms. Pitts stated she was present to support Ms. Milstead's comments. Ms. Huddle stated that [West Virginia] state law requires a historical district to have standards/guidelines so that a homeowner knows what they are permitted to do with their property. Ms. Huddle asked if Middleway had such standards. Ms. Milstead stated Middleway was unincorporated. Ms. Huddle stated that was not a necessary criterion.

Mr. Heiler responded to Ms. Milstead's remarks regarding the water and sewer connections. Mr. Heiler explained he hired an excavator to remove two tree stubs in the general location where Ms. Milstead was referencing. Mr. Heiler had Mr. Dunn install three (3) PVC pipes of varying widths to be buried between the house and the log structure. Mr. Heiler will be putting electric into the log structure via the pipes and reserving the other two (2) pipes for a future use; however, they will not and cannot contain water. In addition, the Health Department did not have any documentation for the location of the septic lines.

7. Variance request by applicant, Jim Ruland, from Section 4.11A for a reduction of the required parking and access drive setbacks from 10' to 0'; and, from Section 5.6D.5 for a reduction of the required landscape buffer between two commercial uses from 10' to 0', for the purpose of subdividing Parcel 93 to create two individual commercial lots. Property owner: RAI GROUP 41, LLC/RAI Properties, LLC. Location: Burr Industrial Park, Phase I: Lots 40 & 41, 130 and 150 E. Burr Blvd., Kearneysville, WV. District: Charles Town (02); Map: 1; Parcel: 93; Size: 2.32 acres; Zoned: Industrial-Commercial; File: #ZV13-37.

Mike Shepp, consultant, represented the request; stated that Jim Ruland was unable to attend. Mr. Shepp provided the Board with a brief history of the property and then explained the purpose of the request. Mr. Shepp addressed Staff's proposed conditions stating that the smoking shelter would be removed by the current tenants when they vacant the building and that the applicant will replace the dead trees in the existing landscape buffer.

Ms. Huddle called for public comment. There was no public comment.

Mr. Knott motioned to go into deliberative session at 4:52 p.m. Mr. Quynn seconded the motion, which carried unanimously.

Mr. Quynn motioned to come out of deliberative session at 5:31 p.m. Mr. Bannon seconded the motion, which carried unanimously.

### **Board of Zoning Appeals Rulings**

4. Deferred from the November 14, 2013 meeting. Variance request by property owner, Susan Powell, from Section 9.7 for a reduction of the rear setback distance from 12' to 6' to allow for the construction of an 8' x 12' deck to be used for wheelchair access.

Mr. Quynn motioned to defer the above referenced variance request until the next BZA meeting. Mr. Kelly seconded the motion, which carried unanimously.

5. Variance request by applicants, Bill and Belinda Lewis, from Section 4.3B to re-establish an expired nonconforming commercial use in the Rural Zoning District. The applicants intend to establish an open air flea market consisting of 15 rental spaces totaling 6,000 sq. ft., a 2,000 sq. ft. wholesale parking area for the sale of RVs, boats, etc. and to utilize an existing building as indoor retail and storage space and public restrooms. The site was previously Eastern Homes Inc.; a mobile home sales and restoration operation.

Mr. Quynn motioned to approve the above referenced request with the following conditions:

- 1) The applicants are bound by their testimony.

- 2) The uses are restricted to the areas depicted on the sketch submitted by the applicant.
- 3) No access is permitted other than what is approved by the Department of Highways.
- 4) All commercial setbacks shall be met.
- 5) Outdoor display shall be permitted while the flea market is open; however, no outdoor storage is permitted inside the whole sale area.
- 6) Clean up must be conducted after every week's session and the lot must be maintained in a clean and sanitary condition.

Mr. Knott seconded the motion, which carried unanimously.

6. Variance request by applicant, Duane Dunn with Dunn's Contracting, LLC., from Section 5.10C.1(a) for a reduction of the front setback from 20' to 12' to attach a 12' x 18' shed-roof to an existing log building; and, from Section 9.6C to permit a structure within the required front yard.

Mr. Bannon motioned to approve the above referenced request with the condition that the structure may not exceed 12' x 18', as represented. Mr. Kelly seconded the motion, which carried unanimously.

7. Variance request by applicant, Jim Ruland, from Section 4.11A for a reduction of the required parking and access drive setbacks from 10' to 0'; and, from Section 5.6D.5 for a reduction of the required landscape buffer between two commercial uses from 10' to 0', for the purpose of subdividing Parcel 93 to create two individual commercial lots.

Mr. Knott motioned to approve the above referenced requests conditioned upon the smoking shelter being removed from the property. Mr. Bannon seconded the motion, which carried unanimously.

9. Proposed Amendments to the Board of Zoning Appeals Rules of Procedure, Effective July 21, 2011. Ms. Brockman alerted the Board that Mr. Quynn and Mr. Knott's terms were expiring in January of 2014. Ms. Brockman directed the Board's attention to the draft 2014 Board of Zoning Appeals Meeting Schedule which would change their meeting to the fourth Thursdays at 2:00 p.m. (except for the November and December meetings due to the holidays). A copy was provided to the Board. Ms. Brockman stated this schedule was drafted based on the proposed amendments outlined in the Board of Zoning Appeals Rules of Procedure, Effective July 21, 2011, which the Board had asked Staff to revise. Ms. Brockman explained to the Board that both the Schedule and the Amendments were informational items and that action on these items would be scheduled for their January meeting.
10. Director's Report. See the packet for a copy of the Director's Report. Ms. Brockman did not review the report with the Board.
11. Legal Update. None.
12. Signing of written decisions from prior Board of Zoning Appeals meetings. No action was taken.
  - a) Continued from the 07/18/13 & 08/15/13 meetings. The variance request by applicant, John Fridley, was from Section 9.6(C) & 9.7 for a reduction of the front setback distance from 20' to 5' to construct a 20' x 22' detached garage. At the 08/15/13 meeting, the applicant indicated that the required setback from the DOH ROW was actually 12"; therefore, the applicant was advised to amend their application or reapply for a new variance. The applicant has not resubmitted and Board action is required on this outstanding request. Owner: William C. Palmer, Sr. File: ZV13-19. Meeting Date: 09/19/13

- b) Appeal of an Administrative Decision made by Jennifer Brockman, Acting Zoning Administrator, of the interpretation of Section 5.7D(3) regarding *Maximum Number of Lots Allowed* in the Rural zoning district. Appellants: Katherine B. Dunn & Sara V. Lowery, c/o Stanley Dunn. Appellant's Rep: J. Michael Cassell, Esq., Cassell & Prinz, PLLC. File: AP13-01. Meeting Date: 09/19/13
- c) Appeal of the Administrative Decision to issue Zoning Certificate #ZC13-23 for a Home Occupation Level 2 that allows a home-based asphalt repair business. The business includes a 16' trailer with seal coating & lawn equipment, to be enclosed in an outbuilding/garage, pending Building Permit approval. Appellants: R.K. & Marianne Hedrick; Wayne & Gloria Chastain; Scott & Alice Dillow; Mike & Pam Hinkle; and Chris & Christy Swisher. Owners: Robert & Donna Edwards. File: AP13-02. Meeting Date: 09/19/13
- d) Appeal of an Administrative Decision made by Jennifer Brockman, Acting Zoning Administrator, to deny the use of the St. John's Episcopal Church's facility as an overnight cold-weather shelter in the Rural Zoning District. Appellants: The Rev. Georgia DuBose; The Episcopal Diocese of WV / The Rt. Rev. W. Michie Klusmeyer & William F. Berry, VP of the JC Homeless Coalition. File: AP13-03. Meeting Date: 10/10/13
- e) Variance request by Kristen Stolipher, Consultant, on behalf of, Junipa Contento, Developer, from Section 2.2 to extend the time permitted for a Seasonal Use, which limits an event to not more than 3 consecutive days. The applicant is requesting to hold a 5-day music festival and camp out during the July/August 2014 summer season. Owner: Stiles Partnership 3 and 4. File: ZV13-33. Meeting Date: 11/14/13
- f) Request by Kristen Stolipher, Consultant, on behalf of, Junipa Contento, Developer 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 (ZV13-22) is approved, during the 2014 summer season. Owner: Stiles Partnership 3 and 4. File: ZV13-34. Meeting Date: 11/14/13

### 13. Correspondence

- a) Letter from Joyce Rawn terminating lease agreement.
- b) Letter from Junipa Contento withdrawing Seasonal Use Application ZV13-34.

