



AGENDA

Board of Supervisors Special Meeting

July 26, 2022

7:00 PM

Call to Order

Public Hearings

- A. Lease of County-Owned Property Located at 124 E 2nd Street – Alisa Scott
- B. Conditional Use Permit 2022-05-01 – Ferhan Ture for a Short-Term Tourist Rental Located at 959 Thunder Road and Identified on Tax Map 36C, Section 2, Block 7, Lot 88 – Chase Lenz
- C. Conditional Use Permit 2022-05-02 – Douglas and Christina Alley for Private Use Camping Located at 0 Burma Road and Identified on Tax Map 19H, Section 1, Lot 17 – Matt Wendling
- D. Conditional Use Permit 2022-05-03 – Seung Wan (Brian) Suh for a Bed and Breakfast Located at 198 Ashland Court and Identified on Tax Map 30D, Section 1, Lot 2 – Matt Wendling
- E. Conditional Use Permit 2022-05-04 – Valley View Ventures, LLC (Brooklyn Steele) for a Short-Term Tourist Rental Located at 4315 Rivermont Drive and Identified on Tax Map 28, Lot 127B – Chase Lenz
- F. Conditional Use Permit 2022-05-05 – Edward Sperry for a Guesthouse Located at 690 Comforter Lane and Identified on Tax Map 10P, Section 1, Lot 11 – Matt Wendling
- G. Conditional Use Permit 2022-05-06 – Hunter E. Hughes and Rinku Sinha for a Short-Term Tourist Rental Located at 289 Heim-Jones Road and Identified on Tax Map 23C, Section 7, Block 2B, Lot 188 – Matt Wendling
- H. Conditional Use Permit 2022-05-07 – James V. Elliott, Jr. for a Short-Term Tourist Rental Located at 2633 Buck Mountain Road and Identified on Tax Map 37, Lot 63D – Chase Lenz
- I. Conditional Use Permit 2022-05-08 – Self-Realization Fellowship Church for a Church Located at 2660 John Marshall Highway and Identified on Tax Map 30, Lot 24A1 – Matt Wendling
- J. Conditional Use Permit 2022-06-10 – Shahi Food Group for a Facility for Food Processing Located at 426 Baugh Drive and Identified on Tax Map 5C as Lot 5 – Matt Wendling
- K. Z2022-05-02 – Warren County Planning Commission, Ordinance to Amend and Re-Ordain Sections 180-8 and 180-16 Pertaining to the Floodplain Overlay District – Matt Wendling
- L. Adjournment



DATE July 26, 2022	ITEM A	SUBJECT: Public Hearing: Lease of Real Property Located at 124 East 2 nd Street	PAGE 1 OF
<u>EXPLANATION & SUMMARY:</u> The County intends to lease the real property located at 124 E. 2nd Street, for approximately one year beginning July 27th, 2022 and ending July 30, 2023. In accordance with the Code of Virginia § 15.2-1800. Purchase, sale, use, etc., of real property, a public hearing is required. <u>COST & FINANCING:</u> The monthly lease of \$900.00 will go to the revenue line item 3-1-15020-1. <u>PROPOSED OR SUGGESTED MOTION:</u> I move the Board of Supervisors approve the lease of County owned real property located at 124 E. 2nd Street to a tenant. I further move the Board authorize the Chair and County Administrator, either of whom may act, to execute all necessary documents that have been approved by the County Attorney or the Senior Assistant County Attorney on behalf of the County. OR I move the Board of Supervisors postpone consideration of this lease until _____.			
SUBMITTED BY: Alisa Scott, Deputy Finance Director	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)		PROCESSED BY:

LEASE AGREEMENT
124 E. 2nd STREET, FRONT ROYAL, VA 22630

THIS LEASE AGREEMENT (hereinafter the "Agreement") made this _____ day of _____, 2022, by and between the **COUNTY OF WARREN, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (hereinafter the "County"), and **RETA WOODS** (hereinafter the "Lessee").

WITNESSETH: For and in consideration of the mutual agreements herein contained, the parties hereto do mutually consent and agree as follows:

1. **Premises:** The County hereby leases and demises unto Lessee the premises (hereinafter the "Premises") known and designated as 124 E. 2nd Street, Front Royal, Virginia, 22630.
2. **Initial Term.** Lessee agrees to lease the Premises for a period of one (1) year (hereinafter the "Initial Term") commencing on the date of final signatures and continuing (if not otherwise terminated or extended pursuant to the terms of the Agreement) through **July 30, 2023**.
3. **Option to Renew.** At the end of the Initial Term or any extension or renewal thereof, the Lessee may, at its option, extend the Agreement for additional one (1) year periods (hereinafter the "Renewal Term") under the same terms and conditions herein, provided that the Lessee shall give the County written notice of its intentions thirty (30) days before the expiration date of the Initial Term or Renewal Term. For purposes of this Lease, the word "Term" shall be deemed to mean the Initial Term and, to the extent applicable, each Renewal Term.
4. **Rent.** The rent under this Lease is payable on the 1st day of each month in a monthly installment of **Nine Hundred Dollars (\$900.00)**, beginning the 1st day of

August 2022. A five (5) day late payment fee of Twenty-Five Dollars (\$25.00) shall be applied to and owing on any monthly rental payment five (5) days or more overdue. A bad check fee of Twenty-Five Dollars (\$25.00) shall be applied to any returned check. The rental check should be made payable to “Treasurer of Warren County” and mailed or delivered to the **County Attorney’s Office, 220 N. Commerce Avenue, Suite 100, Front Royal, Virginia 22630.** It is the responsibility of the Lessee to promptly pay the County the fees and charges. Otherwise, a delinquent notification will be mailed by the Warren County Attorney’s office to the Lessee.

