



**Jefferson County**  
**Board of Zoning Appeals**  
**Thursday, September 25, 2014, 2:00 p.m.**

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

The Jefferson County Board of Zoning Appeals will meet in the Charles Town Library Conference Room located at 200 East Washington Street, at the side entrance on Samuel Street, in the City of Charles Town, WV.

Unless otherwise noted, all requests are pursuant to the Zoning & Land Development Ordinance.

1. Approval of the minutes from the August 28, 2014 meetings.
2. Swearing in of members of the public intending to provide testimony.
3. ***Request postponed from July 24 and August 28, 2014.*** Variance request by Jose I. Osorio, owner, from Section 4.10A to waive the requirement of a site plan to operate a monthly rodeo event with food vendors and grass parking for 100 vehicles on an active farm. Location: 1196 Van Cleavesville Rd, Kearneysville, WV. Shepherdstown (09); Map 15; Parcel: 1.7; Size: 80.15 ac; Zone: Rural; File: ZV14-11.
4. ***Request postponed from August 28, 2014.*** Variance request by Mark Dyck, Consultant, on behalf of Tim Walther and Junipa Contento, Developers, from Section 2.2 to extend the time permitted for a Seasonal Use, which limits an event to not more than three consecutive days in each of the four solar systems. The applicant is requesting to hold a 5-day music festival and camp out during the June/August 2015 summer season. Property Owner: Nancy & Douglas Stolipher and Mark Stolipher. Location: 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-14.
5. ***Request postponed from August 28, 2014.*** Request by Mark Dyck, Consultant, on behalf of Tim Walther & Junipa Contento, Developers, to conduct a Seasonal Use event per Section 9.8 by hosting a 5 day musical festival and camp out, provided the previous variance request (ZV14-14) is approved, during the June/August 2015 summer season. Property Owner: Nancy & Douglas Stolipher and Mark Stolipher. Location: 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15.
6. ***Request postponed until October 23, 2014.*** Appeal by Appellant William Neufeld of the Acting Zoning Administrator's decision that the Appellant's 15' access adjoining the Stonebrook Subdivision is not a road, which would require a front yard setback.
7. ***Request postponed until October 23, 2014.*** Variance request by Harold Barlow, owner, from Section 8.2 to reduce the 75' distance requirement to 20' for Barn #1 and 33' for Barn #2 to accommodate a proposed minor subdivision. Location: 779 Persimmon Lane, Shepherdstown, WV. District: Shepherdstown (09); Map: 15; Parcels: 10; Size: 5 ac; Zoned: Rural; File: ZV14-17.
8. Director's Report.
  - a) Monthly Activity Report
9. Legal Update.

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

- a. ***Request postponed from July 24, 2014.*** Request for a Special Exception by Jacob and Tia Collis, owners, under Section 10.5B.3 for a Rural Reception/Event Facility to host farm weddings between March & October for Deerfield Farm Weddings. The applicant is seeking permission to operate the venue outdoors with rental tents during the event only; field parking would be provided for up to 75 cars, with an optional 10 handicap spaces in existing gravel lot; each event will cease by 11:00 p.m. Location: 6732 Scrabble Rd, Shepherdstown, WV. Shepherdstown (09); Map 3; Parcel: 8; Size: 10 ac; Zone: Rural; File: SE14-01.
- b. Correspondence from Peter S. Corum, owner/applicant, on behalf of Morgan's Grove Market (#S12-06) requesting the Board to clarify the available uses for the existing residential rental property located at 3988 Kearneysville Pk., Shepherdstown, WV 25443, without changing the Conditional Use Permit (#CP12-01). The applicant is requesting to temporarily change the use of the residence to a nonresidential, private K-8 school (Morgan Academy) and seeks the Board's determination on the following issues:
  - a) Under the current CUP, can Morgan Academy use the house as a nonresidential use K-8 school?
  - b) If yes, can Morgan Academy use the existing well and septic for this use?

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

Draft Minutes  
Jefferson County Board of Zoning Appeals  
Thursday, August 28, 2014

1 The Jefferson County Board of Zoning Appeals met on Thursday, August 28, 2014 at 2:00 p.m..  
2 The meeting was at 200 East Washington Street, Charles Town, West Virginia, in the Conference  
3 Room of the Old Charles Town Library. Unless otherwise noted, all requests are pursuant to the  
4 Jefferson County Zoning and Land Development Ordinance.

5

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

9

10 The meeting commenced at 2:00 p.m.

11

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

13

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

15

16 1. Approval of the minutes from the July 24, 2014 meeting. Ms. Huddle motioned to approve the  
17 minutes. Mr. Bannon seconded the motion for discussion. Mr. Quynn requested the following  
18 edits:

19

20 a) Page 2, line 7, add a **d** after the word decided.

21 b) Page 3, line 20, add the word **sign** after animated.

22 c) Page 4, correct who signed the Findings from *Mr. Quynn* to *Mr. Bannon*.

23

24 Ms. Huddle amended her motion to approve the minutes as corrected. Mr. Bannon seconded  
25 the amendment. Mr. Quynn called for a vote to approve the minutes as corrected, which carried  
26 unanimously.

27

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

30

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

36 Ms. Brockman stated that the applicant had contacted the office in the morning and informed  
37 them of a personal emergency necessitating a postponement. This item was postponed until  
38 September 25, 2014 at 2:00 p.m.

39 4. ***Request postponed from July 24, 2014.*** Variance request by Sara Lambert, Consultant, on  
40 behalf of Childs Road Church of God, owner, from Sections 4.11A.1 & 4.11J to reduce the  
41 landscaping buffer from 15' to 11'6" and Section 5.7B.2 & Appendix B to reduce the side  
42 setback from 50' to 11'6" to construct a 40' x 35' addition. Contact: Harold Newsome.  
43 Location: 3066 South Childs Rd, Kearneysville, WV. District: Middleway (07); Map 21;  
44 Parcel: 5.14; Size: 1.61 ac; Zone: Rural; File: ZV14-12.

1 Ms. Sara Lambert, South Child Road Church of God, was present to address the Board.

2 Ms. Brockman presented her staff report to the Board explaining that the original part of the  
3 Church is considered a legal nonconforming use due to its location on the property.

4 Ms. Brockman further explained that in 2003, the Church utilized the Section 4.3H of the  
5 Zoning Ordinance, which permitted them to expand up to 35%; provided the structure did not  
6 increase said nonconformity. Ms. Lambert described the nature of the request and the rationale  
7 for siting the addition in the proposed location. When questioned by the Board, Ms. Lambert  
8 agreed to abide by staff's suggested conditions as outlined in the staff report. Mr. Quynn  
9 called for public comment. There was no public comment.

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

18 Ms. Tia Collis, owner, was present to address the Board. Ms. Brockman presented her staff  
19 report to the Board. Ms. Brockman explained that this would be the first Special Exception  
20 application for a Rural Reception/Event Facility that the Board would be reviewing since its  
21 adoption into the Ordinance. Ms. Brockman explained that Section 10.5 refers to Section  
22 4A.3, which requires staff to schedule a Compatibility Assessment Meeting (CAM) should a  
23 shared access easement be made part of the application. Ms. Brockman stated that Ms. Collis'  
24 access easement was for family members only, and as they had provided letters of support, the  
25 CAM was waived. Ms. Collis provided a detailed description of her proposal including  
26 statistics regarding average wedding costs, popular wedding themes and neighboring  
27 jurisdiction's provisions.

28  
29 Mr. Quynn called for public comment. Barbara Burden addressed the Board citing the  
30 following concerns: the increased traffic on Scrabble Road due to its rural design; the  
31 possibility of intoxicated drivers entering onto Scrabble Road; what traffic measures would be  
32 in place to ensure the required 75 car maximum is enforced; 11:00 p.m. is too late for loud  
33 music in their rural area; and, how will the sound/music be controlled. Ms. Huddle added that  
34 she had attended outdoor weddings in the past and regarding the traffic concerns, generally the  
35 attendees do not arrive nor depart all at once. Ms. Huddle also pointed out that the subject  
36 property was a 10 acre farm centrally located within a 160 acre family farm and that the  
37 decibel level is to be measured from the Ms. Collis' property line. Ms. Collis followed with a  
38 rebuttal arguing that the Freshwater Institute generated significantly more traffic than her  
39 largest projected reception; yet, this had not become an issue to date. Ms. Collis stated that the  
40 DJ hired for the reception will be required to monitor the decibel levels. Ms. Collis stated that  
41 they have held private parties on the farm in the past with a DJ and there had been no  
42 complaints that she was aware of. Finally, Ms. Collis explained that each client would sign a  
43 contract understanding the 75 car restrictions and there would be car counters on site. The  
44 conditions in the staff report were briefly discussed. Mr. Quynn closed the public hearing.  
45

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

9  
10 See Item 7.

11  
12 7. ***Request postponed until September 25, 2014.*** Request by Mark Dyck, Consultant, on  
13 behalf of Tim Walther & Junipa Contento, Developers, to conduct a Seasonal Use event per  
14 Section 9.8 by hosting a 5 day musical festival and camp out, provided the previous  
15 variance request (ZV14-14) is approved, during the June/August 2015 summer season.  
16 Property Owner: Nancy & Douglas Stolipher and Mark Stolipher. Location: 261 Berry Hill  
17 Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4;  
18 Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15.

19  
20 Mr. Qyunn stated that the Board would not be taking any public comment on Items #6 or 7;  
21 however, they wished to discuss them with legal counsel in deliberative session.

22  
23 8. Variance request by Doug Propst, applicant, from Appendix A, Residential Design Standards,  
24 to reduce the side setback from 12' to 6' to construct a new home. Property owner: Kenneth  
25 Lowe III and Andrew Lowe. Location: Maddex Farm Subdivision, Section I, Phase III,  
26 Hensel Dr., Lot 19, Shepherdstown, WV. District: Shepherdstown (09); Map 8C; Parcel: 114;  
27 Size: 7,700 sq. ft.; Zoned: Residential-Light Industrial -Commercial; File: ZV14-16.

28  
29 Mr. Charles Shultz, Consultant, on behalf of Mr. Doug Propst, owner, was present to address  
30 the Board. Ms. Brockman presented her staff report to the Board. Mr. Shultz read the first  
31 page of the variance application to the Board. Mr. Qyunn opened the public hearing.  
32 Mr. John Burns expressed his concern regarding the request stating he did not wish to see it  
33 set a precedent for the development and requested that the variance be limited to the side for  
34 which the request was sought. Mr. Qyunn closed the public hearing.

35  
36 9. Correspondence from Peter S. Corum, owner/applicant, on behalf of Morgan's Grove Market  
37 (#S12-06) requesting the Board to clarify the available uses for the existing residential rental  
38 property located at 3988 Kearneysville Pk., Shepherdstown, WV 25443, without changing the  
39 Conditional Use Permit (#CP12-01). The applicant is requesting to temporarily change the use  
40 of the residence to a nonresidential, private K-8 school (Morgan Academy) and seeks the  
41 Board's determination on the following issues:

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

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

3  
4 Ms. Brockman explained to the Board that she believed Morgan's Grove Market request for  
5 clarification of the BZA's intent needed to be heard before the Board because the use of the  
6 existing residential structure, which is on well and septic, as a proposed school could be  
7 construed to be in conflict with C.U.P. Provision #18 which requires that "the development  
8 shall be served by public water and sewer". She noted that there was no discussion at the time  
9 the CUP was issued about reuse of the existing residential structures for any of the permitted  
10 Conditional Uses and, in particular, whether that use could occur on the existing approved well  
11 and septic system as a transitional use until the project is completed. Ms. Brockman stated that  
12 while a school is a principal permitted use in the Rural zone, the CUP (CUP) restricted all  
13 development to connect to public water and sewer. The proposed school would be on the  
14 existing well and septic. Ms. Brockman added that the approved site plan, which went through  
15 a public process, stated that the home was to be removed. Ms. Brockman felt that issuing a  
16 zoning certificate for a school would be contrary to the approved site plan.

17 Ms. Brockman reiterated that a school would have been permitted except for the CUP  
18 conditions and approved site plan which appeared to limit the site. Ms. Brockman felt she did  
19 not have the discretion to vary from the conditions. Ms. Brockman added that should the  
20 Board approve the temporary use of the school, that they require the applicant to file an  
21 amendment to the CUP to address any other transitional uses while the project is being built.

22  
23 Mr. Fred Blackmer was present to address the Board. Mr. Blackmer stated that a zoning  
24 certificate for the school has been submitted to the Zoning Department, that no construction  
25 has commenced concerning the CUP and that he believes the water and sewer restriction  
26 applies to the 13-acre approved CUP development. Mr. Blackmer continued by stating what  
27 he believed would be their projected construction timeframe. Mr. Blackmer also believed a  
28 meeting with the Board was necessary to discuss interim uses for the site during construction.

29  
30 Mr. Quynn called for public comment. Ms. Ann Spurgas provided testimony expressing her  
31 dismay with the process. Ms. Spurgas stated that she felt the proposal should be required to  
32 hook up to water and sewer, be required to meet the setbacks as outlined in the CUP, and that  
33 the house be required to process a site plan because it was being converted to a nonresidential  
34 use. Mr. Joe Spurgas stated that he felt transitional uses were not acceptable and did not  
35 meet the intent of the CUP. Mr. Spurgas questioned the adequacy of the water and sewer  
36 systems for the proposed 40 children school, in addition to the fact that blasting and  
37 construction are occurring adjacent to the school. In closing, Mr. Spurgas stated that the  
38 traffic at this location was dangerous.

39  
40 Mr. Blackmer stated that the Health Department and Highway Department approvals were in place  
41 and that that the building permit application was under review. Mr. Blackmer added that they had  
42 paid to test everyone's well, which all proved to be fine. Mr. Quynn closed the public hearing.

1 Ms. Huddle motioned to go into deliberative session at 3:30 p.m. Mr. Knott seconded the  
2 motion, which carried unanimously. Ms. Huddle motioned to come out of deliberative  
3 session at 4:30 p.m. Mr. Knott seconded the motion, which carried unanimously.

4  
5 **Board of Zoning Appeals Rulings**

6  
7 3. ***Request postponed from July 24, 2014.*** Variance request by Jose I. Osorio, owner, from  
8 Section 4.10A to waive the requirement of a site plan to operate a monthly rodeo event with food  
9 vendors and grass parking for 100 vehicles on an active farm. Location: 1196 Van Cleavesville  
10 Rd, Kearneysville, WV. Shepherdstown (09); Map 15; Parcel: 1.7; Size: 80.15 ac; Zone: Rural;  
11 File: ZV14-11.

12 This item was postponed until September 25, 2014 at 2:00 p.m.

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14 4. ***Request postponed from July 24, 2014.*** Variance request by Sara Lambert, Consultant, on  
15 behalf of Childs Road Church of God, owner, from Sections 4.11A.1 & 4.11J to reduce the  
16 landscaping buffer from 15' to 11'6" and Section 5.7B.2 & Appendix B to reduce the side  
17 setback from 50' to 11'6" to construct a 40' x 35' addition. Contact: Harold Newsome.  
18 Location: 3066 South Childs Rd, Kearneysville, WV. District: Middleway (07); Map 21;  
19 Parcel: 5.14; Size: 1.61 ac; Zone: Rural; File: ZV14-12.

20 Ms. Huddle motioned approve the above reference request with the follow conditions:

- 21 a) The variance is limited to the proposed 1,400 square foot addition;  
22 b) The applicant shall retain as much of the existing treed buffer as possible and replace as  
23 much of the impacted screened buffer as possible.

24 Mr. Schiltz seconded the motion, which carried unanimously.

25  
26 5. ***Request postponed from July 24, 2014.*** Request for a Special Exception by owners,  
27 Jacob and Tia Collis, under Section 10.5B.3 for a Rural Reception/Event Facility to host  
28 farm weddings between March and October for Deerfield Farm Weddings. The applicant is  
29 seeking permission to operate the venue outdoors with rental tents during the event only; field  
30 parking would be provided for up to 75 cars, with an optional 10 handicap spaces in existing  
31 gravel lot; each event will cease by 11:00 p.m. Location: 6732 Scrabble Rd., Shepherdstown,  
32 WV. Shepherdstown (09); Map 3; Parcel: 8; Size: 10 ac; Zone: Rural; File: SE14-01.

33 Mr. Knott motioned to approve the above reference request with the follow conditions:

- 34 a) The use shall be limited to weddings and wedding receptions utilizing outdoor areas  
35 only and/or rented tent structures.  
36 b) Attendance at the events is limited to 75 cars per event. If attendance at any event is  
37 expected to exceed 300 persons, applicants shall provide a traffic control plan.  
38 c) The events may occur on all weekends from March through October.  
39 d) Noise at the property line shall conform to Section 8.9A.1 of the Ordinance and shall  
40 apply the Residential Growth District Standard to all adjacent lots containing a  
41 residence as well as adjacent lots in the Rural District.  
42 e) The applicant is bound by their testimony.

43 Mr. Bannon seconded the motion, which carried unanimously.

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

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

19  
20 This item was postponed until September 25, 2014 at 2:00 p.m.

21  
22 8. Variance request by Doug Propst, applicant, from Appendix A, Residential Design Standards, to  
23 reduce the side setback from 12' to 6' to construct a new home. Property owner: Kenneth Lowe  
24 III and Andrew Lowe. Location: Maddex Farm Subdivision, Section I, Phase III,  
25 Hensel Dr., Lot 19, Shepherdstown, WV. District: Shepherdstown (09); Map 8C; Parcel: 114;  
26 Size: 7,700 sq. ft.; Zoned: Residential-Light Industrial -Commercial; File: ZV14-16.

27 Mr. Schiltz motioned to approve the aforementioned variance request with the following conditions:

- 28 a) This variance shall be limited to the setback along the landscape buffer edge of the property.  
29 b) The applicant is bound by their testimony.

30 Ms. Huddle seconded the motion, which carried unanimously.

31  
32 9. Correspondence from Peter S. Corum, owner/applicant, on behalf of Morgan's Grove Market  
33 (#S12-06) requesting the Board to clarify the available uses for the existing residential rental  
34 property located at 3988 Kearneysville Pk., Shepherdstown, WV 25443, without changing the  
35 Conditional Use Permit (#CP12-01). The applicant is requesting to temporarily change the use  
36 of the residence to a nonresidential, private K-8 school (Morgan Academy) and seeks the  
37 Board's determination on the following issues:

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

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

1 Mr. Bannon motioned to approve request with the following conditions:

- 2 a) Morgan Grove Academy is permitted to occupy the single family residential structure,  
3 on well and septic, for the 2014-2015 school year, until June 15, 2015 or until  
4 occupancy is permitted on the first building under construction, whichever comes first;
- 5 b) All other permits which are required shall be approved, including Division of Highways,  
6 Board of Health, Building Permits;
- 7 c) The applicants are bound by their testimony.

8 Ms. Huddle seconded the motion, which carried unanimously.  
9

10 10. Director's Report.  
11

12 Ms. Brockman updated the Board on the following items (see packet for details):

- 13 1. The County Commission approved the Planning Commission recommended "SB 595"  
14 Vested Development Time Extensions Proposal until July 1, 2017;
- 15 2. The County Commission approved the landowner-initiated petition to amend the  
16 County Zoning Map for two parcels owned by Hoy Shingleton, Trustee for Pearl  
17 Perkins, Beneficiary; and Eric and Stacy Lindberg located on the north side of Route  
18 115 (Old Route 9/Charles Town Road), along the Berkeley/Jefferson County line from  
19 Rural to Residential-Light Industrial-Commercial;
- 20 3. The Planning Commission held a Public Hearing on the Envision Jefferson 2035  
21 Comprehensive Plan and held a special meeting to review comments and provide input on  
22 8/26/14; the Planning Commission should take action on this at their next meeting 9/9/14;
- 23 4. The Planning Commission held a Public Hearing on proposed Mass Events text  
24 amendment File #ZTA 14-02 on August 12, 2014; follow up to occur 9/9/14  
25 tentatively;
- 26 5. County Commission agreed to advertise the Zoning Administrator position.  
27

28 11. Legal Update. None.  
29

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

31 The Board members were provided copies of the revised Rules of Procedure, which  
32 incorporated the approved changes from the June 26, 2014 meeting. Mr. Quynn said he  
33 would review the changes and come to the office to sign the document at a later date.  
34

35 Ms. Huddle motioned to adjourn the meeting at 4:47 p.m. Mr. Schiltz seconded the motion,  
36 which carried unanimously.  
37

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





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

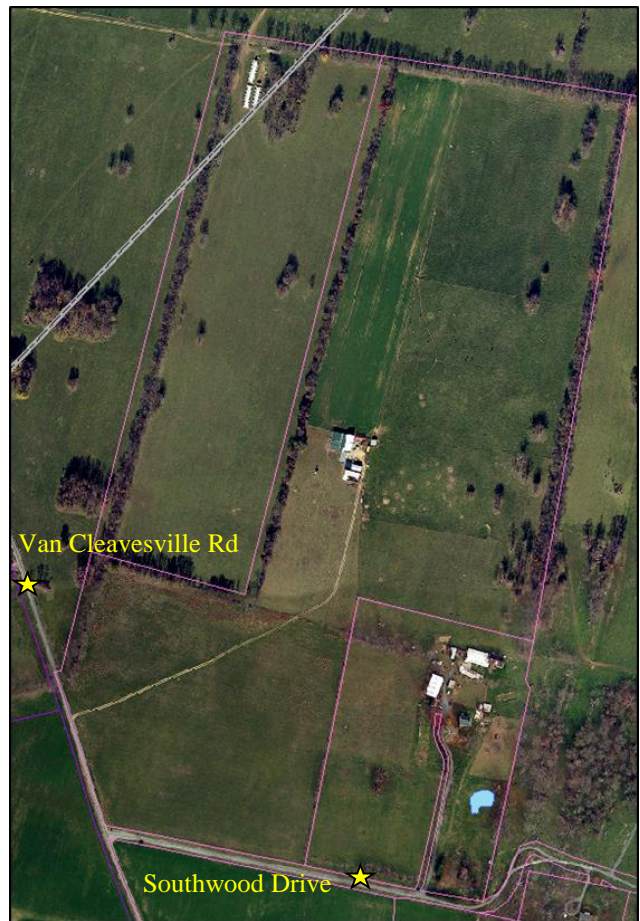
**RELEVANT INFORMATION:**

**1. Overview of Request**

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

**2. Previous Case History**

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



**3. Applicant's Justification of Request**

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

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

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

**4. Staff Evaluation of Request**

a. Source and purpose of ordinance requirements

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



**View of farm from Southwood Drive**

b. Unique characteristics of property

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



**Front entrance from Van Cleavesville Road**

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

c. Character of area

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



Side property line natural buffer (left of driveway)



Side property line natural buffer (right of driveway)



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

d. Impact on adjacent properties

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



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

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



**View from Southwood Lane facing Van Cleavesville Road**

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

e. Feasibility of complying with the ordinance by other means

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

**5. Conditions of Approval**

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

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

SECTION OF ORDINANCE TO BE VARIED:

Section 4.10 Site Plan Requirements

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



# 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 Number: ZV14-11

Staff Initials: CPC

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

[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)

Phone: (304) 728-3228

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

Fax: (304) 728-8126

### Zoning Variance Request

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

#### Property Owner Information

Name: Jose F Osorio

Mailing Address: 2111 Old National Pike

City: Middletown State: MD Zip Code: 21769

Phone Number: 301 792 0837 Email: \_\_\_\_\_

#### Applicant Information

Name: Jose F Osorio

Mailing Address: 2111 Old National Pike

City: Middletown State: MD Zip Code: 21769

Phone Number: 301 792 0837 Email: \_\_\_\_\_

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

Name: N/A

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

#### Physical Property Details

Physical Address: 1196 Van Clevessville Rd

City: Keokuk State: WV Zip Code: 25430

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

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

#### Zoning District (please check one)

# RECEIVED

JUN 19 2014

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

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

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

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

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

Briefly describe the nature of the variance request

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

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

Front Setback  Side Setback  Rear Setback Reduction From \_\_\_\_\_ to \_\_\_\_\_

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

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

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

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

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

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

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

THE ORDINANCE ENCOURAGES AGRICULTURAL ACTIVITIES.

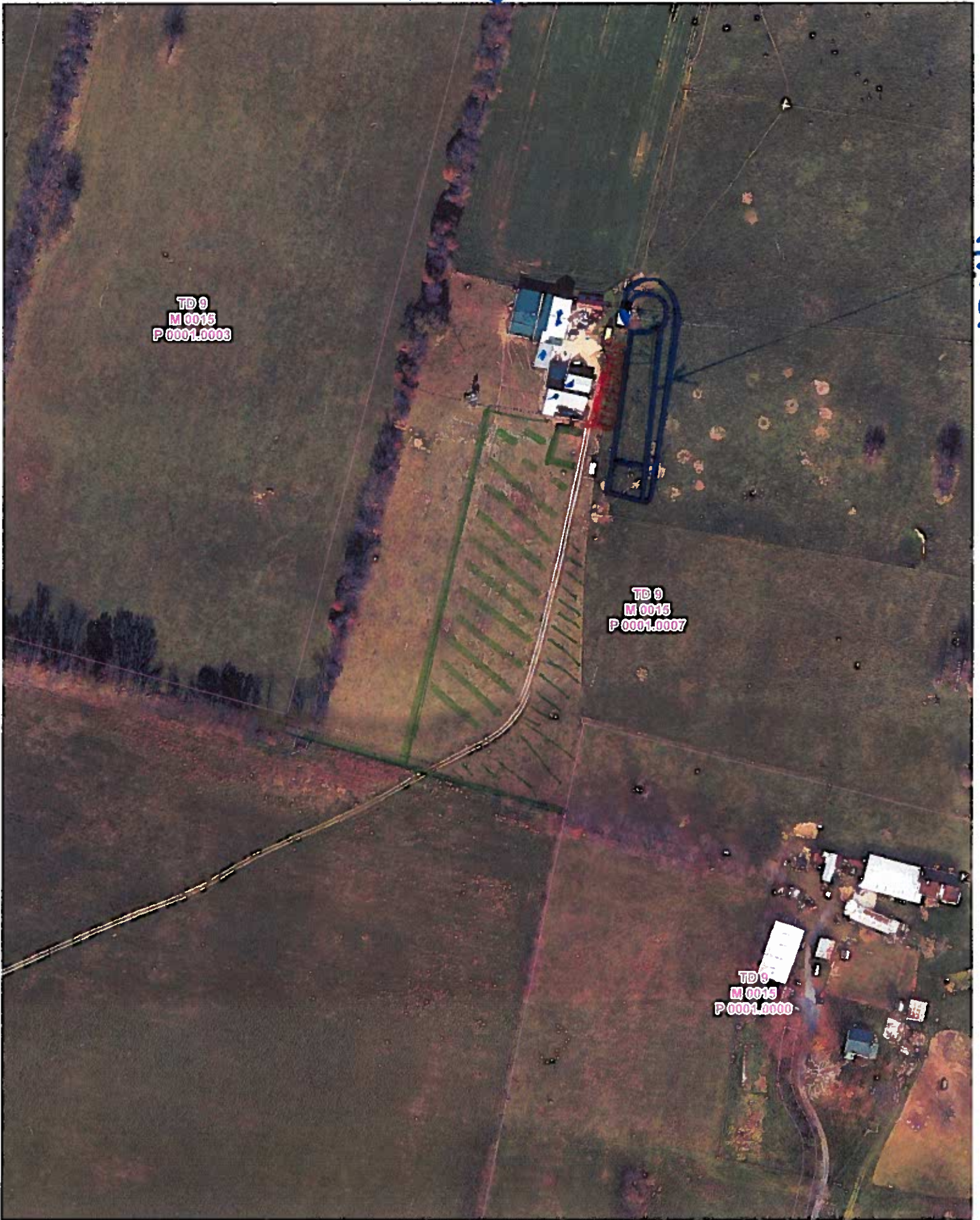
By signing this application, I give permission for the Departments of Planning and Zoning staff to walk onto the subject property, if necessary, in order to take photos for the Board of Zoning Appeals staff reports. The information given is correct to the best of my knowledge. Note: Original signature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

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

Notification Requirements (to be completed by staff)

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

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



ABA

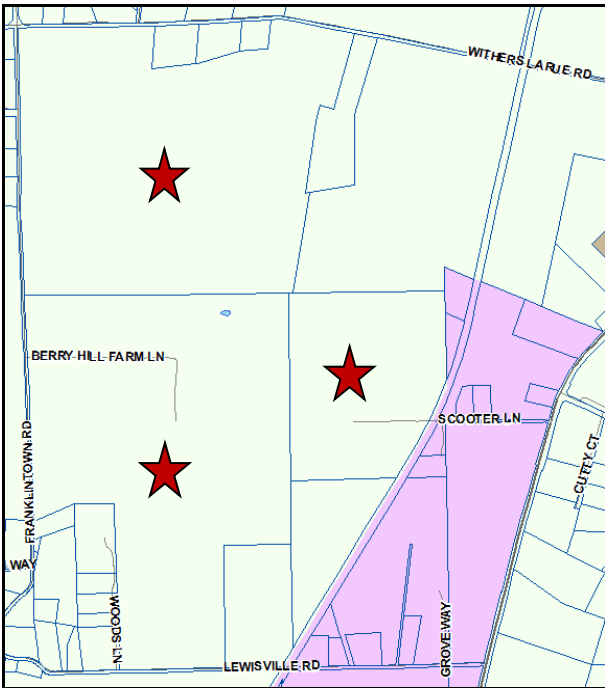
# ZC14-18



Staff Report  
 Jefferson County Board of Zoning Appeals Meeting  
 September 25, 2014

**Nancy & Douglas Stolipher and Mark Stolipher Variance Request (#ZV14-14)**

Item #4 Variance request by Mark Dyck, Consultant, on behalf of, Tim Walther and Junipa Contento, Developers from Section 2.2 to extend the time permitted for a Seasonal Use, which limits an event to not more than three consecutive days in each of the four solar seasons. The applicant is requesting to hold a five-day music festival and camp out during the June/August 2015 summer season. (Note: A separate hearing will be held on the Seasonal Use Permit; relevant photos are included in the Seasonal Use Staff Report)

APPLICANT:	All Good Festival and Camp Out - Tim Walther and Junipa Contento
OWNER :	Nancy and Douglas Stolipher and Mark Stolipher
DEVELOPER:	Tim Walther and Junipa Contento
SURVEYOR/ENGINEER:	Mark Dyck, Gordon
PROPERTY LOCATION:	261 Berry Hill Farm Lane, Summit Point
LEGAL DESCRIPTION & ZONING DISTRICT:	<p style="text-align: center;">Kabletown (06); Map: 19; Parcels: 7, 16, &amp; 8.4          Zoning Map Designation: Rural (R)</p> 
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North: R                      South: R</i> <i>East: I-C                      West: R</i>
LOT AREA:	347.15 acres (total)
PRIOR CASES:	PC File #07-20: PC approved minor subdivision (parcel 8.4)
VARIANCE(S):	N/A
APPROVED ACTIVITY:	Agricultural and Residential

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 25, 2014

**Nancy & Douglas Stolipher and Mark Stolipher Variance Request (#ZV14-14)**

RELEVANT INFORMATION:

1. Overview of Request

The applicant is seeking a variance from Section 2.2, Definitions, to extend the time permitted for a Seasonal Use, which is defined as “a use that is carried on for not more than a single three day consecutive period in each of the four solar seasons”. The applicant is requesting a variance to hold a five-day music festival and camp out during the June/August 2015 summer season. A separate hearing will be held on the Seasonal Use Permit itself.

2. Overview of the Use of a Variance for this Purpose

The Board should consider whether this request to vary a provision in the Definitions Section of the Jefferson County Zoning and Land Development Ordinance is an appropriate use of the variance procedure. The Ordinance defines “Variance” as “a deviation from the minimum standards of the Zoning and Land Development Ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classification of a parcel of land”. It further requires that the BZA find that the criteria in subsection 4 below are met by the application. WV Code 8A uses the same definition and four criteria.

Typically, however, in planning and zoning practice and law, a variance is strictly used in regards to a proposed departure from dimensional terms of the zoning regulation pertaining to the height, width, length, or location of structures, and the size of yards and open spaces. While Jefferson County and WV laws do not reflect this dimensional provision, it could be argued that the minimum standards that can be varied are not found in the Definitions Section and that this requested variance should not be considered.

3. Previous Case History

The properties subject to this variance request have had limited previous land use cases. In 2007, Parcel 8.4 processed a minor subdivision plat, which was recorded on January 8, 2008. Parcel 8.4 is the Residue from that subdivision.

4. Applicant’s Justification of Request

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

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

5. Staff Evaluation of Request

a. Source and Purpose of Ordinance Requirements

Section 2.2, the Definitions section of the Ordinance, defines Seasonal Uses to a use that is carried on for not more than a single three-day consecutive period in each of the four solar

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 25, 2014

**Nancy & Douglas Stolipher and Mark Stolipher Variance Request (#ZV14-14)**

seasons. While staff could find no documentation of the background on the development of this requirement, it would appear that the intent is to restrict the impact that an occasional proposed use would have on the neighboring properties and road system. A longer event would have a greater impact on the neighborhood in which it is located as the music would occur over a longer period of time; however, the applicant argues that a longer time period will disperse the traffic over more days and decrease the impact.

b. Unique Characteristics of Property/Special Conditions or Attributes

The 347 +/- acres upon which the music festival and camp out is proposed consists a three properties owned by the related property owners. The properties are located about 1 mile west of US 340 and west of the Village of Rippon and have road access from four directions (Withers-Larue Road on the north side, Franklinton Road on the west side, Lewisville Road on the south, Woods Lane on the southwest corner, and Scooter Lane from the east. Each of these roads are narrow, rural two-lane roads without striped center-lines. Access from 340 along both Withers-Larue Road and Lewisville Road require crossing an at-grade railroad crossing that may also impact traffic flow. The property has rolling hills and there are small residential developments along each edge of the 347 +/- acre proposed location.

c. Character of area

The properties that are the subject of this variance request are located in a rural area of the County, near the Clarke County, VA line. The properties are accessed by rural two-lane roads that typically have little traffic other than the residents of the area. There are agricultural properties as well as small residential developments adjoining the 347 +/- acre proposed location.