Mr. Knott motioned to adjourn the meeting at 5:36 p.m. Mr. Quynn seconded the motion, which carried unanimously.

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



Draft Minutes  
Jefferson County Board of Zoning Appeals  
Thursday, January 23, 2014

The Jefferson County Board of Zoning Appeals met on Thursday, January 23, 2014. The meeting was held in the Old Charles Town Library Conference Room, located at 200 East Washington Street, in the City of Charles Town, West Virginia. Unless otherwise noted, all requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

Board members present: Tyler Quynn, Jeffrey Bannon, Matt Knott and Ted Schiltz, Alternate  
Board members absent with notification: Christy Huddle, Vice President and Ed Kelly  
Staff present: Jennifer M. Brockman, Acting Zoning Administrator/Director of Planning and Zoning;  
Stephen Groh, Assistant Prosecuting Attorney and Jennilee Hartman, Zoning Clerk

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

Mr. Bannon elected Mr. Quynn to Chair the meeting in Ms. Huddle's absence. Mr. Knott seconded the election, which carried unanimously.

Mr. Quynn explained the proceedings of the meetings to those in attendance.

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

1. Election of Officers. The Board discussed whether they should take action on this item in the absence of the other BZA members. Mr. Knott motioned to continue with the election of officers. Mr. Knott's motion died for a lack of a second. The Board deferred action on this item until the next meeting.
2. Approval of the minutes from the November 14, 2013 and December 18, 2013 meetings. The minutes were addressed after Item #6. The minutes were deferred until the next meeting.
3. Swearing in of the public intending to provide testimony. Ms. Hartman swore in the public prior to Item #1.
4. Deferred from the 10/10/13 and 11/14/13 meetings. Variance request by property owner, Susan Powell, from Section 9.7 for a reduction of the rear setback distance from 12' to 6' to allow for the construction of an 8' x 12' deck to be used for wheelchair access. Location: Shannondale, Sec 5F, Lot 40, 480 Rolling Ln., Harpers Ferry. District: Kabletown (06); Map: 6B; Parcel: 67; Zone: Rural; Size 0.25 ac; File: #ZV13-30.

Ms. Brockman reviewed her staff report with the Board. Susan Powell outlined the nature of her request to the Board and explained she owned the surrounding parcels except for those located towards the rear of her parcel. Ms. Powell stated the neighbor to the rear was on a steep rising slope. Ms. Powell added that a handicapped person would not be able to access the home unless the proposed deck was constructed. Ms. Brockman stated that she did not believe there would be a negative impact on the neighbor to the rear of the subject parcel. Mr. Quynn called for public comment. There was no public comment.

5. Variance request by applicant/owner, Vince Petti, Burr Park, LLC, from the following sections:
  - a) Section 5.6D.5: a reduction of the required parking and access drive setbacks from 10' to 0';
  - b) Section 4.11A: a reduction of the required landscape buffer between two commercial uses from 10' to 0' for two newly created parcels; and,
  - c) Section 5.6D.2: a reduction of the required setback distance between existing buildings from 25' to 4.25' on one lot and 25' to 5.25' on the other lot, for the purpose of subdividing Parcel 86 (referred to as Lot 34) to create two individual commercial lots (Lots 34A and 34B).

Location: Burr Industrial Park, Phase I: Lot 34, 71 and 73 Edmond Rd., Kearneysville.  
District: Charles Town (02); Map: 1; Parcel: 86; Size: 1.53 ac; Zone: Industrial-Commercial; File: #ZV13-38.

Ms. Brockman provided a detailed accounting of the requests before the Board in addition to informing the Board of some potential concerns regarding a past violation on the site issues that were found during a site inspection. R. Michael Shepp, consultant with Appalachian Surveys, and Vince Petti, property owner, were present to address the Board. Mr. Shepp explained the nature of the request and its purpose. Mr. Shepp stated that Staff presented the merits of the request succinctly; however, wanted to address the matter of the supposed site violation. Mr. Shepp presented an email, dated January 22, 2014, that was addressed to him, written by Roger Goodwin, Director of Engineering and County Engineer, which stated that his office would consider the past site violations rectified since a Redline Revision was approved on April 24, 2009 and subsequently a lot line adjustment was processed (approved on April 30, 2009) to correct the parking setback violation (copy of email submitted for the record). Mr. Shepp further stated that he could not comment on any possible property line encroachments that may currently exist on the property since his company has not conducted a survey to create the Final Plat at this time. Mr. Schiltz asked how the potential violations impacted the variance requests. Ms. Brockman stated the potential site violations did not have an impact on the variance requests; they were only an observation of Staff during the site visit and that Staff wanted to make the Board aware of their findings. Mr. Quynn called for public comment. John Reisenweber, Executive Director of the Jefferson County Development Authority, spoke with his Executive Committee regarding this variance request(s), of which they voted unanimously to have the item brought to their full Board for review. Mr. Reisenweber stated that he was unable to bring the item to their Board's attention prior to the BZA meeting; however, he wished to convey that the Executive Committee is 1/3 of the full Board and they were unanimously in support of the applicant's request. Mr. Bannon asked Mr. Reisenweber if he believed they should defer action on the item until his Board could meet to discuss the item. Mr. Reisenweber stated he did not believe it was necessary and felt that the full Board would be in support of the request(s) as they have been presented with similar requests in the past in which they have voted unanimously.

6. Variance request by applicants, Susan and Woody Sechrist, from Section 4.3H to re-establish a non-conforming single family dwelling in the Industrial-Commercial zoning district, which is intended to be demolished. The applicants are proposing to demolish an existing 1,392 sq. ft. single family dwelling and replace it with a 1,950 sq. ft. single family dwelling to be situated on the same footprint as the previous residence; however, the additional square footage shall not exceed the required setbacks for that zone. Property owner: Mary K. Carper. Location: 9107 Charles Town Rd., Charles Town. District: Charles Town (02); Map: 1; Parcel: 19.2; Size .25 ac; Zone: Industrial-Commercial; File: #ZV14-01.

Mr. Woody Sechrist was present to address the Board. Ms. Brockman explained the request and briefed the Board on highlights from her staff report. Mr. Sechrist explained that his mother-in-law's physical needs require upgrades to the entire home and that it would be more cost effective, considering the age of the home, to have it demolished and rebuilt. Mr. Quynn called for public comment. There was no public comment.

Mr. Bannon motioned to go into deliberation session at 2:51 p.m. Mr. Schiltz seconded the motion, which carried unanimously.

Mr. Bannon motioned to come out of deliberative session at 3:09 p.m. Mr. Knott seconded the motion, which carried unanimously.

**Board of Zoning Appeals Rulings**

4. Deferred from the 10/10/13 and 11/14/13 meeting. Variance request by property owner, Susan Powell, from Section 9.7 for a reduction of the rear setback distance from 12' to 6' to allow for the construction of an 8' x 12' deck to be used for wheelchair access.