5. **Electric.** Electric shall be maintained in Lessee’s name and shall be the responsibility of the Lessee to pay.
6. **Water and Sewer.** Water and sewer utilities shall be maintained in Lessor’s name and shall be the responsibility of the Lessor to pay.
7. **Pets:** No pets shall be permitted unless Lessee first receives written permission to have a pet. No more than one (1) pet will be allowed.
8. **Smoking.** No smoking shall be permitted inside the dwelling.
9. **Alterations or Improvements.** Alterations, additions, or improvements to the Premises shall not be permitted without the prior written consent of the County.
10. **Hazardous Materials.** During the Term, Lessee shall not use, store, dispose of or release onto or into the ground of the Premises any Hazardous Materials (as hereinafter defined) in violation of any federal, state or local law or regulation governing the use, storage, disposal or release of Hazardous Materials (collectively, “Environmental Laws”). For purposes hereof, Hazardous Materials shall include:

(a) any "hazardous waste" as defined by the Resource Conservation and Recovery Act of 1976, as amended from time to time, and regulations promulgated thereunder; (b) any "hazardous substance" as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended from time to time, and regulations promulgated thereunder; and (c) any substances or materials otherwise prohibited or regulated by any other Environmental Laws. In the event of any violation of Environmental Laws by Lessee or any release, spill or discharge of any Hazardous Materials onto or into the ground of the Premises by Lessee, Lessee shall, after becoming aware thereof, immediately notify the County of the same and forthwith take all steps necessary to (i) remedy such violation or (ii) clean-up, remove and otherwise remediate such Hazardous Materials in compliance with applicable Environmental Laws.

11. **Services.** Lessee shall be responsible to pay or provide for the following: all communications services refuse collection and any other services to the Premises.
12. **Assignment and Sublease.** This Lease may not be assigned or transferred, and the Premises may not be assigned or transferred or sublet, in whole or in part, by Lessee without the County's prior written consent.
13. **Right of Entry to Inspect.** The County reserves the right for itself, its agents, and employees to enter upon the Premises at reasonable times upon the giving of advance reasonable notice to make inspections. Additionally, the locks shall not be changed without the County's prior written consent, and the Lessee shall provide a copy of the new key to the County after the County gives written consent.

14. **Insurance.** Lessee shall be responsible for procuring renters insurance to insure the personal property and contents within and on the Premises. The County shall be responsible for insuring the real property.
15. **Indemnity.** The Lessee hereby agrees to indemnify, defend and hold harmless the County, its employees, agents and representatives from any claims, actions, demands and/or expenses, including attorney and professional fees, for any act or activity which is in any way connected with the Lessee's use of Premises, excluding the County's use of the Premises.
16. **Damage or Destruction.** In any case of casualty resulting in damage or destruction to the Premises or of any improvements or any portion thereof, Lessee shall promptly give written notice thereof to the County. The County shall at its cost and expense, to the extent that insurance proceeds are sufficient therefore and properly appropriated by the County, restore, repair, replace, or rebuild in a good and workmanlike manner the Premises as nearly as possible to their valued condition and character immediately prior to such damage or destruction; provided, the County shall be entitled to, in its sole discretion, construct the improvements entirely different from the damaged improvements, taking into account the current building codes.

All insurance proceeds received as a result of any damage or destruction to the Premises and improvements shall be immediately appropriated directly to the County, and the County shall use such proceeds to construct or reconstruct the Premises.

17. **Additional Covenants by Lessee.**
- a) Upon the expiration or termination of this Lease, Lessee agrees to deliver the Premises in good and clean condition, ordinary wear and tear accepted. Lessee agrees to pay the costs of all repairs and cleaning required by wear and tear beyond the ordinary.
- b) Lessee agrees to give the County prompt written notice of any defects of the Premises, equipment, appliances, and fixtures for which the County is responsible for repairs.
18. **Compliance with Laws.** In its use of the Premises, Lessee shall at all times be in full compliance with all applicable Federal, State, and County laws, regulations, and requirements, and shall take such actions as may be reasonably necessary for the protection of the health, safety, and well-being of the public.
19. **Termination for Convenience.** At any time during the Agreement, the County or the Lessee shall have the option to terminate the Agreement upon thirty (30) days' notice to the other party in the Agreement.
20. **Security Interests and Leasehold Mortgages.** It is understood that in borrowing funds, Lessee cannot place a mortgage on County's leasehold interest in the Premises created by this Lease.
21. **Entire Agreement.** This Agreement constitutes the entire, full, and complete understanding and agreement of the parties, and may not be modified orally or in any other manner than by agreement in writing signed by all parties to the Agreement or their respective successors in interest.

22. **Notices.** For the purposes of this Lease, all notices shall be in writing, and shall be delivered by first class mail to the parties at the addresses stated herein, to-wit:

County of Warren, Virginia
c/o Edwin Daley, County Administrator
County Administrator's Office
220 N. Commerce Avenue, Suite 100
Front Royal, Virginia 22630

Reta Woods
124 E. 2nd Street
Front Royal, Virginia 22630

23. **Severability.** Any term of this Agreement which is prohibited by, or is unlawful or unenforceable under Virginia law shall be ineffective only to the extent of such prohibition, without invalidating the remaining terms of this Agreement.

24. **Interpretation.** Interpretation of the provisions of this Lease Agreement shall be in accordance with the laws of the State of Virginia.

25. **Enforcement.** Any action maintained by either party for the enforcement or interpretation of the terms of this Contract shall be filed in the courts of Warren County, Virginia.