The main event activities (live music) are proposed to occur in the lower southeast portion of the 347 acres, with the main stage located in a corner adjoining a vacant property and a property containing a utility substation, both of which are bordered by railroad tracks.

d. Discussion of Four Variance Criteria

- i. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.*

The proposed music festival and camp out is likely to have a significant impact on the neighbors and local road system for the days that it occurs; however, this request is for the variance to allow the event to occur over 5 days rather than the 3 days provided for in the ordinance, not on the merits of the festival itself. The festival and camp-out will require approvals of the Board of Health, Division of Highways and local law enforcement agencies which may address some of the public health, safety or welfare concerns of the adjacent property owners or residents. The ability of the adjacent property owners or residents to access and safeguard their properties during the event is an issue that needs to be addressed.

While the applicant suggests that approval of the requested variance would result in minimizing the impact on the road network by allowing attendees to arrive on Thursday evening as well as Friday and to depart on Sunday as well as Monday morning, it could also be argued that a longer time period of live music and camping would have a greater impact on the properties adjacent and near to the applicants' properties.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 25, 2014

**Nancy & Douglas Stolipher and Mark Stolipher Variance Request (#ZV14-14)**

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

There are no apparent special conditions or attributes related to the property which impact the consideration of the requested variance to extend the number of days for the proposed Seasonal Use. Typically, for a dimensional variance, this provision allows an applicant to explain why a setback or other dimension cannot be met due to some characteristic of the property which differs from similar properties meeting the standard required.

The applicant should also address why the special conditions or attributes which pertain to the property for which this variance is sought were not created by the person seeking the variance.

- iii. *Would eliminate an unnecessary hardship and permit a reasonable use of the land.*

It is not clear why restricting a music festival and camp-out to the defined 3-day period instead of the proposed 5-day period creates an unnecessary hardship. The purpose of the rural Zoning District in which these properties are located is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district generally is not served with public water or sewer facilities and had low intensity activities that occur within in it. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community.

A Seasonal Use, although it has limited definition and criteria for review in the Zoning Ordinance, appears to been proposed to allow occasional non-residential and non-rural uses to occur in a time frame and manner that limits the negative effect on the neighborhood in which it is proposed to occur. Allowing a three-day Seasonal Use to occur, in conformance with the Ordinance definition, does not appear to limit reasonable use of the land.

- iv. *Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.*

The intent of defining a Seasonal Use as “a use that is carried on for not more than a single three day consecutive period in each of the four solar seasons” appears to have been to restrict the impact that an occasional proposed use would have on the neighboring properties and road system. A longer event is likely to have a greater impact on the neighborhood in which it is located as the music would occur over a longer period of time; however, the applicant argues that a longer time period will disperse the traffic over more days and decrease the impact.

The applicant could restrict their proposed music festival and camp out to the required 3-day period provided for in the definition of Seasonal Use. The applicant is making this request because they believe that the additional days being requested will allow for patrons to arrive on Thursday (with music beginning that day) and to leave a day after the music festival is over (Monday), which the applicant states would assist in traffic control and would allow for the clean-up of the site to begin. The applicant states that no music would be performed on the last day.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 25, 2014

**Nancy & Douglas Stolipher and Mark Stolipher Variance Request (#ZV14-14)**

6. Conditions of Approval

The Board needs to carefully review whether the Definitions Section of the Ordinance is eligible to be “varied” under the variance process, and, if so, whether the applicant has adequately addressed and meets the required four criteria noted above for approval of a variance.

Should the Board find that the requested variance meets the criteria and therefore choose to approve this request conditionally, possible conditions of approval include:

- a. The variance is limited to the five (5) days requested in the application.
- b. No performances or related activities are permitted to occur on Monday -- the variance permits take-down/departure activities on Monday only.
- c. The variance is void if the Seasonal Use Permit is not approved.

SECTION OF ORDINANCE TO BE CONSIDERED:

**ARTICLE 2: DEFINITIONS**

**Section 2.1 Definitions**

For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. Words used in the present tense include the future, the singular number includes the plural and the plural is the singular. The word “shall” is mandatory and the word “may” is permissive. The words “used for” shall include “arranged for”, “designed for”, “intended for”, “maintained for”, “constructed for”, or “occupied for”. The word “person” shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust or the manager, lease, agent, servant, officer or employee of any of them. The word “land” shall include water surface and land under water.

**Section 2.2 Terms Defined**

Seasonal Use<sup>5</sup>                    A use that is carried on for not more than a single three day consecutive period in each of the four solar seasons.

Variance<sup>17, 21, 23</sup>                A variance is a deviation from the minimum standards of the Zoning and Land Development Ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classification of a parcel of land.





# 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 Number: ZV14-14  
Staff Initials: etc  
Fees Paid (\$100 or \$150): \$ 100.00

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

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

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

### Zoning Variance Request

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

#### Property Owner Information

Name: Two Property Owners, see attached  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

#### Applicant Information

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

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

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

#### Physical Property Details

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

#### Zoning District (please check one)

**RECEIVED**  
JUL 31 2014  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

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

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

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

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

**Briefly describe the nature of the variance request**

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

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

Front Setback  Side Setback  Rear Setback Reduction From \_\_\_\_\_ to \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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

**Notification Requirements (to be completed by staff)**

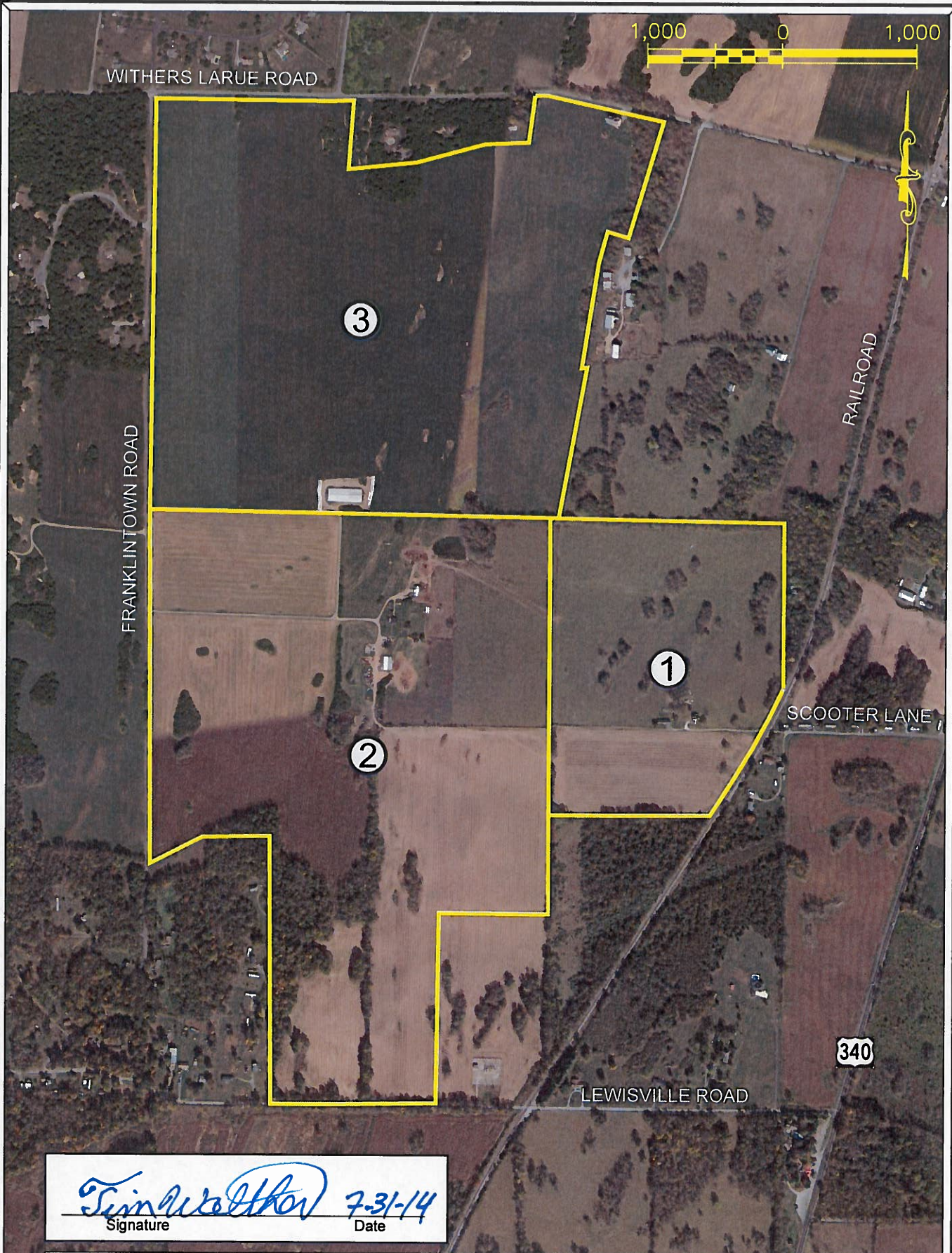
Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing. The subject property shall be posted conspicuously by a zoning notice no less than 28" x 22" in size, at least 15 days before the hearing (pursuant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

Date of Public Hearing

Advertising Date

Placard Posting Date

Tim Walker 7-31-14



PROPERTY SKETCH

ALL GOOD FESTIVAL  
 VARIANCE REQUEST APPLICATION

07-31-2014

SHEET  
 1 / 1

*Tim Stolipher* 7-31-14  
 Signature Date

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





# JEFFERSON COUNTY, WEST VIRGINIA

## Departments of Planning and Zoning

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

File Number: \_\_\_\_\_

Staff Initials: \_\_\_\_\_

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

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

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

### Zoning Variance Request

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

#### Property Owner Information

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

#### Applicant Information

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

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

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

#### Physical Property Details

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

#### Zoning District (please check one)

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

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

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

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

**Briefly describe the nature of the variance request**  
See application.

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

Front Setback  Side Setback  Rear Setback Reduction From \_\_\_\_\_ to \_\_\_\_\_

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

See application.

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

See application.

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

See application.

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

See application.

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

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

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

**Notification Requirements (to be completed by staff)**

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

\_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Date of Public Hearing      Advertising Date      Placard Posting Date



# JEFFERSON COUNTY, WEST VIRGINIA

## Departments of Planning and Zoning

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

File Number: \_\_\_\_\_

Staff Initials: \_\_\_\_\_

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

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

### Zoning Variance Request

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

#### Property Owner Information

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

#### Applicant Information

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

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

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

#### Physical Property Details

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

#### Zoning District (please check one)

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





Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 25, 2014

**Nancy & Douglas Stolipher and Mark Stolipher Variance Request (#ZV14-15)**

RELEVANT INFORMATION:

1. Overview of Request

The applicant is seeking approval of a Seasonal Use Permit in order to hold a five (5)-day music festival and camp out between June 15 and August 15, 2015. The proposed music festival will showcase live touring bands consisting of Bluegrass, Jazz-Funk, Blues, Americana and Rock. The event will feature a wide variety of foods, arts and crafts, kids area, art installations and world class sound and lights. No performances will occur on the 5<sup>th</sup> day.

Note that if the previous variance request (#ZV14-14) is not approved, the festival would be restricted to three (3) days.

2. Previous Case History

The properties subject to this variance request have had limited previous land use cases. In 2007, Parcel 8.4 processed a minor subdivision plat, which was recorded on January 8, 2008. Parcel 8.4 is the Residue from that subdivision.

3. Applicant's Explanation of the Request

In the attached application submitted for the Seasonal Use Permit request, the applicant provided a supplemental information narrative and schematic overview for the proposed All Good Music Festival and Camp Out. The narrative includes discussion of coordination of the event with local emergency services ("community planning"), community benefit, traffic control plans, safety/security, trash and recycling, stage areas, temporary site improvements, power and lighting, as well as proposed conditions based upon the 8/12/14 draft of the Zoning Ordinance Text Amendment (ZTA 14-02) related to Mass Events. The festival is proposed to take place in the summer of 2015 and will be scheduled between June 15<sup>th</sup> and August 15<sup>th</sup> with the dates to be finalized as the organization of the event moves forward in consultation with various agencies in Jefferson County.

The application indicates that the proposed music stages will be designed in a manner to reduce impacts on adjacent properties and local residential structures. It also states that the entire area dedicated to the music festival and camp areas will be fenced, will have on-site security, and will be well regulated, with a 50 foot buffer around the entire perimeter and a 1000 foot distance between the music performance areas and any off-site single family residence. The application also indicates that they intend to have amplified performances and outdoor performance lighting between 10 a.m. and 3 a.m. each day, Thursday through Sunday. No performances are proposed to be held on Monday.

4. Staff Evaluation of Request

a. Source and purpose of ordinance requirements

- i. Section 9.8 of the Zoning Ordinance requires that all Seasonal Uses be approved by the Board of Zoning Appeals pursuant to a public hearing and limits the approval to one year at a time. This requirement allows for short term (not more than three days), occasional (no more than once each solar season) uses to be proposed and reviewed by the neighborhood in which it will be located. It also allows the Board of Zoning Appeals to outline conditions of approval based on the public input in order to reduce the impact on the area in which it is located; however the Ordinance does not provide much guidance to the Board of Zoning Appeals regarding criteria for approval. It is likely that an event of this size and scope were not anticipated when this ordinance provision was approved.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 25, 2014

**Nancy & Douglas Stolipher and Mark Stolipher Variance Request (#ZV14-15)**

In March 2014, the Jefferson County Commission directed the Planning Commission to develop a Zoning Ordinance Text Amendment related to such Mass Events to provide more guidance and certainty in the development and approval of such events. The Planning Commission worked on a draft zoning ordinance amendment over the last 6 months and held a Public Hearing on a draft zoning ordinance amendment on August 12, 2014. The Planning Commission forwarded the draft zoning ordinance amendment to the County Commission along with a memo of outstanding issues to be resolved on September 9, 2014. There are numerous outstanding issues including options for protecting neighboring properties, the impact on the County Departments, particularly law enforcement and emergency services, and the impact on the county budget.

- ii. It should be noted that on August 1, 2005, the Jefferson County Commission adopted a Noise Ordinance that is separate from local land use regulations. This ordinance has four definitions for “Excessive Noise”, including the following:

“(ii) Parties and other social events. It shall be unlawful for any person in charge of a party or other social event to allow that party or event to produce noise in a manner such that the noise is audible at or above the level of 65 dB through the walls of apartment units within the range of the same building, from another property line, or from the street between the hours of 10:00 p.m. to 6:00 a.m. A person shall be deemed to be in charge of a party or social event when that event occurs on private property and the person is present at that event and resides on the premises involved or is a person who lives in or on the premises involved and has authorized the use of the premises for such event. For parties or other social events on public property with no permit, or on private property with no owner or resident present and no clearly identified person in charge, all attendees shall be issued a violation.”

It further defines “Public Nuisance” as “excessive noise that affects no fewer than three households that live within a residential area of Jefferson County.”

While this ordinance falls under the purview of the County Sheriff, it may be advisable for the BZA to consider the implication of this Ordinance while reviewing this application.

- iii. Board of Health Requirements for Mass Events

The County Board of Health has Legislative Regulations related to Mass Event promulgated under Section 16-1 of the West Virginia Code. They define a Mass Event as 250 people assembled for a meeting, festival, concert, social gathering, or similar purpose. Attached to this report is an outline provided by the Jefferson County Health Department regarding their requirements, including, but not limited to, restrooms, hand washing, showers, food service locations, water supply, sewage disposal, refuse disposal, first aid and emergency plans, camping areas, assemblage areas, stages, parking areas. They have a maximum of 100 cars parked per acre or 30 buses per acre. They also have minimum square footage requirements for camping and assemblage areas.

- iv. Division of Highways

The Division of Highways has a process for approving Special Events that require traffic control plans. It results in a letter of agreement between the applicant and the DOH. They require a \$1million liability policy with the state named on the policy.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 25, 2014

**Nancy & Douglas Stolipher and Mark Stolipher Variance Request (#ZV14-15)**

v. Sheriff's Department

The Sheriff's Department works with applicants proposing events that will generate excess traffic or utilize the road and develops an agreement related to the cost of extra staff required to manage the proposed use. In this case, the Jefferson County Sheriff has also contacted the Clarke County, VA Sheriff to develop a realistic cost to their Department as well. An approved traffic control and cost recovery contractual agreement between the applicant and the Jefferson County Sheriff's Department to cover the anticipated costs of this event would be required prior to any Zoning Certificate approval.

b. Unique characteristics of property

The 347 +/- acres upon which the music festival and camp out is proposed consists a three properties owned by the related property owners. The location is about 1 mile west of US 340 and west of the Village of Rippon. The properties abut Withers-Larue Road on the north side, with no proposed access points; Franklinton Road on the west side, along which two primary general access points are proposed; Lewisville Road from the south, where a limited access point to the VIP camping are is proposed; Woods Lane on the southwest corner, with no proposed access points; and Scooter Lane from the east, where limited access is proposed to an area indicated for VIP camping. Each of these roads are narrow, rural two-lane roads without striped center-lines. Access from 340 along both Withers-Larue Road and Lewisville Road require crossing an at-grade railroad crossing that may also impact traffic flow. There are some residential developments along each edge of the 347+/- acre proposed location.

The property has rolling hills and the applicant proposes to have a 50 foot buffer around the entire perimeter and intends to provide a 6 foot chain link fence the entire perimeter of the properties. The application indicates that all performance areas will be a minimum of 1,000' from any offsite residential structure and that the stage areas will be designed to reduce impacts on residential structures. The main event activities (live music) are proposed to occur in the lower southeast portion of the 347 +/- acres, with the main stage located in a corner adjoining a vacant property and a property containing a utility substation, both of which are bordered by railroad tracks. The applicant also indicates that all festival elements, with the exception of site access points and security, will be set back 150' from any offsite residential structure.

c. Character of area

The property is located in a rural area of the County near the Clarke County, VA line. Withers Larue Road and Lewisville Road are narrow, two-lane roads with access to US 340, allowing attendees to enter and exit the property from multiple directions. Franklinton Road connects these two roads and is the location of the two proposed general admission entrances. Attendees are expected to come from other counties and states to participate in the proposed music festival. Many attendees are expected to camp on-site; however others are likely to stay locally overnight in hotels, motels, and bed and breakfast establishments and patronized local restaurants.

The properties in the area are farms, consisting of large acreages, as well as pockets of residential lots along each edge of the 347 +/- acre proposed location. Generally properties to the west of the railroad tracks in the vicinity of this event are zoned rural and properties to the east are zoned industrial commercial.

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 25, 2014

**Nancy & Douglas Stolipher and Mark Stolipher Variance Request (#ZV14-15)**



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 25, 2014

**Nancy & Douglas Stolipher and Mark Stolipher Variance Request (#ZV14-15)**

d. Impact on adjacent properties

The proposed music festival and camp out is likely to have a significant impact on the residential neighbors and local road system for the days that it occurs. The applicant has indicated that music stages will be designed in a manner to reduce impacts on adjacent properties and local residential structures. They also state that the entire area dedicated to the music festival and camp areas will be fenced, will have on-site security, and will be well regulated. The applicant proposes to have a 50 foot buffer around the entire perimeter, with a 1000 foot distance between the music performance areas and any off-site single family residence. The application also indicates that they intend to have amplified performances and outdoor performance lighting between 10 am and 3 a.m. each day, Thursday through Sunday. No performances will be held on Monday. The proposed extended hours of operation are likely to intensify the negative sound and light impact of the adjacent properties.

Most significant will be the impact on the road network. The applicant has indicated that they will work with WV DOH, the Sheriff's Department, and Jefferson County Planning, Zoning and Engineering Departments to develop a traffic control plan (see requirements above). They have already met with the Jefferson County Sheriff's Department regarding traffic control. Private security will be utilized to assist with a variety of on- and off-site issues. Even with these efforts, it may be difficult to effectively mitigate the negative impact that the anticipated number of attendees will have on the existing rural, narrow, unlined roads and at grade railroad crossings. Anticipated accommodations for residential access and commuter travel throughout the festival time frame should be discussed.



Withers Larue Road

Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 25, 2014

**Nancy & Douglas Stolipher and Mark Stolipher Variance Request (#ZV14-15)**



Franklinton Road



Scooter Lane (Limited Access #2)



Staff Report  
Jefferson County Board of Zoning Appeals Meeting  
September 25, 2014

**Nancy & Douglas Stolipher and Mark Stolipher Variance Request (#ZV14-15)**

Possible Conditions of Approval

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

- a. Certified letters to all homes within the 500 foot boundary of all properties and every property on Scooter Lane with exact dates to include possible 'rain dates', if any, of the festival and anticipated set-up dates, no later than 3 months before the festival, with copies provided to staff at the same time;
- b. Post a (*proposed size*) sign along all road frontages of each property stating the exact dates to include possible 'rain dates', if any, no later than 3 weeks before festival. Sign is to remain until visible site improvements related to the festival begin;
- c. An ad shall be run in both the Spirit of Jefferson and Martinsburg Journal noticing the exact dates to include possible 'rain dates', if any, no later than 3 weeks before the festival for two consecutive weeks.
- d. The applicant shall comply with all requirements imposed for the purpose of this event by the Jefferson County Board of Health, the West Virginia Division of Highways, and the Jefferson County Sheriff's Department and submit written documentation with the Concept Plan. Any costs, bonds, sureties and/or liability insurance shall be posted as required by these entities prior to the issuance of a Zoning Certificate.
- e. While acknowledging that all parking will occur on grass fields, a Concept Plan in accordance with the Minor Site Plan process shall be submitted for staff review and comments detailing, at a minimum, the layout and locations of parking lots; performance and equipment areas (stages/sound systems); bathroom facilities; concessions and vendors; camping areas; all entrances, including emergency entrances, entry gates, and vehicle stacking areas; garbage collection locations and daily removal plans; fencing, site security, and proposed buffers. The applicant will schedule a meeting with Staff to determine a submission timeline.
- f. A \$60,000 surety (or an amount set by a pending ordinance before the County Commission) shall be posted to cover unexpected costs to the County at least 30 days prior to the event. Upon approval of the Concept Plan and posting of the required surety, a Zoning Certificate may be issued.
- g. The applicant shall be bound by their application, unless modified in this motion, and by their testimony.
- h. Approval of this Seasonal Use is limited to one year in accordance with Section 9.8 of the Zoning Ordinance and does not establish this festival as a legally existing non-conforming use should the Zoning Ordinance be amended to change the process for approval of such events. Any future festival shall comply with the regulations in effect at the time of application.
- i. Additional conditions could also include such issues as off-site noise, hours of operation, lighting, signage, and access management.

SECTION OF ORDINANCE TO BE CONSIDERED:

**Section 9.8 Seasonal Uses**

Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing. Newspaper notification requirements of Section 3.4A(3)(b) apply. Seasonal uses cannot be approved for longer than one year at a time.

Attachments:

- Outline from Jefferson County Health Department
- Letter from Sheriff's Department

**Jefferson County Health Department: *Mass Gatherings***

**Outline: (August 2014)(B. Zaleski, REHS/RS)**

- Mass Gathering is 250 or more people assembled for meeting, festival, concert, social gathering, or similar purpose
- Need to supply detailed written application at least 45 days in advance
- Application must show outline map, hand washing stations, toilet areas, shower areas (bathing), food service locations, access roads, command posts, water supply (chlorinated), sewage disposal, refuse disposal plan, collection facilities, aid stations, emergency plan, camping areas, assemblage areas, stages, etc.
- Can deny permit if application not complete
- Must meet **ALL** provisions of rule 16-1
- Permits are not transferrable
- Sanitarian is assignee for the state and reviews, inspects, enforces these rules for the Commissioner of Health
- If event is unsanitary, Sanitarian can revoke permit or enforce compliance
- Site must be well drained for use by people, vehicles, equipment, emergency staff
- Site must be free of dust, health and safety hazards not create a nuisance to the public
- Must provide safe and convenient ingress and egress for walking patrons, vehicles and safety vehicles
- Potable water, 5 gallons per person a day, at 20 psi
- Trash pick-up daily or more as directed by Sanitarian
- Full clean up with 24 hours of event
- Appropriate emergency personnel must be present (medical and law enforcement)( in sufficient numbers)
- Area free of pests, rodents, and vermin
- Proper signage must be present at all times
- Meet all WV General Sanitation Rules
- No unvaccinated pets, if allowed, all must be registered and approved in advance, with waste plan
- No snakes or exotic animals
- Storm management and evacuation plan, must be approved
- Meet all other local, state and federal regulations that apply

**Refuse:** 1 50 gallon container for each 100 person min., plus dumpsters, properly maintained

**Toilets:** 1 for each 100 to 1,000 then 1 for each additional 250, properly maintained

**Hand Sinks:** 1 sink for every two toilets, properly maintained

**Parking:** 1 space for every 4 attendees, max. 100 cars per acre, or 30 buses per acre

**Assemblage Areas:** 20 sq. ft. per person daytime, 40 sq. ft. person nighttime assemblage areas, does not include parking areas

**Camping Spaces:** 10 foot separation required, permit cannot exceed 14 days,





# Office of Sheriff and Treasurer of Jefferson County

Law Enforcement Office  
102 Industrial Blvd  
Kearneysville, WV 25430  
304-728-3205  
Fax: 304-728-3299

Tax Office  
PO Box 9  
Charles Town, WV 25414  
304-728-3220  
Fax: 304-728-4034

ZV14-14  
ZV14-15

September 18, 2014

## Members

Jefferson County Board of Zoning Appeals  
East Washington Street  
Charles Town, WV 25414

## Members, Board of Zoning Appeals

I have been informed about a proposed multiday music festival being planned for July 2015. Mr. Tim Walther of the All Good Festival organization has met with me to discuss their proposed event.

It is the position of the Sheriff's Office not to advocate for mass events but to give you the best information available to aid your consideration of any mass event proposal.

From the information I have received the proposed event is expected to bring more than 5,000 vehicles to the three-five day event with seventy-five percent [75%] of the traffic estimated to arrive on Thursday. The proposed traffic routes would divert nearly all of the attendees to access the venue off Withers-LaRue Road in Jefferson County by directing nearly all of that traffic through Clarke County Virginia. Those driving from Jefferson County would remain on Route 340 enter Clarke County and would be directed turn on to Summit Point Road and proceed to Withers Larue.

Sheriff Tony Roper of Clarke County and I have determined there are 8 intersections within the two counties that would need to be covered heavily on Thursday and Friday with lighter coverage on Saturday to insure safe travel of concert goers, local residents and the general public. Our efforts to ensure the safest travel we would position deputies and reserve deputies at appropriate locations to keep traffic flowing.

Copies mailed in 09/25/14 BZA mtg packet.-JH

**RECEIVED**  
SEP 18 2014  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

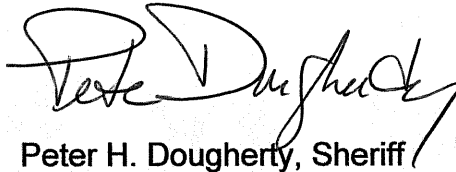
In order to maintain order and to be able to quickly respond to problems in the adjoin property I would add additional deputies to my day and evening shift and will assign deputies to work the area of the even in the overnight hours.

Based on the needs that I have expressed and those of Sheriff Roper and we have I have estimated that the additional cost to the two Sheriff's Offices would be approximately \$30,000.

The All Good Festival event sponsors have told Sheriff Roper and me that they are prepared to pay all costs related to additional law enforcement needed to ensure a safe event occurs. I understand this matter has serious limitations on what actions you may be able to take however if you can I would request that no final approval be made until a contractual agreement is completed with the two Sheriff's to cover the anticipated costs of this event.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Dougherty". The signature is stylized with a large initial "P" and "D".

Peter H. Dougherty, Sheriff



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

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

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

### Application for Seasonal Use/Special Exception

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

#### Type of Request

Seasonal Use:  Special Exception:

#### Property owner information

Name of Property Owner: Two Property Owners, See Attached

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

#### Applicant contact information

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

Mailing Address: 2801 Chevy Chase Circle

City: Jefferson

State: MD

Zip Code: 21755

Phone Number: (301) 834-4100

Email: tim@walther-productions.com

#### Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Gordon

Mailing Address of Engineer(s) or Surveyor(s): 301 North Mildred Street, Suite 1

City: Charles Town

State: WV

Zip Code: 25414

Phone Number: (304) 725-8456

Email: mdyck@gordon.us.com

#### Physical property details

Physical Property Address: 261 Berry Hill Farm Lane

City: Summit Point

State: WV

Zip Code: 25446

Tax District: 6

Map No.: 19

Parcel No.: 7;16;8.4

Parcel Size: 347.15

Deed Book: 944;913;1129

Page No.: 45;746;678

#### Zoning District:

Rural (R-A)

Residential Growth (R-G)

Industrial Commerical (I-C)

Residential-Light Industrial-Commercial (R-L-C)

Village (V)

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JUL 31 2014

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

**Name of Temporary Business or Event**

Music Festival and Camp-out

**Description of Seasonal Use**

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

**Name of Primary Contact/Responsible Party During Business Hours**

Tim Walther and Junipa Contento

**Primary Contact Telephone Number**

(301) 834-4100

**Duration of Temporary Use/Window of Authorization**

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

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

**Hours of Operation of Seasonal Use**

24 hour camp-out event

**How is the property currently used?**

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

**What is the proposed use of the property?**

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

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

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

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

Signature of Property Owner 1 Date

[Signature] 7-29-14

Signature of Property Owner 2 Date

**Notification Requirements**

Date of Public Hearing

Advertising Date

Posting Requirements (number of days prior to scheduled hearing)

Tim Walther 7-31-14

***Official Action of Board***

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***Official Signature and Seal***

---

---

***Signature***

***Date***

---

---

***Signature***

***Date***





JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

Charles Town, WV 25414

File Number: \_\_\_\_\_

Staff Initials: \_\_\_\_\_

Fees Paid: \$ \_\_\_\_\_

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

Email: zoningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: planningdepartment@jeffersoncountywv.org

Fax: (304) 728-8126

Application for Seasonal Use/Special Exception

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

Type of Request

Seasonal Use: [checked] Special Exception: [ ]

Property owner information

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

Applicant contact information

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

Applicant Representatives

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

Physical property details

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

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

**Name of Temporary Business or Event**

See application.

**Description of Seasonal Use**

See application.

**Name of Primary Contact/Responsible Party During Business Hours**

See application.

**Primary Contact Telephone Number**

See application.

**Duration of Temporary Use/Window of Authorization**

Start Date: See application

End Date: See application.

Total Number of Days: See application.

**Hours of Operation of Seasonal Use**

See application.

**How is the property currently used?**

See application

**What is the proposed use of the property?**

See application.

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

See application.

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

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

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

**Notification Requirements**

Date of Public Hearing

Advertising Date

Posting Requirements (number of days prior to scheduled hearing)

***Official Action of Board***

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***Official Signature and Seal***

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---

***Signature***

***Date***

---

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***Signature***

***Date***





# 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 Number: \_\_\_\_\_

Staff Initials: \_\_\_\_\_

Fees Paid: \$ \_\_\_\_\_

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

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

### Application for Seasonal Use/Special Exception

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

#### Type of Request

Seasonal Use:  Special Exception:

#### Property owner information

Name of Property Owner: Mark D. Stolipher

Mailing Address: PO Box 190

City: Rippon State: WV Zip Code: 25441

Phone Number: (304) 279-3649 Email: bull4u@hotmail.com

#### Applicant contact information

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

Mailing Address: 2801 Chevy Chase Circle

City: Jefferson State: MD Zip Code: 21755

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

#### Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): Gordon

Mailing Address of Engineer(s) or Surveyor(s): 301 North Mildred Street, Suite 1

City: Charles Town State: WV Zip Code: 25414

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

#### Physical property details

Physical Property Address: 261 Berry Hill Farm Lane

City: Summit Point State: WV Zip Code: 25446

Tax District: 6 Map No.: 19 Parcel No.: 8.4; 7

Parcel Size: 297.15 Deed Book: 944; 1129 Page No.: 45; 746

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

**Name of Temporary Business or Event**

See application.

**Description of Seasonal Use**

See application.

**Name of Primary Contact/Responsible Party During Business Hours**

See application.

**Primary Contact Telephone Number**

See application.

**Duration of Temporary Use/Window of Authorization**

Start Date: See application.

End Date: See application.

Total Number of Days: See application.

**Hours of Operation of Seasonal Use**

See application.

**How is the property currently used?**

See application.

**What is the proposed use of the property?**

See application.

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

See application.