Mr. Knott motioned to approve the above referenced request. Mr. Bannon seconded the request, which carried unanimously.

5. Variance request by applicant/owner, Vince Petti, Burr Park, LLC, from the following sections:
  - a) Section 5.6D.5: a reduction of the required parking and access drive setbacks from 10' to 0';
  - b) Section 4.11A: a reduction of the required landscape buffer between two commercial uses from 10' to 0' for two newly created parcels; and,
  - c) Section 5.6D.2: a reduction of the required setback distance between existing buildings from 25' to 4.25' on one lot and 25' to 5.25' on the other lot, for the purpose of subdividing Parcel 86 (referred to as Lot 34) to create two individual commercial lots (Lots 34A and 34B).

Mr. Bannon motioned to approve the above referenced requests (a, b and c) provided that the variances for the reduced parking and access drive setbacks, reduced landscape buffer between two commercial uses, and reduced building setbacks as described above apply only to the internal lot lines between the existing buildings; and, that the Board's approval does not have any effect on the required Planning Commission and Building Code requirements. Mr. Knott seconded the motion. Mr. Quynn suggested a friendly amendment to include a condition that the applicants are bound by their testimony. Mr. Bannon accepted the amendment. Mr. Knott concurred. The Board voted unanimously to accept the motion as amended.

6. Variance request by applicants, Susan and Woody Sechrist, from Section 4.3H to re-establish a non-conforming single family dwelling in the Industrial-Commercial zoning district, which is intended to be demolished. The applicants are proposing to demolish an existing 1,392 sq. ft. single family dwelling and replace it with a 1,950 sq. ft. single family dwelling to be situated on the same footprint as the previous residence; however, the additional square footage shall not exceed the required setbacks for that zone.

Mr. Schiltz motioned to approve the above referenced request. Mr. Knott seconded the motion, which carried unanimously.

2. Approval of the minutes from the November 14, 2013 and December 18, 2013 meetings. The minutes were deferred until the next meeting.
7. Action on proposed amendments to the Board of Zoning Appeals Rules of Procedure, Effective July 21, 2011.

Ms. Brockman reviewed the amendments with the Board. Mr. Groh explained who an "Intervenor" could be in an appeal. Discussion ensued regarding the process of designating such a person. It was the consensus of the Board to postpone action on the majority of the amendments until the full Board was present to vote on the document. Mr. Knott requested that Staff revise the zoning variance application to clarify the owner signature section appropriately. Ms. Brockman requested the Board consider voting on the amendment regarding the date and time of the meetings as this subject had been previously vetted with the Board.

Mr. Knott motioned to approve the amendment made to Section 4.1 so that it will read as follows,

**Article IV – Meetings**

**Section 4.1 – Regular Meetings**

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

Mr. Bannon seconded the motion, which carried unanimously. Board meetings will now be held on the fourth Thursday of each month at 2:00 p.m. and the Board has the authority to reschedule regular meetings due to inclement weather or conflict with holidays.

8. Approval of the 2014 Meeting Schedule of the Board of Zoning Appeals.

Mr. Bannon motioned to approve the schedule as drafted. Mr. Schiltz seconded the motion, which carried unanimously.

9. Director's Report. Ms. Brockman updated the Board on the following items from her staff report:

1) **Envision Jefferson 2035 Update**

See Updated Timeline Attached (revised in January 2014).

2) **Recent/Upcoming CC Actions relevant to Planning:**

- a) ZTA13-01 - Minor Amendments to the JC Zoning and Land Development Ordinance Sec 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14 (new), 8.15 (new), 9.5, 10.5, 11.1, 12.2 and App C (Ag Use and Other Amendments) (Public Hearing held 10/10/13; follow up CC workshop 11/21/13, continued to 12/05/13; CC Approved 01/02/14).

These amendments include provisions related to:

- o Agricultural Accessory Units (requires BZA approval for more than one)
  - o Farm Winery, Distillery, Brewery
  - o Rural Reception Event Facility (some of which require BZA approval as a special exception)
  - o Removed requirement for CUP for take-out and drive through restaurants and convenience stores if located within a shopping center with an approved site plan
  - o Changed the setbacks for decks and related projections for townhouse lots in R-LI-C and RG zones with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less to 10' if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence
  - o Allows Zoning Administrator to administratively waive permanent off-street automobile parking and loading requirements for seasonal or temporary uses under certain circumstances
- b) ZTA12-01 - Request by the PC that the CC reconsider their Motion on 10/25/12 regarding the Proposed Zoning Ordinance Text Amendment related to New Commercial and Industrial Zoning Categories (Public Hearing held 11/21/13; follow up workshop with CC continued to 01/23/14).
- c) Zoning Map Amendment request by the Hunter Family c/o Ann Hunter to rezone property located on the north side of Old Route 9 (Route 115) approx. 700' SE of BC/JC Line from Rural to R-LI-C zoning (CC Public Hearing set 01/23/14, 6:00 pm).

10. Legal Update. None.

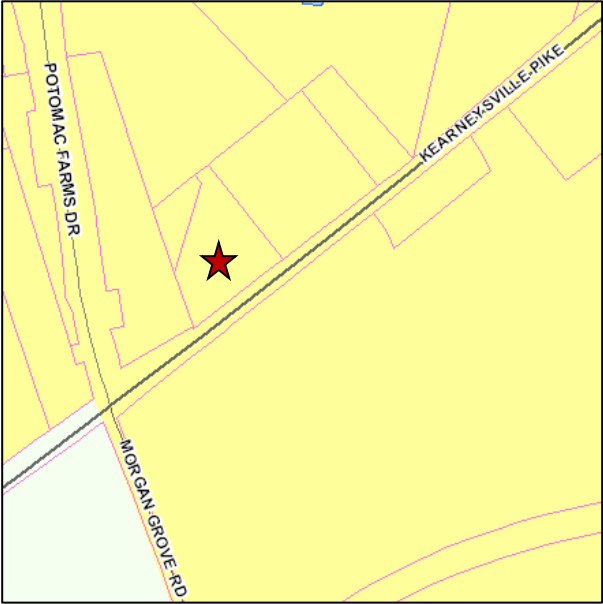
11. Signing of written decisions from prior Board of Zoning Appeals meetings. Mr. Groh provided draft Findings to the Board for the items below. The Board agreed that after Ms. Brockman had completed her review of the draft versions that Mr. Quynn had the authority to sign them when available.
- a) Continued from the 07/18/13 & 08/15/13 meetings. The variance request by applicant, John Fridley, was from Section 9.6(C) & 9.7 for a reduction of the front setback distance from 20' to 5' to construct a 20' x 22' detached garage. At the 08/15/13 meeting, the applicant indicated that the required setback from the DOH ROW was actually 12"; therefore, the applicant was advised to amend their application or reapply for a new variance. The applicant has not resubmitted and Board action is required on this outstanding request. Owner: William C. Palmer, Sr. File: ZV13-19. Meeting Date: 09/19/13
  - b) Appeal of an Administrative Decision made by Jennifer Brockman, Acting Zoning Administrator, of the interpretation of Section 5.7D(3) regarding *Maximum Number of Lots Allowed* in the Rural zoning district. Appellants: Katherine B. Dunn & Sara V. Lowery, c/o Stanley Dunn. Appellant's Rep: J. Michael Cassell, Esq., Cassell & Prinz, PLLC. File: AP13-01. Meeting Date: 09/19/13
  - c) Appeal of the Administrative Decision to issue Zoning Certificate #ZC13-23 for a Home Occupation Level 2 that allows a home-based asphalt repair business. The business includes a 16' trailer with seal coating & lawn equipment, to be enclosed in an outbuilding/garage, pending Building Permit approval. Appellants: R.K. & Marianne Hedrick; Wayne & Gloria Chastain; Scott & Alice Dillow; Mike & Pam Hinkle; and Chris & Christy Swisher. Owners: Robert & Donna Edwards. File: AP13-02. Meeting Date: 09/19/13
  - d) Appeal of an Administrative Decision made by Jennifer Brockman, Acting Zoning Administrator, to deny the use of the St. John's Episcopal Church's facility as an overnight cold-weather shelter in the Rural Zoning District. Appellants: The Rev. Georgia DuBose; The Episcopal Diocese of WV/The Rt. Rev. W. Michie Klusmeyer & William F. Berry, VP of the JC Homeless Coalition. File: AP13-03. Meeting Date: 10/10/13
  - e) Variance request by Kristen Stolipher, Consultant, on behalf of, Junipa Contento, Dev. from Sec. 2.2 to extend the time permitted for a Seasonal Use, which limits an event to not more than 3 consecutive days. The applicant is requesting to hold a 5-day music festival and camp out during the July/August 2014 summer season. Owner: Stiles Partnership 3 and 4. File: ZV13-33. Meeting Date: 11/14/13
  - f) Request by Kristen Stolipher, Consultant, on behalf of, Junipa Contento, Dev. to conduct a Seasonal Use event per Sec. 9.8 by hosting a 5-day musical festival & camp out, provided the previous variance request (ZV13-22) is approved, during the 2014 summer season. Owner: Stiles Partnership 3 and 4. File: ZV13-34. Meeting Date: 11/14/13