The parties hereinafter, having read and understood the provisions of this Lease, agree for themselves, their successors and assigns to be bound thereby.

[REMAINDER OF PAGE WAS LEFT INTENTIONALLY BLANK]

COUNTY OF WARREN, VIRGINIA

By: _____
Edwin Daley,
County Administrator

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

I, _____, a Notary Public in and for the Commonwealth of Virginia, at large, do hereby certify that **Edwin Daley**, County Administrator, whose name is signed to the foregoing Lease Agreement, has this day personally appeared and acknowledged the same before me in my State and County aforesaid.

Given under my hand this ____ day of _____, 2022.

My commission expires: _____. My certificate number: _____.

Notary Public

By: _____
Reta Woods

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, TO-WIT:

I, _____, a Notary Public in and for the Commonwealth of Virginia, at large, do hereby certify that **Reta Woods** whose name is signed to the foregoing Lease Agreement, have this day personally appeared and acknowledged the same before me in my State and County aforesaid.

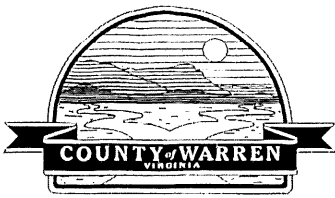
Given under my hand this ____ day of _____, 2022.

My commission expires: _____. My certificate number: _____.

Notary Public

Approved as to form:

Caitlin Jordan
Senior Assistant County Attorney



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:
07/26/2022	b	Conditional Use Permit #2022-05-01 Ferhan Ture <i>Short-Term Tourist Rental</i>
EXPLANATION & SUMMARY: See attached application and staff report. General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards: 1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan. 2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. 3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. 4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area. 5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. 6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that: a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties. b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion. c) Provide for adequate parking and ingress and egress to public streets or roads. d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property. e) Prevent such use from changing the character and established pattern of development of the community.		

PLANNING COMMISSION STATUS:

On Wednesday, June 8, 2022, Mr. Henry moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mr. Kersjes and approved by the Planning Commission by a vote of 4-0.

RECOMMENDED CONDITIONS:

Staff recommends that if the Board of Supervisors is going to approve of this request that the following conditions should be applied:

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six as determined according to the Health Department operation permit for a three-bedroom dwelling.
3. The applicants shall have the well/drinking water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Ferhan Ture for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff.

OR

I move that the Board of Supervisors deny the conditional use permit request of Ferhan Ture for a Short-Term Tourist Rental.

SUBMITTED BY:

Chase Lenz, 
Zoning Administrator

DISPOSITION OF BOARD:

☐ APPROVED ☐ OTHER (Describe)

**PROCESSED
BY:**



Conditional Use Permit 2022-05-01: Short-Term Tourist Rental

Owner/Applicant: Ferhan Ture

Prepared: April 28, 2022

Staff Contact: Chase Lenz, Zoning Administrator

SUMMARY OF REQUEST

The applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in November of 2020. The owner recently finished a basement suite in the dwelling and would like to make it available year-round for short-term visitations for couples and families visiting the Warren County area. The applicant and his wife will manage the property personally while residing in the main section of the dwelling.

PROPERTY INFORMATION

Property Location: 959 Thunder Road

Tax Map ID: 36C--2-7--88

Magisterial District: Fork

Subdivision: Haynes-Anderson (Thunderbird)

City: Front Royal

Zoning: Agricultural (A)

Acres: 5.204 Acres

Existing Land Use: Single-Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

North: Agricultural (A)

South: Agricultural (A)

East: Agricultural (A)

West: Agricultural (A)

Use: Single-Family Dwelling

Use: Single-Family Dwelling

Use: Single-Family Dwelling

Use: Single-Family Dwelling, Vacant - Woodlands

PROPERTY HISTORY

The dwelling on the subject property was constructed in 2016. This property has not had any previous Conditional Use Permits issued for uses in the Agricultural zoning district. The property owner was issued a Notice of Violation in January of 2022 for operating a short-term tourist rental without an approved conditional use permit. Upon notification of the requirement for a conditional use permit, the property owner ceased the use and worked with county staff to begin the conditional use permit process.



COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for agricultural and residential land uses. A short-term tourist rental is a use allowed by conditional use permit in the Agricultural zoning district and is compatible with the current Warren County Zoning Ordinance.

ATTACHMENTS

☐ Agency Comments

☐ Location Map

☐ Application

☐ Public Comments

☐ Health Permit

☐ Submitted Plans

☐ Letter from Applicant

☐ Other: _____

SUPPLEMENTARY REGULATIONS
Warren County Zoning Ordinance: § 180-56.4: Short-term tourist rentals.

- A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.
- B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however the maximum number of occupants shall not exceed 10. There is a Health Department operation permit on file approving six (6) occupants for the dwelling. The applicant has provided documentation requesting a maximum of six (6) occupants. Warren County Assessment data lists three (3) bedrooms in the dwelling.
- C. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all right-of-ways and in yards. There is sufficient parking for at least four vehicles in the driveway.
- D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. The property is situated on an interior lot, with three sides bordering adjacent properties; all but one of which contain single-family dwellings. Most of the surrounding area is wooded land containing single-family dwellings.
- E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.
- F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code, and a carbon monoxide detector must be installed on each floor in every dwelling. The applicant shall obtain building permits to ensure the dwelling meets the current code requirements for fire protection systems.
- G. The owner of a dwelling used for short-term tourist rentals shall give the County written consent to inspect any dwelling used for short-term rental to ascertain compliance with all of the above performance standards upon a 24 hour notice.
- H. A property management plan (PMP) demonstrating how the short-term tourist rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to county staff, public safety officials, and if applicable, the HOA/POA of the subdivision. The plan must be provided as a part of the rental contract. The PMP will be provided.
- I. If the property is located within a subdivision governed by a Home Owners Association/Property Owners Association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental. Comments have been requested from the Thunderbird Farms POA.
- J. The short-term tourist rental shall have a "land-line" with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.
- K. The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood. The property shall have the evacuation plan posted in each bedroom and in the guest registration packet.