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

 7-29-11

Signature of Property Owner 1      Date

Signature of Property Owner 2      Date

**Notification Requirements**

Date of Public Hearing

Advertising Date

Posting Requirements (number of days prior to scheduled hearing)

***Official Action of Board***

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***Official Signature and Seal***

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***Signature***

***Date***

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***Signature***

***Date***



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

**Jefferson County Music Festival**

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

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

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

**1. Community Planning**

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

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

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

## **2. Mass Events Ordinance**

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

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

## **3. Community Benefit**

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

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

#### **4. Traffic Control**

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

#### **5. Safety/Security**

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

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

## **6. Trash & Recycling**

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

## **7. Stage Areas**

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

## **8. Temporary Site Improvements**

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

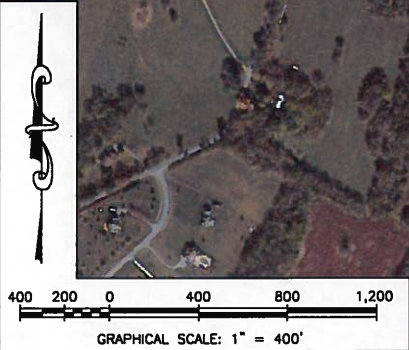
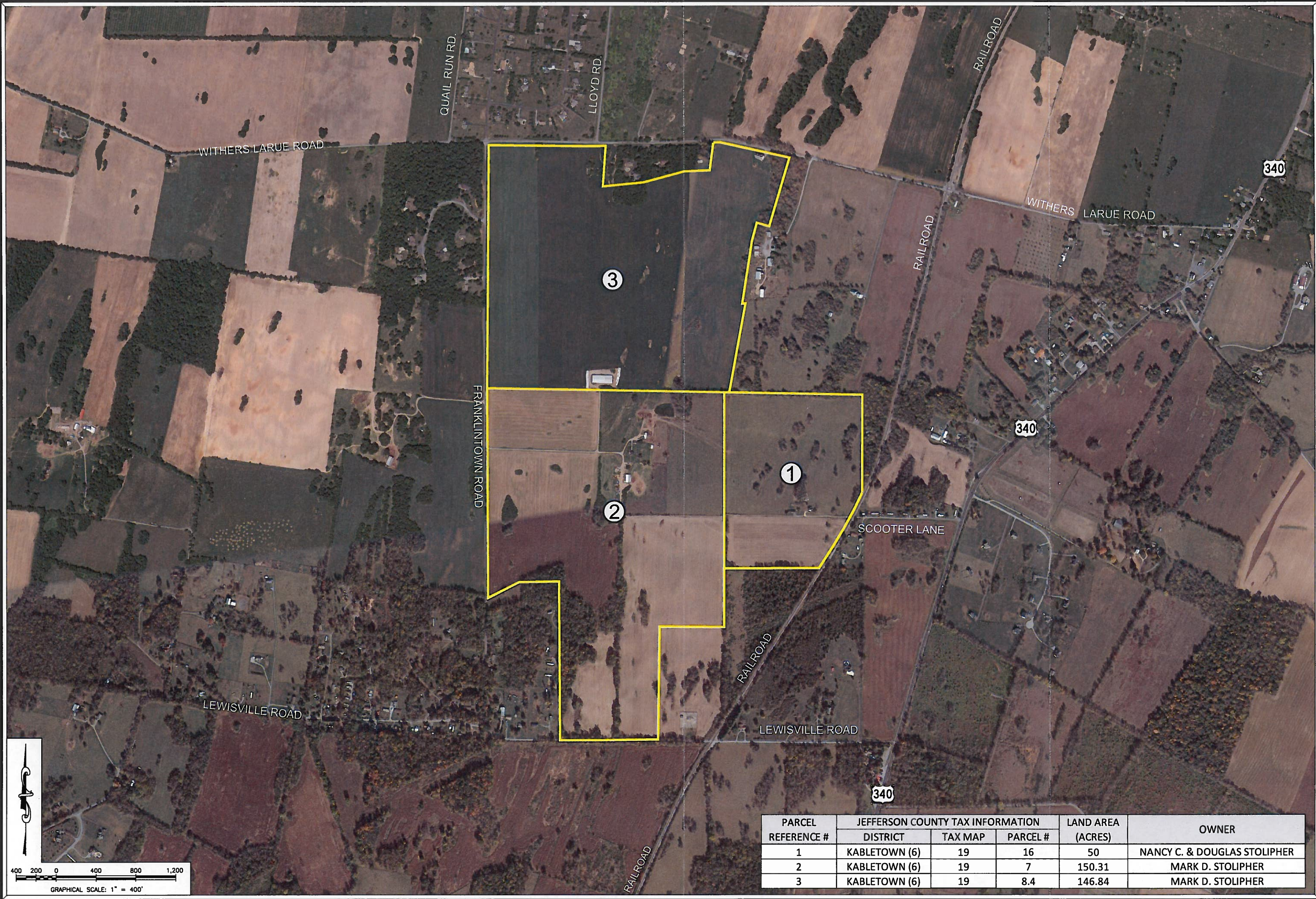
## **9. Power**

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

## **10. Lighting**

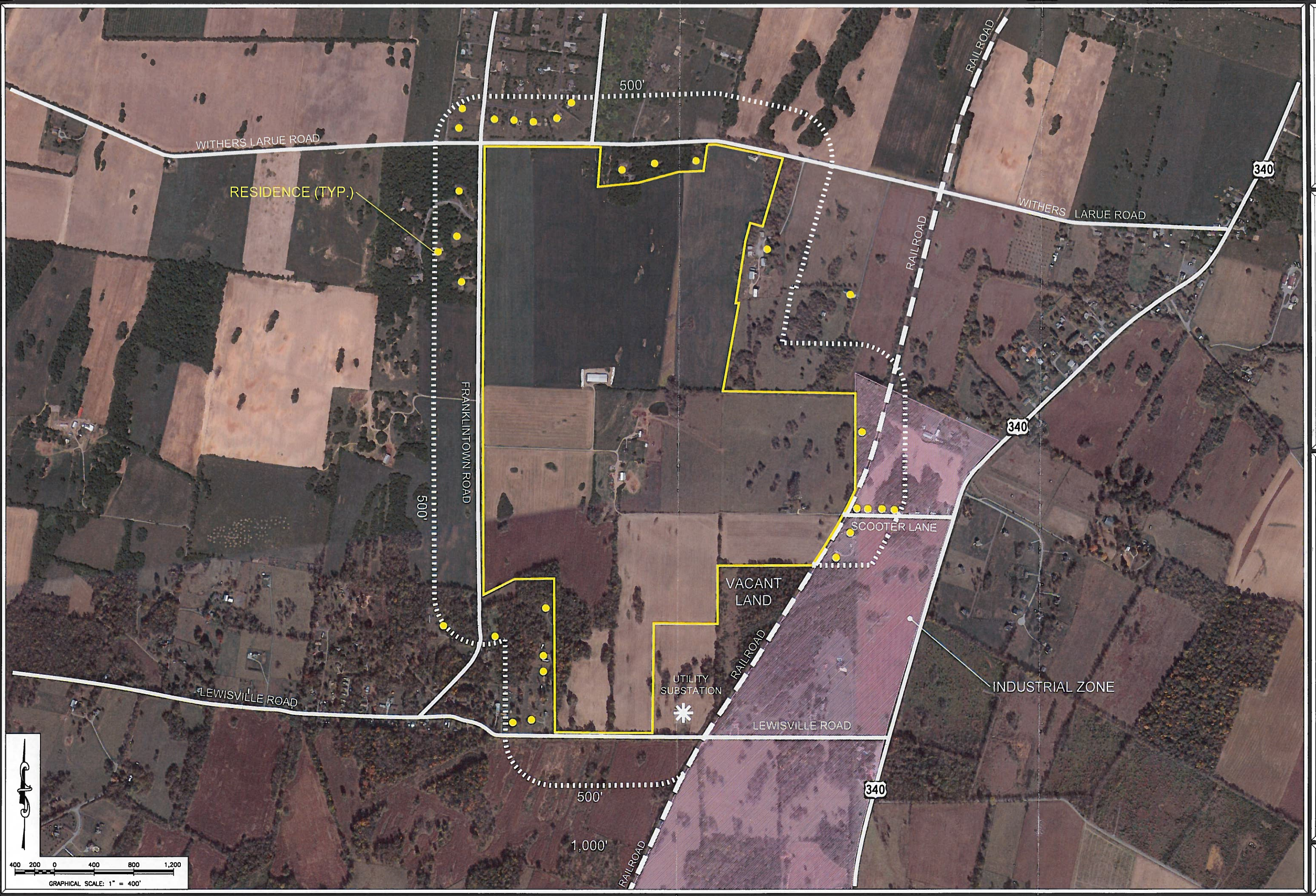
- 10.1 Lighting will be provided to provide safe and secure access around the festival site.

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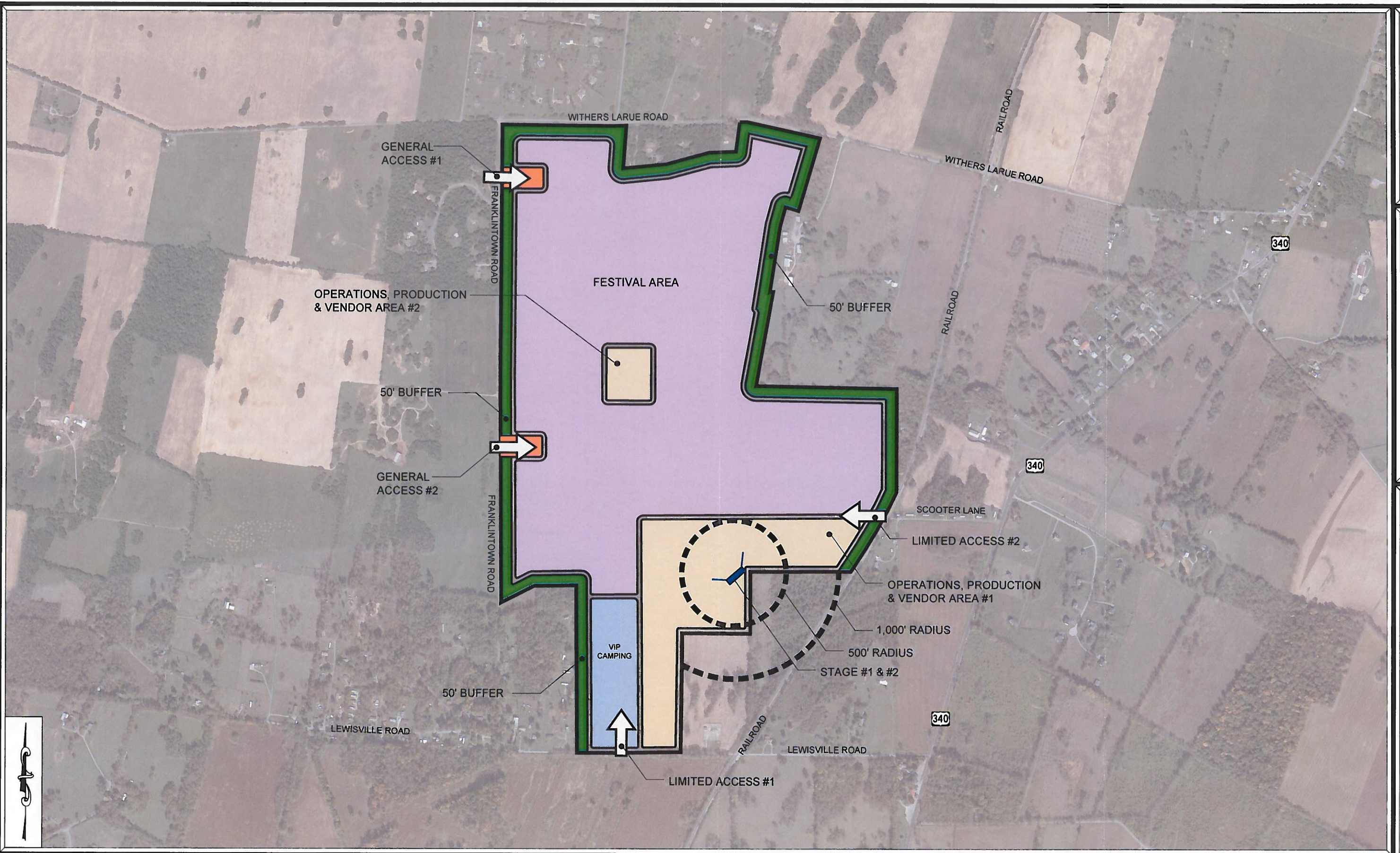


PARCEL REFERENCE #	JEFFERSON COUNTY TAX INFORMATION			LAND AREA (ACRES)	OWNER
	DISTRICT	TAX MAP	PARCEL #		
1	KABLETOWN (6)	19	16	50	NANCY C. & DOUGLAS STOLIPHER
2	KABLETOWN (6)	19	7	150.31	MARK D. STOLIPHER
3	KABLETOWN (6)	19	8.4	146.84	MARK D. STOLIPHER

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



Zoning Department

**From:** Zoning Department <zoning@jeffersoncountywv.org>  
**Sent:** Wednesday, September 17, 2014 1:41 PM  
**To:** 'Jim Adams'  
**Subject:** RE: All Good Music Festival

Dear Mr. and Ms. Adams,

This email serves as confirmation for receipt of your submission. Please be advised, your correspondence will be included in the Board of Zoning Appeals' mailed packet for the September 25, 2014 meeting, which will begin at 2:00 p.m. An electronic copy of the packet will be posted to the County's website [here] by 5:00 p.m. on September 19, 2014.

Thank you for your interest.

Sincerely,

Jennilee Hartman  
Zoning Clerk  
116 E. Washington Street  
P.O. Box 338  
Charles Town, WV 25414  
Phone: 304-728-3228  
Fax: 304-728-8126  
Website: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

**From:** Jim Adams [mailto:rocksfolly@yahoo.com]  
**Sent:** Wednesday, September 17, 2014 1:01 PM  
**To:** zoning@jeffersoncountywv.org; stephen.skinner@wvhouse.gov; paul.espinosa@wvhouse.gov  
**Subject:** Re: All Good Music Festival

On Wednesday, September 17, 2014 12:44 PM, Jim Adams <[rocksfolly@yahoo.com](mailto:rocksfolly@yahoo.com)> wrote:

Jefferson Co. Board of Zoning  
Stephen Skinner  
Paul Espinosa  
Tiffany Lawrence

Zoning Appeals File: ZV14-14  
To allow 30,000 person music festival.

As a 20 yr. resident of Quail Run , I find it mindboggling that this proposal has gone forward this far.  
This is wrong on so many levels.

- 1) Rt. 340 can not support the traffic.
- 2) This would greatly impact the day to day lives of the home owners who live in the surrounding neighborhoods.
- 3) With the track record of this festival you can not guarantee the safety of our neighborhoods.
- 4) The resale of homes in this area is very slow and this will only drive down the prices farther.

In closing I would like to point out that if this passes these people will come and go but we home owners will still be here.

Jim & Sue Adams  
791 Pheasant Hill Rd.  
Summit Point, WV.

Zoning Department

**From:** Planning Department <planningdepartment@jeffersoncountywv.org>  
**Sent:** Wednesday, September 17, 2014 8:56 AM  
**To:** wvadkins@roadrunner.com  
**Cc:** planningdepartment@jeffersoncountywv.org; zoning@jeffersoncountywv.org  
**Subject:** RE: All Good Festival and Camp Out

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. and Ms. Adkins,

This email serves as confirmation for receipt of your submission. Please be advised, your correspondence will be included in the Board of Zoning Appeals' mailed packet for the September 25, 2014 meeting, which will begin at 2:00 p.m. An electronic copy of the packet will be posted to the County's website [[here](#)] by 5:00 p.m. on September 19, 2014.

Thank you for your interest.

Sincerely,

Alexandra Beaulieu  
Office/Project Manager  
Jefferson County Departments of Planning and Zoning  
116 E. Washington Street  
P.O. Box 338  
Charles Town, WV 25414  
Phone: 304-728-3228  
Fax: 304-728-8126  
Website: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
Email: [zoning@jefferconountywv.org](mailto:zoning@jefferconountywv.org)

**From:** wvadkins@roadrunner.com [mailto:wvadkins@roadrunner.com]  
**Sent:** Tuesday, September 16, 2014 7:32 PM  
**To:** walterpellish@mac.com; patsynol@gmail.com; dmanuel@frontiernet.net; vinemont@frontiernet.net; lynwidmyer@gmail.com; info@jeffersoncountywv.org; dkeyser@jeffersoncountywv.org; planningdepartment@jeffersoncountywv.org; Julie.gray@wv.gov; farmlandprotection@jcda.net; bmiller@jeffersoncountywv.org  
**Cc:** paul.Espinosa@wvhouse.gov; lawrencefordelegate@Hotmail.com; wvadkins@roadrunner.com; Fletcher-Lot#6; Gerben-Lot#47; Paradis-Lot#7; Matt & Mandy Glover; Ashlock-Lot#4; Gallahan-Lot#1; Drury-Lot#3; Burdick-Lot#28; Compton-Lot#27; DeGennaro-Lot#46; Baker-Lot#25; Albert-Lot#30; WaybrightH-Lot#45; ThompsonR-Lot#15; Snyder-Lot#41; Fuller-Lot#44; WaybrightM-Lot#45; Hyre-Lot#5; Bradbury-Lot#49; Straley-Lot#42; Ferro-Lot#32; Harrigan-Lot#18; Lees-Lot#43; Spruill-Lot#10; HoffmanD-Lot#8; ThompsonT-Lot#15; Thompson-Lot#38; HoffmanT-Lot#8; Schlachter-Lot#12; Rosa-Lot#14; Correia-Lot#39; Adkins-Lot#51; Milleson-Lot#31; Layton-Lot#26; Rouden-Lot#2; William O'Neill; William O'Neill; William Herndon; William Herndon; Lafferty-Lot#40  
**Subject:** All Good Festival and Camp Out

Jefferson County -  
Board of Zoning Appeals, Planning Commission, Planning and Zoning, Emergency Services Agency, Health Department, Farmland Protection Board

September 16, 2014

Dear Jefferson County Departments,

Please don't tarnish the positive image Jefferson County has spent years developing by approving any planning or zoning variances or ordinances that would allow the "All Good Festival and Camp Out" or similar events to occur in our county!

You have heard all the terrible things the proposed camp out will bring to the county, but have you considered the impact such an enormous event could have on the following:

- Contamination of ground water that feeds local wells
- Local traffic congestion
- Damage to surrounding property
- Damage to farmland
- Damage to rural roads
- Increased illegal drug trade
- Additional expenses for emergency services
- Impact on local judicial system

and the list goes on.

We have lived in Summit Point, Jefferson County for over 20 years and live within a few hundred feet of the proposed event site and we cannot believe any citizen wants our historical county known for a five-day drug fest.

Most of the families near the proposed event have young children who will be home during the summer and if the event is held, the parents or caregivers will have to deal with the noise, trespassers, and traffic. Parents will have trouble getting to and from work due to the traffic congestion. In fact, some parents are already planning to take paid or unpaid leave to protect their families and property.

The Zoning Variance Request (ZV1414) submitted by Mr. Tim Walther and Ms. Junipa Conteto is deceptive by stating it is for a single three-day period, but then requests a music festival and campout for five consecutive days. In reality, the event will disrupt the community for approximately one month due to setting up, holding the event, and removing their temporary infrastructure.

Also, you will notice on their application the proximity of the railroad to the event. It is our opinion that attendees will disrupt the frequent train commerce and perhaps deaths will occur on the tracks. The frequent running of the trains combined with the influx of thousands of partygoers will also exasperate the traffic congestion on the county roads backing up traffic for miles.

It is our understanding that the promoters and property owners will erect a six-foot chain link fence to contain the estimated 15,000 – 30,000 attendees for the five-day period. They are trying to create a police state for the event. This should send a red flag right away regarding the caliber of people and the illegal activities that will occur; therefore, their request must not be approved by the county.

This type of event will not bring additional tax revenues to the county, but will actually cost the county a great deal more financially not to mention the negative impact on our historical image, future tourism, and future relocations to our county.

The citizens of this county are looking to each of you to do the right thing for all the residents of the county not just the property owner wishing to make a quick buck by holding this event.

We understand there is a mass gathering ordinance being developed to address these type of mass events and we believe it is in the best interest of the county to develop the rules and standards that augment the county and in no way negatively impact our communities. Please delay the review of the "All Good Festival" until the new mass event policy is in place.

One last thing, we don't understand why the county needs to grant approval for mass gathering events on farmland surrounded by tax payers who moved to the rural parts of the county to enjoy the peace and quiet

environment when there are two existing venues within the county for such events; Jefferson County Fairgrounds and the Sam Michael Park.

Thank you for taking the time to read our letter and considering the points that we raise.

Yours truly,

David W. Adkins

Connie E. Adkins

203 Pheasant Hill Road  
Summit Point, WV 25446



SV 14-14  
ZV14-15

RECEIVED

January 14, 2004

AUG 20 2014

**TRAFFIC ENGINEERING DIRECTIVE  
301-3**

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Supersedes TED 301-2

**SUBJECT: CENTERLINE, EDGELINE, AND LANELINE MARKINGS**

**I. Centerline Markings**

- A. When Centerline Markings are placed on two-way highways, they shall be yellow and shall be marked as passing and/or no passing zones in accordance with the applicable section of the Manual on Uniform Traffic Control Devices (MUTCD). Passing shall be designated by a broken yellow line of 10 feet in length with a 30-foot gap; and no passing shall be designated by a solid yellow line.
- B. All two way highways with pavement widths of 16 feet or more which have a surface type of G1 (mixed bituminous) or better and an ADT of 400 or more should be marked with standard centerline markings consisting of passing and/or no passing zones. All two way highways with pavement widths of less than 16 feet shall not be marked with a centerline.
- C. Where there are frequently spaced intersections of city streets and driveways with a presence of curbs, sidewalks, and gutters, a double solid yellow centerline should be used to restrict passing which could create an accident potential in the built up area. The area in question should be reviewed by the Traffic Engineering Division or by the District Traffic Engineer.

**II. Edgeline Markings**

- A. Edgelines shall be white except that on each roadway of divided streets and highways and on one way roadways in the direction of travel, left edgelines shall be yellow.
- B. Edgelines shall be placed on all interstate highways and ramps and should be placed on all US and WV numbered highways having a pavement width of 18 feet or more. Edgelines should also be placed on all county routes having a pavement width of 18 feet or more, a surface type of G1 (mixed bituminous) or better, and an ADT of 400 or more.
- C. Standard width of all edgelines shall be 4 inches.
- D. Edgelines and centerlines shall be renewed as necessary to provide reasonable reflectivity at night.
- E. For wide intersections, for intersections in curves and at other locations where

\* Held until 9/25/14 mtg - gH (postponed 8/28/14) Submitted by Aitchison.  
\*\* Copies in mailed B7A packet

it is deemed necessary to provide guidance for through traffic through an intersection, the edgelines should be extended through the intersection. The extension of the edgeline through the intersection should consist of 4-inch wide by 2-foot long lines, separated by a 6-foot space. Where additional emphasis is needed, the edgeline extensions may be up to 8 inches wide.

### III. Lane Line Markings

- A. All lane line and channelizing markings on concrete pavements shall be placed to the left of the center longitudinal joint of the roadway.
- B. Lane lines shall have a standard width of 4 inches and be a broken white line of 10 feet in length with a 30-foot gap.
- C. Channelizing lines for lane drops at exit ramps shall be 8 inches wide. The need for channelizing lines and special lane drop markings should be evaluated by the Traffic Engineering Division. These lane drop markings shall be in accordance with Section 3B.05 and Figure 3B-10 as contained in the MUTCD.

---

Barry Warhoftig, P.E.  
Director-Traffic Engineering Division

RECEIVED

AUG 20 2014

November 25, 2013

Dear Mr. Aitcheson,

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Shortly after I took office as the Preston County Sheriff in January of 2009, plans were to actively provide a police presence at the "All Good Music Festival" located near Masontown, West Virginia. This event had been located in Preston County for several years and recently, brought in over 30,000 visitors from all around the United States. This actually doubled the county's population for nearly four days. Problems with having this very large event had never been properly addressed by law enforcement. During my first year as Sheriff, the Preston County Sheriff's Department worked diligently with Mr. Tim Walther and his representatives to make this event as safe and lawful as possible for the citizens of Preston County as well as for those attending the festival.

Prior to the 2009 "All Good Music Festival", it was agreed that Mr. Walther would continue to provide security personnel to manage the crowd related to the All Good Festival patrons inside the grounds and near the gates. The Preston County Sheriff's Department would provide non-uniformed personnel inside the festival grounds and uniformed officers would patrol the routes leading to the festival from the Masontown area. Mr. Walther agreed to provide a secure area on the festival grounds for continuous police activities. This worked very well as everyone was dedicated to making this event as safe and lawful as possible. After our presence during 2009, it was determined more police officers would be required to address the many problems seen inside the grounds as well as those seen outside.

During the 2010 "All Good Music Festival" the number of police officers were increased and special details were developed to address the problems seen during 2009. Mr. Walther continued his support by providing the secure area for discrete police operations. These operations consisted mainly of addressing the prevention of the sale of narcotics and the many illegal drugs observed the year before.

The Preston County Commission passed a "Mass Gathering Ordinance" to assist with the financial needs of Preston County. During 2011, the funds collected from the "All Good Music Festival" relating to this ordinance, secured much needed funds to assist with hiring more police officers and equipment needed to manage the large number of arrests associated with this event.

The 2011 "All Good Music Festival" was the last event in Preston County. During this event, the Preston County Sheriff's Department hired over one hundred (100) police officers from over ten (10) outside police agencies throughout the State of West Virginia. Additionally, nearly twenty (20) undercover drug officers associated with the West Virginia State Police Bureau of Criminal Investigations as well as other local drug task force members assisted with our police efforts. Many State Police, Sheriffs Department and City Police

\* Hold until 9/25/14 mtg - SA (postponed 8/28/14) Submitted by Aitcheson.  
\* Copies in mailed BZA packet 09/25/14 - SA

Department K-9 teams were also employed during the event to assist with the drug problem observed at prior events. The Preston County Sheriff's Department also purchased a large bus to assist with the transportation of the many individuals that were arrested and transported to the Magistrate for arraignment. Additional officers and police vehicles were required to keep up with the many transports throughout the event to supplement the efforts of the bus and drivers.

During the 2011 "All Good Music Festival", our officers were able to make over 75 felony drug arrests and more than 200 drug and traffic citations were issued. This festival brought in a variety of individuals from around the country along with an assortment of illicit drugs. Due to the "open air drug sales mentality" inside the festival grounds, more officers could have been employed and many more drug arrests could have been made. At one point, our investigative team decided our legal system in Preston County was becoming saturated and it would be unable to manage if we continued.

In this letter, I am representing my observations and have provided as many facts as possible. Mr. Walther and his staff continued to support law enforcement efforts to suppress the drug activity and he certainly did not represent to me he condoned the drug activity of the patrons of this festival. It was understood by me, the "All Good Music Festival" attracts certain types of people and individual communities should make their own decisions as to what is allowed in their respective areas.

Sincerely,

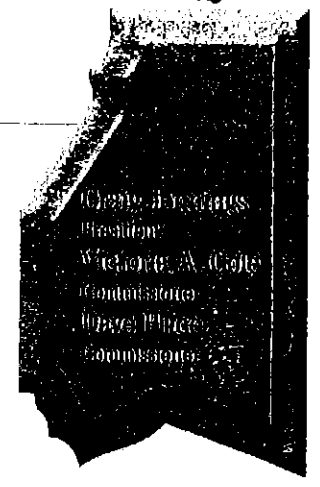
Dallas D. Wolfe III

ZV14-14  
ZV14-15

# Preston County Commission

Courthouse Annex  
106 W. Main Street, Suite 202  
Kingwood, West Virginia 26537  
Phone (304) 329-1805  
Fax (304) 329-3192  
TDD (304) 329-0662  
www.prestoncountywv.org

RECEIVED  
AUG 29 2014  
JEFFERSON COUNTY  
PLANNING, ZONING AND TRANSPORTATION



November 13, 2013

Jefferson County Board of Zoning Appeals  
Attention: Board Chairman

Dear Chairman Lee and Board Members,

The All Good Festival was in our county for several years, I have been asked by Robert Aitcheson to give my knowledge of just what the Festival will bring to your community. Here is just some of the issues that we dealt with during the time the All Good Festival called Preston County home:

### TRAFFIC CONTROL ISSUES.

- The festival site was located at two different locations during its time in Preston County. Both sites were on farm land off a small rural dirt roadway. At times traffic was backed up approximately 15 miles on the two lane highways leading into the rural dirt roadway into the site. This traffic jams lasted for hours. Local citizens who lived near the site used by the All Good Festival complained that they had to take vacation days during the festival because they couldn't get to work due to the huge traffic headache.

### DRUG USE BY FESTIVAL GOERS

- All Good Festival brings with it heavy drug use. This claim is substantiated by the fact that during the four or five days the All Good Festival was held Preston County had more felony arrests during that

\*Hold until 9/25/14 mtg - GH (postponed 8/28/14) - Submitted by Aitcheson.  
\*\* Copies provided in BZA mailed packet for 09/25/14 mtg - GH

time than the number of felony arrests in a typical "one year" time frame. Nearly all, if not all, the arrests both felony and misdemeanor by participants of the All Good Festival were drug related.

#### NEGATIVE IMPACT TO LOCAL CITIZENS

- Loss of days at work due to traffic jams
- Fear and anxiety because of the lack of respect of festival goers. People who were attending the festival urinated and defecated on people's property, trespassing and destroying property.
- Noise caused from the bands and the festival participants. This noise lasted into the night.

#### STRAIN ON LOCAL LAW ENFORCEMENT

- Just to keep order at an event where approximately 30,000 or more people are expected forces you into getting mutual aid agreements with state police and other law enforcement agencies. We had to pay \$35 per hour per officer for the extra help

#### INCREASE COST TO THE COUNTY FOR REGIONAL JAIL

- Due to the number of felony and misdemeanor arrests of All Good Festival participants the cost for the Preston County Commission to the Regional Jail sky rocketed along with costs associated with transporting those offenders to the regional jail located approximately 2 hours away from Preston County.

#### INCREASE COST TO LOCAL HOSPITAL

- The local hospital estimated their loss caused by people who were brought to the facility from the All Good Festival due to those that didn't pay and the need for extra staff at approximately \$50,000. This does not take into account the amount of money lost at Mon General or Ruby Memorial hospitals who also had patients from the festival

It is important to note that the All Good Festival seemed to be happy in Preston County for years until the Preston County Commission enacted the Mass Gathering Ordinance and permitting process and the All Good Festival paid the permit fee of \$164,000. The fee was used to help cover costs associated with the Festival event.

I hope you find the information I have provided helpful in making the decision that is before you. I would be happy to come before the Zoning Board to discuss this matter further. I would have been at the meeting schedule for November 14, 2013, however I was not able to attend due to a scheduling conflict. I am available today for a conference call. My number is 304-288.2350.

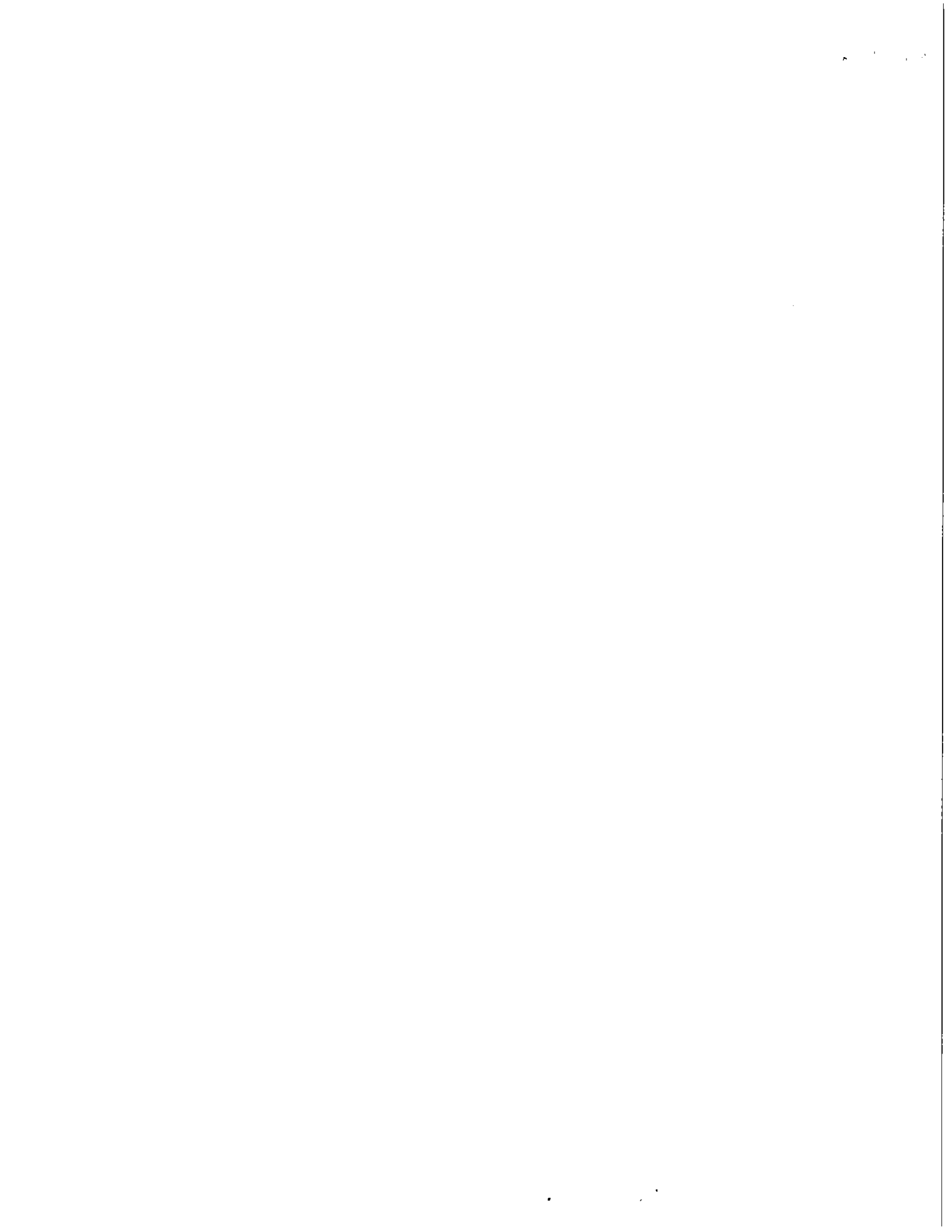
Good luck.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Craig Jennings', with a long horizontal flourish extending to the right.