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



Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 March 27, 2014

**Sustainable Solutions, LLC**  
**Conditional Use Permit (#CP13-01)**

APPLICANT:	James Remuzzi, Sustainable Solutions, LLC
OWNER:	Steve Wandless
DEVELOPER:	Same as Applicant
SURVEYOR/ENGINEER:	N/A
PROPERTY LOCATION:	4419 Kearneysville Pike, Shepherdstown, West Virginia
LEGAL DESCRIPTION: ZONING DISTRICT:	<p style="text-align: center;">District: Shepherdstown (09); Map: 8; Parcel: 9.3          Zoning Map Designation: Residential Growth</p> 
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North: RG                      South: RG</i> <i>East: RG                        West: RG</i>
LOT AREA:	1.78 acres
APPROVED ACTIVITY:	Single-Family Residential Use
WAIVERS/VARIANCES:	10/17/96: BZA denied a reduction of the front setback from 25' to 1'; the front distance requirement from 75' to 1'; and, the side setback from 75' to 15'. 01/15/98: BZA denied a reduction of the side distance requirement from 75' to 12'.
SUBDIVISION PC File #99-35	01/11/00: PC Final Plat Approval
APPLICABLE DATES:	01/31/14: Compatibility Assessment Meeting

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
March 27, 2014

**Sustainable Solutions, LLC**  
**Conditional Use Permit (#CP13-01)**

**RELEVANT INFORMATION:**

A Compatibility Assessment Meeting regarding the conversion of existing expired nonconforming commercial buildings to a use that includes the operation of a business that helps private Landowners, State & Federal Agencies and Non-Profits manage their land for Ecological, Economic and Social returns was held on January 31, 2014 at 10:00 a.m. in the Charles Town Library Meeting Room, located at 200 E Washington Street, Charles Town, West Virginia.

**1. Presentation of the Proposed Land Use**

**Description of Use**

The applicant is proposing to use the existing expired nonconforming commercial buildings for the operation of a business that helps private Landowners, State & Federal Agencies and Non-Profits manage their land for Ecological, Economic and Social returns. The business will include a 12' x 12' company office within Building A (as shown on Figure 1. Site Map). The remaining portion of Building A, as well as Buildings B and C, are to be used as shop space for storage, maintenance and repair of company equipment and vehicles and equipment.

**Employees and Hours of Operation**

This enterprise has a limited number of employees and customers rarely come on-site. Typically customers make contact by phone or the internet and representatives of Sustainable Solutions work is conducted off-site.

**Parking and Access**

There is adequate space for the limited number of spaces required for a 12' x 12' office. All vehicles and equipment used for the purposes of the business can be housed in the balance of Building A and Buildings B and C. No equipment is proposed to be stored outside. One ADA compliant customer/employee space will be required. The applicant is proposing additional landscaping in the form of native trees, shrubs and flowers along the back of the parking area and along the frontage in a manner intended to direct the flow of traffic on-site.

The applicant is proposing two entrances to allow their vehicles and equipment to pull through. The applicant has been advised that this requires the approval of WV DOH. If this approval is received, such access will be permitted.

**Signage**

Two sign locations were proposed (a) to be located on the existing canopy; or, b) to be located on Building A. Unless otherwise provided by this CUP, all signage will be required to meet the requirements of the Zoning Ordinance.

**2. Staff Comments**

The subdivision plat was approved with a single family restriction; however, by conducting a public hearing in conjunction with the CUP process this restriction will be considered void should the Board choose to approve the proposed project.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
March 27, 2014

**Sustainable Solutions, LLC**  
**Conditional Use Permit (#CP13-01)**

Land Evaluation and Soils Assessment

The subject parcel passed the Development Review System with a points assessment of 22 out of a possible 60 points. The project must achieve a score below 60 to be deemed compatible for site development.

Section 6.5D of the Zoning Ordinance states,

*“The Soils Assessment of a proposed development is not applied when the development proposal is located within the Residential/Growth District or the Industrial/Commercial District.”*

Due to the Residential Growth zoning designation of the subject parcel the soils assessment points were not required to be evaluated for this project.

The proposed use will create minimal traffic impact and/or off-site impacts and appears to be compatible with the surrounding residential and rural uses and a reasonable reuse of the existing structures.

This site is adjacent to or in close proximity to two approved conditional use permit projects.

**Shepherdstown Professional Center** (File #Z07-03)

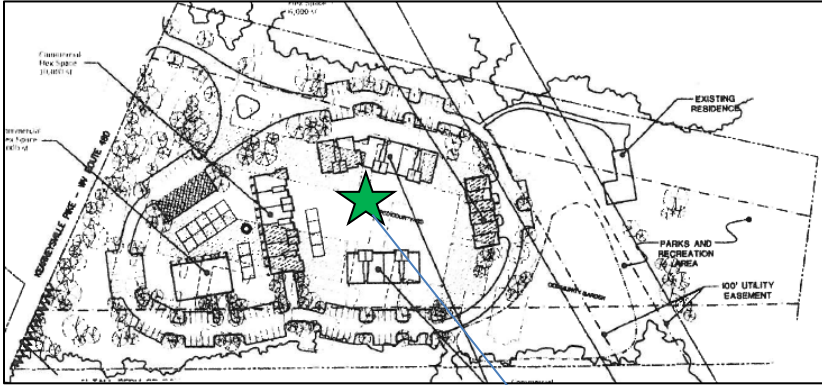
- Approved uses include: construction of a two-story commercial building with approximately 24,640 square feet of space to accommodate offices and retail space. Intended improvements will include the building, as shown on the concept drawing, access drives, parking lots, water and sewer systems, utilities (including power and telephone) and storm water management systems. The development is adjacent to the Colonial Hills and Toll House Woods Subdivisions (a tolled development). A sign will be located at each entrance and facing the intersection of Rt. 480.

**Morgan’s Grove Market** (File #CP12-01)

- Approved uses include: a Food Hub, Professional - Business Offices, General Merchandise (Retail) and Community Amenities (see the issued CUP for a comprehensive list of uses). Intended improvements will include the buildings as shown on the Site Plan (File #S12-06) drawing, access drives, parking lots, connection to Shepherdstown water and sewer systems, utilities (including power and telephone) and storm water management systems.