- L. A copy of Chapter 123 of the Warren County Code relative to noise must be provided at the short-term tourist dwelling. **The applicant shall have a copy of the ordinance in their guest registration packet and posted in a common area of the dwelling.**
- M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation as described in §180-63 of the Warren County Zoning Ordinance.
- N. All outdoor burning shall be in compliance with Chapter 92 of the Warren County Code.
- O. There shall be a minimum of 100' from the short-term tourist rental to all neighboring residences. **This dwelling does meet the setback requirement to adjacent single-family dwellings. The closest dwelling is 147' to the southeast.**

RECOMMENDED CONDITIONS

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. *Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.*

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six as determined according to the Health Department operation permit for a three-bedroom dwelling.
3. The applicants shall have the well/ drinking water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Cc: Ferhan Ture – Owner/Applicant

To Warren County Planning Commission:

I am writing this letter in support of my application to obtain a conditional use permit (CUP) for my house at 959 Thunder Rd (Front Royal, VA), as part of Thunderbird Farms.

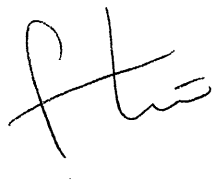
My wife and I purchased this house in December of 2020 because we wanted to get away from the city and the pandemic situation made it easy for us to work remotely. The basement was unfinished when we purchased the home so we decided to renovate and create a two-bedroom suite downstairs, with a separate entrance through the side.

Our primary goal is to enjoy the house, the community, and the surrounding nature, but we also want to share this with couples and families that want to visit and cannot afford the hotels and the larger rental houses. We would like to rent out our basement suite for an affordable amount, limiting it to a max of 4 adults and up to 2 kids. We expect most guests to be couples in their 30s-40s, with a single car, looking for a peaceful weekend. By only renting out part of the house, we will be able to make sure that the guests abide by the community rules and the house rules, which would strictly disallow parties of any kind.

Thank you for your consideration.

Regards,

Ferhan Ture

 3/10/2022

**WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION**

Application Number: 2022-05-01
Date Received: 3.25.2022
Fee Amount: \$ 500.00 CK#137
Date Paid: 3.25.2022

Applicant Information:

Ferhan Ture
Applicant Name

959 Thunder Rd Front Royal VA 22630
Address City State Zip

Property Location for conditional use permit if Different than Applicant's Address

301-339-4053 FERHAN.TURE@gmail.com
Primary Contact Number Email

Property Owner (if same as applicant, leave blank)

Address City State Zip

Primary Contact Number

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:

- (1) Address/Location: 959 Thunder Rd Front Royal VA 22630
(2) Election District: 6
(3) Tax Map Number: 36C 27 88
(4) Subdivision Name: _____
(5) Total Area of Property (acres): 5.204
(6) Total Area to be Used (acres): _____
(7) Total Road Frontage (feet): _____
(8) Depth of Property (feet): _____
(9) Present Zoning: Agricultural (according to warren GIS website)

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: Short-term rental (Airbnb)
- (2) Current land use and condition of site: Residential
- (3) Zoning of surrounding land/property: _____
- (4) Will development be staged? ☐ Yes ☒ No
- (5) Construction Time: none
- (6) Season, days, and hours of operation: All-year (depends on demand)
- (7) Will there be a sign? ☐ Yes ☒ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)
- (8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) NO
- (9) Number of full time employees: 0
- (10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public
- (11) Number of persons to be served by the sewage disposal system: 4
- (12) Number of parking spaces to be provided: Regular 2 Handicap 0
- (13) What is the proposed landscaping and buffering for this property? None

C. Plans Prepared By

Name: N/A

Address: _____

Telephone Number: _____

D. Environmental Information

- (1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?)
Tenants will be required to follow community rules and respect the neighbors. Airbnb review and rating system will be used to ensure tenants are vetted and they do not cause any adverse impact.

(2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) All household trash will be disposed by cleaning staff.

(3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.)

NO

(4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions.

NO

(5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.)

NO

(6) What will be the impact on traffic?

No impact since most tenants will have one car and we will not be in town while we have tenants.

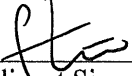
(7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level.)

NO

**The following documents and/or information are required
to be submitted with the application:**

- ☐ **An application fee of \$500.00.**
Make payable to the Treasurer of Warren County. A non-refundable fee of \$500.00 will be required at the time of submittal.
- ☐ **A Statement of Justification**
This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.
- ☐ **A Site Plan/Survey.**
Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.
- ☐ **Sewage Disposal and Well Site.**
Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.
- ☐ **A copy of the deed to the property verifying the current ownership.**
A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.
- ☐ **A statement verifying that real estate taxes have been paid.**
This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.
- ☐ **Environmental and Community Impact Statements**
The Planning Director, the Planning Commission, and/or the Board of Supervisors reserve the right to ask for an environmental and/or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.
- ☐ **List of chemicals stored on the site**
A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.
- ☐ **Location Map**
A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.
- ☐ **Directions to your property from the Warren County Government Center.**
Take Royal Ave until merge onto 340 then take
the next right to 619. Shortly after passing
Fivemont Grocery on the right, turn left to 673.
At next junction stay left to Downing Farm Rd, and
then stay right to Thunder Rd. After the curve
4/3/18 the house will be on the right. Green color with steep driveway

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit, shall be charged to the applicant.