T. Craig Jennings  
President

Cc: Robert D. Aitcheson  
Jennj Lee, Clerk



HAND-DELIVERED 9/16/14

Board of Zoning Appeals of  
Jefferson County  
Charles Town, WV

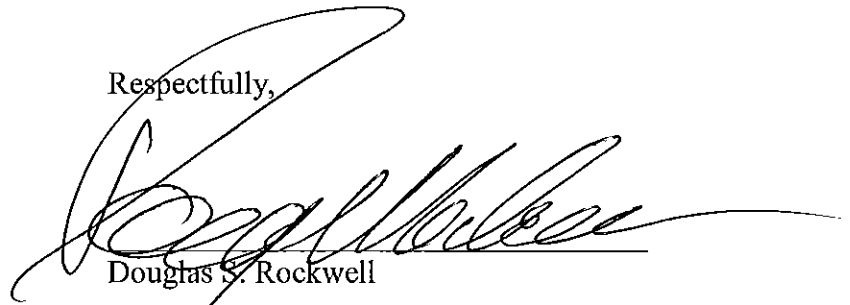
Attention: Jennifer Brockman, Director, Planning & Zoning Department

Re: Motion to Dismiss "All Good" Applications

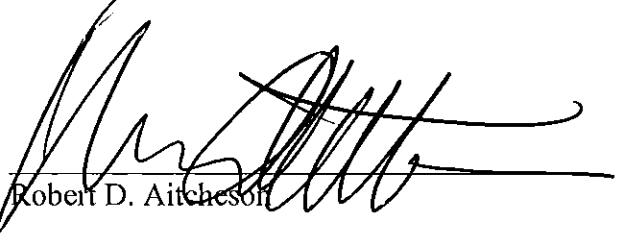
Please find enclosed our Motion to Dismiss and Notice of Hearing regarding BZA Docket Nos. ZV14-14 and ZV14-15. Please mark them filed and be sure to include them in the packet for the September 25, 2014 BZA hearing.

Thank you for your cooperation.

Respectfully,



Douglas S. Rockwell



Robert D. Aitcheson

RECEIVED  
SEP 16 2014  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

cc+enc: Stephen Groh, Esq.  
Applicant

\* Copies provided in BZA mailed packet for 09/25/14 mtg. - JH

RECEIVED

SEP 16 2014

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

ZV14-14

ZV14-15

Before the Board of Zoning Appeals (BZA) of Jefferson County, West Virginia

In re: "All Good" Festival and Camp-Out

Nos. ZV14-14  
ZV14-15

### MOTION TO DISMISS

Come Now Robert D. Aitcheson, County resident and Co-Trustee of the Aitcheson Family Trust, an aggrieved property owner, and Douglas S. Rockwell, County resident, and move to dismiss the above-styled applications nos. ZV14-14 and ZV14-15 for the following reasons:

1. Applicants are seeking a "use" variance to change the definition of seasonal use from a three day activity to a five day activity.
2. Applicants further seek to conduct a performing arts venue and campground which are not principal permitted uses in the Rural District. Jefferson County Zoning and Land Planning Ordinance (JCZO) Section 5.7 and Appendix C.
3. "Use" variances were expressly outlawed in West Virginia with the enactment of Chapter 8A, effective June 11, 2004. Specifically Section 8A-7-(11a) states:
  - (a) A variance is a deviation from the minimum standards of the zoning ordinance and **shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classifications of a parcel of land.**
4. These prohibitions are set forth verbatim in the JCZO definition of "Variance", Section 2.2.
5. Section 9.8, JCZO is in direct conflict with both Code Section 8A-7-11(a) and the zoning ordinance definition of "variance" because Section 9.8 sets no standards or limitations on what may be done for three days in any district as a "seasonal use". As such its validity and enforceability are suspect.
6. West Virginia Code, Section 8A-7-3(d) requires that "[e]ach zone will be subject to the same rules, regulations, standards and designations throughout the zone, unless specific provisions are made by the governing body in the zoning ordinance." No provision was made in the JCZO for a five day rock concert and camp-out in the Rural District.
7. In fact, JCZO Section 2.2, "Seasonal Use" is defined as a "use that is carried on for not more than a single three day consecutive period...". A five day activity is not a seasonal use by definition and is NOT permitted by the ordinance.

8. To change the definitional quantifier of seasonal use from three to five days requires an act of a legislative body, i.e., the Jefferson County Commission. The BZA has no authority to legislate.

“[a] board of zoning appeals is not a law-making body and, consequently, has no power to amend the zoning ordinance under which it functions. *Wolfe v. Forbes*, 159 W. Va. 34, 45, 217 S.E. 2d 899, 906 (1975); *Ranson v. City of Charles Town*, 201 W. Va. 241, 496 S.E. 2d 191 (1997) (per curiam). For the power and authority of the BZA, see JCZO, Sections 3.1 and following. See also limitations on that power in JCZO Section 4.4A: “Prohibited Uses” are those “...determined to be in conflict with any **existing ordinance or laws of Jefferson County...**”. (emphasis added)

9. By way of analogy, to change the definitional quantifier of seasonal use from three to five days would be no different from granting a use variance to allow a multi-family dwelling unit in a zoning district that permits only single family residential dwellings. The number of families is a definitional element. Single family and multi-family are, in fact, different uses. A use variance could NOT be given under present law to allow multi-family dwellings in a single family dwelling zone. Yet, that is exactly the same thing “All Good” is trying to do here. It is just that the definitional quantifier is the number of days, not the number of families per dwelling. Applicant may try to argue that the number of days is a size or dimensional variance, but it is not. Dimensional variances are **standards**. The three days for a seasonal use is not a standard. Rather, it is **definitional**.
10. The applications are insufficient on their face because, among other reasons, they do not even attempt to provide any justification that is actually responsive to the ‘unnecessary hardship’ criteria. See W. Va. Code Section 8A-7-11(a)(3) and JCZO Section 3.4 (A)(4)(iii). The statute and the ordinance are clear that the need for the variance “arises from special conditions or attributes which *pertain to the property*” and were not created by the applicant and that the variance will eliminate unnecessary hardship. They have alleged no special condition or attribute that allowing five days instead of three, will overcome.

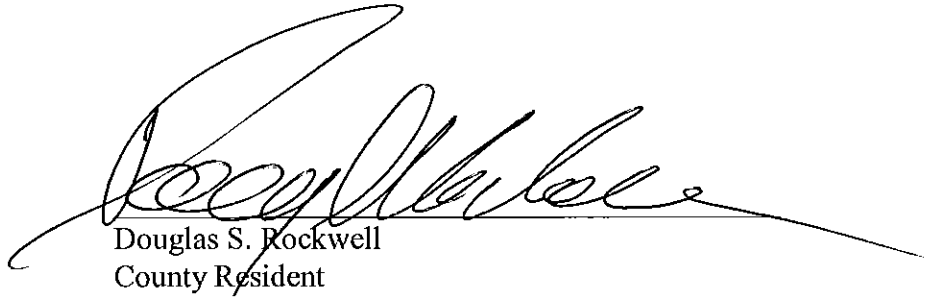
In conclusion, the said applications should be dismissed without further hearing because:

1. The BZA has no power or authority to change the definition of seasonal use from three to five days.
2. The BZA has no power or authority to grant a use variance for a 5-day activity.
3. The applications of “All Good” are insufficient on their face and incomplete.

Wherefore, the “All Good” applications should be DISMISSED.



Robert D. Aitcheson  
County Resident  
Co-Trustee, Aitcheson Family Trust



Douglas S. Rockwell  
County Resident

Please take NOTICE that Douglas S. Rockwell and Robert D. Aitcheson will bring on for hearing the above Motion to Dismiss at such time as the "All Good" applications are heard before the BZA.

Zoning Department

---

**From:** Zoning Department <zoning@jeffersoncountywv.org>  
**Sent:** Friday, September 12, 2014 12:29 PM  
**To:** jeffalbert1@juno.com  
**Subject:** RE: Music festival

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Albert,

Your correspondence will be included in the Board's mailed packet for the September 25, 2014 meeting, which will begin at 2:00 p.m. This packet will be posted to the County's website [[here](#)] by 5:00 p.m. on September 19, 2014.

Thank you for your interest.

Sincerely,

Jennilee Hartman  
Zoning Clerk  
116 E. Washington Street  
P.O. Box 338  
Charles Town, WV 25414  
Phone: 304-728-3228  
Fax: 304-728-8126  
Website: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
Email: [zoning@jefferconountywv.org](mailto:zoning@jefferconountywv.org)

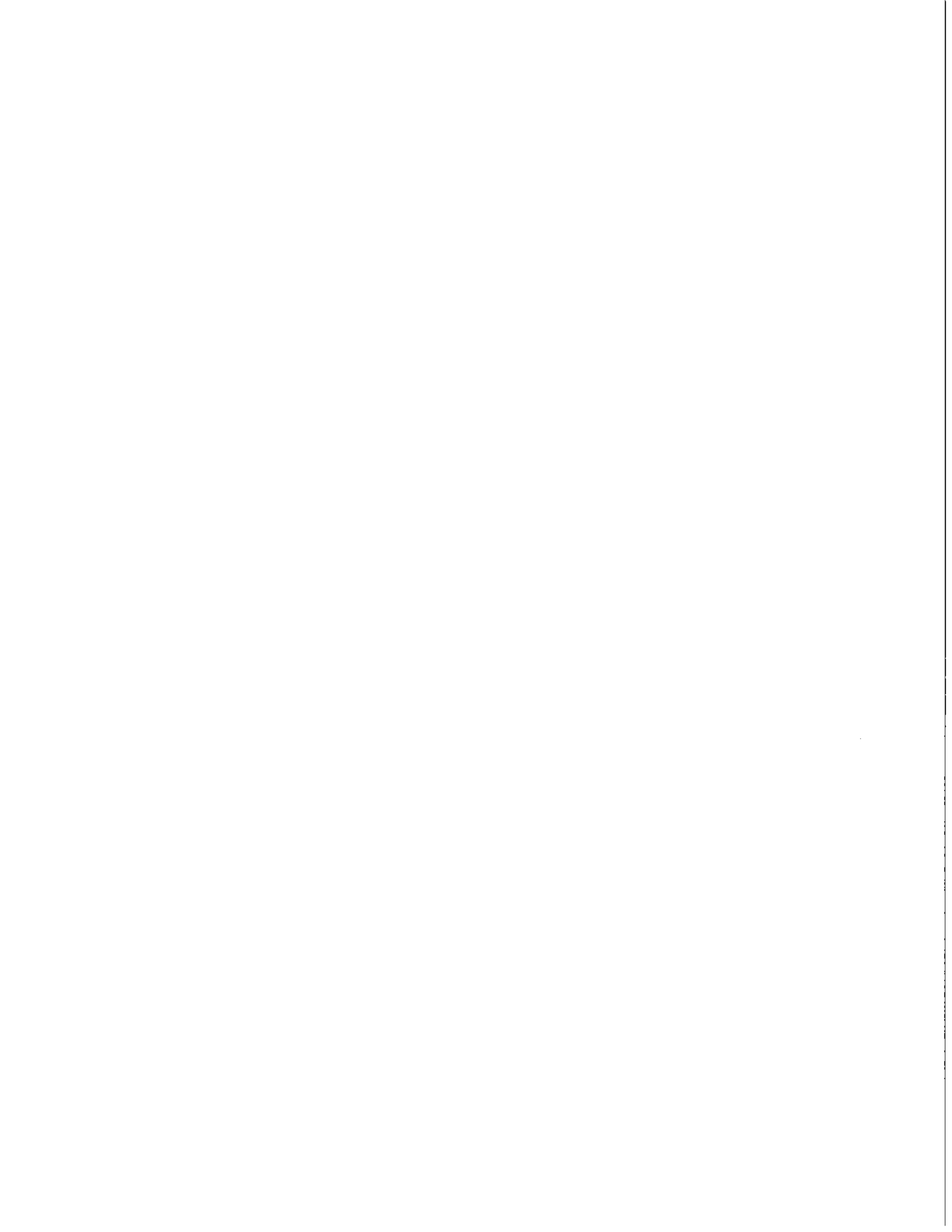
**From:** jeffalbert1@juno.com [mailto:jeffalbert1@juno.com]  
**Sent:** Wednesday, September 03, 2014 4:17 PM  
**To:** zoning@jeffersoncountywv.org  
**Subject:** Music festival

Jeffrey Albert,  
I live in Quail Run along Withers Larue Road. I appose the proposed 5 day music festival planned next year. by property owners Nancy and Douglas Stolipher in Kabletown district (06), map19 parcels 7,16 and 8.4. I have to deal with all the beer cans, liquor bottles and cigarette packs tossed onto my property yearly for the young kids drinking and driving. After constant phoning police department nothing has been done. This proposal will be disasterous to my community since nothing has been done to support my community already. Please take my concern into consideration.

Jeffrey Albert  
126 Pheasant Hill Road  
Summit Point, WV 25414  
304-725-5152

---

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Zoning Department

---

**From:** Planning Department <planningdepartment@jeffersoncountywv.org>  
**Sent:** Wednesday, September 17, 2014 9:00 AM  
**To:** jaburd55@aol.com  
**Cc:** planningdepartment@jeffersoncountywv.org; zoning@jeffersoncountywv.org  
**Subject:** RE: All Good Festival and Camp Out

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning,

This email serves as confirmation for receipt of your submission. Please be advised, your correspondence will be included in the Board of Zoning Appeals' mailed packet for the September 25, 2014 meeting, which will begin at 2:00 p.m. An electronic copy of the packet will be posted to the County's website [here] by 5:00 p.m. on September 19, 2014.

Thank you for your interest.

Sincerely,

Alexandra Beaulieu  
Office/Project Manager  
Jefferson County Departments of Planning and Zoning  
116 E. Washington Street  
P.O. Box 338  
Charles Town, WV 25414  
Phone: 304-728-3228  
Fax: 304-728-8126  
Website: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

**From:** jaburd55@aol.com [mailto:jaburd55@aol.com]  
**Sent:** Wednesday, September 17, 2014 12:35 AM  
**To:** planningdepartment@jeffersoncountywv.org  
**Subject:** All Good Festival and Camp Out

Jefferson County Planning Department,

The purpose of this email is to voice my concern against the zoning permit application submitted by the promoters of the All Good Festival and Camp Out for the seasonal use of the property located at 261 Berry Hill Farm Lane, Summit Point, WV which is directly across the road from the Quail Run subdivision where I live.

In 2009 I moved to Jefferson County and what attracted me to this area was the quiet open space surrounding the Quail Run Subdivision. However, one of the concerns that I had at that time was the future zoning and of the surrounding areas. Now four years later the possibility of having a gathering of 30,000 people partying next door even if for only five days is very disturbing.

The increase in traffic and overall disturbance to neighboring communities will definitely have a negative impact for those who live near the proposed site. The serene landscape will be marred with an industrial chain link

fence and the quietness of an evening outside will be gone. The intent to the leave the area in a better shape than before is a good one but very doubtful that would be the case.

An even bigger concern is safety. Anytime there is a large gathering of this size with alcohol and drugs there will be trouble. In the Seasonal Use Permit Supplemental Information one of the basic rules under Rules and Regulations is no illegal substance, however, in the articles I read about previous festivals illegal substances were mentioned. The thought of this behavior being allowed to take place in our community is appalling.

Thank you for taking the time to consider my concerns.

Regards,  
Jo Burdick

170 Pheasant Hill Road

Summit Point, WV 25446

Planning Department

---

**From:** Planning Department <planningdepartment@jeffersoncountywv.org>  
**Sent:** Wednesday, August 20, 2014 4:42 PM  
**To:** jasummit1@frontiernet.net  
**Cc:** planningdepartment@jeffersoncountywv.org  
**Subject:** RE: 5 day festival

Ms. Carr,

Thank you for the submission of your comment regarding the Variance Request Application and Seasonal Use Application for the All Good Festival. Please be advised, these applications have been postponed until the September 25, 2014 Board of Zoning Appeals Meeting. Your comment will be provided to the BZA in the 09-25-14 BZA agenda packet.

If you have any questions, please feel free to contact our office.

Thank you,

Alexandra Beaulieu  
Office/Project Manager  
Jefferson County Departments of Planning and Zoning  
Phone: 304-728-3228

**From:** jasummit1@frontiernet.net [mailto:jasummit1@frontiernet.net]  
**Sent:** Wednesday, August 20, 2014 4:08 PM  
**To:** planningdepartment@jeffersoncountywv.org  
**Subject:** 5 day festival

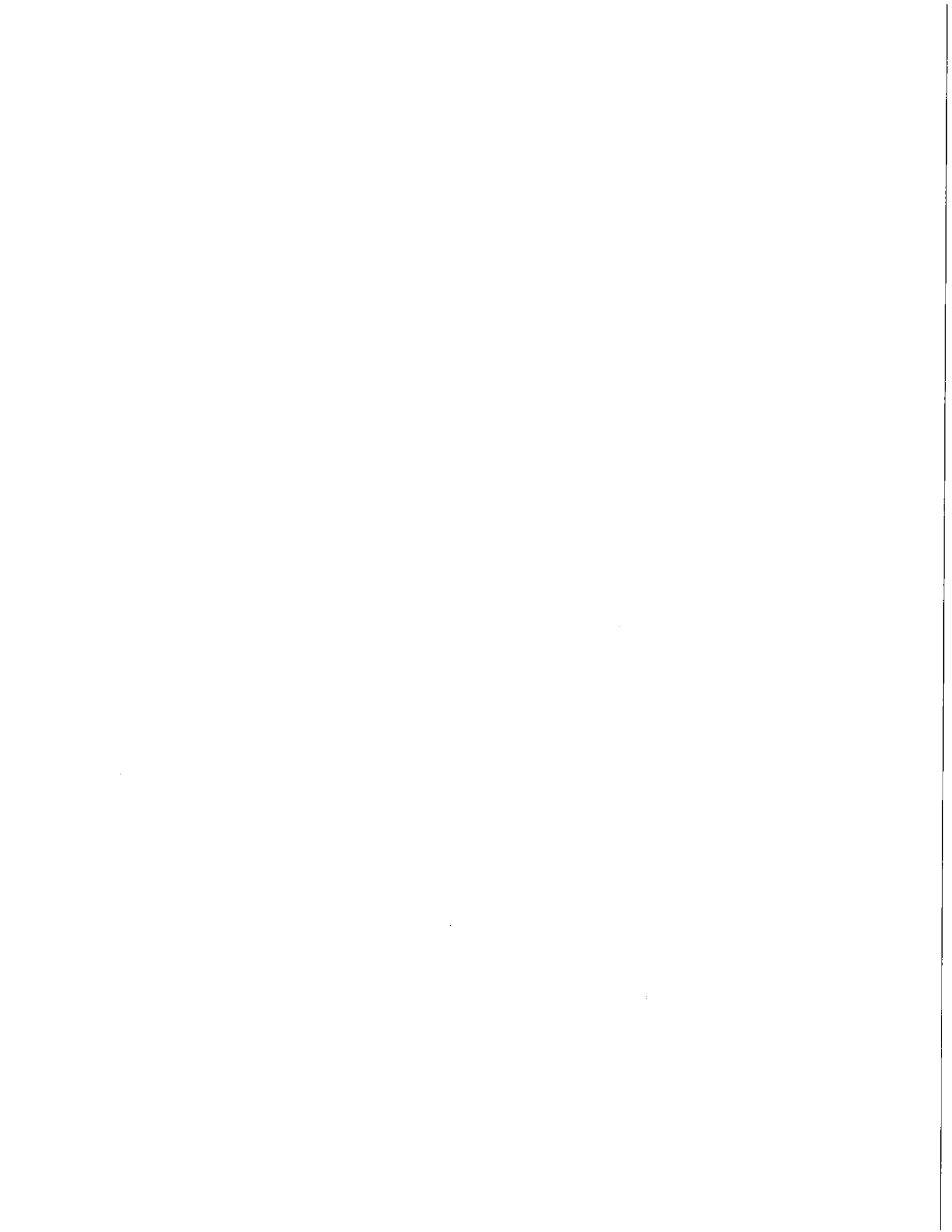
Hello to Whom It May Concern:

It was brought to our attention that Jefferson County is trying to pass a 5 day festival here in my neighborhood or near my house soon. I live 146 Garland Drive, Summit Point Wv 25446. My house is right down the road from this festival will be. We have great friends that live in Qual Run -across street is where the festival will be. There is a lot of families with children that do NOT need to be exposed to this. The traffic will be horrible and we will live in quiet area away from the city. That is why we moved out here to get away from all the congestion. We strongly disagree with this festival. Please consider our request not to have this festival here in our quiet peaceful neighborhood with families all around.

Thanks!

Angie Carr  
304-261-5899

Copies mailed in 09/25/14 BZA mtg packet.-JH



Zoning Department

---

**From:** Zoning Department <zoning@jeffersoncountywv.org>  
**Sent:** Friday, September 12, 2014 4:28 PM  
**To:** 'Rick'  
**Subject:** RE: Festival for 2015

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Costello,

Your correspondence will be included in the Board's mailed packet for the September 25, 2014 meeting, which will begin at 2:00 p.m. This packet will be posted to the County's website [[here](#)] by 5:00 p.m. on September 19, 2014.

Thank you for your interest.

Sincerely,

Jennilee Hartman  
Zoning Clerk  
116 E. Washington Street  
P.O. Box 338  
Charles Town, WV 25414  
Phone: 304-728-3228  
Fax: 304-728-8126  
Website: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
Email: [zoning@jefferconountywv.org](mailto:zoning@jefferconountywv.org)

**From:** Rick [<mailto:costellor@frontiernet.net>]  
**Sent:** Thursday, September 11, 2014 6:13 PM  
**To:** zoning@jeffersoncountywv.org  
**Subject:** Festival for 2015

Commission,

I am writing to you in reference to my opposition to the planned festival on the Stolipher Farm that is located along Withers Larue and Lewisville Road.

I live in the Quail Run subdivision that borders that property on the north side of Withers Larue. I have lived here for 8 years, give or take a few months.

I have heard that the Commission is planning a hearing this month, I believe on the 25<sup>th</sup>, regarding the festival.

I am currently a police officer and as such, I feel that this type of event would over burden our roads, over stress the Jefferson Sheriff's Office and place undue hardship on the fire and rescue services. I believe this type of event would bring thousands of people from out of the area and would live us, the taxpayers, with a huge bill that none of us want or need.

**I am asking your consideration when this comes up to the Commission. I hope to be there to show my support for our development and the other residents of this area.**

**Thank you for your attention.**

**R. J. Costello  
44 Quail Run Rd.  
Summit Point, WV 25446  
[costellor@frontiernet.net](mailto:costellor@frontiernet.net)**

**From:** Zoning Department <zoning@jeffersoncountywv.org>  
**Sent:** Friday, September 19, 2014 11:18 AM  
**To:** 'Jessica Forbes'  
**Subject:** RE: All Good Festival -- 2nd send, please delete first one sent

Ms. Forbes,

Your correspondence will be included in the Board's mailed packet for the September 25, 2014 meeting, which will begin at 2:00 p.m. This packet will be posted to the County's website [[here](#)] by 5:00 p.m. on September 19, 2014.

Thank you for your interest.

Sincerely,

Jennilee Hartman  
Zoning Clerk  
116 E. Washington Street  
P.O. Box 338  
Charles Town, WV 25414  
Phone: 304-728-3228  
Fax: 304-728-8126  
Website: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

**From:** Jessica Forbes [mailto:[dsbj4b@yahoo.com](mailto:dsbj4b@yahoo.com)]  
**Sent:** Saturday, September 13, 2014 9:20 PM  
**To:** [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)  
**Cc:** [patsynol@gmail.com](mailto:patsynol@gmail.com); [dmanuel@frontiernet.net](mailto:dmanuel@frontiernet.net); [walterpellish@mac.com](mailto:walterpellish@mac.com); [vinemont@frontiernet.net](mailto:vinemont@frontiernet.net); [lynwidmyer@gmail.com](mailto:lynwidmyer@gmail.com)  
**Subject:** All Good Festival -- 2nd send, please delete first one sent

**Please disregard my earlier email; sent before I could sign it.**

I walked to my mailbox this overcast Saturday afternoon, enjoying the quiet day I've had after the second full week of being back to teaching high school and was startled by the information taped to our little mail kiosk. Apparently, there is an upcoming zoning hearing regarding a very large music festival at the farm that borders our subdivision: the All Good Festival. The language of the flyer was alarming, so I've spent the last few hours on the Internet finding out more about it. Since I am a teacher and the next Zoning Meeting is at 2:00 pm, I cannot attend. So, I composed my thoughts into this letter.

### **Who am I?**

I am a resident of the Quail Run (II) subdivision and have lived here for 4 years. I grew up in Loudoun County where I work and my husband is a teacher here in Jefferson County. We bought our house in the Quail Run subdivision because it had a large yard, good garage space, and no street lights. I love looking at the constellation Orion from my front steps on a particularly clear night while my dogs trot around in the moonlight. We can sleep with the windows open and hear cows bellowing, foxes barking, and the resident peacocks cawing down the road. Who needs a white noise machine with nature lulling you to sleep?

In addition, I worked in event management prior to becoming a teacher. I was part of the management team for the Computerworld Smithsonian Awards, the FIRST Robotic Competition – even working with Epcot Center, and the 1996 Olympics in Atlanta with a daily attendance of 35,000. I know first-hand the logistics and impact of an event with many thousands of people. They are noisy, the hours are long -- starting before the sun rises and ending well after it sets, and the attendees are unpredictable.

### **Why I care enough to write**

I drive down Franklinton and Lewisville Road everyday – which are the roads bordering the farm of the proposed concert – and they are just wide enough for two cars to pass safely, if going slowly. They lead to a little, teeny community where there are small houses with old folks and kids that are out in the street in good weather. Dogs, cats, deer, rabbits, squirrel, and slow-moving skunks cross my path each day and I always stop for black snakes and turtles to move them out of harm's way. I treasure these few moments of travel before I hit the frantic pace of Routes 340 and 7 and a school of 1,500 teenagers, and it calms my mind when I return home.

There is a small, old cemetery on the corner of the farm property and I watched a group of firefighters respectfully lay a headstone there last year. People run, walk, and bike with their kids here and local groups often have charity/fundraising rides that use these roads.

I tell you all of this to try and paint a picture for you that the All Good Festival, in my opinion, is not a fit for this location. All of the roads leading to it are narrow, Macadam-covered local roads through tiny communities traveled by slow-moving tractors trying to keep some of our beautiful topsoil in agriculture use.

### **My personal plea**

The thought of having tens of thousands of people in my backyard with multiple bands over multiple days makes me so upset that I want to sell my house and move. If this site became the "permanent home" of this festival, I imagine that my property value will be impacted in the long run. Many people in my subdivision have already made this their retirement home and I hope too, as well.

Please do not allow this Festival to happen here. The roads to access the location are not built for tens of thousands of cars, there will be tons of trash and human waste and the long-term effect of such an event will forever change this landscape and your County residents who pay taxes. There must be another location in the County that is more centrally located with better access for attendees and law enforcement and emergency support personnel that could host this event, if the anticipated revenue truly outweighs the costs and impact.

Thank you for considering my input in your decision.

Sincerely,  
Jessica W Forbes  
479 Grouse Knoll Lane  
Summit Point, WV 25446  
304-724-6561

Zoning Department

**From:** Zoning Department <zoning@jeffersoncountywv.org>  
**Sent:** Wednesday, September 17, 2014 11:32 AM  
**To:** 'Kathleen Fuller'  
**Subject:** RE: ALL GOOD FESTIVAL

Ms. Fuller,

This email serves as confirmation for receipt of your submission. Please be advised, your correspondence will be included in the Board of Zoning Appeals' mailed packet for the September 25, 2014 meeting, which will begin at 2:00 p.m. An electronic copy of the packet will be posted to the County's website [here] by 5:00 p.m. on September 19, 2014.

Thank you for your interest.

Sincerely,

Jennilee Hartman  
Zoning Clerk  
116 E. Washington Street  
P.O. Box 338  
Charles Town, WV 25414  
Phone: 304-728-3228  
Fax: 304-728-8126  
Website: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
Email: [zoning@jefferconountywv.org](mailto:zoning@jefferconountywv.org)

**From:** Kathleen Fuller [mailto:kollektiblekreatations@hotmail.com]  
**Sent:** Monday, September 15, 2014 4:17 PM  
**To:** zoning@jeffersoncountywv.org  
**Subject:** ALL GOOD FESTIVAL

Attention Jefferson County Zoning Board

My name is Kathleen Fuller and I live at 509 Pheasant Hill Road, Summit Point. I am a widow and I live alone in Quail Run. Needless to state that I am definitely NOT in favor of the All Good Festival being in my back yard and I would venture to guess NOT ONE of you on this board would care to have it in your back yard. This permit must NOT pass for so many reasons.

Must I list them ALL?? I am sure you are aware of every single reason that would impact our tiny community of Rippon (yes my address is Summit Point however I live less than a mile from Rippon) Our roads are one lane roads at best....putting the overload of 25,000 cars & people is insane. Whatever the monitory value that would be gained would be eaten up by the huge expense for additional police, overloading our hospital, jails, etc. Route 340 would be a nightmare for miles in both directions with the on slot of cars trying to get into the two roads to this farm where the festival is attempting to be held. No one wants to be in dead stop traffic which will cause accidents....it would be a gred lock not only for Rt 340 but also Lectown Rd. Not to mention that more than one development will be effected to the point of being trapped in their homes for 7 days which also means a loss of money for those who have to work for a living.

The people on the board who are directly involved with the owner of the farm should NOT have a vote as this is a conflict of interest of the biggest form. I am astounded at the fact we (the taxpayers involved) were not informed of this event and there were two (2) meetings before we ever heard about it. As a tax payer in Jefferson County I am furious that this apparently was an obvious attempt to slip it pass your taxpayers

without a notification. Why I ask...oh wait...it's all about MONEY. It doesn't take rocket science to see clearly that the money would be eaten up without enough revenue to warrant the inconvenience to the taxpayers as well as to a multitude of others. It's been my understanding that the Zoning Board of Jefferson County worked for the taxpayers of the county.....therefore keeping our best interest first and foremost in their sights. I am urging you to vote 100% NO to this atrocity.

I will be attending the meeting on Sept 25 along with many from Quail Run as well as others who are directly & indirectly affected by this ALL GOOD FESTIVAL....SORRY BUT THE NAME ALONE IS OFFENSIVE.

Kathleen Fuller

## Zoning Department

**From:** Zoning Department <zoning@jeffersoncountywv.org>  
**Sent:** Wednesday, September 17, 2014 11:32 AM  
**To:** 'Kathleen Fuller'  
**Subject:** RE: ALL GOOD FESTIVAL

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Thank you for your interest.

Sincerely,

Jennilee Hartman  
Zoning Clerk  
116 E. Washington Street  
P.O. Box 338  
Charles Town, WV 25414  
Phone: 304-728-3228  
Fax: 304-728-8126  
Website: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
Email: [zoning@jefferconountywv.org](mailto:zoning@jefferconountywv.org)

**From:** Kathleen Fuller [mailto:kollectiblekreations@hotmail.com]  
**Sent:** Monday, September 15, 2014 4:17 PM  
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Kathleen Fuller

Zoning Department

---

**From:** Planning Department <planningdepartment@jeffersoncountywv.org>  
**Sent:** Wednesday, September 17, 2014 9:00 AM  
**To:** '4glovers'  
**Cc:** planningdepartment@jeffersoncountywv.org; zoning@jeffersoncountywv.org  
**Subject:** RE: All Good Festival is anything but...

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. and Ms. Glover,

This email serves as confirmation for receipt of your submission. Please be advised, your correspondence will be included in the Board of Zoning Appeals' mailed packet for the September 25, 2014 meeting, which will begin at 2:00 p.m. An electronic copy of the packet will be posted to the County's website [[here](#)] by 5:00 p.m. on September 19, 2014.

Please be advised, regarding your request that Mr. Stolipher recuse himself from any vote related to the proposed festival, Mr. Stolipher is the President of the Planning Commission and does not serve on the Board of Zoning Appeals; therefore, he will not have an impact on the BZA's final determination related to the All Good Festival's Zoning Variance and Seasonal Use applications.

Thank you for your interest.

Sincerely,

Alexandra Beaulieu  
Office/Project Manager  
Jefferson County Departments of Planning and Zoning  
116 E. Washington Street  
P.O. Box 338  
Charles Town, WV 25414  
Phone: 304-728-3228  
Fax: 304-728-8126  
Website: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
Email: [zoning@jefferconountywv.org](mailto:zoning@jefferconountywv.org)

**From:** 4glovers [mailto:4glovers@comcast.net]  
**Sent:** Tuesday, September 16, 2014 11:03 PM  
**To:** zoning@jeffersoncountywv.org  
**Cc:** Paul Espinosa; dmanuel@frontiernet.net; lynwidmyer@gmail.com; patsynol@gmail.com; vinemont@frontiernet.net; stephen.skinner@wvhouse.gov; lawrencefordelegate@hotmail.com; walterpellish@mac.com; info@jeffersoncountywv.org; dkeyser@jeffersoncountywv.org; planningdepartment@jeffersoncountywv.org; Julie.gray@wv.gov; farmlandprotection@jcda.net; bmiller@jeffersoncountywv.org; rodney.b.crowell@wv.gov  
**Subject:** All Good Festival is anything but...