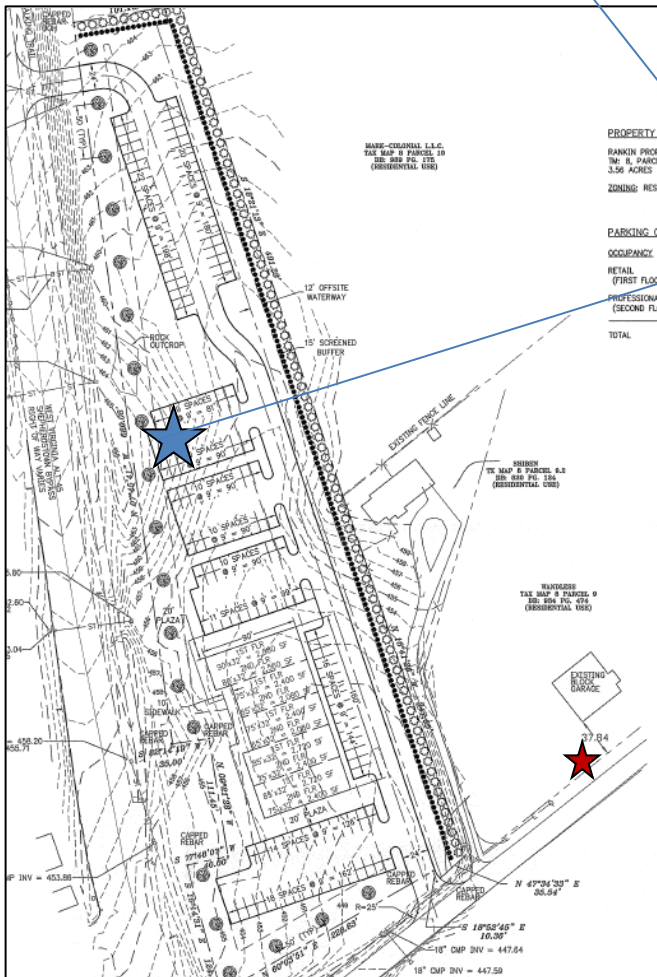
Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
March 27, 2014

**Sustainable Solutions, LLC**  
**Conditional Use Permit (#CP13-01)**

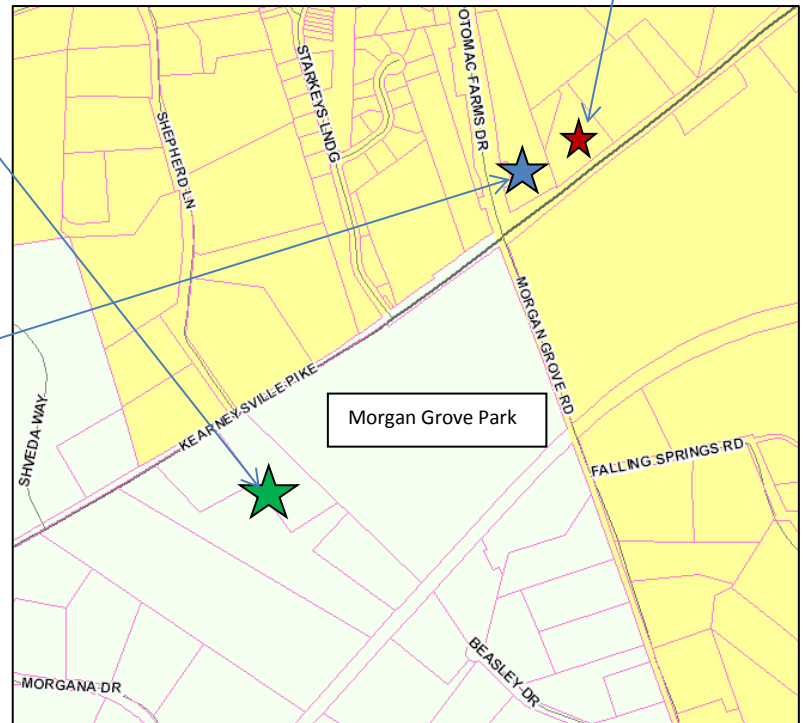


**Morgan's Grove Market**  
**File #CP12-01**

**Sustainable Solutions**  
**File #CP13-01**



**Shepherdstown Professional Center**  
**File #Z07-03**



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
March 27, 2014

**Sustainable Solutions, LLC**  
**Conditional Use Permit (#CP13-01)**

**3. Public Testimony**

There were no members of the public in attendance at the January 31, 2014 Compatibility Assessment Meeting (CAM) to offer testimony. As there were no unresolved issues, the project was scheduled for the next available BZA meeting which the applicant could attend.

The CAM and the BZA hearing are the only requirements to process this CUP application.

Sections 7.6E and 7.6F of the Ordinance states,

*“If all issues raised at the Compatibility Assessment Meeting were resolved at that meeting, no public hearing shall be required. At the next Board of Zoning Appeals meeting, the Board shall take action as described in Section 7.6F.”<sup>2, 17, 21, 23</sup>”*

**4. Outcome**

The meeting resulted in no unresolved issues.

Section 7.6F of the Ordinance states,

*“The Board of Zoning Appeals shall issue, issue with conditions, or deny the conditional use permit. The standards governing the issuance of the Conditional Use Permits shall be: successful LESA Point application, Board of Zoning Appeals resolution of unresolved issues; and, evidence offered by testimony and findings by the Board of Zoning Appeals that the proposed development is compatible with the neighborhood where it is proposed.”<sup>2, 17, 21, 23</sup>”*



JEFFERSON COUNTY, WEST VIRGINIA  
DEPARTMENTS OF PLANNING AND ZONING

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**COMPATIBILITY ASSESSMENT MEETING STAFF REPORT**  
SUSTAINABLE SOLUTIONS, LLC, FILE #CP13-01

Project Name: Sustainable Solutions, LLC  
Business Developer: James Remuzzi, Sustainable Solutions, LLC  
Telephone Number: 202-746-1649  
Property Owner: Steve Wandless  
Property Address: 4419 Kearneysville Pike, Shepherdstown, West Virginia 25443  
Tax Reference: District: Shepherdstown (09); Map: 8; Parcel: 9.3  
Deed Reference: Book: 934; Page: 474 (prior to contract purchase)  
Zoning District: Residential Growth  
Parcel Size: 1.79 acres

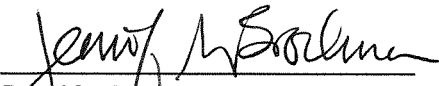
A Compatibility Assessment Meeting for the proposed Conditional Use Permit for Sustainable Solutions, LLC was held on January 31, 2014, at 10:00 a.m., in the Charles Town Library meeting room located at 200 East Washington Street in Charles Town, West Virginia.

The following use is being proposed by the applicant (details may be found in PC File #CP13-01):

The use of existing expired nonconforming commercial buildings for the operation of a business that helps private Landowners, State & Federal Agencies and Non-Profits manage their land for Ecological, Economic and Social returns. The business will include a 12' x 12' company office within Building A (as shown on Figure 1. Site Map). The remaining portion of Building A, as well as Building's B and C, are to be used as shop space for storage, maintenance and repair of company equipment and vehicles and equipment. Two sign locations were proposed (a) to be located on the existing canopy; or, b) to be located on Building A. The applicant is proposing additional landscaping in the form of native trees, shrubs and flowers.

Jennifer Brockman, Acting Zoning Administrator and Director of Planning and Zoning; James Remuzzi, owner/developer of Sustainable Solutions, LLC; Alexandra Beaulieu, Planning Clerk; and, Jennilee Hartman, Zoning Clerk were in attendance.