Applicant Signature

3/8/2022
Date


Property Owner Signature

3/8/2022
Date

Accepted by: _____

Date: _____

PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

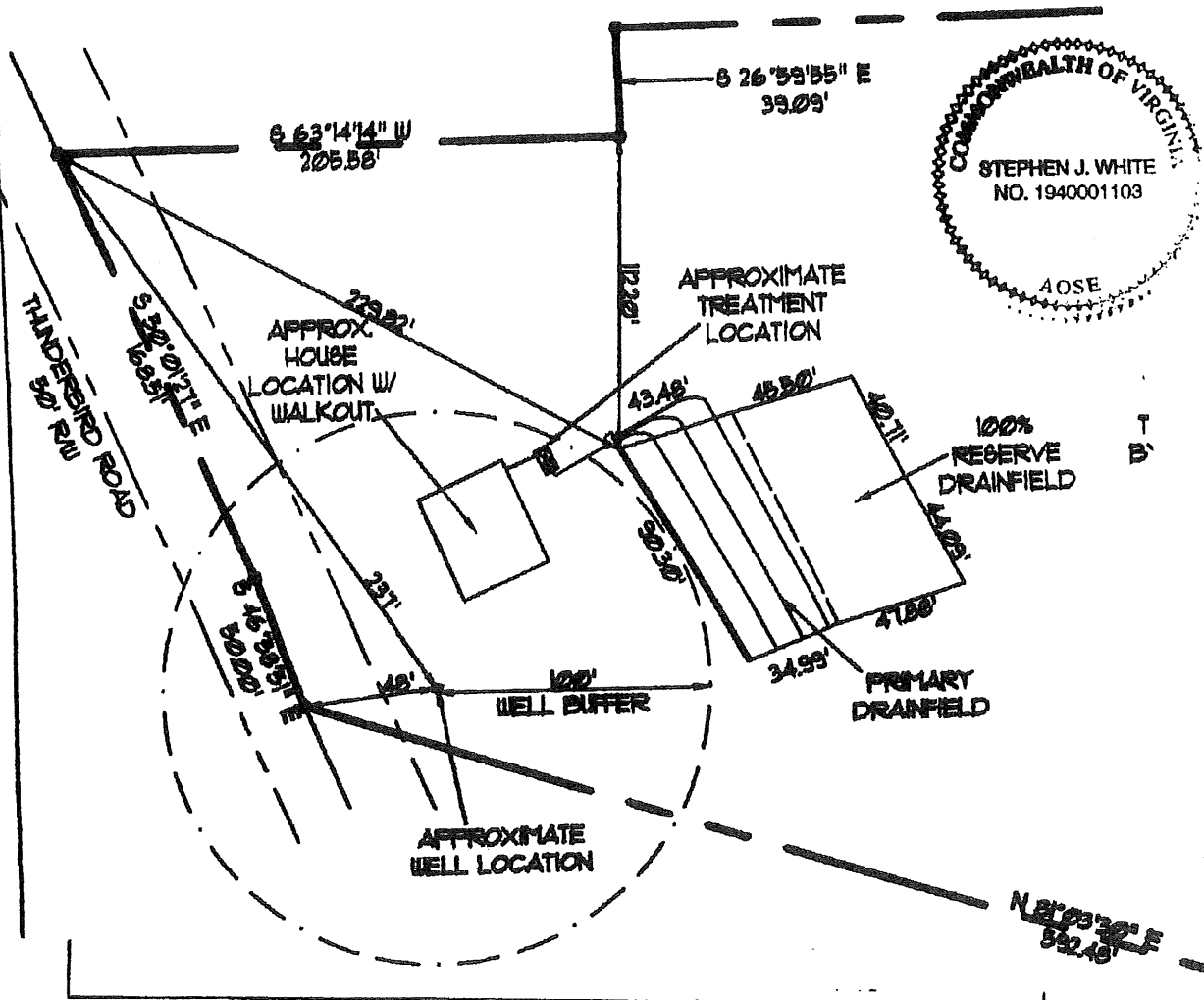
NOTES

Construction Drawings

Property ID: 38C-2-7-88

See engineer design plan

LOT 81

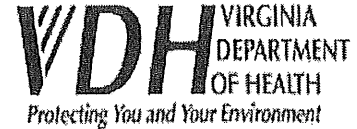


Schematic drawing of sewage disposal system and topographic features. Show the lot lines of the building lot and building site, sketch of property showing any topographic features which may impact on the design of the system, all existing and/or proposed structures including sewage disposal systems and wells within 200 feet of sewage disposal system and reserve area. The scale drawing of the sewage disposal system shall show sewer lines, pretreatment unit, pump station, conveyance system, and subsurface soil absorption system, reserve area, etc. When a nonpublic drinking water supply is to be located on the same lot, show all sources of pollution within 200 feet.