Zoning and Planning Board Members,

It is my sincere hope that clearer heads will prevail with regards to the proposed "All Good Festival and Camp Out." Anybody with a computer or smart phone with internet access can see what isn't "all good" about this festival. A quick Google or YouTube search will reveal the numerous problems that have been associated with this festival. Given all this, I am very concerned for the well-being of my family and home. I live in the Quail Run I subdivision which is directly across Withers-Larue Road and adjacent to the proposed festival site.

Copies mailed in 09/25/14 BZA mtg packet.-JH

I have two boys, 9 and 7 years old. I am not looking forward to trying to explain to them the "life lessons" that will be associated with this event. I am not naive enough to think I can shield them from lewd behavior all of their lives. However, I can choose to turn off the TV or change the channel. I can also control what music they listen to in our house. The same cannot be said about this festival. The train that runs close to our house is about 90 decibels and lasts about 10 minutes. A loud concert can get up to 115dB (pain starts at 125dB). According to OSHA, the daily permissible sustainable noise level at 115dB is for 0.25 hours. That's 15 minutes! If the concert goes on for 15 hours a day for 4 days, that is 240 times the federal mandate.

This is just one of many logistics that I'm sure hasn't been thought out by Mr. Mark Stolipher. I can't imagine he would risk ruining his land for a quick buck. I'm no farmer, but the long term affects of an event of this size has to be crippling to his farming business. Not to mention, the inherent liability that has happened once before with this festival in Masontown, WV. God forbid if there would be another fatality as a result of this festival, then that is something he and his family will have to live with for the rest of their lives. In my humble opinion, you can not put a price on a human life. It goes without saying, that it is no where near the \$570,000 that Mr. Tim Walther and Ms. Junipa Contento were forced to pay the Miller family as financial compensation for the death of their daughter, Nicole Miller, in 2011.

I haven't even mentioned the vast amounts of alcohol and drugs that will be consumed, and not to mention all the garbage and human waste that will be generated from 30,000 people (more than half of Jefferson County's total population which is contained in 209.64 square miles) confined to 347 acres (which is roughly half the size of the location in Masontown, 675 acres, and only roughly half a square mile). Anybody can see that this is a recipe for disaster. I'm probably overreacting and I'm sure the auxiliary police can handle this. They have plenty of experience with the Jefferson County fair and Hyper-Fest every year.

I apologize if I have ranted and raved too much, but the numbers don't lie. This also goes to show how concerned I am with regards to this event and what it can do to the benevolence that is Jefferson County. I ask that you keep the greater good in mind and put an end to these types of mass gatherings once and for all. In closing, I would like to share the Departments of Planning and Zoning mission statement. Does the "All Good Festival and Camp Out" reflect the mission of the board?

*The mission of the Departments of Planning and Zoning is to provide a healthy, pleasant environment for those who live, work and visit Jefferson County, by blending the unique natural and built resources of our community with quality, sustainable development that ensures responsible and sound growth. We are a knowledgeable, respectful, dedicated staff who welcome community based problem solving and public/private cooperation that assists the community in implementing standards which create a positive impact and achieves its ultimate vision.*

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

Sincerely and respectfully,  
Matthew and Amanda Glover  
318 Pheasant Hill Road  
Summit Point, WV 25446

P.S. I respectfully ask The Jefferson County Planning Commission President, Steve Stolipher, be forced to remove himself from any vote on the subject matter if he is related in any way to the property owner (Mark Stolipher) where the festival is planned to take place, as they share the last name. This conflict of interest would taint any fair vote on the controversial matter.

Rose Ann & Wayne Glover  
228 Quail Run Road  
Summit Point, WV 25446

PLANNING BOARD  
SEP 17 2014  
PLANNING BOARD

Board of Zoning Appeals  
116 East Washington Street, Suite 200  
PO Box 338  
Charles Town, WV 25414  
September 15, 2014

RE: All Good Music Festival Permit

Dear Ms. Brockman, Mr. Quynn, Mr. Bannon, Ms. Huddle, Mr. Knott and Mr. Schiltz:

My name is Rose Ann Glover and my husband and I live at 228 Quail Run Road, Summit Point, WV, a small and quiet development right across from the area for which a permit is being considered for the All Good Music Festival.

The following is a list of negatives for granting a permit for this festival, not only for the quiet developments across from this area, but for the county as well.

- Access roads (Withers Larue, Lewisville and Franklinton) to this event are all country lanes with no marked lines and are too small to handle the amount of traffic this festival will generate. These roads are twisty, curvy, and hilly, with limited areas of vision and will be dangerous for the many cars that are anticipated for this event. These roads are all extremely limited in their ability to carry large volumes of traffic which will cause congestion and be dangerous for residents on these roads as well as travelers.
- The Withers Larue turn off from 340 is located in a turn and is only a 2 lane road at this point, making it a prime location for accidents.
- Undue wear and tear to these side roads. I can only guess the amount of traffic on these roads will expedite the demise of these roads.
- It will be detrimental to our development roads. People will use our development as another means to get to 340 and to town to buy supplies. We have enough problems with the normal everyday speeders. We will have no legal recourse with these people and will not be able to keep them from using our roads.
- Fire, ambulance and police services will be strained and over burdened, causing undue hardship on volunteers and paid employees and taking coverage away from county residents.
- Any money the county does plan to make could be much less than anticipated due to unknown costs that arise because of poor planning, unanticipated occurrences and the possibility that festival owners will not keep their end of the contract.
- Illegal drug use that is associated with these types of events.
- Disruption to the quiet lives of everyone living within miles of this event, especially those right across the road.

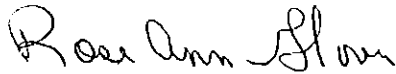
I quote from a flyer currently circulating: "According to the Preston County (WV) Sheriff, 2011 was the last year the "All Good Music Festival" was held in that county. During that event, they hired 100 police officers from ten (10) outside agencies, nearly 20 undercover drug officers from the WV State Police Bureau of Criminal Investigation, other local and regional drug agents, K9 units and actually purchased a bus to transport the "attendees" to jail. Police were "only" able to make 75 felony drug arrests and over 200 drug and traffic citations because the Preston County judicial system was so "saturated" that they simply stopped enforcing the law.

I urge the Zoning Commission, if you have already not done so, to talk with officials from Masontown, WV and Thornville, OH about the negative impact this festival has had on their communities, fiscally as well as physically.

I implore you to please consider more than the positive economic impact you think this will have on Jefferson County and ask yourself, would you want this in your backyard?

Please vote NO on granting this permit or NO on any changes to the present zoning rules that would allow this festival or any event of this magnitude to occur in this area and/or county.

Respectfully submitted,



Rose Ann Glover  
glover49@comcast.net  
540-550-3755

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

ZV14-14  
ZV14-15

SEP 17 2014  
PLANNING COMMISSION

Dear Planning Commission Officers

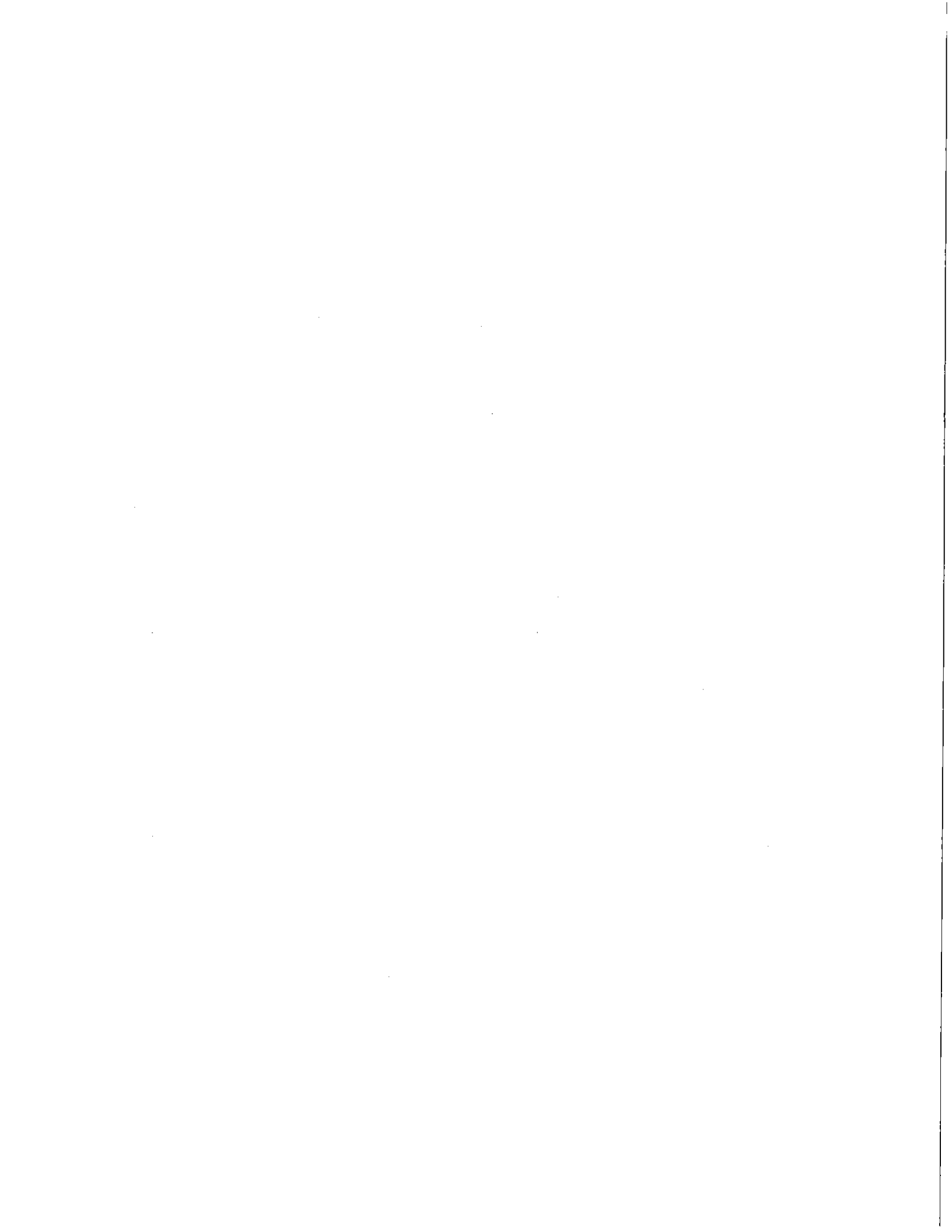
I currently own property at near 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15. As a concerned property owner I am asking you to consider the impact that the All Good Festival will have on our community. The festival is expecting 30,000 people to attend and camp out. The impact of travel on Wither's Larue Road, the repair costs that will extend to the state to repair and maintain the road, let alone the cost of volunteer fire department personnel and water usage needed to prevent or treat any medical emergencies. In addition the security and police force needed to help protect the folks who attend the conference as well as the community. Consider the impact of our neighboring state of Virginia and its follow through of billing the state of West Virginia and/or Jefferson County for each man hour of police force spent to maintain traffic safety. Let alone the impact of 911 service calls that are originated from the festival noise complaints. Last but not least is the impact to the precious farm land and destruction of property that will occur from thousands of people trampling on precious farm land in our area and pollution. We are surrounded by beautiful farm land that enhances the beauty of our area, provides adequate property values. With the addition of this festival, property values will decrease and safety for the citizens will be at hand a questionable occurrence. Wither's Larue Road and Franklin town Road are dangerous and not wide enough currently, let alone add in drunk drivers who cross the line and kill someone. Please take an opportunity to consider these very important points before the approval of the variance to hold the five day festival.

Kind regards

A concerned citizen of Jefferson County

Wayne E. Glover (signature)  
Sept 15, 2014 (date)

228 Quail Run Rd.  
Summit Point, WV  
25446



**Date:** August 26, 2014

**From:** Ken Hawthorne ([lthawk724@yahoo.com](mailto:lthawk724@yahoo.com))

**To:** Jefferson County Commission Board of Zoning Appeals

**Re:** Public hearing for a variance request and permit to conduct a 5 day music festival in the Summer of 2015 on properties commonly known as the "Stolipher Farm". Bordered by Withers Larue Road, Franklinton Road and the railroad tracks.

**Public Comment Regarding the above referenced matter.**

Thank you for the opportunity to address the Board in regards to the above captioned matter. I live at 58 Kelcar Drive in Summit Point, WV which is directly across from the location of the proposed event. I am opposed to the approval of this musical festival for a number of reasons:

My wife, Linda and I moved to this location because of its quiet and serene location. This area, as you are aware, is comprised of small neighborhoods, single family homes and farm land. The proposed event will have an adverse impact upon us and our surrounding neighbors in the form of amplified music, intrusive artificial lighting, crowd noise, security concerns and overwhelming traffic making access to and from Kelcar Drive frustrating and difficult. I have been following the progress of this and the "mass events" ordinance and have seen a proposal to extend the hours that amplified sound and stage lighting is permitted to 3:00 am. This is absolutely ludicrous and unnecessary in these surroundings which are homes to people with young children and pets, not to mention the adverse effect on one's ability to sleep.

The infrastructure roads in this area are not capable of accommodating the significant increase in traffic volume that an event of this nature would stimulate. The roads in the rural areas of this County and particularly here are narrow, hilly and poorly maintained as it is, without this additional negative impact. Many of the neighborhood roads are private raising concerns for trespassing and illegal parking.

The sheer volume of people, which I understand could be in the thousands or tens of thousands, would present a logistical nightmare for our Emergency Services and Police who have more than enough responsibilities as it is. I understand that those assigned to this event would most likely not be part of the regularly scheduled patrol force, but any disorderly conduct, ie: fights, etc. would ultimately bring them into play. This is an unnecessary burden on a department that already has in excess of 100 square miles to patrol. In my experience, (33 years in law enforcement) I have found that private security such as that proposed for this event, are a conglomeration of too few professionals and too many "others" who have the potential to over-react to situations which could be handled calmly and thus compound the problem.

Quite frankly, my wife and I are concerned for the safety of our property as well. I could go on and on about our concerns, but I am sure that most of which I have brought up is becoming repetitive to you. We adamantly urge you to deny this application and permit for this event. Thank you for your consideration.

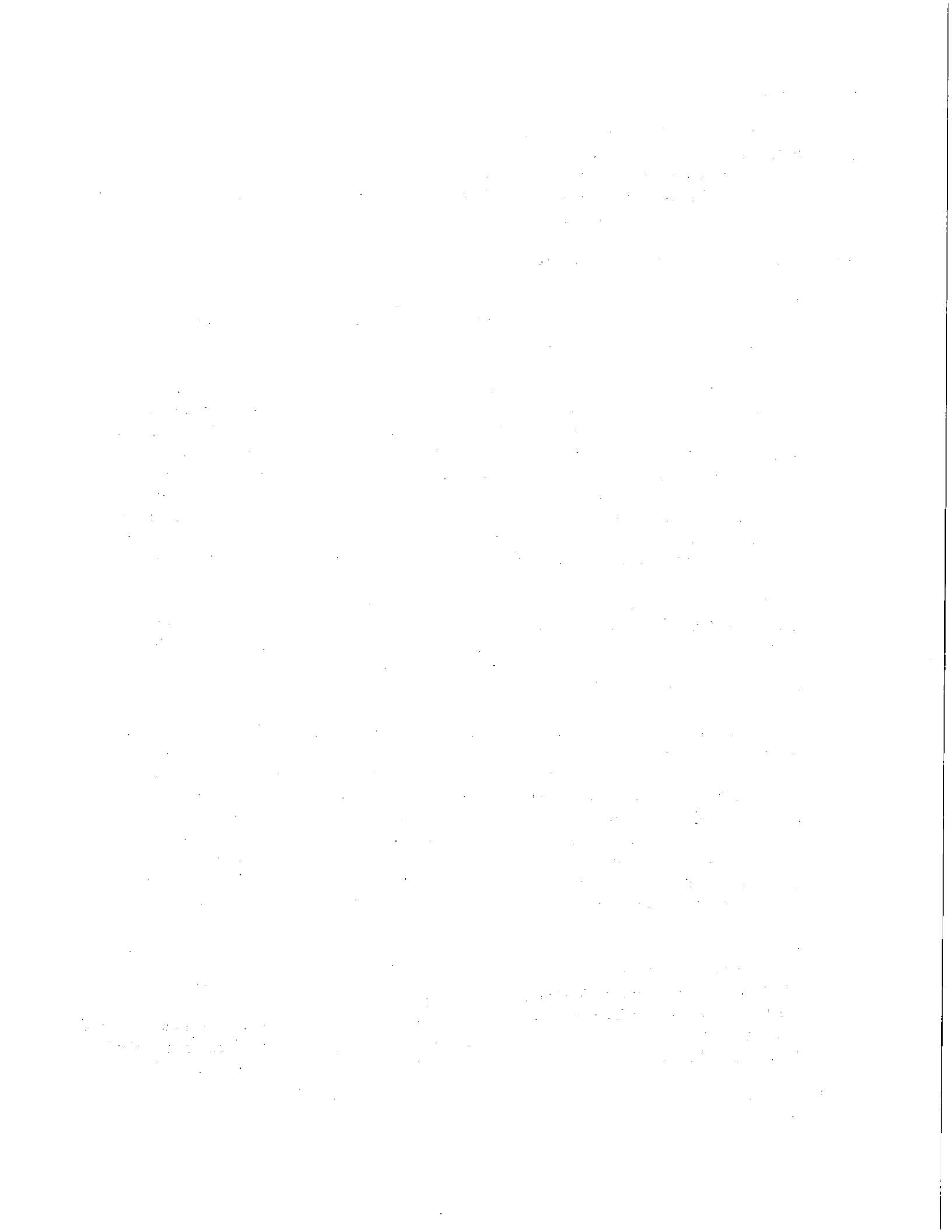
RECEIVED

AUG 28 2014

JEFFERSON COUNTY  
PLANNING, ZONING AND COMMUNITY DEVELOPMENT

Ken and Linda Hawthorne  
58 Kelcar Drive  
Summit Point, WV 25446

*Linda Hawthorne*



**Date:** September 11, 2014

**From:** Ken Hawthorne (lthawk724@yahoo.com)  
**To:** Jefferson County Board of Zoning Appeals  
**Re:** Variance request and permit to conduct a 5 day music festival in the Summer of 2015 on properties commonly known as the "Stolipher Farm". Bordered by Withers Larue Road, Franklinton Road and the railroad tracks.

Thank you for the opportunity to address the BZA in regards to the above captioned matter. I live at 58 Kelcar Drive in Summit Point, WV which is directly across from the location of the proposed event. I am adamantly opposed to the approval of this musical festival for a number of reasons:

My wife, Linda and I moved to this location because of its quiet and serene location. This area, as you are aware, is comprised of small neighborhoods, single family homes and farm land. The proposed event will have an adverse impact upon us and our surrounding neighbors in the form of amplified music, intrusive artificial lighting, crowd noise, sanitation and security concerns and overwhelming traffic making access to and from Kelcar Drive frustrating, difficult and virtually impossible. I have been following the progress of this and the "mass events" ordinance and have seen a proposal to extend the hours that amplified sound and stage lighting is permitted to 3:00 am. This is absolutely ludicrous and unnecessary in these surroundings which are homes to people with young children and pets, not to mention the adverse effect on one's ability to sleep. Midnight is a reasonable time to conclude such activities. The variance request to extend the event to 5 days from 3 is also unnecessary and means to an extended inconvenience.

The infrastructure roads in this area are not capable of accommodating the significant increase in traffic volume that an event of this nature would stimulate. The roads in the rural areas of this County and particularly here, are narrow, hilly and poorly maintained as it is, without this additional negative impact. Franklinton Road is a narrow, poorly maintained roadway with high berms, significant drop-offs and the lack of a shoulder that prohibits a vehicle to pull to the edge of the road in an emergency and allow other vehicles to pass in safety. One disabled vehicle or minor accident will shut down a road of this size for hours. Tow trucks and emergency responders will be significantly delayed when responding to this or another possible life threatening emergency. Many of the neighborhood roads are private raising concerns for trespassing and illegal parking. Whose responsibility is it to ensure that these private roadway concerns are addressed? Will signage and barricades be provided to these communities and will law enforcement respond to these concerns? Not likely.

How are the residents located on Franklinton Road, in particular, supposed to access or egress their homes with the anticipated volume of traffic? Will we be able to leave our homes and neighborhoods as we routinely do? Will we be able to get back home, or be forced to sit in lines of backed up traffic for who knows how long? Before you consider this, remember that Franklinton Road is less than 18 feet wide, with no shoulder, which barely allows for two lanes of opposing traffic. How will people, who are not attending the event, going to get to and from their destination because we must use Franklinton Road? To compound this problem, the site map shows an entrance and exit to the event on Franklinton between Withers Larue and Kelcar Drive. This bottleneck with traffic off of both "major" roads in a relatively short distance from the intersection, should successfully "jam up the works" bringing traffic to a standstill.

The sheer volume of people, which I understand could be in the thousands or tens of thousands, would present a logistical nightmare for our Emergency Services and law enforcement who have more than enough responsibilities as it is. I understand that those assigned to this event would most likely not be part of the regularly scheduled patrol force, but any disorderly conduct, ie: fights, etc. would ultimately bring them into play. This is an unnecessary burden on a department that already has in excess of 100 square miles to patrol. In my experience, (33 years in law enforcement) I have found that private security such as that proposed for this event, are a conglomeration of too few professionals and too many "others" who have the potential to over-react to situations which could be handled calmly and exacerbate the problem.

I understand that there are members of the Planning Commission who may have conflict of interest issues with this application which are a cause for concern. If this is indeed the case, then the conflicting party must excuse themselves from discussing this application. It is incumbent on the overseeing Commission to ensure that this is done to validate and give credibility to the process. Transparency in an issue of this magnitude is paramount to the people of this County.

Hopefully, the bond posted by the event promoter is sufficient enough to cover the expenses of this event such as overtime, clean-up and sanitation, etc. If it is not, the people of Jefferson County will become responsible for those expenses. I urge the Board or Commission to obtain the maximum bond possible for this event. The wording that allows an event to continue into subsequent years without posting a bond is absolutely ridiculous and opens the County and its taxpayers up to the possibility of a severe financial burden. The BZA or Commission must revisit this ordinance and amend the wording that **will** ultimately negatively affect the people of Jefferson County.

Overnight camping on the site opens up another whole host of problems from security to sanitation. Noise and music from this area are not addressed in anything that I have read. Will officers with legal authority be patrolling the camping area and maintaining the peace? Will health concerns such as illegal dumping of sewage be monitored?

Quite frankly, my wife and I are concerned for the safety of our property as well. The protection of my property is of paramount concern to me. I don't want to see that which I have maintained over the years be damaged by trespassers or illegally parked cars. I don't want the refuse, wind blown or otherwise, littering my property. We came here for the simple life and are not happy with the decision of our farm neighbor who has decided to burden their neighbors with this event.

I invite the BZA and Commission to come out to the site and see what I see. Then ask yourselves, "Would I want this out my front door"? We adamantly urge you to deny this variance and subsequent application for permitting this event.

Thank you for your consideration.

Ken and Linda Hawthorne  
58 Kelcar Drive  
Summit Point, WV 25446

September 16, 2014

Department of Planning and Zoning  
Board of Zoning Appeals  
200 E. Washington St.  
Charles Town, WV 25414

RECEIVED

SEP 17 2014

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING  
- email

To Whom It May Concern:

We, Jarad and Carolynn Hawthorne, property owners of 199 Kelcar Drive, Summit Point, WV 25446; District: Kabletown (06); Map: 18; Parcels 6 & 9; would like to enter written public comment regarding:

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

We are opposed to the All Good Music Festival taking place at the proposed site due to the following reasons:

- Location of festival to our family, farm, property, home, and neighborhood.
- Security and safety of the aforementioned.
- Noise and public disturbances related to a festival of proposed size.
- Lack of County infrastructure to support the demands of our current County needs.
- Lack of public information and resources; as well as a conflict of interest between the Applicants and Members of County held seats in Offices/Commissions.
- Logistical problems associated with a prior festival of a similar kind (Lollapalooza in 1994) held at Charles Town Races and Slots. Miles of traffic, limited resources, noise, and full jails to name a few.
- Poor roadways and traffic management in the surrounding proposed location.
- Fact based reports and lawsuits including deaths; drugs; alcohol; and safety during prior All Good Music Festivals. Basic internet research will show the very negative side to this festival.
- Reports of increased tax burdens to the County after the festival has left based on the increased crime and need/use for Police and Law Enforcement.
- Lack of support from neighboring Clarke County and potential for expenses billed by Clarke County to Jefferson County for any/all additional required Law Enforcement related to event.

This is a very long list of concerns with issues that need to be considered and planned for regarding this application. We live in a quiet, rural, removed location of Jefferson County. We chose our home based on the farming ability and secluded location. If an event such as this were held were it is proposed, we will become completely exposed to potentially thousands of people and behavior associated with short-term visitors to an area that they have little concern for. Drugs, Alcohol and other disturbances are only a few of the concerns we have. The safety of our family and our home are paramount to us. What is Jefferson County going to do to protect us? We don't trust the incoming festival security or those they hire. They do not have a vested interest in our wellbeing and all stand to profit from this event. The proposed 6' fence will not hold anyone in who wants out.

Our roads and location are ill suited for this type of event. Currently, Franklinton Road is barely maintained by Jefferson County and is merely 18' wide. That barely allows safe passage of a school bus and oncoming traffic at the same time. It is crumbling into the dirt and cannot handle the proposed volume. In addition, as taxpayers and land/homeowners, we cannot be trapped at our homes (or stuck out) while thousands of cars make their way in and out of this festival. Should there be an emergency, where are drivers and vehicles supposed to move to? One of the entrances is proposed diagonally across the street from our Private Road. Who is going to make sure of our safe passage? Who is going to keep trespassers off our road and property? We currently can't count on response times by local law enforcement in our part of Jefferson County for home thefts and break-ins; of which there have been over 8 in the immediate impacted area since 2008 (4 in our wooded, secluded neighborhood). We were told by

Copies mailed in 09/25/14 BZA mtg packet.-JH

Public Officials at a Public Hearing at the South Jefferson Library that WV is a Right to Defend State and to proceed to defend your home and property if Law Enforcement was unable to assist you.

We are concerned for the entire immediate area to include farms; wildlife preserves (Craftworks at Coolspring); and overall wear and tear on our environment. We have a confirmed pair of American Bald Eagles that lives directly in the proposed area. They have a juvenile eaglet living near as well. While they are not on the endangered list, they are still a protected bird and worth protecting. Noise and disturbances will drive them out of a location during a time when they are nesting and hatching their young. Craftworks at Coolspring is: "a community supported nonprofit beautifully sited on 12 acres of environmentally sensitive land. Meandering Bullskin Run traverses our landscape which includes Cool Spring Marsh, a vital marl marsh containing 18 rare and very rare West Virginia plants." Is any consideration being given to the environmental impact of an event such as this on a nearby preserve?

In regards to prior events, Lollapalooza was held a number of years ago and while it may have been "fun" for some, it was never held again because the majority was unhappy with the overall negative impact of the event. Has the negative impact of this event been considered or is the monetary gain clouding the vision of those who stand to profit? Our family stands to gain nothing. We are in support of everyone having right to make money and prosper in our Country but in this instance, there is a total lack of regard for those who will be negatively affected.

There has not been any information presented to the surrounding residents, impact studies, surveys or research done. When we called to request information about the first meeting on Aug. 28th, we were told a drive by and photographs of the area were taken. Not even a letter was sent to advise us of the Public Hearing or pending status of the application. Residents living off the grid without internet, newspaper or the right connections may still know nothing. Our first tidbit on this was through the grapevine but we thought common sense would not allow this to happen; and then we saw a sign in the field about the Public Hearing. There has been no effort made by either the applicants or the event planner to inform the immediate impact zone. Quite frankly, the way this is being handled implies that there is something to hide. There are no facts available and prior inquiries by residents have pointed them in the wrong direction or in circles.

We do know that the event planner is hoping to extend the music from midnight to 3 a.m. and to hold the event yearly. We do know that it was run out of town from the prior festival location of numerous years. After wearing out their welcome and the local residents; crime; drug and alcohol related deaths; and overwhelming expenses to taxpayers. We also know it was denied approval at a previous location in Jefferson County. Why then is this attractive again for consideration if none other than the almighty dollar? We do not know anything about what Jefferson County is doing to protect residents and taxpayers other than requesting an inadequate bond amount for an event of an undetermined size.

For the record, we are opposed to this event and the application. This is not the right location or county to hold such an event. The application should be denied and this event should consider moving to a proper venue and location that can support it.

Respectfully,  
*Carolynn & Jarad Hawthorne*  
199 Kelcar Drive  
Summit Point, WV 25446

Zoning Department

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**From:** Zoning <zoning@jeffersoncountywv.org>  
**Sent:** Wednesday, September 17, 2014 9:04 AM  
**To:** fmbud@aol.com  
**Cc:** zoning@jeffersoncountywv.org  
**Subject:** RE: All Good Music Festival

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. and Ms. Herndon,

This email serves as confirmation for receipt of your submission. Please be advised, your correspondence will be included in the Board of Zoning Appeals' mailed packet for the September 25, 2014 meeting, which will begin at 2:00 p.m. An electronic copy of the packet will be posted to the County's website [here] by 5:00 p.m. on September 19, 2014.

Thank you for your interest.

Sincerely,

Alexandra Beaulieu  
Office/Project Manager  
Jefferson County Departments of Planning and Zoning  
116 E. Washington Street  
P.O. Box 338  
Charles Town, WV 25414  
Phone: 304-728-3228  
Fax: 304-728-8126  
Website: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
Email: [zoning@jefferconountywv.org](mailto:zoning@jefferconountywv.org)

**From:** fmbud@aol.com [mailto:fmbud@aol.com]  
**Sent:** Tuesday, September 16, 2014 9:51 PM  
**To:** walterpellish@mac.com; patsynol@gmail.com; dmanuel@frontiernet.net; vinemont@frontiernet.net; lynwidmyer@gmail.com; zoning@jeffersoncountywv.org; Stephen.skinner@wvhouse.gov; paul.espinosa@wvhouse.gov; lawrencefordelegate@hotmail.com  
**Subject:** All Good Music Festival

Distinguished Officials of Jefferson County and West Virginia,

I write this correspondence to express my lack of support of the "All Good Festival and Camp Out" proposed for approval this month. The picturesque rural land will be savagely raped for the simple minority wishing to cash in at the true expense of surrounding law abiding, taxpaying, and friendly neighborhood citizens.

As a bomb technician currently employed by the government in the northern Virginia area with a nineteen year career in emergency services, I can attest first hand to the logistics surrounding mass gathering venues such as those proposed. Having planned and deployed working dignitary protection events and presidential sweeps, I am well versed in the resources needed and the impacts imposed on surrounding areas as a result.

I would like to begin by pointing out several items of concern with the "All Good Festival and Camp Out" seasonal use permit supplemental information packet dated July 31, 2014.

Copies mailed in 09/25/14 BZA mtg packet.-JH

1. Having a five day event creates a significant negative impact on surrounding residences who must still work while dodging an estimated 40,000 concert goers. My current neighborhood has five law enforcement officers subject to emergency recall around the clock. This may present a challenge if allowed over a five day period forcing the surrounding property owners to use leave from work.
2. In the Community Planning section, there is no mention of including State Police, State Fire Marshal's Office, or the local Office of Emergency Management. Additionally, there is no plan for handling the event to ensure local staffing levels are maintained by various emergency services personnel.
3. The informational packet states "The proposed site is approximately 1.0 miles from Route 340 with the majority of the adjacent land used for agricultural purposes." This is absolutely incorrect as only two sides of adjoining properties are used for agricultural properties. In fact, there are a total of thirty one single family dwellings within 500 feet of the property line. Also adjacent to the property is a 9 house subdivision and another 91 house subdivision.
4. In the Mass Events Ordinance section, it states "The Applicant will provide the concept plan to the following entities: Jefferson County Health Department, EMS and Fire, 911 agencies." Shouldn't this be completed prior to approval so that all elements of the event can be discussed prior to ensuring that the adequate resources are gathered to know what costs are involved at a local level? The same section further states "As agreed to by the parties the agreement may include financial compensation to cover County staffing costs." Shouldn't this be WILL and not MAY?
5. The informational packet states "No amplified performance after 3 a.m. or before 10 a.m." Also, "No outdoor performance lighting after 3 a.m. or before 10 a.m." That is too late for a family oriented neighborhood for these types of activities to occur. This coupled with the constant noise of generators providing light creates a sleepless environment.
6. The Traffic Control section and attached map has the two main entry gates to the venue entering off Franklinton Road. I ask you drive this road, or at a minimum observe it on Google Earth, and observe the very minimal road width. It is the furthest location to the property from Route 340 and simply cannot handle the estimated vehicles required for 40,000 concert goers. Has the West Virginia Department of Highways been consulted, let alone a road feasibility study completed to ensure the roads are not ruined with taxpayers left to fund the repairs? One can derive that the road width and design features did not consider this type of activity when constructed.
7. The safety/Security section states "Planning includes basic preparation for concerns such as heat stroke and sunburn as well as more serious issues." Basic is a very broad term with one questioning what resources will be provided by the venue and what will need to be supplemented at the expense of the local emergency services. Might I remind you of the recent enacted Emergency Services Fee primarily due to the lack of volunteers and increasing call demand? Have the local volunteer fire and rescue departments been consulted with this pending decision?
8. The Power section states "The festival will provide independent power generation for the event." Again, the constant noise and light pollution to adjoining properties will be excessive. How will the Jefferson County Noise Ordinance be implemented and enforced?