Ms. Brockman opened the public hearing. There were no members of the public in attendance to offer testimony. Ms. Brockman closed the public hearing. As there was no public testimony or unresolved issues the Conditional Use Permit for Sustainable Solutions, LLC will be placed on February 27, 2014 Board of Zoning Appeal's meeting for action. Mr. Remuzzi informed Staff that he may not be able to attend the February meeting and will notify the office should he need to reschedule. The next available meeting date would be March 27, 2014.

  
Jennifer M. Brockman, AICP  
Acting Zoning Administrator  
Director of Planning and Zoning

March 11, 2014  
Date



Departments of Planning and Zoning Seal





# JEFFERSON COUNTY, WEST VIRGINIA

## Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor, P.O. Box 338

Charles Town, WV 25414

File Name: Cp/13-01  
Staff Initials: CF  
Fees Paid: \$339.50

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

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

### Application for a Conditional Use Permit

#### Name of Project:

Sustainable Solutions, LLC office relocation

#### Property Owner Information

Name: Steve Wandless  
Mailing Address: 1835 River Road  
City: Shepherdstown State: W Zip Code: 25443  
Phone Number: 304-433-2161 Email: stephewandless@frontier.com

#### Applicant Contact Information

Name: Sustainable Solutions  
Mailing Address: 385 Edgewood School Rd  
City: Shenandoah junction State: WV Zip Code: 25442  
Phone Number: 202-746-1649 Email: james@sustainablesolutionsllc.net

#### Registered Engineer(s) or Surveyor(s) Information

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

#### Physical Property Details

Physical Address: 4419 Kearneysville Pike  
City: Shepherdstown State: WV Zip Code: 25443  
Tax District: Shepherdstown (09) Map No: 8 Parcel No: 9.3  
Parcel Size: 1.79ac Deed Book: 934 Page No: 474

#### Zoning District (please check one)

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

RECEIVED

DEC 06 2013

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

**Please provide any information or known history regarding this property.**

The original use of the property was an automotive repair shop and gas station. The gas station was subsequently closed and the tanks removed per WV DEP requirements. The property then transferred ownership and was a used car lot. Most recently the property was used to store and maintain equipment and as an office.

**Original Signature is Required. The information given is correct to the best of my knowledge.**

Arthur Warden      11-21-2013  
Signature of Property Owner      Date

[Signature]      11/21/13  
Signature of Property Owner      Date

**Do not write below this line**

Sketch Plan (Pursuant to Section 7.4 (B)(C))

Support Data (Pursuant to Section 7.4(D))

List of adjacent and confronting (in front of) property owners, with addresses (Section 7.4 E)

**Compatibility Assessment Meeting**

01/31/14  
Date

200 E. Washington St. Charles Town  
Location

**Notification**

N/A  
Date of public hearing

N/A  
Advertising date

N/A  
Posting Requirements  
(Number of days prior to  
scheduled hearing)

**To Be Completed By Staff**

\* No unresolved issues. Scheduled for 03/27/14 BZA Mtg - JH

**Conditional Use Permit Application**  
**Support Data**  
*(please attach additional pages if necessary)*

1. Name and address of a contact person.

*(Refer to Conditional Use Permit Application Section B)*

2. Name and address of the owner/developer.

*(Refer to Conditional Use Permit Application Section C)*

3. Type of development proposed (provide as much detail as possible).

Sustainable Solutions, LLC is a natural resource management company. ([www.sustainablesolutionsllc.net](http://www.sustainablesolutionsllc.net)) that has been in business for 11 years and based in Jefferson county for the past two years. We work to help private landowners, state and federal agencies, and non profits manage their land for ecological, economic, and social returns. The plan is to utilize the existing structures on the property as the company office and the shop space for the storage, maintenance, and repair of vehicles and equipment. No additional building will be constructed, nor will the existing structures be modified in any way, other than the basic maintenance of the existing structures.

4. Acreage of original tract and property to be developed.

*(Refer to Conditional Use Permit Application Section E)*

5. General description of surface conditions (topography).

The site varies from flat to rolling, with a few rock breaks interspersed throughout the lot. The surface conditions are mowed grass interspersed with a gravel parking lot and driveway.

6. Soil and drainage characteristics.

There are two major soils types on the property, Hagerstown Rock Outcrop complex (HrC) and Ryder Poplimento complex (RrC) . Hrc makes up the majority of the parcel. See attached soil map. The HrC soil is a silt loam with a 8-15% slope with rock outcrops interspersed. It is a well drained soil with no frequency of flooding or ponding. It is not a prime farmland soil and is non hydric. The RrC soil is also a silt loam with an 8-15% slope. It is a well drained, non hydric, and considered farmland of statewide importance.

7. General location and description of any existing structures.

*(See Sketch Plan)*

8. General location and description of existing easements or rights-of-way.

*(See Sketch Plan)*

9. Existing covenants and restrictions on the land.

Per the deed: "a. No beer, wine, or alcoholic beverages shall be sold or commercially dispensed on the real estate. b. The real estate shall not be used as an adult bookstore or massage parlor. c. Firearms shall not be sold from or on the real estate. d. The real estate shall not be used for fast food restaurant. e. Not more than two single family residential units shall be constructed or maintained on the property."

10. Intended improvements and proposed building locations including locations of signs (in addition to narrative, please also show locations on sketch plan).

There is to be no additional building on the parcel. Current plan is to place business sign on building and or at the entrance to the property on Route 480.

11. Intended land uses.

The existing building on the parcel will be used as the company office for Sustainable Solutions, LLC. The existing shop and barn spaces will be used for the storage, maintenance and repair of vehicles and equipment.

The outside land will be enhanced with native trees, shrubs, and flowers to increase the overall aesthetic of the parcel, increase the overall tree canopy on the parcel, and provide forage and habitat for native pollinators.

12. Earth work that would alter topography.

None planned.

13. Tentative development schedule.

No additional development of the parcel is planned. Trees and shrubs would be planted following zoning approval.

14. Extent of the conversion of farm land to urban uses.

None.

15. Affected wildlife populations.

Since there will be no new construction on the site, there will be little to no wildlife affected by the planned use. On the contrary, the native trees and shrubs planting are meant to enhance the natural character and habitat value of the parcel.

16. Ground water and surface water and sewer lines within 1320 feet.

The parcel is approximately 907' from the upper branch of Town run. There are no other ground water sewer lines, or surface waters within 1320 of the parcel. Given the company mission, the parcels location in the watershed, and the proximity to Town run, rain barrels will be installed on existing downspouts to help manage and control stormwater. The existing gravel parking lot and drive will be kept as gravel to minimize the amount of impervious surface on the parcel.

17. Distance to fire and emergency services that would serve the site.

1.4 miles to Shepherdstown Fire Department

18. Distance to the appropriate elementary, middle, and high school.

There will be no need for school services for this site. Shepherdstown Middle school is the closest school at .57 miles away.

Sustainable Solutions plans to engage with local schools by presenting to classrooms on what natural resources are, and how to manage them sustainably.

Additionally, given the proximity to Shepherd University, Sustainable plans to collaborate with the Environmental Studies program to provide internship opportunities within the company for Shepherd students.

19. Traffic characteristics - type and frequency of traffic; adequacy of existing transportation routes.

The only traffic into the site will be daily company use and occasional client visits. Company use will consist of 2-5 cars a day coming and going in the normal course of business. The site is well served by route 480 with good site lines coming into and out of the parcel. The traffic light at the intersection of route 480 and Morgans Grove rd/route 45 helps to moderate the volume and speed of traffic approaching the property entrance.