Lord Fairfax Health District



Warren County Health Department
465 West 15th Street, Suite 200
Front Royal, Virginia 22630
Tel. (540) 635-3159 ~ Fax (540) 635-9698
www.vdh.virginia.gov



April 25, 2022

Chase Lenz, Zoning Administrator
Warren County Planning and Zoning
220 N Commerce Ave., Suite 400
Front Royal, Virginia 22630

RE: Request for Comments (2022-05-01)
Owner: Ferhan Ture

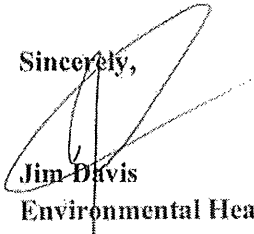
Dear Mr. Lenz,

I have reviewed your request for comments regarding the property at 959 Thunder Rd. Front Royal, VA (Tax Map# 36C-2-7-88) and I offer the following comments:

1. There is a Construction Permit, ROI and Operation Permit on file for the referenced property dated 8/07/2015, 6/22/2016 and 5/21/2016 respectively.
2. The dwelling is served by an Alternative Onsite Sewage System (AOSS). The AOSS is designed for Three (3) Bedrooms, Six (6) Occupants and 450 gallons per day.
3. The owner should be aware the AOSS must inspected by a licensed operator at least annually.
4. The dwelling is served by a private Class IIIB Well. A sample of the water should be collected and tested by a state approved lab at least annually.
5. All refuse shall be placed in containers with tight-fitting lids.
6. Do not connect any Jacuzzi or hot tub discharge to the sewage disposal system.

Please contact me at (540) 635-3159 should you have any questions.

Sincerely,



Jim Davis

Environmental Health Supervisor

Chase Lenz

From: David Beahm
Sent: Tuesday, May 24, 2022 4:38 PM
To: Matt Wendling; Chase Lenz
Cc: Paula Fristoe
Subject: Request for Comments 2022-05-01 – Ferhan Ture – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000176-2022

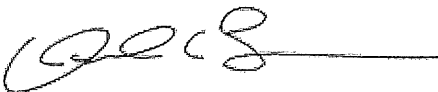
Comments 2022-05-01 – Ferhan Ture – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000176-2022:

NOTE: From the information provided it would appear that work has been completed without permits ("The basement was unfinished when we purchased the home so we decided to renovate and create a two-bedroom suite downstairs, with a separate entrance through the side.") having been obtained. The only permit on file is for the original house construction started in 2015 and completed in 2016. Any work that may have been completed that required permitting would be in violation and would need to be addressed prior to Building Inspections being able to provide approval for this request.

- Erosion and Sediment Control Items:
 - There does not appear to be any land disturbance at this time and therefore nothing would be required. If this is not the case, the normal submission process would be required.
- Building Inspections Items:
 - The use of the existing dwelling for a "short-term rental" would require a building permit to establish it as a transient boarding facility which is the term used by the building code for this type of use. The dwelling would receive a new Certificate of Occupancy designating it as a short-term rental.
 - Given the timeframe that the structure was originally built it may not require an Electrical permit to meet the building code requirements for this change.
 - This change requires that smoke detectors are installed as required by the Virginia Residential Building Code.

If anything should change in the scope additional requirements may be required.

Respectfully,



Warren County Building Inspections Of

David C. Beahm, CBO
Building Official

220 North Commerce Ave
Suite
Front Royal, VA 22

dbeahm@warrencountyva.net

www.warrencountyva.net

540/636-9
FAX 540/636-4

THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE; AND THEN PLEASE DELETE THIS MESSAGE FROM YOUR SYSTEM. THANK YOU.

Matt Wendling

From: Sherre Christiansen <vp@thunderbirdfarms.org>
Sent: Thursday, June 2, 2022 1:29 PM
To: ferhan.ture@gmail.com; Matt Wendling
Cc: president@thunderbirdfarms.org; squeakywheel411@yahoo.com; hornickw@comcast.net; dkhorgan6@yahoo.com; secretary@thunderbirdfarms.org; treasurer@thunderbirdfarms.org; rbkp52@comcast.net; jennifer.dasom.anderson@gmail.com
Subject: CUP for 959 Thunder Rd

Hi Ferhan and Matt:

Based on the vote outlined below of the responding property owners, the POA and does not oppose Ferjan's short term rental application. Individual property owners may speak for or against the CUP, but they can only express their personal views and not the approved position of the POA and POA Board.

As you see below, the vote failed by a very slim margin (66.1% with 66.7% required for passage.) At some point in the future, a group of property owners may petition the Board for another Short Term Rental exclusion vote, but as of now, the official position of the POA and POA Board is not to oppose Short Term Rental CUP applications.

Please let me know if you have any questions or concerns.

Best wishes,

Sherre

Sherre Christiansen

Vice President

Thunderbird Farms Property Owners Association

Proposal 4 - Prohibit Short Term Rentals

Number of votes for: 74

Number of votes against: 38

Number of abstentions: 3

Total votes cast: 112

Percentage of votes cast for the proposal: 66.1

Result: NOT PASSED

Matt Wendling

From: Shawn Davis <shawndavis747400@gmail.com>
Sent: Wednesday, June 1, 2022 5:36 AM
To: Matt Wendling
Subject: June 8th Public hearing

Hi Matt,

I am unable to attend the June 8th hearing.

Regarding the 959 Thunder Rd. Request by Ferhan Ture.....
I approve.

I live across the street.

Thank you,
Shawn Davis
1010 Thunder Rd.

Emily Ciarrocchi

From: Edwin Daley
Sent: Tuesday, July 19, 2022 3:59 PM
To: Emily Ciarrocchi
Subject: FW: Ferhan Ture Conditional Use Permit

From: Brenda & Sonny Ramey <sonnyramey@gmail.com>
Sent: Tuesday, July 19, 2022 3:31 PM
To: Edwin Daley <Edaley@warrencountyva.gov>; Brenda & Sonny Ramey <sonnyramey@gmail.com>
Subject: Ferhan Ture Conditional Use Permit

Dear Dr. Daley,

I am writing to express my thoughts on Ferhan Ture short term rental request.

I do not know where Mr. Ture permanent home is located. My concerns with short term rentals are many.