A simple search of [www.youtube.com](http://www.youtube.com) and [www.google.com](http://www.google.com) of the "All Good Festival and Camp Out" will reveal many striking concerns that far outweigh the several thousand pounds of canned goods collected for charities. Immediate concerns beyond the observed drug use are fireworks and sky lanterns. The National Fire Protection Association (the adopted Fire Code of West Virginia enforced by the State Fire Marshal's Office) requires 150' per inch of firework shell between fireworks and observers for all firework displays. However, in the concert goers videos posted online the fireworks are being ignited on stage. Additionally, the West Virginia State Fire Marshal's Office requires that firework displays be permitted and inspected through their office yet the application mentions nothing of such. The same Code also prohibits the use of sky lanterns, un-tethered open burning candles below a small balloon that rises into the air with no mechanism to control its flight path, which are a significant fire hazard known to cause house fires and brush fires when they land still burning.

I commend Sheriff Dougherty for stating he would feel more comfortable if his staff were on site during the overnight hours. This should come without any shortage of staffing levels required for the remainder of Jefferson County ensuring public safety. Personally knowing a Jefferson County Baliff, he was detailed to the Jefferson County Fair to provide security – where he had NO arrest powers, had to flex his working time, and was dealing with a friendlier environment without the presence of drugs and alcohol. If there are not enough County resources to support the fair without pulling bailiffs, how can the Jefferson County Sheriff's Office begin to handle this crowd? Has Jefferson County Sheriff's Department ever planned for an event of this magnitude and its intricacies (volume of people, drug filled environment, not so family oriented atmosphere, small land area compared to Hyper-Fest)?

I am sure you are aware from other West Virginia county officials of the negative impacts suffered as a result of this festival. For example, exceeding system capabilities of the local judicial system resulting in law enforcement not enforcing laws, added costs due to trash collection on roadsides, and the necessary added expenses of personnel due to poor planning of local governing bodies to name a few.

As technology savvy as most people are these days, it will not take a long traffic back up for concert goers to realize that the Quail Run subdivision is a convenient short cut to Franklinton Road from Lloyd Road. What planning and/or efforts can be implemented to eliminate this if approved ensuring that the lifestyles are not even further unnecessarily disrupted?

Has any feasibility study been explored surrounding the impact on local groundwater? Has the Jefferson County Health Department been consulted?

As the All Good Festival states on its website, it is developing and cultivating a long term location for the event. I respectfully request you place yourself in my shoes and ask if you would want his in your backyard? I understand lots of money is at stake here, and with the exception of the sole property owner, those that stand to profit are from out of county and even out of West Virginia. The local economy will not flourish as the promoters would like you to believe as the many vendors will not be from Jefferson County. Lastly, our quaint neighborhood is riddled with noise every day from a racetrack nearby (both racing engines and live explosive operations due to State Department training) and a shooting range on the other. Further noise and the potential of this festival being a long term will potentially decrease our current home values in an already volatile housing market.

In conclusion, I respectfully ask The Jefferson County Planning Commission President Steve Stolipher be forced to remove himself from any vote on the subject matter if he is related in any way to the property owner (Mark Stolipher) where the festival is planned to take place, as they share the last name. This conflict of interest would taint any fair vote on the controversial matter.

Thank you for your time and please feel free to contact me should you have any further questions.

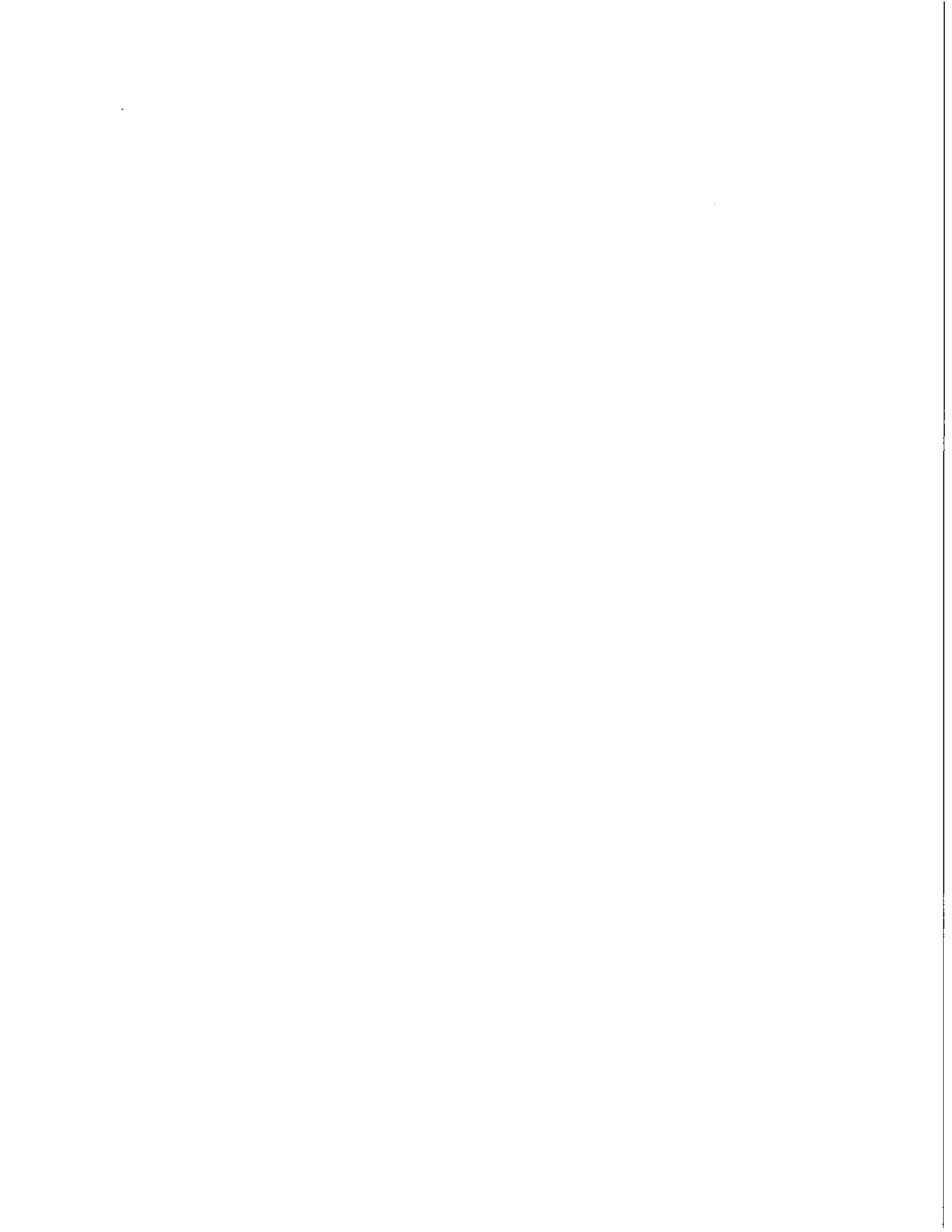
Respectfully,

William Herndon Jr.

Karry Herndon

434 Pheasant Hill Road

Summit Point, WV 25446



September 1, 2014

190 Kelcar Drive  
Summit Point, WV 25446

SEP 17 2014  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING  
-mailed

To the Members of the Jefferson County Board of Zoning,

We are writing to express our concern and dismay in regard to the proposal made to this Board by the All Good Music Festival applicants.

We are homeowners in Summit Point directly across the field from where this proposed event is to occur. We are both born and raised in this community and chose to build our home in this community because of its peaceful and rural setting. It is appalling that the landowner of this area would forsake the peace and safety of this small community for his own financial gain. We further do not understand how any officials in this county could ever believe that the local infrastructure of this area could support such an event of this magnitude and such a mass number of people.

It is disrespectful to the neighbors and residents of this area to propose such an event. Furthermore, it is ludicrous to believe that the citizens of this area won't be negatively affected by such an ostentatious event. The *Charleston Gazette* reported that 30,000 people attended this event in 2011. How are our residents supposed to travel to work, church and town when this many people are trying to use narrow roads that see at most a few hundred cars on a daily basis?

The notion made by the promoter and attorney for this event that it will bring tourism to our community is absurd. 30,000 people camped out in a field are not using our hotels, nor our restaurants or businesses. There are in fact very few businesses in this area. The closest ones are across the Virginia line. The proponents don't think this community is naïve enough to believe this event is proposed to further tourism in our county and state? We have businesses and events in this county in structured settings which promote our tourism. If we want to promote tourism in our county, why don't we promote positive cultural events, not an event which already has a negative reputation? Furthermore, the proposal says the event "has collected 4,000 -5,000 pounds of food annually for donation to local food banks." This is almost laughable. I am the Principal of a local elementary school. Community Ministries has records that my small school alone contributed 2,000 pounds of food last school year alone. Campers in a field influenced by drugs and alcohol will not have a positive impact on our community. It is frightening that our emergency services and law enforcement personnel would also be forced to address the needs of such a large number of people and sacrifice the needs of our own community.

If this proposal has already been denied in one part of this county, I am not sure why anyone would believe it would be welcomed in another part of this same county? This organization's own website says it is "taking a year off in 2014." This can likely be attributed to the fact that due to their criminal and raucous reputation, no community wants to host them. A more likely contributing factor to this "hiatus" is the fact that a young woman lost her life when Preston County hosted this event.

Copies mailed in 09/25/14 BZA mtg packet.-JH

The residents of this community will not benefit in any way from outsiders who will make financial gains at our expense. We will be the victims. We implore the government officials of Jefferson County to protect our small community and our rights as citizens to not be exposed to such an event where no one stands to gain but the landowners proposing it.

Sincerely,

*Richard and Lisa Jenkins*

Richard and Lisa Jenkins

RECEIVED

SEP 17 2014

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

September 15, 2014

TO: Jefferson Board of Zoning Appeals, Charles Town, WV 25414

RE: All Good Music Festival and Campout Seasonal Use permit and Variance Request

The "All Good Music Festival and Camp Out" variance request to add two days to the definition of a seasonal use event will adversely affect the public health, safety and welfare and the rights of adjacent property owners and residents.

**Safety and Traffic Congestion:**

The last All Good Music Festival and Camp Out event held in Preston County supposedly attracted 20,000 to 30,000 people from all over the country (the Charleston Gazette reported 30,000) and because these events will now be held much closer to the eastern population centers, we could easily see a much higher attendance number.

Perhaps the most dangerous aspect of this site (and one that did not exist on the "Stiles Farm Site") is that every West Virginia access point from the east (Rt. 340) must cross very busy railroad tracks. The Withers LaRue approach is approximately .05 miles from Rt. 340 and the same distance from the entrance to the festival. I know how busy these tracks are because I live right next to both the proposed site and the railroad tracks. There are fast and numerous trains traveling next to the site and across the roads leading to the site.

Have there been any studies conducted to determine how this will impact traffic-flow into and away from the site? Will the traffic from 20K to 50K festival-goers and the busy railroad track create another extreme safety hazard and an even more serious level of danger and liability? Is it really possible to control access to the site to mitigate the danger? Has Norfolk Southern been consulted? Have the BZA considered how safe ingress and egress will be affected by the close proximity to these rail road tracks? Will granting this variance with the knowledge of this hazard expose the BZA to legal culpability?

The promoter has given no indication in their application or supplemental documents that they understand that this rail road track exists and therefore has failed to meet the variance requirements to explain why it "will NOT adversely affect the public health, safety and welfare and the rights of adjacent property owners and residents".

**For this reason alone, the BZA must deny this request.**

Rt. 340 through Rippon is an extremely busy, two-lane road that is very difficult to safely access from the (unlined) Withers LaRue Road under "normal" conditions. All other access points from

\* Hand delivered.

Copies mailed in 09/25/14 BZA mtg packet.-JH

Rt. 340 are similarly challenged. All approaches to the site from the west are also on unlined roads that were never designed to carry this much traffic. The heavy truck and automobile traffic on Rt. 340 combined with a non-stop stream of drug and alcohol fueled drivers to and from this festival will create an unprecedented traffic hazard. This is not some lonely dirt road in the middle of Preston County West Virginia, rather this is a road used by many families to get to school and work and by businesses to transport goods to, from and through the eastern panhandle.

Rte. 340 through Rippon has already been identified as being inadequate for the current traffic-load by the WVDOT. It is certainly difficult to navigate, very dangerous and will be totally gridlocked during these festivals. Expanding this event by two days will result in 2 more days of lost revenue because of the inability to drive on Rt. 340, and all adjacent roads. Who will compensate the businesses and working-people unable to operate or get to work?

It seems impossible to have picked a more inappropriate site for this event!

For these reasons, the BZA should deny this request.

#### **Noise:**

For my family and my neighbors....and anyone else within a few miles that are not being paid to host these events, there will be no hope for any peace (or sleep) during these events. We will simply have to put up with the loud music, bright lights and the truly disruptive "tourists" until at least **3:00 AM** each morning. To add insult to injury, the festival will allow amplified announcements to occur around the clock.

While reviewing dozens of Mass Gathering Ordinances, each one included restrictions on "amplified sound" and some included "lawful detonation of fireworks". Most of these regulations require that these activities end no later than 11:00 PM. For good reason, who wants an outdoor amplified rock concert or fireworks display at 2:00 AM? 11:00 PM is an acceptable minimum time for secession of any event in Jefferson County. One thing is very clear when researching these ordinances, the prevention of noise pollution is a very important component in even the most simplistic documents. Since the promoter is stipulating in the supplemental information provided with the application that **3:00 AM is when they want to turn off "amplified music" (but allow amplified announcements to occur at any time)**, we believe the BZA can add a condition to the application that **11:00 PM is a more appropriate time to end all of the amplified sound and lighting for the health and well-being of the community.** Perhaps the best decision the BZA can make is to deny the 2 day extension variance and spare the community from the extended 2 days of the event.

### **Law Enforcement:**

According to the Preston County (WV) Sheriff, 2011 was the last year the "All Good Music Festival" was held in that county. During that event, they hired over 100 additional police officers from ten (10) outside agencies, added nearly 20 undercover drug officers from the WV State Police Bureau of Criminal Investigation, added other local and regional drug agents, some K9 units and actually had to purchase a bus to transport the "attendees" to jail. Police were "only" able to make 75 felony drug arrest and issue over 200 drug and traffic citations before the Preston County judicial system was "saturated". After that, they simply stopped enforcing the laws.

If we try to enforce the same laws here (they do exist here), the results will be the same and that will put all of us in the southern end of Jefferson County at risk and will place an undue burden on all law enforcement agencies in the panhandle. With so much attention being placed on granting the wishes of the "All Good" festival promoters, will we be putting other jurisdictions at risk?

Is it possible that some "attendees" will attempt to navigate around the official gates and trespass on land not hosting the event in an attempt to gain free access to the event? How will the promoters compensate landowners for that intrusion? Will they need to increase liability coverage? Will those owning land close to the site need to hire security? Is the BZA "creating trouble" by allowing this event to take place on this site? Does Jefferson County really need this kind of "business"?

Careful research indicates that this will be a "wild" event with lots of drugs and alcohol and some music added in for good measure. We simply must voice our opposition and offer the opinion that after the promoters' take their money and go back to Maryland, the county will be left with the less-than-optimal aftermath. These events are not appropriate for most locations and are certainly not appropriate for the proposed Rippon site.

For these reasons, the BZA should deny this request.

### **Additional Considerations:**

According to a November 23rd, 2011 article on Fredericksburg.com, the promoters were looking at locations in Spotsylvania County (VA). This publication states that "The festival had been held in the mountains of West Virginia since 2001....but organizers said West Virginia's local officials never warmed up to the idea and passed a mass gathering ordinance that year which was "crippling" and also levied "an outrageous tax."

Tim Walther, president and co-owner of the All Good Music Festival, was quoted in the same article that the event had also outgrown the West Virginia location and they wanted to host the

festival at Caroline’s Moss Neck Manor, a **1,200-acre** site in Port Royal (VA) off U.S. Rt.17. This site was eventually abandoned due to the county noise ordinance.

Is it possible that Preston County finally realized that the expense associated with this event was much more than the little bit of revenue it generated for the county? If the relatively small and remote Preston County “rejected” this event by finally passing an ordinance that attempted to make it manageable and recoup some of the costs, what makes Jefferson County think it will be worth having here?

Doesn’t it make sense that the costs will be much higher here?

The good news for the BZA is that you now have ample reason to reject this request and allow the “mass gathering” document currently before the County Commission to go through the public comment process and be adopted so that this event (and all like it) can be governed by an “actual” mass events ordinance that will protect all of the citizens of Jefferson County.

**In conclusion:**

The BZA **does not** have the authority to change the Jefferson County Planning and Zoning laws by granting a two day extension to the “Seasonal Use” permit. Allowing this variance will **fundamentally** change the land use in the rural district by allowing an event that would not otherwise be permitted. I believe that if the BZA researched this point and wished to “error on the side of the county’s best interests”, you will deny this request.

For **ALL** of these reasons, the BZA should deny this request and no other applications for “Seasonal Use Permits” for 1000 or more attendees should be considered until the Jefferson County Commission enacts a reasonable and responsible “mass events” ordinance.

Respectfully,

Thomas and Jan Loy

Rippon

CC Jefferson County Commission

CC Clark County Board of Supervisors

CC West Virginia Department of Transportation

CC Clark County Sheriff

CC Jefferson County Planning Commission

CC West Virginia State Police

CC Jefferson County Health Department

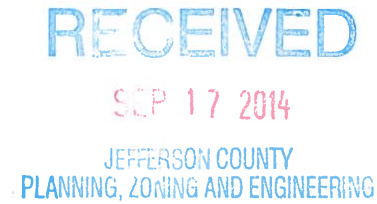
CC Norfolk and Southern Corporation

To: Jefferson County, WV Board of Zoning Appeals

From: Elizabeth Mancuso, MS *EM*  
Rippon, WV

Date: September 17, 2014

Re: ZV14-14 & ZV14-15



Please do not grant a variance or seasonal use permit for the All Good Music Festival. Information provided was incomplete and I believe as a County agent you have a public duty to ensure all measures are complied with PRIOR to any board approval.

At this time, it appears that a significant level of clarity is required by the applicants; thus denial of the application is requisite. Following are discerning *matters of public and environmental concern* that have not been addressed or have been addressed marginally.

1. Environmental Concerns: There is no mention of environmental suitability of the proposed site. Can the Karst geology support the proposed use? Are there existing or predisposed sink holes? No strategies are listed to control ground / surface water contamination. The greatest environmental risk to me personally (an Asthmatic) is air quality. What is the plan to control dust and particulate matter? Unfortunately, the proposed dates are within the most poor air quality months.
2. A \$60,000.00 surety appears to be completely inadequate for the size of this venue. How much of this could/ would be used to mitigate any ground/ surface water contamination? Could the county afford to expand public water services into the rural and unincorporated towns of Jefferson County? How much of this surety will we need to share with Clarke, Loudoun, Frederick, VA and Frederick, MD Counties public safety organizations? Does this cover any public or private property damage to the surrounding neighborhoods?
3. What plans/ assurances are going to be provided so public safety entities will be able to access properties surrounding the event in case of an emergency?
4. No mention of permits, bonds, or public safety measures for carnival rides and festival sponsored fireworks, as shown in photos on the All Good's website. (see attached)
5. A 50' buffer from adjacent residential properties should be increased to at least 300'. A single 6' chain-link fence seems insufficient protection to neighboring properties. Who most, if not all, do not have existing fences between the festival site and their properties.
6. The 3 am time-frame for stopping *amplified* music & lights is excessive. Most of the surrounding community is comprised of working professionals and families with school age children.

Photo's from All Good Festival Website: <http://www.allgoodfestival.com/gallery.cfm>



Fireworks



Carnival Rides



Laser Light shows



Example of traffic

To address my concerns pertaining to the All Good Festival in Rippon, WV my letter will show several aversions that I have concerning the festival. I am not against large Festival events but I feel that this event will cause local, long time residents many difficulties throughout the duration of the event. You will see from this article that the Promoters are truly motivated by dollars and once people are at the events they do not worry about their safety. [http://www.thedaonline.com/article\\_6af0a167-3312-5c6e-8780-8e4315852e36.html](http://www.thedaonline.com/article_6af0a167-3312-5c6e-8780-8e4315852e36.html) This article was from 2012 and the issues did not seem to get better after moving the event the next year. It's always someone else's fault, not theirs.

My first concern is the location. The location does not allow for the movement of large groups. The roads, most of which do not have lines on them, are only two lanes. Route 340 at the entrance of the roads is also only two lanes. This will cause major back ups that will stretch into Charles Town, WV, Berryville, VA and potentially Harpers Ferry WV. The following is the Mission Statement from the WV Director of Highways “*The West Virginia Department of Transportation's mission is to responsibly provide a safe, efficient and reliable transportation system that supports economic opportunity and quality of life.*” My family's quality of life will be violated. This will also have a tremendous effect on all of the State and Local Police Departments and their budgets. With the amount of traffic causing issues, you will find it difficult for the Police Departments and the Fire and Rescues (which are volunteer) to do their jobs effectively. The following article gives you an idea of what the County Commissioners felt about large events in Jefferson County and how it cost Preston County taxpayers \$250,000.00 not the \$60,000.00 the will be given to the local police for added help for the traffic problems and filling the jails with arrest. <http://wvpublic.org/post/jefferson-co-considers-ban-big-music-festivals>

My second concern is the noise. With one 4 foot by 6 foot amplifier causing a constant 120 decibels, many of the groups will have “stacks” that cause tremendous noise. To give you an example, a train horn is 90 decibels. The All Good Festival claims to have 12 to 14 hours of music. My family and many other residence of the area will have music playing as we try to sleep, after 10:00pm for most. I found on the Jefferson County Web Site the Ordinance to Abate Excessive Residential Noise where such noise is deemed a Public Nuisance. Many things strike me as unlawful for this event:

- i. “above the level of 65 dB through the walls of apartment units within the range of the same building, from another property line, or from the street between the hours of 10:00 p.m. to 6:00 a.m.”

2. Parties and other social events. It shall be unlawful for any person in charge of a party or other social event to allow that party or event to produce noise in a manner such that the noise is audible at or above the level of 65 dB
3. Residential area” shall mean any subdivision, development or other similar area used primarily for residential purposes located in Jefferson County but which is not within the boundaries of any municipality therein.

This is just to name a few of many things you already know.

My third concern is the Public Health. It is stated in Section 7 of the above ordinance “It is the purpose of this ordinance to promote the public health and safety of the community and as such it should be liberally construed to give effect to the purposes hereof.” You will find drug and alcohol abuse will be an issue with the “campers” through the several days of the festival. How will the above Police Departments and Fire and Safety be able to effectively enforce issues that occur? I have called the Preston County Sheriff’s office and was informed of many crimes to local businesses and homes of residence near the festival grounds. The following web page, <http://wvpublic.org/post/jefferson-co-considers-ban-big-music-festivals> , gives you an idea how the group will leave one facility after another and the injury issues that arise from death to paralysis. Per the Preston County Sheriff Office, they ran out of room in the jail and could not detain other violators of the law. The following web page gives you an idea of the types of drug that will be involved. [http://www.perrydaily.com/news/article\\_89657686-d4fc-11e1-9694-001a4bcf887a.html](http://www.perrydaily.com/news/article_89657686-d4fc-11e1-9694-001a4bcf887a.html) This article shows the arrest of not only marijuana but a major arrest for black tar heroin and LSD. The marijuana based magazine HIGH Times also promotes the event in the following article. <http://www.hightimes.com/read/review-17th-all-good-music-festival>

My fourth concern is my home. It is not a house or a residence it is my home. I choose to live where I do because it is quiet and next to a farm. I drive extra millage to work because of the location. It would be on thing if I chose to live near the Jefferson County Fair Grounds or in an area near Jiffy Lube Live in Manassas VA, but I did not. The crimes that will happen to the properties around the facility will not be resisted by people with the use of security guards or a six foot fence around the farm I did not move to my home to have a “Security Guard” or a temporary six foot high chain linked fence to feel safe. Per consultation with local Real Estate Offices and local Insurance Agencies, the value of my home will go down and my insurance will go up. I will personally need to take 5 days vacation from work during this event that is slated for a family vacation that will now need to be cancelled. This will allow me to make sure my wife and sons are safe and secure. Again my quality of life is violated.

My fifth concern is the Planning and Zoning Committee. With great respect to these two individuals, I feel the Steve Stolipher and Mike Chapman have too much of a personal interest in having the event at this location and should recues themselves from any involvement in the discussion of the event. In no way can the local roads around the facility sustain the amount of traffic while allowing the residence the ability to go through their daily live in making a living to support their families.

You will see in my last reference, which explains everything, the ordinance passed in Preston County, WV after the 2012 All Good Festival to never allow it again because of all of the delinquent actions that took place.

<http://www.prestoncountywv.org/pdf/Mass%20Gathering%20Ordinance%201242011.PDF>

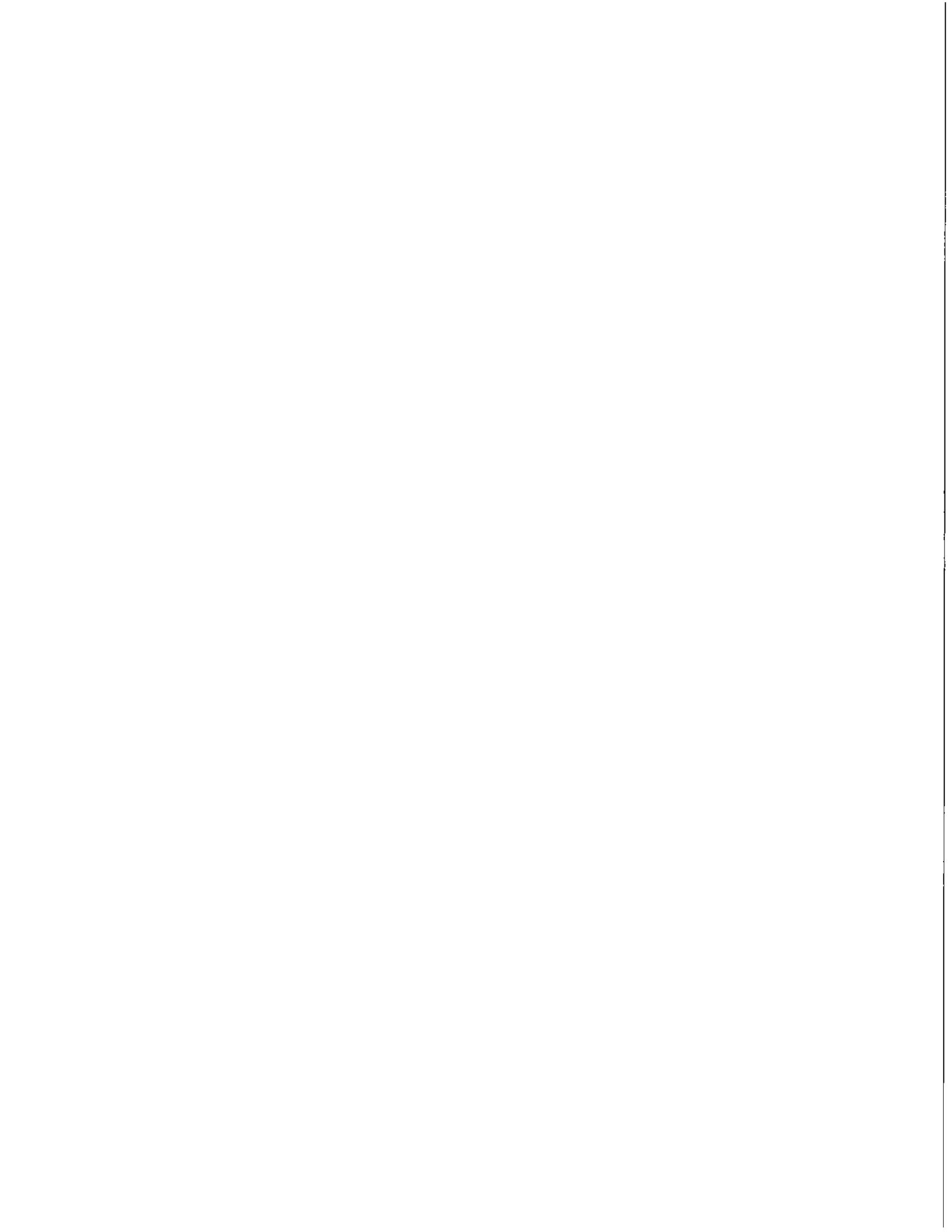
I think the most important part of this ordinance is the purpose:

*“The Commission FINDS that temporary mass gatherings of people to attend musical performances and other entertainment events have created a hazard to public health and safety and a public nuisance due to increased public activity, high levels of traffic congestion in the public roads surrounding such events and high demands on police, emergency and medical resources...”*

Thank you for allowing me to write to you. Please know that I personally know the Stolipher’s and have known them for many years. They are a tremendous people and are assets to the community where we all live. Like I said I am not against festival events, I just do not feel the All Good Festival will be in any way positive for the property owners and the county for the above reasons stated.

Please include the following written testimony in the packet for the Board of Zoning Appeals consideration of The All Good Music Festival

Timothy & Kelye McKee  
885 Franklinton Road  
Summit Point, WV 25446



Zoning Department

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**From:** Zoning Department <zoning@jeffersoncountywv.org>  
**Sent:** Friday, September 12, 2014 12:31 PM  
**To:** 'Jerry Mersing'  
**Subject:** RE: Not good Festival

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Mersing,

Your correspondence will be included in the Board's mailed packet for the September 25, 2014 meeting, which will begin at 2:00 p.m. This packet will be posted to the County's website [[here](#)] by 5:00 p.m. on September 19, 2014.

Thank you for your interest.

Sincerely,

Jennilee Hartman  
Zoning Clerk  
116 E. Washington Street  
P.O. Box 338  
Charles Town, WV 25414  
Phone: 304-728-3228  
Fax: 304-728-8126  
Website: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

**From:** Jerry Mersing [<mailto:jrmfarmall@yahoo.com>]  
**Sent:** Thursday, September 04, 2014 7:11 PM  
**To:** zoning@jeffersoncountywv.org  
**Subject:** Not good Festival

This nightmare has no place in Jefferson county. if it was worth anything to the community Preston co. would have fought to keep it, instead they legislated out of their county. They moved to Ohio....for one year and go the boot. Law enforcement can't even begin to control this size of event and no way can they fully protect our citizens. It cost Preston Co. over \$200,000. each year we don't have that kind of money.... This event is nothing but a drunken drug fest that has no place here...we elected the commission to look out for the people of this county.....it's time to do just that....this thing is a nightmare to any city or town dumb enough to let it get a toe hold.....vote this thing away.. Gerald Mersing  
Quail Run  
Summit Point..



August 19, 2014

Dear Jefferson County Board of Zoning Appeals,

I have been looking over the information made available about the 5-day All Good Festival and Camp Out that is being proposed on a farm in Summit Point. I own property and live adjacent to the site where the proposed festival will take place. I would like this letter to stand as my objection to the festival being held in the proposed location. It is surrounded by houses and the buffer is not adequate for the magnitude and duration of the festival.

Access for vehicles is a concern because there are no major roads that lead to the farm. All the roads are small and go through residential areas. I certainly can't imagine a band's huge bus rounding the corner at Lewisville and Franklinton roads. I feel that traffic will be horrendous and accidents will occur.

Sanitation and trash are also concerns. There is no public or mass sanitation facility to accommodate the large number of people over several days. Portable units seem inadequate to handle the amount of use. With the number of attendees and the multiple days, the amount of trash will be astronomical. Plus, if a wind picks up, trash will be blown all over the surrounding personal properties.

And of course noise is a large concern. The proposal states no amplified sound after 3am. What about the noise from that large a group of people? Plus, 3am is extremely late to have loud music playing with the area so close to so many houses. Would you want loud music playing until 3am in your back yard?

If the festival is intended to increase tourism in the county why can't it be held at the fairgrounds, Sam Michael Park or some other facility that is designed to support this type of activity and the large number of attendees?

After researching the festival and its impact on the surrounding areas, I have seen nothing but a negative impact and can not see how it will positively impact Jefferson County. It obviously is not a positive event or it would still be held where it has been for years.

Thank you for considering my concerns.

Mike and Barbara Milleson

Copies mailed in 09/25/14 BZA mtg packet.-JH

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JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING  
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ZV14-14  
ZV14-15

Quail Run I Home Owners Association

PO Box 293, Rippon, WV 25441

September 16, 2014

Jefferson County West Virginia  
Department of Planning and Zoning  
116 East Washington St 2<sup>nd</sup> Flr  
PO Box 338  
Charles Town WV, 25414

RECEIVED

SEP 17 2014

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING  
-email

Reference: Zoning Variance Request ZV14-14 and ZV14-15

Our members and residents in the vicinity of the proposed location of the referenced zoning variance request have expressed several concerns about the request to allow a permit for a large music festival, known as the All Good Festival and Camp Out. There are significant issues regarding the planning of a five-day event that seem to be lacking in the provided plan that should be addressed. Also the intent seems to be a permanent variance, which is not typically agreeable without a trial run.

The event planners did not provide a key element in the analysis of the plan. Specifically the number of individuals and vehicles expected. If past events (in areas further from major populations centers such as DC) could provide a model, the festival could bring more than 30,000 people and 16,000 vehicles. It is believed that such an influx of people would quickly overwhelm the current infrastructure of police and medical personnel and additional days would exasperate the problem.

There would not appear to be a reasonable benefit to the area by extending the amount of allowable days by 150%. There would be a reasonable expectation that the "campers" will actually bring in everything they need and primarily purchase concessions (t-shirts, albums, banners etc.) on-site from the All Good specific vendors. It is also probable that the extensive traffic would present harmful effects since most high population areas may only access the site via single lane roadways which will block Rt-340 preventing individuals going to Hollywood Casino or shopping in Charles Town on the weekend.