20. Demand for school services created by this development.

None.

21. Proximity and relationship to historic structures or properties within two hundred (200) feet.

There are no historic structure or properties within 200' of the property.

22. Proximity to recreational facilities.

The site is .2miles from Morgans Grove Park. Given the close proximity to the park, Sustainable Solutions plans to provide pro bono natural resource management services to the park to help support the ecological health and vitality of the park land, including where appropriate the protection and enhancement of Town Run

23. Relationship of the project to the Comprehensive Plan.

This project supports the comprehensive plan in the following way:  
Fosters mixed use neighborhoods, encourages economic development and job creation, supports efforts to encourage the sustainable management of natural resources

Cp13-01



**Support Documents**

**for**

**4419 Kearneysville Pike**

**Conditional Use Permit Application**

**12/6/13**

**RECEIVED**

**DEC 06 2013**

**JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING**





Figure 1. Site Map



Soil Map—Jefferson County, West Virginia  
(4419 Kearneysville Pike Soils Map)



Figure 2. Soils Map



## Map Unit Legend

Jefferson County, West Virginia (WV037)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
HrC	Hagerstown-Rock outcrop complex, 8 to 15 percent slopes	1.3	63.1%
RrC	Ryder-Poplimento complex, 8 to 15 percent slopes, very rocky	0.7	36.9%
<b>Totals for Area of Interest</b>		<b>2.0</b>	<b>100.0%</b>