If a renter is doing something that it is not under Thunderbird Farms Property Owners Association or the Warren County Sheriff's office authority, who would a property owner call?

The Property Owners Association has only so much authority. Thunderbird Farms is a wood area. My biggest concern is fire, noise, barking dogs, and riding of ATV's on the roads.

If Mr. Ture resides on another property in Thunderbird that would be a different situation. I think this question should be asked of him.

Many city dwellers come to the country to build fires outdoors, let their dogs run wild and ride their ATV's.

In conclusion I do not want any short term property rentals in Thunderbird Farms.

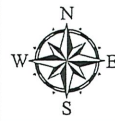
Sincerely,

Brenda & Sonny Ramey
380 McCoys Ford Road
Front Royal, Va
540-636-6374



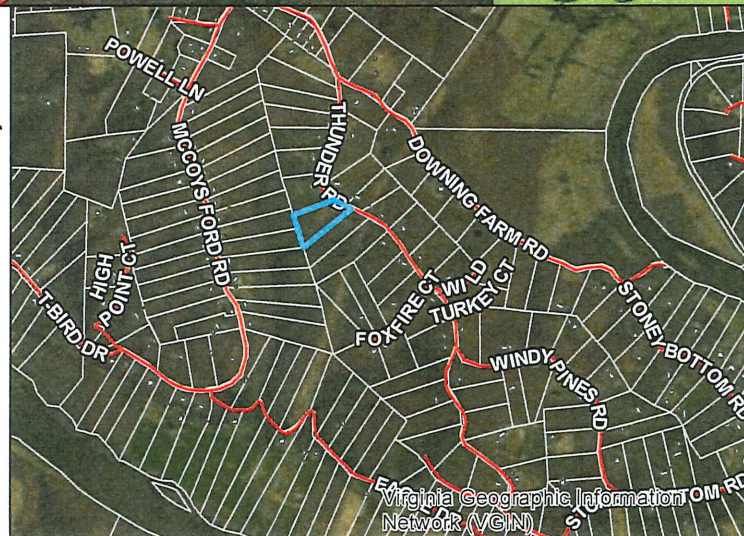
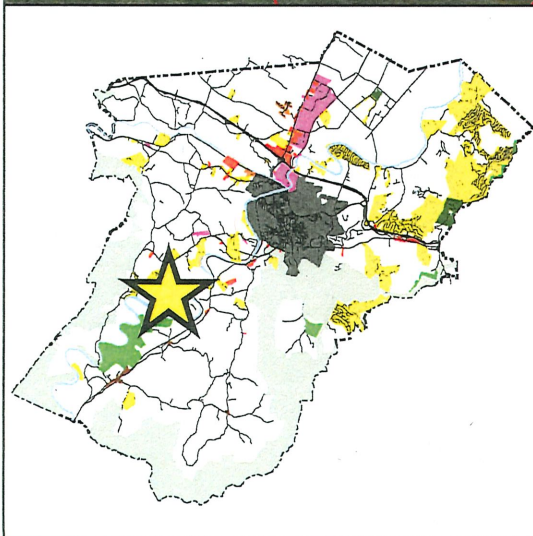
Warren County VA

CUP Location Map



Short Term Tourist Rental
Applicants: Ferhan Ture

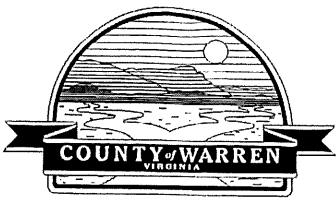
TM 36C--2-7--88
959 Thunder Rd



Zoning

Agricultural	Rural Residential
Commercial	Right of Way
Industrial	Front Royal
Residential One	Federal Land
Residential Two	State Land
Suburban Residential	Water
Village Residential	VOF Conservation Easements
	WC Conservation Easements

Map produced by
Warren County GIS 2022
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:
7/26/2022	C	Conditional Use Permit #2022-05-02 Douglas & Christina Alley <i>Private Use Camping (Non-Commercial)</i>
EXPLANATION & SUMMARY: See attached application and staff report. General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards: 1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan. 2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. 3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. 4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area. 5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. 6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that: a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties. b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion. c) Provide for adequate parking and ingress and egress to public streets or roads. d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property. e) Prevent such use from changing the character and established pattern of development of the community.		

PLANNING COMMISSION STATUS:

On Wednesday, June 8, 2022, Mr. Henry moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mrs. Richardson and approved by the Planning Commission by a vote of 4-0.

RECOMMENDED CONDITIONS:

Staff recommends that if the Board of Supervisors is going to approve of this request that the following conditions should be applied:

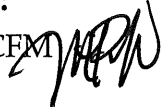
1. The applicants shall comply with all Warren County Health Department regulations and requirements.
2. Materials associated with the campers are to be stored in a neat and orderly fashion during the time of use and are to be removed from the site when not in use.
3. Any development, structure or fencing shall require a building and zoning permit.
4. The applicant shall post the property with a lot/parcel number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles and portable commode prior to a predicted flood event.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Douglas & Christina Alley for Private Use (non-commercial) Camping with the conditions as recommended by the Planning Commission and Staff.

OR

I move that the Board of Supervisors deny the conditional use permit request of Douglas & Christina Alley for Private Use Camping (List reasons).

SUBMITTED BY: Matt Wendling, CFM Planning Director County Floodplain Manager 	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (Describe)	PROCESSED BY:
---	---	----------------------



Conditional Use Permit: 2022-05-02 / Private Use Camping (Non-Commercial)

Douglas & Christina Alley, Current Owner/Applicant

Staff Report for the Planning Commission

Prepared: April 8, 2022

Staff Contact: Matt Wendling, Deputy Planning Director/County Floodplain Manager

A handwritten signature in dark ink, appearing to read "MW", is written over the printed name of the staff contact.