The planning has a number of shortcomings with the most egregious in the area of safety and liability. The applicants plan on providing only \$60,000 surety for event costs of the county, while it is expected they could spend a million on their own private

security. However, there were no real medical services mentioned that would be provided. This disparity in reasoning seems to place a significant and heavy burden on local resources. The plan did account for emergency entrances that are in the middle of the two main entry locations to the site. This emergency access would be essentially blocked during concert traffic flow periods.

The \$2 million general liability insurance seems wholly inadequate to the number of individuals at the event. Given that injuries and death have already occurred at prior All Good events it would not be unreasonable to expect coverage of significantly higher levels would be warranted. Recent events at other music festivals have shown that large numbers of individuals are capable of being injured and with 5 days and nights all possible things could happen.

While the Zoning Board has no jurisdiction outside the county let alone the state, it would be reasonable to expect a significant traffic issue would be also coordinated with the local counties in Virginia which will certainly also be impacted. There was no mention in the plan of such coordination.

The community is not agreeable to amplified music until 3AM. In general the community is not in favor of the event since it is expected that the event as planned will be at best a 5-day upheaval requiring many to stay home but it could potentially be dangerous to individuals since the proposed security will be protecting people within the gate, not outside.

There is serious concern about the level of traffic going through 2 gates, which must also screen (typically campers) for a large list of illegal items. It is not expected that any real inspections will be performed. It is anticipated that 8 cars a minute must continually pass through each gate to meet the expected traffic. It is not reasonable to expect a search of vehicles in that timeframe. And while you may not bring a cat you can bring a gun.

Other notable issues are the site location is adjacent to a large housing development which would need 24 hour security through event setup and subsequent to the event. The site is also adjacent to a cemetery which has historic value which must be protected. There is a major power substation adjacent to the property as well as high-tension wires. Both of these critical infrastructures provide a major safety hazard and significant harm to the area if they were damaged.

Dept of Zoning & Planning  
September 16, 2014  
RE: Zoning Variance Request ZV14-14 & ZV14-15  
Quail 1 HOA

While the music event would be noteworthy, it may be news worthy as well. We urge the Board to carefully consider the concerns expressed here and by others. It is believed that the area benefits little from such events by adding days and more importantly the scope of the event adds significantly to the burden to police and volunteer rescue and hospitals.


If you have questions I can be reached by email at [wontwo3@icloud.com](mailto:wontwo3@icloud.com) or at home 304-885-4844.

Regards,

William O'Neill  
Quail Run 1 HOA President

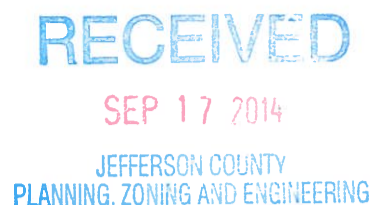


To: Jefferson County, WV Board of Zoning Appeals

From: James Slusser, MS   
Rippon, WV

Date: September 17, 2014

Re: ZV14-14 & ZV14-15



I, James Slusser of 2881 Withers LaRue Rd, Rippon, WV state that I am an adjoining property owner to the proposed application by Ms. Mark D Stolipher, Ms. Nancy & Mr. Douglas Stolipher, and Mr. Tim Walther. I am in opposition to this request and *urge* the Jefferson County Board of Zoning Appeals (BZA) to *deny* the All Good festival application as referenced by application number(s) ZV14-14 and ZV14-15, dated July 29, 2014 and July 31, 2014 respectively.

To date, Mr. Walther promised to be:

1. Good neighbors
2. Provide economic stimulus to the county

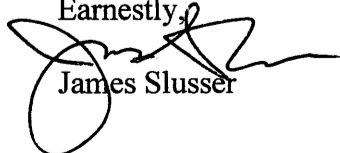
To date, Mr. Walther, Mark Stolipher, Nancy & Douglas Stolipher have not provided:

1. Enumeration of estimated users
2. Enumeration of economic impacts
  - a. Potential economic impacts gained or lost by Jefferson County
  - b. Potential economic impacts of spatially proximate neighboring parcel owners
3. Groundwater recharge and quality assessment data
  - a. Potential groundwater degradation impacts
    - i. Pre-event testing base values?
    - ii. Post event testing values?
4. Inventory and Assessment of Current Environmental Concerns related to our sensitive Karst Geology.
  - a. Springs
  - b. Streams
  - c. Sink holes, dolines, swallets,
  - d. Rock outcrops
  - e. Relevant underground geology status
    - i. Can the geology support the proposed use and bearing loads?
    - ii. Are there any predisposed areas of sink hole formation in relation to the proposed parking, day use areas, and stadium(s)? When do we assure protection of the site users?
5. Public safety plan to include
  - a. Acoustical Studies to determine noise level compliance with local, state, and federal laws
  - b. Traffic studies to consider road impacts to existing and proposed users
  - c. Vehicle searches for contraband at entrance gates
    - i. Inspection time per vehicle
    - ii. What happens to contraband items

Should the applicants be sincere in there endeavors about seeking a “permanent” home for All Good Festival, then there should be no objection as to the long term planning required for such a facility. We all would like to find “good neighbors”, but I feel the *ALL GOOD FESTIVAL* is ***NO GOOD*** for Jefferson County. The All Good proposal is not promoting agricultural practices or uses. The plan is merely “selling landuse” for a more profitable choice as the proposed land use does not appear to consistent with the Jefferson County Comprehensive Plan 2004.

Potential public risks appear to be greater than the public benefit. I strenuously urge the Jefferson County Board of Zoning Appeals (BZA) to ***DENY*** ZV14-14 and ZV14-15 applications.

Earnestly,

  
James Slusser



# After fatal accident in West Virginia, All Good Music Festival moves to Ohio

An attendee at July's All Good Festival in West Virginia ((All Good Festival website) )  
November 29, 2011|By Erik Maza | The Baltimore Sun

After a fatal accident in July at the All Good Festival in West Virginia, Walther Productions, the festival's Maryland-based promoter, has moved the jam band music festival to Ohio, the company has said.

The accident, which left a 20-year-old woman dead and two others injured, has resulted in three lawsuits, as first reported by The Baltimore Sun, accusing the company, as well as several of the festival's vendors, like a security company, of negligence.

Earlier this month, Walther Productions moved to dismiss the lawsuits in U.S. District Court in Clarksburg, West Virginia. It also filed a cross-claim against the festival's security company, Event Staffing, Inc., charging the independent contractor with negligence.

Walther Productions announced last week the festival would move to Legend Valley in Ohio for its 16th edition, from July 19-22.

Without addressing the accident, the company acknowledged in the statement that Marvin's Mountaintop, the West Virginia fairgrounds that has hosted the festival for the past 9 years, had created "challenges and frustrations" for fans and the grounds' neighbors.

"While Marvin's Mountaintop was a brilliant place for the music and camping aspects of the All Good Festival, *getting over 12,000 cars up and down single lane country roads was problematic*," said company president Tim Walther.

This year's festival ended in tragedy when a truck careened into a camp of tents where attendees slept, killing a South Carolina woman, Nicole Faris Miller. Her friends Yen Ton and Elizabeth Rose Doran were injured.

In three separate lawsuits filed in September and October, Ton, Doran, and Kim S. Miller, Nicole's father, accused Walther; his company; Marvin's Mountaintop and several of the festival's vendors, including parking and security operators, of "wanton, reckless, grossly negligent" acts.

Walther Productions filed its first response to the allegations in U.S. District Court November 15, denying it should be held responsible for the accident. Instead, it claims Event Staffing, Inc., an independent contractor it hired, was responsible for assessing the venue's security needs and implementing a security plan.

In failing to do so, the security company "breached" its contract with Walther Productions and should be held liable for negligence.

A U.S. District judge has set a planning meeting on Kim Miller's lawsuit for January 6 and the initial discovery process due by February 3.

The civil lawsuits do not preclude a criminal case. In October, Preston County Sheriff Dallas Wolfe said West Virginia State Police have completed an accident reconstruction report. And the department's own report on the accident would be released this month.

Pasted from [http://articles.baltimoresun.com/2011-11-29/entertainment/bal-after-fatal-accident-in-west-virginia-all-good-music-festival-moves-to-ohio-20111129\\_1\\_fatal-accident-independent-contractor-lawsuits](http://articles.baltimoresun.com/2011-11-29/entertainment/bal-after-fatal-accident-in-west-virginia-all-good-music-festival-moves-to-ohio-20111129_1_fatal-accident-independent-contractor-lawsuits)

[July 27, 2010]

## **Some say All Good Festival too bad: Resident bothered by trespassers, feces wants it stopped**

KINGWOOD, Jul 27, 2010 (The Dominion Post - McClatchy-Tribune Information Services via COMTEX) -- George Street has seen enough of the All Good Festival.

Street, who lives near the annual gathering of jam band fans, said he's collected more than 120 signatures from neighbors and Masontown residents who feel the same way. He told Preston County Commissioners on Monday he'll do anything he can -- including hiring a lawyer to draft an ordinance -- to see that the festival is stopped.

"It's the worse 2 1/2 weeks of the year for the Valley District," he said.

This year, a man defecated in Street's driveway, broke into his garage and spread feces on his wife's car. The man tried to get into the car, but it was locked.

"This was at 3 a.m.," Street said. After the man was arrested, police learned there were outstanding warrants for him in Virginia.

"What happened to me is not an isolated incident, hes daid" Other homes in the area were broken into. One man was arrested on W.Va. 7 with a laptop computer he stole from a house near the festival.

Street said it took his wife more than three hours to get home from Morgantown on the first day of the festival. That's only one reason he wants the festival stopped. There are others: Oversized tractor-trailers get hung up on the narrow road outside his home. Street said he had to call more than one tow truck.

People knock on his door at all hours of the night to ask for money, food and a place to sleep during the festival.

Trespassers arrive a day before the festival to line up -- often on his property.

He said he's had to call police to have vehicles moved from his driveway, despite erecting barriers.

Exhibit 2  
p2 of 2

Street said he took two days off work "to watch my house -- to guard my house," during the festival. He said he asked a man attending the festival from Arkansas why he came to Masontown. "They won't let us have a party like this in Arkansas," was his reply, according to Street. So why do we let them do it here, Street wanted to know.

While Street wants All Good stopped, Glenn Larew, of mining company Coal-Train Association, said, "I'd like to see if there's a way to make it work." He said the festival is "a \$4 to \$5 million operation that comes to this county." He said it's time to do an accounting of the festival -- what the county pays out and what it brings in.

"For 30 years, I've heard, 'we need tourism.' " It's here, he said, and the commission is saying it would like to see it go away. Commission President Craig Jennings said the festival costs the county money, and tax revenue from the festival goes to the state, not the county.

"Let's figure it out," Larew said. "This is a business decision. Let's be businesslike about it." He said he's taken friends to the festival and "they all have a wonderful time. You're only giving one side." Sheriff Dallas Wolfe said the festival draws good people and bad.

"I worked undercover at the festival and every fourth person was trying to sell me drugs," Wolfe said. He said he didn't have the personnel or money to buy all the drugs that were available to bust attendants. "We just skimmed the surface," he said.

The festival, Street said, "*does nothing but harm us and bring drugs into our community.*" He said he'll continue to work against the festival, and next year, he'll have a video camera.

"Only two or three people are making money off of this festival," Street said. "Why are you sacrificing the many for the few?" Commissioner Vicki Cole said she's heard from Masontown residents who oppose the festival but are afraid to speak up for fear of causing problems with neighbors and friends.

Jennings said the prosecuting attorney's office is drafting an ordinance that Assistant Prosecutor Bill Means said will "address the health and safety issues arising from the number of people descending upon Preston County at one time." To see more of The Dominion Post or to subscribe to the newspaper, go to <http://www.dominionpost.com/>. Copyright (c) 2010, The Dominion Post, Morgantown, W.Va. Distributed by McClatchy-Tribune Information Services. For more information about the content services offered by McClatchy-Tribune Information Services (MCT), visit [www.mctinfoservices.com](http://www.mctinfoservices.com), e-mail [services@mctinfoservices.com](mailto:services@mctinfoservices.com), or call 866-280-5210 (outside the United States, call +1 312-222-4544)



Zoning Department

---

**From:** Zoning Department <zoning@jeffersoncountywv.org>  
**Sent:** Friday, September 12, 2014 4:27 PM  
**To:** mas926@aol.com  
**Subject:** RE: Proposed All Good Music Festival

Ms. Spruill,

Your correspondence will be included in the Board's mailed packet for the September 25, 2014 meeting, which will begin at 2:00 p.m. This packet will be posted to the County's website [here] by 5:00 p.m. on September 19, 2014.

Thank you for your interest.

Sincerely,

Jennilee Hartman  
Zoning Clerk  
116 E. Washington Street  
P.O. Box 338  
Charles Town, WV 25414  
Phone: 304-728-3228  
Fax: 304-728-8126  
Website: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

**From:** mas926@aol.com [mailto:mas926@aol.com]  
**Sent:** Friday, September 12, 2014 6:45 AM  
**To:** zoning@jeffersoncountywv.org  
**Subject:** Proposed All Good Music Festival

Margaret A. Spruill  
345 Quail Run Rd.  
Summit Point, WV 25446-3608

September 12, 2014

**SUBJECT: Application for Approval of All Good Music Festival**

Dear Alexandra Beaulieu,

I am writing to express my **opposition** to the proposed music festival across from our community.

The residents of Quail Run are mainly working individuals who enjoy their peaceful residential lifestyle. The introduction of hundreds of additional cars and unknown numbers of individuals would tax our current roads far beyond their capacity. In addition, according to another county's sheriff that had the "All Good Music Festival" held in their county, they experienced drug trafficking that saturated their judicial system. The problem was so bad that they simply stopped enforcing the law. The devastating litter/trash problems during similar events would also impacts our environment. My understanding is once permission is granted for this festival, other events of undetermined nature could be forthcoming.

Given the history of these types of events (music festivals), there will be a monumental impact on our local law enforcement and emergency facilities. We have just experienced an ambulance fee for Jefferson County to support emergency services. Will we be assessed additional tax increases to support law and emergency services required for this festival and possible future festivals?

This application should not be approved in any form because of its adverse impact on our community and the other surrounding communities.

Please partner with our community to stop the approval of this application and leave our little community the way it is.

Thank you in advance for considering the community's needs,  
Margaret A. Spruill

Zoning Department

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**From:** Zoning <zoning@jeffersoncountywv.org>  
**Sent:** Wednesday, September 17, 2014 9:05 AM  
**To:** 'Karl Straley'  
**Cc:** zoning@jeffersoncountywv.org  
**Subject:** RE: Please reject the request for the All Good Festival and Camp Out

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. and Ms. Straley,

This email serves as confirmation for receipt of your submission. Please be advised, your correspondence will be included in the Board of Zoning Appeals' mailed packet for the September 25, 2014 meeting, which will begin at 2:00 p.m. An electronic copy of the packet will be posted to the County's website [[here](#)] by 5:00 p.m. on September 19, 2014.

Thank you for your interest.

Sincerely,

Alexandra Beaulieu  
Office/Project Manager  
Jefferson County Departments of Planning and Zoning  
116 E. Washington Street  
P.O. Box 338  
Charles Town, WV 25414  
Phone: 304-728-3228  
Fax: 304-728-8126  
Website: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)  
Email: [zoning@jefferconountywv.org](mailto:zoning@jefferconountywv.org)

**From:** Karl Straley [mailto:karl.straley@gmail.com]  
**Sent:** Tuesday, September 16, 2014 8:01 PM  
**To:** zoning@jeffersoncountywv.org; Karl Straley; Brenda Straley  
**Subject:** Please reject the request for the All Good Festival and Camp Out

Jefferson County – Board of Zoning Appeals,

September 16, 2014

Dear Jefferson County Zoning Board,

Please don't tarnish the positive image Jefferson County has spent years developing by approving any planning or zoning variances or ordinances that would allow the "All Good Festival and Camp Out" or similar events to occur in our county!

We the neighbors of Summit Point have heard all the terrible things the proposed camp out will bring to the county, please as the board considered the impact such an enormous event could have on the following:

- Contamination of ground water that feeds local wells
- Local traffic congestion
- Damage to surrounding property
- Damage to farmland
- Damage to rural roads
- **Additional expenses for emergency services**
- Impact on local judicial system

We have lived in Summit Point, Jefferson County for over 13 years and live within a few thousand feet of the proposed event site and we cannot believe any citizen wants our historical county known for a five-day drunken party fest.

The Zoning Variance Request (ZV1414) submitted by Mr. Tim Walther and Ms. Junipa Conteto is deceptive by stating it is for a single three-day period, but then requests a music festival and camp out for five consecutive days. In reality, the event will disrupt the community for approximately one month due to setting up, holding the event, and removing their temporary infrastructure.

Also, you will notice on their application the proximity of the railroad to the event. It is our opinion that attendees will disrupt the frequent train commerce and perhaps deaths will occur on the tracks. The frequent running of the trains combined with the influx of thousands of partygoers will also exasperate the traffic congestion on the county roads backing up traffic for miles.

It is our understanding that the promoters and property owners will erect a six-foot chain link fence to contain the estimated 15,000 – 30,000 attendees for the five-day period. They are trying to create a police state for the event. This should send a red flag right away regarding the caliber of people and the illegal activities that will occur; therefore, their request must not be approved by the county.

This type of event will not bring additional tax revenues to the county, but will actually cost the county a great deal more financially not to mention the negative impact on our historical image, future tourism, and future relocations to our county.

The citizens of this county are looking to each of you to do the right thing for all the residents of the county not just the property owner wishing to make a quick buck by holding this event.

We understand there is a mass gathering ordinance being developed to address these type of mass events and we believe it is in the best interest of the county to develop the rules and standards that augment the county and in no way negatively impact our

communities. Please delay the review of the "All Good Festival" until the new mass event policy is in place.

One last thing, we don't understand why the county needs to grant approval for mass gathering events on farmland surrounded by tax payers who moved to the rural parts of the county to enjoy the peace and quiet environment when there are two existing venues within the county for such events; Jefferson County Fairgrounds and the Sam Michael Park.

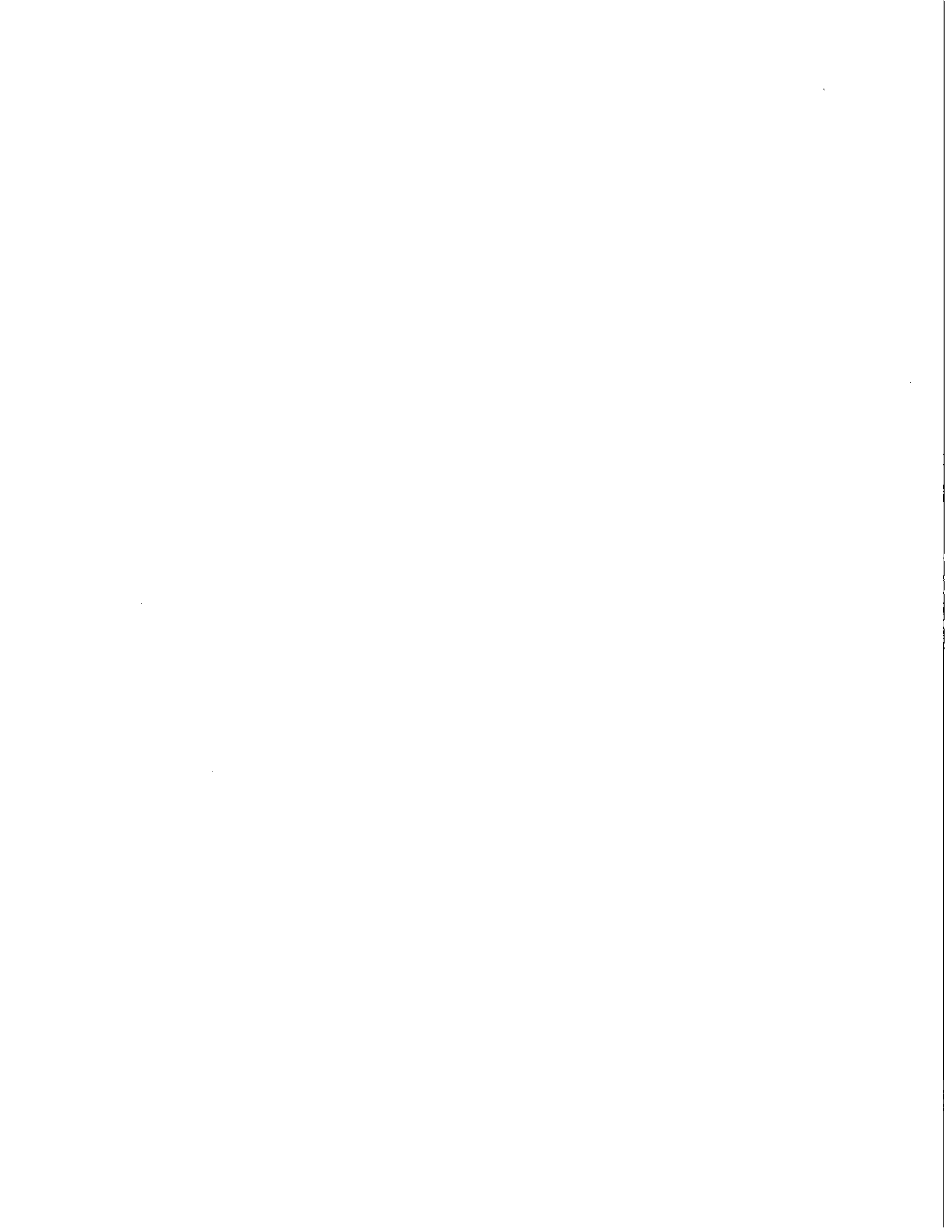
Thank you for taking the time to read our communities letter and considering the points that we all wish to raise.

In closing please reject this Zoning Variance Request and stop this event.

Yours truly,

Karl and Brenda Straley

432 Quail Run Road  
Summit Point, WV 25446



RECEIVED

SEP 17 2014

JEFFERSON COUNTY  
PLANNING, ZONING AND PUBLIC WORKS  
-mailed

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

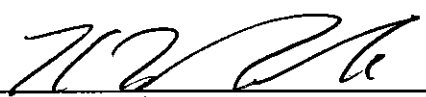
Dear Planning Commission Officers

I currently own property at

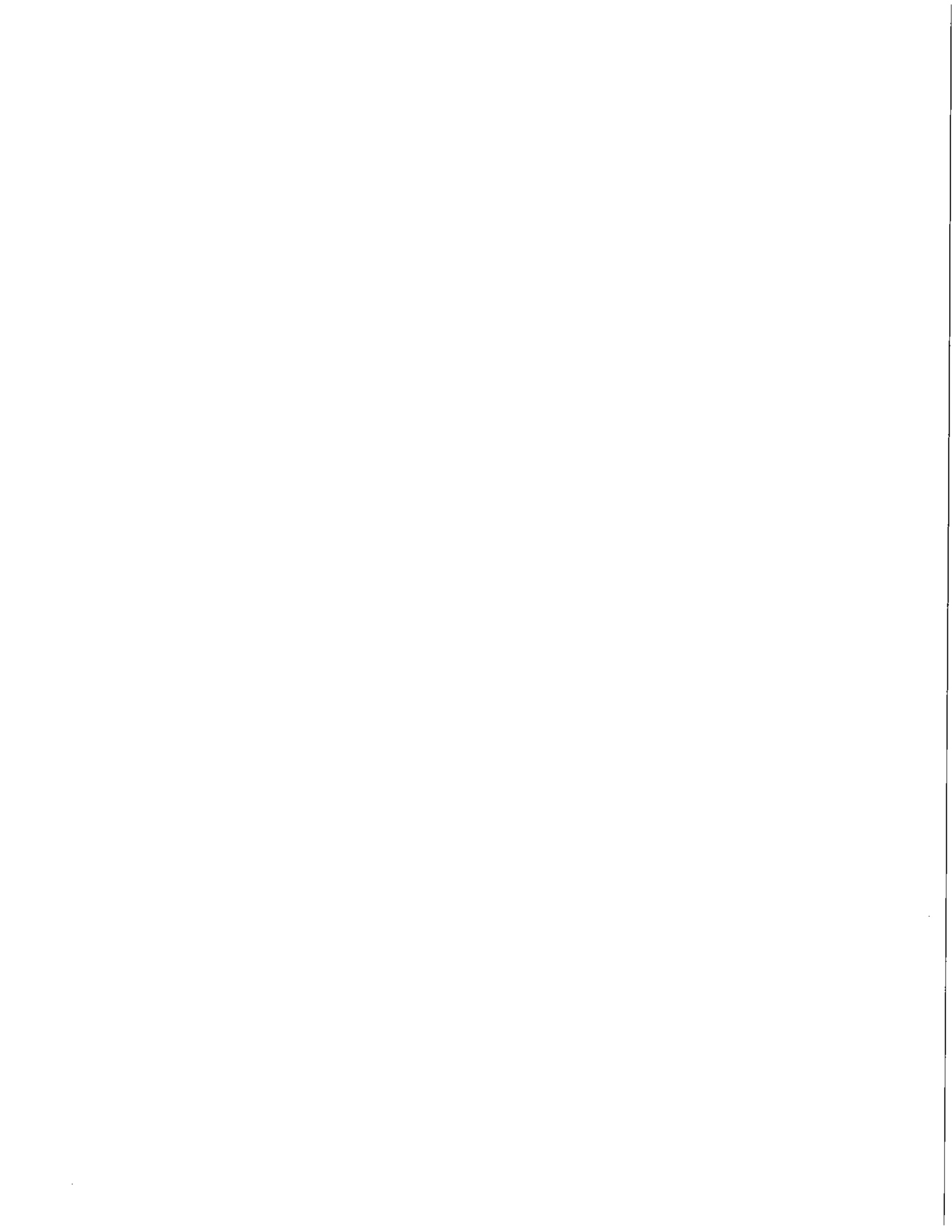
near 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15. As a concerned property owner I am asking you to consider the impact that the All Good Festival will have on our community. The festival is expecting 30,000 people to attend and camp out. The impact of travel on Wither's Larue Road, the repair costs that will extend to the state to repair and maintain the road, let alone the cost of volunteer fire department personnel and water usage needed to prevent or treat any medical emergencies. In addition the security and police force needed to help protect the folks who attend the conference as well as the community. Consider the impact of our neighboring state of Virginia and its follow through of billing the state of West Virginia and/or Jefferson County for each man hour of police force spent to maintain traffic safety. Let alone the impact of 911 service calls that are originated from the festival noise complaints. Last but not least is the impact to the precious farm land and destruction of property that will occur from thousands of people trampling on precious farm land in our area and pollution. We are surrounded by beautiful farm land that enhances the beauty of our area, provides adequate property values. With the addition of this festival, property values will decrease and safety for the citizens will be at hand a questionable occurrence. Wither's Larue Road and Franklin town Road are dangerous and not wide enough currently, let alone add in drunk drivers who cross the line and kill someone. Please take an opportunity to consider these very important points before the approval of the variance to hold the five day festival.

Kind regards

A concerned citizen of Jefferson County

 Keriw T Paradis <sup>Sic</sup> (signature)  
Sept. 16, 2014 (date)

229 Quail Run Rd  
Summit Point WV  
25446



Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

SEP 17 2014  
JEFFERSON COUNTY  
PLANNING, ZONING & DEVELOPMENT

ZV14-14  
ZV14-15

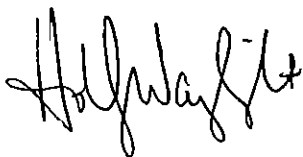
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I currently own property at

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Kind regards

A concerned citizen of Jefferson County



Holly Waybright 447 Pheasant Hill Rd, Summit Point WV 25446



Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

Dear Planning Commission Officers

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Kind regards

A concerned citizen of Jefferson County

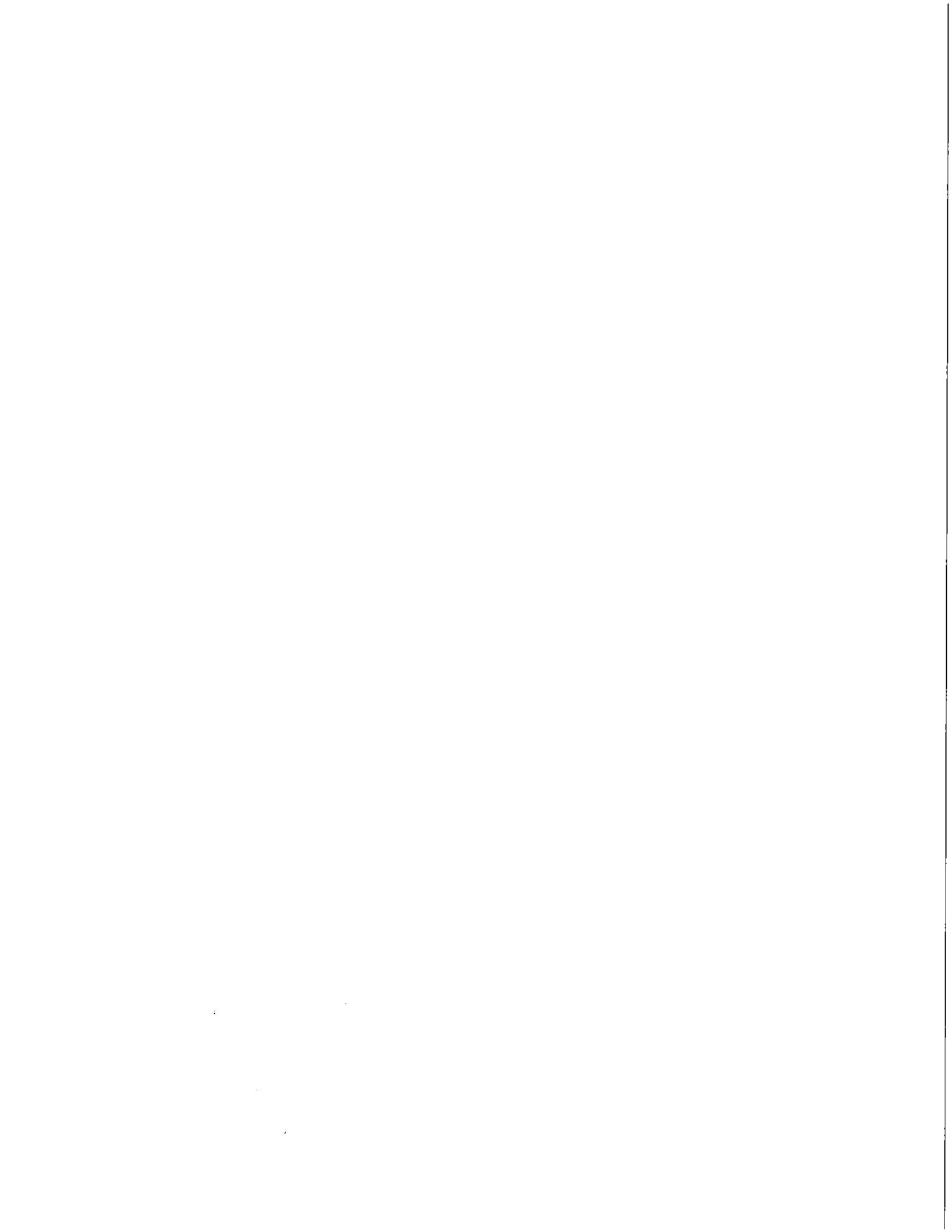
Vel Anne Schlachter  
September 17, 2014

**RECEIVED**

SEP 18 2014

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

- email



Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

Dear Planning Commission Officers

I currently own property at 417 Quail Run Rd Summit Point WV 25446 near 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15. As a concerned property owner I am asking you to consider the impact that the All Good Festival will have on our community. The festival is expecting 30,000 people to attend and camp out. The impact of travel on Wither's Larue Road, the repair costs that will extend to the state to repair and maintain the road, let alone the cost of volunteer fire department personnel and water usage needed to prevent or treat any medical emergencies. In addition the security and police force needed to help protect the folks who attend the conference as well as the community. Consider the impact of our neighboring state of Virginia and its follow through of billing the state of West Virginia and/or Jefferson County for each man hour of police force spent to maintain traffic safety. Let alone the impact of 911 service calls that are originated from the festival noise complaints. Last but not least is the impact to the precious farm land and destruction of property that will occur from thousands of people trampling on precious farm land in our area and pollution. We are surrounded by beautiful farm land that enhances the beauty of our area, provides adequate property values. With the addition of this festival, property values will decrease and safety for the citizens will be at hand a questionable occurrence. Wither's Larue Road and Franklin town Road are dangerous and not wide enough currently, let alone add in drunk drivers who cross the line and kill someone. Please take an opportunity to consider these very important points before the approval of the variance to hold the five day festival.