Table 1. Site Soils



**Adjacent and Confronting property owners**

**Owner: WALTZ LUCILLE**

**Parcel Id: 09 8000900000000**

**Deed Book/Page: 212/586**

**Address: 4487 KEARNEYSVILLE PIKE**

**Owner: R&D INVESTMENTS LLC**

**Parcel Id: 09 8000900020000**

**Deed Book/Page: 1110/152**

**Address: 93 Faith LN GLENGARY, WV**

**Owner: MARK TOLLHOUSE WOODS LLC**

**Parcel Id: 09 8003000000000**

**Deed Book/Page: 1011/141**

**Address: 10 CROSSROADS DR STE 206. OWINGS MILLS, MD**

**Owner: MARK-COLONIAL HILLS LLC**

**Parcel Id: 09 8001000000000**

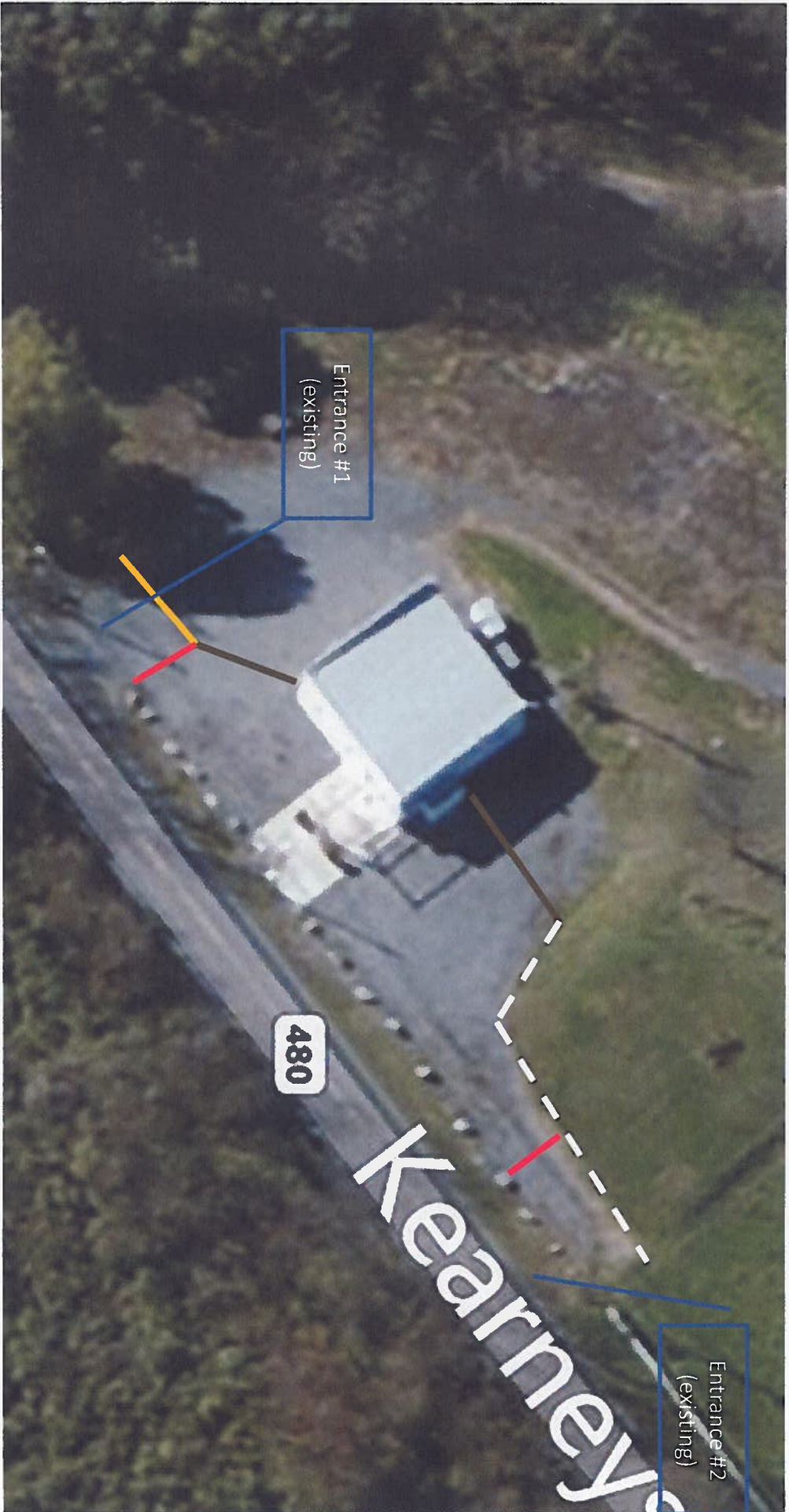
**Deed Book/Page: 989/175**

**Owner: MARK-COLONIAL HILLS LLC**


**10 CROSSROADS DR STE 206. OWINGS MILLS, MD 21117**





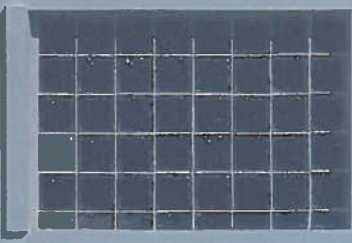


4419 Kearneysville Pike  
Site Plan

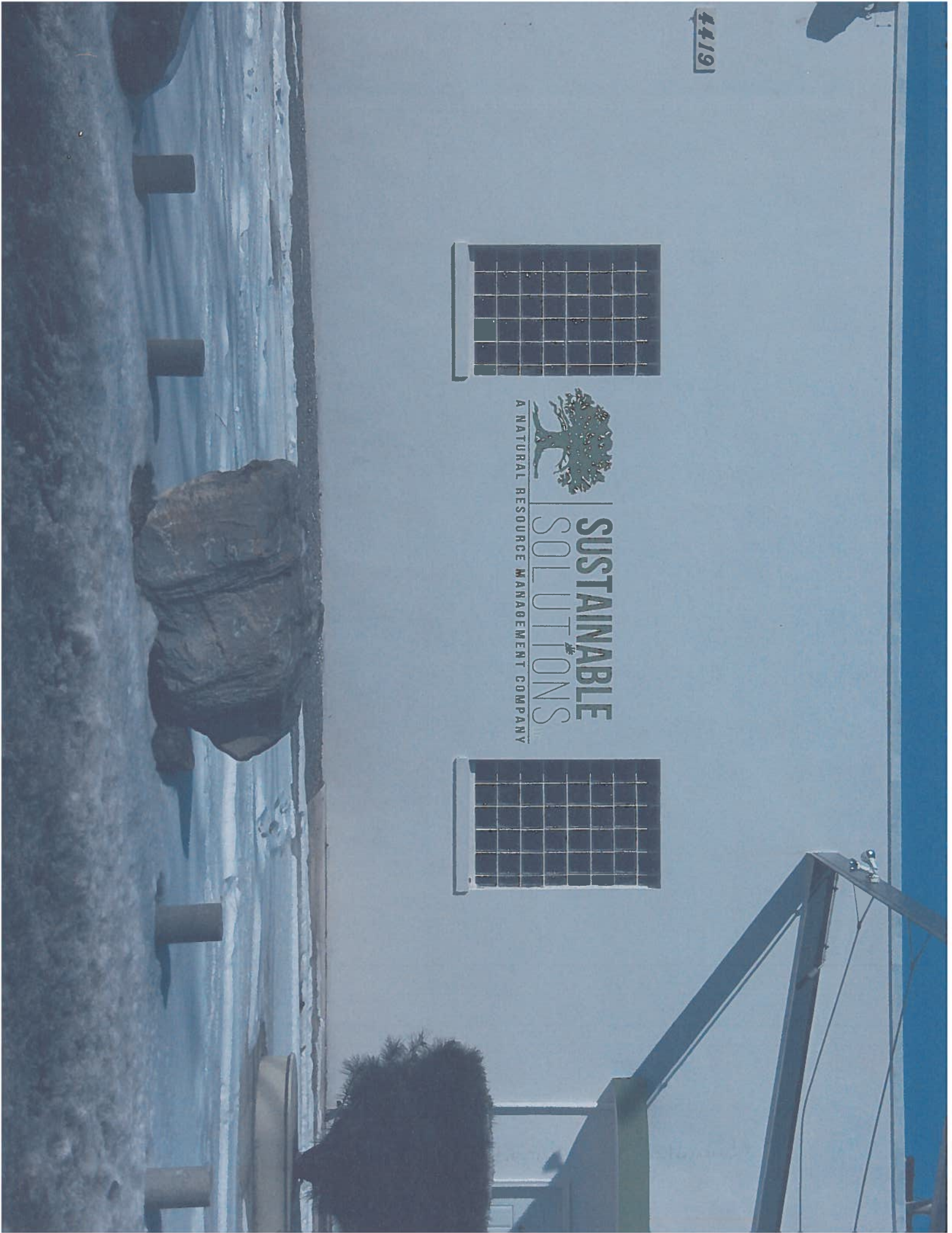
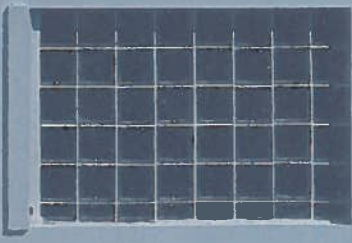
	6' panel fence
	New Gate
	Existing Gate
	New 3 board fence



4419



**SUSTAINABLE**  
**SOLUTIONS**  
A NATURAL RESOURCE MANAGEMENT COMPANY







SUSTAINABLE  
SOLUTIONS, INC.  
A NATURAL RESOURCE MANAGEMENT COMPANY







# Jefferson County, West Virginia

## Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor

Charles Town, WV 25414

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228

Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Fax: (304) 728-8126

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## Director's Report March 27, 2014 Board of Zoning Appeals Meeting

### 1) Envision Jefferson 2035 Update

See Updated Timeline Attached

- See revised Steering Committee meeting dates
- Change of presentation to 6/10/14 Planning Commission meeting

### 2) Recent/Upcoming CC Actions relevant to Planning and Zoning:

a) Budget Decisions

b) Request by the Planning Commission that the County Commission Reconsider their Motion of 10/25/13 Regarding the Proposed Zoning Ordinance Text Amendment Related to New Commercial and Industrial Zoning Categories (*2<sup>nd</sup> CC Public Hearing held 11/21/13; on-going discussion and workshop with CC 3/27/14*)

c) Recommendation related to the proposed Text Amendment to Section 4.11A of the Zoning and Land Development Ordinance regarding landscaping between similar non-residential uses (*CC PH scheduled for 4/17/14*)

### 3) Upcoming BZA meeting

a) Next Meeting date 4/24/14



# ENVISION JEFFERSON 2035 RECOMMENDATIONS TIMELINE

Tentative Dates	Tasks	Responsibility
2/18/14	Steering Committee Meeting Review and Revise Education and Finance, Public Safety, & Governance Recommendations	Steering Committee Staff
2/24/14	Steering Committee Meeting Finalize Review of Finance, Public Safety, & Governance Recommendations	Steering Committee Staff
3/4/14 6:30-9:30pm	Steering Committee Meeting Review and Revise Natural, Cultural, Historic Resources and Parks and Recreation Recommendations	Steering Committee Staff
3/18/14 6:30-9:30 pm	Steering Committee Meeting Review and Revise <u>Land Use and Growth Management</u> Recommendations	Steering Committee Staff
3/25/14 6:30-9:30 pm	Steering Committee Meeting Review and Revise <u>Housing</u> Recommendations	Steering Committee Staff
4/1/14 6:30 – 9:30 pm	Steering Committee Meeting Review and Revise <u>Economic Development and Employment</u> Recommendations	Steering Committee Staff
4/15/14 6:30 – 9:30 pm	Steering Committee Meeting Review and Revise <u>Infrastructure</u> Recommendations	Steering Committee Staff
4/22/14 6:30 – 9:30 pm	Steering Committee Meeting Wrap up of <u>entire draft</u> Envision Jefferson 2035 Plan – review and revised complied version and preparation for forwarding to Planning Commission	Steering Committee Staff
4/23/14 – 5/5/14	Steering Committee opportunity for formatting and non-substantive edits and submission of minority comments for footnotes in documents	Steering Committee
CANCELLED	<b>5<sup>th</sup> Public Presentation Meeting</b>	
5/20/14 6:30 – 9:30 pm	Steering Committee Meeting FINAL Steering Committee Meeting to forward draft Envision Jefferson 2035 Plan to the Planning Commission for initiation of formal public hearing and adoption process <u>Review of revised/edited version of entire draft;</u> <u>Steering Committee draft letter of referral</u>	Steering Committee Staff

June 2014 – December 2014	Phase 6: 2014 Plan Workshops and Public Hearings by PC and CC and Adoption	PC/CC/ Staff/legal
6/10/14	Draft delivered to PC at their regular meeting – <u>20 minute overview presentation</u> and request for Public Hearing to be held on 7/22/14 (recommend workshop to be held 6/24 with Steering Committee)  PC Vote to Schedule PH – 30 days’ notice in local paper required	
6/24/14 (special mtg)	PC Workshop – consensus to release version for public review – Steering Committee may attend to answer PC question and hear discussion	Staff and PC
7/22/14 (special mtg)	PC Public Hearing (open for written comments through 8/5/12)	Staff and PC
8/12/14	PC review of comments received	
8/26/14 (special mtg)	PC Vote/Recommendation	
9/4/14 or 9/11/14	Recommendation forwarded to CC for scheduling of Workshop and Public Hearing (requires 15 days’ notice)	
9/25/14	County Commission Workshop	
10/23/14	County Commission Public Hearing	
11/13/14	County Commission review of public comments received and final input	
<b>12/11/14</b>	<b>CC Vote on 2014 Comprehensive Plan</b>	<b>CC</b>