Kind regards

A concerned citizen of Jefferson County

Henry Schlachter III  
9/16/2014

RECEIVED

SEP 17 2014

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING  
-email





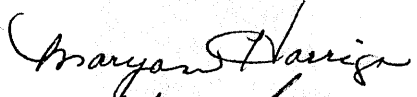
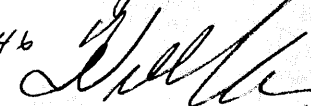




We, the under signed property owners ~~with the following addresses listed~~ below, hereby file a protest to the Municipality of Jefferson County W.V. Planning Commission in the jurisdiction of Summit Point W.V. 116 East Washington Street, 2<sup>nd</sup> Floor P.O. Box 338 Charles Town, W.V. against the proposed zoning map amendment for the area described as:

Legal Description: 261 Berry Hill Farm Lane Tax District 6, Map 19, Parcel 7, 16, 8.4 Parcel Size 347.15 Deed Book 944; 913; 1129 Page Number 45; 746; 678. Zoning District Rural A Nancy C & Douglas Stolipher and Mark D Stophiler owners. Address of owners: 1599 Roper North Fork Road Charles Town, W.V. 25414. PO. Box 190 Rippon, W.V 25446

Planning and Zoning Commission case number: ZV14-14 and ZV14-5

Petitioner:

Name (Please Print)	Mailing Address	Signature
Maryann Harrigan	39 Grouse Knoll Ln. Summit Point, WV 25446	
William D'Neill	456 Pheasant Hill Rd	
Marianne O'Neill	" " " "	Marianne O'Neill
John Barile	597 Pheasant Hill Rd	John J. Barile
Sarah Barile	597 Pheasant Hill Rd	Sarah Barile
Melissa A. Costello	48 Grouse Knoll Ln.	Melissa A. Costello
Melissa A. Costello	20 Grouse Knoll	Jim Kauce
Jim Kauce	593 Grouse Knoll	
Raymond Sauer	593 Grouse Knoll	

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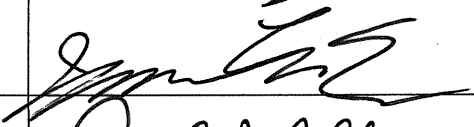
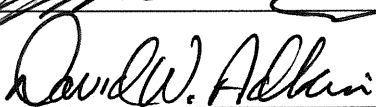
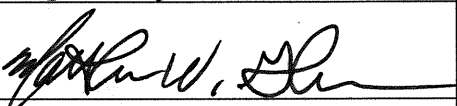

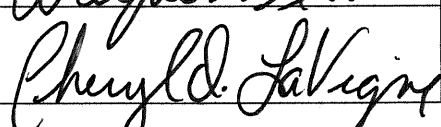
Name (Please Print)	Mailing Address	Signature
Amanda Glover	318 Pheasant Hill Rd. Summit Point, WV 25446	<i>Amanda W Glover</i>
Angela Baker	274 Pheasant Hill Rd Summit Point WV 25446	<i>Angela H Baker</i>
ROSEANN GLOVER	228 QUAIL RUN RD SUMMIT POINT, WV 25446	<i>Roseann Glover</i>
Holly Waybright	447 Pheasant Hill Rd Summit Point, WV 25446	<i>Holly Waybright</i>
Karry Herndon	434 Pheasant Hill Rd Summit Point, WV 25446	<i>Karry Herndon</i>
KEVIN LIBER	307 Grouse Knoll Ln Summit Point WV 25446	<i>Kevin Liber</i>
William Herndon Jr.	434 Pheasant Hill Road Summit Point, WV 25446	<i>William Herndon Jr.</i>
Fletcher Fuller	509 Pheasant Hill Rd Summit Point, WV, 25446	<i>Fletcher Fuller</i>
Ben Trimmer	276 Grouse Knoll Lane Summit Point, WV, 25446	<i>Ben Trimmer</i>
Whitney Jenkins	260 Quail Run Rd Summit Point WV 25446	<i>Whitney Jenkins</i>

We, the under signed property owners within 100 feet of the area described below, hereby file a protest to the Municipality of Jefferson County W.V. Planning Commission in the jurisdiction of Summit Point W.V. 116 East Washington Street, 2<sup>nd</sup> Floor P.O. Box 338 Charles Town, W.V. against the proposed zoning map amendment for the area described as:

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Planning and Zoning Commission case number: ZV14-14 and ZV14-5

Petitioner:

Name (Please Print)	Mailing Address	Signature
Barbara Milleson	94 Pheasant Hill Rd Summit Pt, WV 25440	
Michael Milleson	94 Pheasant Hill Rd. Summit Point WV 25446	
Jeffrey Albert	126 Pheasant Hill Road Summit Point, WV 25446	
Rebecca Hall	521 Grouse Knoll Ln Summit Point, WV 25446	
Bob & Rebecca Thompson	529 Quail Run Rd Summit Point, WV 25446	
James A. Lavigne	367 Grouse Knoll Lane Summit Point, WV 25446	
David & W. Adkins	203 Pheasant Hill Rd Summit Point WV 25446	
Matthew W. Glover	38 Pheasant Hill Road Summit Point, WV 25446	
Wayne E. Glover	228 Quail Run Summit Point WV 25446	
Cheryl D. Lavigne	367 Grouse Knoll Lane Summit Point, WV 25446	



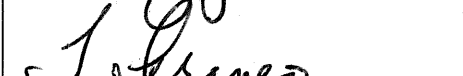




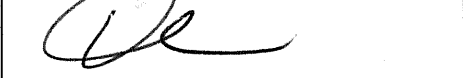


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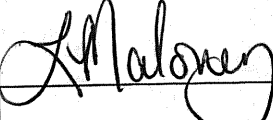
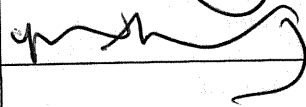


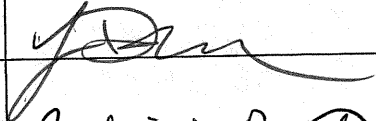
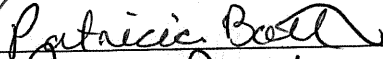
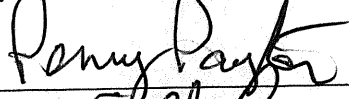
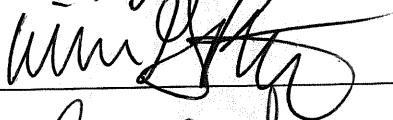
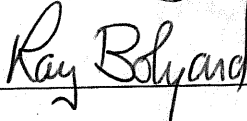
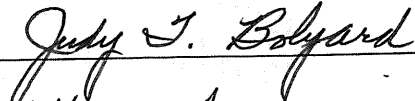

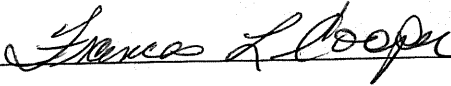
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Planning and Zoning Commission case number: ZV14-14 and ZV14-5

Petitioner:

Name (Please Print)	Mailing Address	Signature
KEN HAWTHORNE	58 Kelcar Dr Summit Pt WV	
Winda Hawthorne	58 Kelcar Dr Summit Pt WV	Winda Hawthorne
Rick Jenkins	190 Kelcar Drive Summit Point WV	
Traci Terango	198 Kelcar Dr	
Carolynn Hawthorne	199 Kelcar Dr. SP, WV	C. Hawthorne
	199 Kelcar Dr.	Jarad Hawthorne
Brian Sokel	45 Kelcar Dr	
Tammy Sokel	45 Kelcar Dr.	
Kochelle Pen	133 Kelcar Dr.	
Todd Lewis	133 Kelcar Dr.	

ALL GOOD MUSIC FESTIVAL

Name (Please Print)	Mailing Address	Signature
RON BRADBURY	267 PHEASANT HILL RD	
ZANE BRADBURY	267 PHEASANT HILL RD	
LISA MALONEY	337 Grouse Knoll Ln	
MARK MALONEY	337 Grouse Knoll Ln	
Todd Baker	274 Pheasant Hill Rd.	
Rebecca Dorr	246 Pheasant Hill Rd	
Dereen Dorr	246 Pheasant Hill Rd	
Patricia Bell	246 Pheasant Hill Rd	
PENNY PAYTON	67 PHEASANT HILL RD	
GARY PAYTON	67 PHEASANT HILL RD	
RAY Bolyard	874 Pheasant Hill Road	
Judy T. Bolyard	874 Pheasant Hill Road	
Karen Fletcher	193 Quail Run Rd	
Frances Cooper	P.O. Box 159 Rippon	


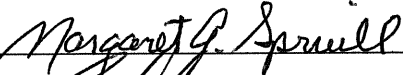
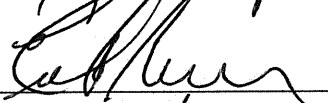
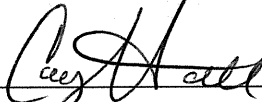
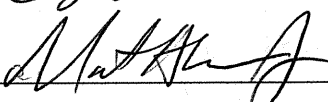
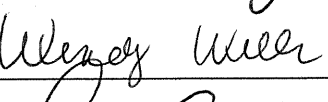

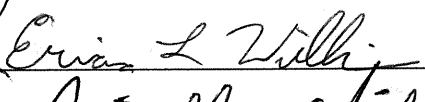


ZV14-14  
ZV14-15


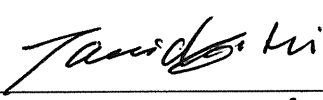
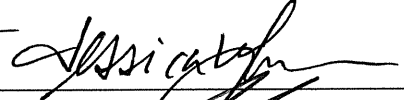

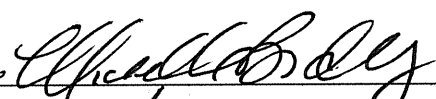

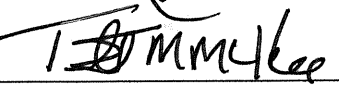
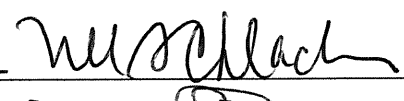

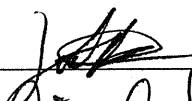
We, the under signed property owners within 100 feet of the area described below, hereby file a protest to the Municipality of Jefferson County W.V. Planning Commission in the jurisdiction of Summit Point W.V. 116 East Washington Street, 2<sup>nd</sup> Floor P.O. Box 338 Charles Town, W.V. against the proposed zoning map amendment for the area described as:

Legal Description: 261 Berry Hill Farm Lane Tax District 6, Map 19, Parcel 7, 16, 8.4 Parcel Size 347.15 Deed Book 944; 913; 1129 Page Number 45; 746; 678. Zoning District Rural A Nancy C & Douglas Stolipher and Mark D Stophiler owners. Address of owners: 1599 Roper North Fork Road Charles Town, W.V. 25414. PO. Box 190 Rippon, W.V 25446

Planning and Zoning Commission case number: ZV14-14 and ZV14-5

Petitioner:

Name (Please Print)	Mailing Address	Signature
Jeff Gallghan	29 Quail Run RD	
MARGARET SPRUILL	345 QUAIL RUN RD	
FRANK W. PERKIN	Summit Pt W.V. 350 GROUSE Knoll Ln	
Cary Hall	521 Grouse Knoll Lane	
Martin Weller	460 Grouse Knoll Lane	
Wendy Weller	460 Grouse Knoll Lane	
Joseph Williams	176 Grouse Knoll Lane	
Erica Williams	176 Grouse Knoll LN	
Michelle Ridemour	234 Grouse Knoll Ln	
Matt Ridemour	234 Grouse Knoll Ln	

Name (Please Print)	Mailing Address	Signature
Jane Paradis	229 Quail Run Rd Summit Point WV	Jane Paradis
Kevin T Paradis Sr	229 Quail Run Rd Summit Point WV 25446	
David Viten	451 QUAIL RUN RD Summit Point WV. 25446	
Jessica Wforbs	479 Grouse Knoll Lane Summit Point WV 25446	
Thomas W. Lay	43 Rippon WV	
MICHELLE BRADBURY	267 PHEASANT HILL Summit Point WV 25446	
Kelye McKee	885 Franklinton Rd Summit Point, WV 25446	
TIM MCLEE	885 FRANKLINTON ROAD SUMMIT POINT, WV 25446	
Vel Schlachter	417 Quail Run Rd Summit Point WV 25446	
HENRY S. SCHLACHTER	417 QUAIL RUN RD	
Rusty Morgan	2547 Bensville Pike Rippon WV. 25441	
EDWARD L BOYD	PO Box 38 RIPPON WVA 25441	Edward L Boyd
Brenda Straley	432 Quail Run Rd Summit Point WV 25446	Brenda Straley
Janet Pederson	Summit Point WV 25446 432 Quail Run Rd	
Cindy Jansen	150 Conifer Ct. Harpers Ferry WV	Cindy Jansen



Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

ZV14-14  
ZV14-15

Dear Planning Commission Officers

I currently own property at

near 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15. As a concerned property owner I am asking you to consider the impact that the All Good Festival will have on our community. The festival is expecting 30,000 people to attend and camp out. The impact of travel on Wither's Larue Road, the repair costs that will extend to the state to repair and maintain the road, let alone the cost of volunteer fire department personnel and water usage needed to prevent or treat any medical emergencies. In addition the security and police force needed to help protect the folks who attend the conference as well as the community. Consider the impact of our neighboring state of Virginia and its follow through of billing the state of West Virginia and/or Jefferson County for each man hour of police force spent to maintain traffic safety. Let alone the impact of 911 service calls that are originated from the festival noise complaints. Last but not least is the impact to the precious farm land and destruction of property that will occur from thousands of people trampling on precious farm land in our area and pollution. We are surrounded by beautiful farm land that enhances the beauty of our area, provides adequate property values. With the addition of this festival, property values will decrease and safety for the citizens will be at hand a questionable occurrence. Wither's Larue Road and Franklin town Road are dangerous and not wide enough currently, let alone add in drunk drivers who cross the line and kill someone. Please take an opportunity to consider these very important points before the approval of the variance to hold the five day festival.

Kind regards

A concerned citizen of Jefferson County

Jane Paradise

(signature)

9/16/14

(date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

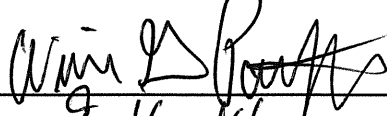
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Kind regards

A concerned citizen of Jefferson County

  
\_\_\_\_\_ (signature)  
9-16-14 (date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

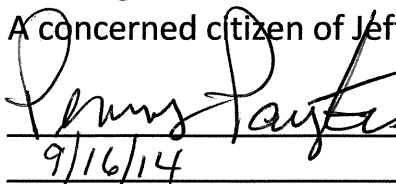
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Kind regards

A concerned citizen of Jefferson County

 \_\_\_\_\_ (signature)

9/16/14 \_\_\_\_\_ (date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

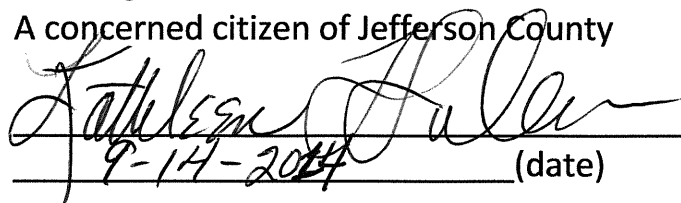
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Kind regards

A concerned citizen of Jefferson County

 (signature)

9-14-2014 (date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

Dear Planning Commission Officers

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Kind regards

A concerned citizen of Jefferson County

Brenda Staley (signature)

9-16-2014 (date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414


Dear Planning Commission Officers

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Kind regards

A concerned citizen of Jefferson County

 (signature)  
9-16-14 (date)

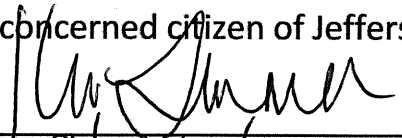
Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

Dear Planning Commission Officers

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Kind regards

A concerned citizen of Jefferson County



9/16/14

(signature)

(date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

Dear Planning Commission Officers

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Kind regards

A concerned citizen of Jefferson County

Angela Bulb (signature)  
9/16/14 (date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

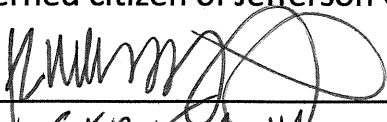
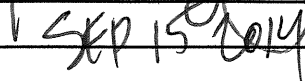
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Kind regards

A concerned citizen of Jefferson County

  
\_\_\_\_\_ (signature)  
  
\_\_\_\_\_ (date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

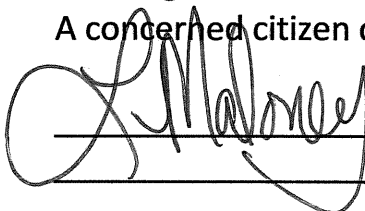
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Kind regards

A concerned citizen of Jefferson County

 \_\_\_\_\_ (signature)  
09.16.14 (date)



Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

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Kind regards

A concerned citizen of Jefferson County



(signature)

16 Sept 14

(date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

ZV14-14  
ZV14-15

Dear Planning Commission Officers

I currently own property at *874 Pheasant Hill Road, Summit Point, WV* near 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15. As a concerned property owner I am asking you to consider the impact that the All Good Festival will have on our community. The festival is expecting 30,000 people to attend and camp out. The impact of travel on Wither's Larue Road, the repair costs that will extend to the state to repair and maintain the road, let alone the cost of volunteer fire department personnel and water usage needed to prevent or treat any medical emergencies. In addition the security and police force needed to help protect the folks who attend the conference as well as the community. Consider the impact of our neighboring state of Virginia and its follow through of billing the state of West Virginia and/or Jefferson County for each man hour of police force spent to maintain traffic safety. Let alone the impact of 911 service calls that are originated from the festival noise complaints. Last but not least is the impact to the precious farm land and destruction of property that will occur from thousands of people trampling on precious farm land in our area and pollution. We are surrounded by beautiful farm land that enhances the beauty of our area, provides adequate property values. With the addition of this festival, property values will decrease and safety for the citizens will be at hand a questionable occurrence. Wither's Larue Road and Franklin town Road are dangerous and not wide enough currently, let alone add in drunk drivers who cross the line and kill someone. Please take an opportunity to consider these very important points before the approval of the variance to hold the five day festival.

Kind regards

A concerned citizen of Jefferson County

*Judy J. Bolyard* *Judy T. Bolyard* (signature)  
*9-16-14* (date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

ZV14-14  
ZV14-15

Dear Planning Commission Officers

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Kind regards

A concerned citizen of Jefferson County

Ray Bolyard (Ray Bolyard) (signature)  
9-16-14 (date)

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Kind regards

A concerned citizen of Jefferson County

Karen A. Flecker

(signature)

9-16-14 (date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

ZV14-14  
ZV14-15

Dear Planning Commission Officers

I currently own property at

near 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15. As a concerned property owner I am asking you to consider the impact that the All Good Festival will have on our community. The festival is expecting 30,000 people to attend and camp out. The impact of travel on Wither's Larue Road, the repair costs that will extend to the state to repair and maintain the road, let alone the cost of volunteer fire department personnel and water usage needed to prevent or treat any medical emergencies. In addition the security and police force needed to help protect the folks who attend the conference as well as the community. Consider the impact of our neighboring state of Virginia and its follow through of billing the state of West Virginia and/or Jefferson County for each man hour of police force spent to maintain traffic safety. Let alone the impact of 911 service calls that are originated from the festival noise complaints. Last but not least is the impact to the precious farm land and destruction of property that will occur from thousands of people trampling on precious farm land in our area and pollution. We are surrounded by beautiful farm land that enhances the beauty of our area, provides adequate property values. With the addition of this festival, property values will decrease and safety for the citizens will be at hand a questionable occurrence. Wither's Larue Road and Franklin town Road are dangerous and not wide enough currently, let alone add in drunk drivers who cross the line and kill someone. Please take an opportunity to consider these very important points before the approval of the variance to hold the five day festival.

Kind regards

A concerned citizen of Jefferson County

Steve Adams

(signature)

9-17-14

(date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

ZV14-14  
ZV14-15

Dear Planning Commission Officers

I currently own property at

near 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15. As a concerned property owner I am asking you to consider the impact that the All Good Festival will have on our community. The festival is expecting 30,000 people to attend and camp out. The impact of travel on Wither's Larue Road, the repair costs that will extend to the state to repair and maintain the road, let alone the cost of volunteer fire department personnel and water usage needed to prevent or treat any medical emergencies. In addition the security and police force needed to help protect the folks who attend the conference as well as the community. Consider the impact of our neighboring state of Virginia and its follow through of billing the state of West Virginia and/or Jefferson County for each man hour of police force spent to maintain traffic safety. Let alone the impact of 911 service calls that are originated from the festival noise complaints. Last but not least is the impact to the precious farm land and destruction of property that will occur from thousands of people trampling on precious farm land in our area and pollution. We are surrounded by beautiful farm land that enhances the beauty of our area, provides adequate property values. With the addition of this festival, property values will decrease and safety for the citizens will be at hand a questionable occurrence. Wither's Larue Road and Franklin town Road are dangerous and not wide enough currently, let alone add in drunk drivers who cross the line and kill someone. Please take an opportunity to consider these very important points before the approval of the variance to hold the five day festival.

Kind regards

A concerned citizen of Jefferson County

Ja F. O (signature)  
9/17/14 (date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

ZV14-14  
ZV14-15

Dear Planning Commission Officers

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near 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15. As a concerned property owner I am asking you to consider the impact that the All Good Festival will have on our community. The festival is expecting 30,000 people to attend and camp out. The impact of travel on Wither's Larue Road, the repair costs that will extend to the state to repair and maintain the road, let alone the cost of volunteer fire department personnel and water usage needed to prevent or treat any medical emergencies. In addition the security and police force needed to help protect the folks who attend the conference as well as the community. Consider the impact of our neighboring state of Virginia and its follow through of billing the state of West Virginia and/or Jefferson County for each man hour of police force spent to maintain traffic safety. Let alone the impact of 911 service calls that are originated from the festival noise complaints. Last but not least is the impact to the precious farm land and destruction of property that will occur from thousands of people trampling on precious farm land in our area and pollution. We are surrounded by beautiful farm land that enhances the beauty of our area, provides adequate property values. With the addition of this festival, property values will decrease and safety for the citizens will be at hand a questionable occurrence. Wither's Larue Road and Franklin town Road are dangerous and not wide enough currently, let alone add in drunk drivers who cross the line and kill someone. Please take an opportunity to consider these very important points before the approval of the variance to hold the five day festival.

Kind regards

A concerned citizen of Jefferson County

*Erin L. Dailey*

(signature)

*Sept 16, 2014*

(date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

ZV14-14  
ZV14-15

Dear Planning Commission Officers

I currently own property at

near 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15. As a concerned property owner I am asking you to consider the impact that the All Good Festival will have on our community. The festival is expecting 30,000 people to attend and camp out. The impact of travel on Wither's Larue Road, the repair costs that will extend to the state to repair and maintain the road, let alone the cost of volunteer fire department personnel and water usage needed to prevent or treat any medical emergencies. In addition the security and police force needed to help protect the folks who attend the conference as well as the community. Consider the impact of our neighboring state of Virginia and its follow through of billing the state of West Virginia and/or Jefferson County for each man hour of police force spent to maintain traffic safety. Let alone the impact of 911 service calls that are originated from the festival noise complaints. Last but not least is the impact to the precious farm land and destruction of property that will occur from thousands of people trampling on precious farm land in our area and pollution. We are surrounded by beautiful farm land that enhances the beauty of our area, provides adequate property values. With the addition of this festival, property values will decrease and safety for the citizens will be at hand a questionable occurrence. Wither's Larue Road and Franklin town Road are dangerous and not wide enough currently, let alone add in drunk drivers who cross the line and kill someone. Please take an opportunity to consider these very important points before the approval of the variance to hold the five day festival.

Kind regards

A concerned citizen of Jefferson County

Roger Parly (signature)  
9-18-14 (date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

ZV14-14  
ZV14-15

Dear Planning Commission Officers

I currently own property at *765 Pheasant Hill Rd, Summit Point, WV* near 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15. As a concerned property owner I am asking you to consider the impact that the All Good Festival will have on our community. The festival is expecting 30,000 people to attend and camp out. The impact of travel on Wither's Larue Road, the repair costs that will extend to the state to repair and maintain the road, let alone the cost of volunteer fire department personnel and water usage needed to prevent or treat any medical emergencies. In addition the security and police force needed to help protect the folks who attend the conference as well as the community. Consider the impact of our neighboring state of Virginia and its follow through of billing the state of West Virginia and/or Jefferson County for each man hour of police force spent to maintain traffic safety. Let alone the impact of 911 service calls that are originated from the festival noise complaints. Last but not least is the impact to the precious farm land and destruction of property that will occur from thousands of people trampling on precious farm land in our area and pollution. We are surrounded by beautiful farm land that enhances the beauty of our area, provides adequate property values. With the addition of this festival, property values will decrease and safety for the citizens will be at hand a questionable occurrence. Wither's Larue Road and Franklin town Road are dangerous and not wide enough currently, let alone add in drunk drivers who cross the line and kill someone. Please take an opportunity to consider these very important points before the approval of the variance to hold the five day festival.

Kind regards

A concerned citizen of Jefferson County

*Caul Tounse* (signature)  
*9/16/14* (date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

ZV14-14  
ZV14-15

Dear Planning Commission Officers

I currently own property at *765 Pheasant Hill Road, Summit Point, WV*  
*25446*

near 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15. As a concerned property owner I am asking you to consider the impact that the All Good Festival will have on our community. The festival is expecting 30,000 people to attend and camp out. The impact of travel on Wither's Larue Road, the repair costs that will extend to the state to repair and maintain the road, let alone the cost of volunteer fire department personnel and water usage needed to prevent or treat any medical emergencies. In addition the security and police force needed to help protect the folks who attend the conference as well as the community. Consider the impact of our neighboring state of Virginia and its follow through of billing the state of West Virginia and/or Jefferson County for each man hour of police force spent to maintain traffic safety. Let alone the impact of 911 service calls that are originated from the festival noise complaints. Last but not least is the impact to the precious farm land and destruction of property that will occur from thousands of people trampling on precious farm land in our area and pollution. We are surrounded by beautiful farm land that enhances the beauty of our area, provides adequate property values. With the addition of this festival, property values will decrease and safety for the citizens will be at hand a questionable occurrence. Wither's Larue Road and Franklin town Road are dangerous and not wide enough currently, let alone add in drunk drivers who cross the line and kill someone. Please take an opportunity to consider these very important points before the approval of the variance to hold the five day festival.

Kind regards

A concerned citizen of Jefferson County

*Phyllis J. Townsend* (signature)  
*9/16/14* (date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

ZV14-14  
ZV14-15

Dear Planning Commission Officers

I currently own property at 707 Pheasant Hill Rd Summit Point, WV 25446 near 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15. As a concerned property owner I am asking you to consider the impact that the All Good Festival will have on our community. The festival is expecting 30,000 people to attend and camp out. The impact of travel on Wither's Larue Road, the repair costs that will extend to the state to repair and maintain the road, let alone the cost of volunteer fire department personnel and water usage needed to prevent or treat any medical emergencies. In addition the security and police force needed to help protect the folks who attend the conference as well as the community. Consider the impact of our neighboring state of Virginia and its follow through of billing the state of West Virginia and/or Jefferson County for each man hour of police force spent to maintain traffic safety. Let alone the impact of 911 service calls that are originated from the festival noise complaints. Last but not least is the impact to the precious farm land and destruction of property that will occur from thousands of people trampling on precious farm land in our area and pollution. We are surrounded by beautiful farm land that enhances the beauty of our area, provides adequate property values. With the addition of this festival, property values will decrease and safety for the citizens will be at hand a questionable occurrence. Wither's Larue Road and Franklin town Road are dangerous and not wide enough currently, let alone add in drunk drivers who cross the line and kill someone. Please take an opportunity to consider these very important points before the approval of the variance to hold the five day festival.

Kind regards

A concerned citizen of Jefferson County

Elizabeth Friend (Elizabeth Friend) (signature)  
09-17-14 (date)

Jefferson County Planning Commission  
124 East Washington St.  
Charles Town, W.V. 25414

ZV14-14  
ZV14-15

Dear Planning Commission Officers

I currently own property at 707 Pheasant Hill Rd near 261 Berry Hill Farm Ln., Summit Point, WV. District: Kabletown (06); Map: 19; Parcels: 7, 16, & 8.4; Size: 347.15 ac (total); Zoned: Rural; File: ZV14-15. As a concerned property owner I am asking you to consider the impact that the All Good Festival will have on our community. The festival is expecting 30,000 people to attend and camp out. The impact of travel on Wither's Larue Road, the repair costs that will extend to the state to repair and maintain the road, let alone the cost of volunteer fire department personnel and water usage needed to prevent or treat any medical emergencies. In addition the security and police force needed to help protect the folks who attend the conference as well as the community. Consider the impact of our neighboring state of Virginia and its follow through of billing the state of West Virginia and/or Jefferson County for each man hour of police force spent to maintain traffic safety. Let alone the impact of 911 service calls that are originated from the festival noise complaints. Last but not least is the impact to the precious farm land and destruction of property that will occur from thousands of people trampling on precious farm land in our area and pollution. We are surrounded by beautiful farm land that enhances the beauty of our area, provides adequate property values. With the addition of this festival, property values will decrease and safety for the citizens will be at hand a questionable occurrence. Wither's Larue Road and Franklin town Road are dangerous and not wide enough currently, let alone add in drunk drivers who cross the line and kill someone. Please take an opportunity to consider these very important points before the approval of the variance to hold the five day festival.

Kind regards

A concerned citizen of Jefferson County

JoBeth Friend      JoBeth Friend (signature)  
9/17/14                      (date)



# 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 Board of Zoning Appeals Meeting September 25, 2014

### 1) Recent/Upcoming Planning Commission Actions relevant to Zoning:

- a) Envision Jefferson 2035 Update Planning Commission Public Hearing follow up – Planning Commission discussion and comments were voted on and will be incorporated into a red-lined version of the Plan for their 10/14/14 meeting for final review prior to forwarding it to the County Commission
- b) In response to a request from the County Commission, the Planning Commission forwarded their draft 8/12/14 proposed Mass Events text amendment (#ZTA 14-02) and a memo with outstanding issues that were raised at the Public Hearing to the County Commission. The County Commission has scheduled a Public Hearing for Wednesday, October 1, 2014 at 7 pm.

### 2) Zoning Administrator

Interviews are being scheduled

### 3) Upcoming BZA meeting

- a) October 23, 2014
- b) Reminder of upcoming changed meeting dates:
  - November 13, 2013
  - December 11, 2014



**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Zoning**

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

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

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

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MEMORANDUM

TO: Board of Zoning Appeals Members  
CC: Engineering & Building Permits Departments  
FROM: Acting Zoning Administrator, Jennifer M. Brockman  
DATE: September 19, 2014  
SUBJECT: September Monthly Report of Department Activities

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**ISSUED ZONING CERTIFICATES**

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

*Issuance Date:* August 26, 2014  
*Proposed Use:* Change in Ownership/Tenant. Chinese Restaurant with in-house dining and carryout. Alcohol served on premises to include beer, wine and liquor.  
*Physical Location:* 60 Patrick Henry Way; Charles Town, West Virginia 25414  
*Zone:* Residential-Light Industrial-Commercial

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#ZC14-38 SHARON GRANT – OWNER / APPLICANT

*Issuance Date:* September 24, 2014  
*Proposed Use:* Home Occupation Level 2. Full Service Canine and Feline Grooming Business.  
*Physical Location:* 3146 Bowers Road; Kearneysville, West Virginia 25430  
*Zone:* Rural

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**PENDING ZONING CERTIFICATES**

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

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

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

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

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#ZC14-34      GINA BILLER – OWNER / APPLICANT

*Issuance Date:*            TBD  
*Proposed Use:*            Cottage Industry. Repair of stained glass items to also include sale of onsite stained glass creations and related class instruction. Said occupation will be conducted in an existing 24' x 32' studio located on premises.  
*Physical Location:*      4922 Charles Town Road; Kearneysville, West Virginia 25430  
*Zone:*                        Rural

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#ZC14-35      GINA BILLER – OWNER / APPLICANT

*Issuance Date:*            TBD  
*Proposed Use:*            Farmers Market consisting of sale of fresh honey and eggs; hand-crafted wreaths from homegrown flowers and plants/produce from onsite garden. Size of existing Farmers Market structure: 10' x 20'. Daily hours of operation: Thursday – Sunday, 10:00 a.m. to 7:00 p.m. Seasonal opening dates: April 1<sup>st</sup> – December 15<sup>th</sup>.  
*Physical Location:*      4922 Charles Town Road; Kearneysville, West Virginia 25430  
*Zone:*                        Rural

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## PENDING ZONING CERTIFICATES

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#ZC14-37 PETER CORUM – OWNER / APPLICANT

*Issuance Date:* TBD  
*Proposed Use:* Temporary Use. Private school for grades K-12 (lease of retail space). Said school is a future occupant of the building designated as “Violet”.  
*Physical Location:* 3988 Kearneysville Pike; Shepherdstown, West Virginia 25443  
*Zone:* Rural

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#ZC14-39 BENJAMIN THOMPSON – OWNER / APPLICANT

*Issuance Date:* TBD  
*Proposed Use:* Outside storage of non-resident’s construction equipment (dump trucks, roller, salt spreader, etc.) which serve dual purpose use for resident’s agricultural operation and non-resident’s landscape / road maintenance  
*Physical Location:* 3 Sunstead Lane; Charles Town, West Virginia 25414  
*Zone:* Rural

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#ZC14-40 GEORGE W. RUSHIZKY - OWNER  
HARDY CELLULAR TELEPHONE CO. / CONTACT: TOM HODGES - APPLICANT

*Issuance Date:* TBD  
*Proposed Use:* Property contains existing self-support tower. Hardy Cellular Telephone Company to add three (3) additional antennas; six (6) coax cables and three (3) RRU's small radio's in existing shelter. No ground disturbance or electrical work is required.  
*Physical Location:* 8442 Shepherdstown Pike; Shepherdstown, West Virginia 25443  
*Zone:* Rural

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#ZC14-41 McLUCKY, LLC / PHILIP N. McDONALD, MEMBER – OWNER  
KEVIN C. DROST and DINA CIRIELLO - APPLICANT

*Issuance Date:* TBD  
*Proposed Use:* Antique Shop.  
*Physical Location:* 154 Wolfcraft Way; Charles Town West Virginia 25414  
*Zone:* Residential-Light Industrial-Commercial

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