SUMMARY OF REQUEST

The applicants are requesting a conditional use permit for Private Use Camping on a lot in the Man-Da-Lay subdivision which is located in the Special Flood Hazard Area (SFHA). The applicants recently purchased the lot in August 2021 from a long time property owner who never improved the lot, it's currently mostly wooded. The CUP would also allow them to erect a single accessory structure up to 200 sq. ft. for storage of recreational and property maintenance equipment with the issuance of a building permit.

PROPERTY INFORMATION

Property Location: Burma Rd.

Tax Map ID: #19H-1 – Parcel 17

Magisterial District: North River

Subdivision: Man-da-lay

This subdivision is completely located within the Special Flood Hazard Area, Floodzone "A"

City: Front Royal

Zoning: Residential One (R-1)

Acres: 0.24 Acres

Existing Land Use: Vacant Lot

SURROUNDING ZONING DISTRICTS & USES

North: Agricultural (A)

South: Agricultural (A)

East: Residential One (R-1)

West: Residential One (R-1)

Use: Shenandoah River – Recreational Lot

Use: RR Right-of-Way – Trailer Park

Use: Vacant Lot - Recreational Use with CUP

Use: Vacant Lot - Recreational Use with CUP

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Residential One (R-1) zoning district. The previous owner lived out of state and owned it since 1985. There are a number of properties on this road which have been issued Conditional Use Permits for this use.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for residential land uses. Private Use (Non-commercial) Camping is a use allowed by conditional use permit in the Residential One (R-1) zoning district and is compatible with the current Warren County Zoning Ordinance Section §180-22.

PROPOSAL:

Private Use Camping (non-commercial) is defined by the Warren County Zoning Ordinance as, "No more than two major recreational vehicles used for living, sleeping or other occupancy on any lot or combination of lots under one ownership, provided that such use is limited to the owner, family members or guests, and no fee is charged for camping."

**SUPPLEMENTARY REGULATIONS FOR MAJOR RECREATIONAL VEHICLES AND
EQUIPMENT**

§ 180-40.1 Major recreational vehicles and equipment.

[Added 1-16-1996; amended 10-18-2011; 8-18-2020]

A. Statement of intent. These provisions are intended to ensure that camping in major recreational vehicles and the parking, storage and use of major recreational equipment is conducted in a safe and healthful manner.

B. For the purposes of this section, the term "major recreational equipment" shall include "major recreational vehicles."

C. Parking, storage and use of major recreational equipment in residential districts. The following regulations shall apply to major recreational equipment in residential districts:

(1) No major recreational equipment shall be used for living, sleeping or other occupancy when parked or stored on a residential lot or in any other location not approved for such use.

(2) Major recreational equipment not parked or stored in a garage, carport or other building. All major recreational equipment shall be located at least three feet from all buildings and shall not be located in any front yard, except in a driveway, perpendicular to the street and a minimum of 10 feet from the right-of-way.

D. Limitation on parking and storage of inoperative major recreational equipment. No more than one inoperative major recreational equipment item shall be parked or stored outdoors on any lot or combination of contiguous lots under one ownership.

E. Use and location of major recreational vehicles where permitted.

(1) The placement of major recreational vehicles on vacant lots shall comply with the established setbacks of the respective zoning district.

(2) Major recreational vehicles shall not be used as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

(3) Major recreational vehicles shall not be used for storage facilities.

F. Parking, storage and use of major recreational equipment within the special flood hazard area (SFHA). The following regulations shall apply to major recreational equipment within the SFHA:

(1) Be on site for less than 180 consecutive calendar days in any one year; be fully licensed and ready for highway use.

(2) The major recreational equipment is ready for highway use if it is on its wheels or jacking system, attached to the site by only quick disconnect-type utilities and securities and has no permanently attached additions.

(3) The parking and storage of inoperative major recreational equipment shall be prohibited.

RECOMMENDED CONDITIONS

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.

1. The applicants shall comply with all Warren County Health Department regulations and requirements.
2. Materials associated with the campers are to be stored in a neat and orderly fashion during the time of use and are to be removed from the site when not in use.
3. Any development, structure or fencing shall require a building and zoning permit.
4. The applicant shall post the property with a lot/parcel number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles and portable commode prior to a predicted flood event.

Cc: Douglas & Christina Alley – Owners/Applicants



Figure 1 Adjacent Parcel Lot 16

Date: March 31, 2022

To: Planning Department

From: Douglas & Christina Alley

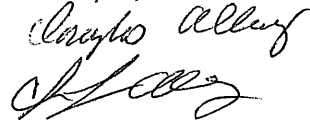
Subject: Conditional Use Permit Application

Statement of Justification:

Douglas and Christina Alley are looking for approval from the Board of Supervisors for private use camping/recreational – Lot 17 Mandalay. Tax Map # 19H 1 17.

Lot 16 and 18 both have been approved for private use camping.

Thank you,

Handwritten signatures of Douglas and Christina Alley. The first signature is "Douglas Alley" and the second is "Christina Alley".

Douglas & Christina Alley

WARREN COUNTY CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-05-02
 Date Received: 3-31-2022
 Fee Amount: \$ 200.00 CK# 8075
 Date Paid: 3-31-2022

Applicant Information:

Douglas & Christina Alley
 Applicant Name

1474 Mt. Olive Rd Toms Brook VA 22660
 Address City State Zip

Lot 17 - Mandalay North Fork of the Shen. River
 Property Location for conditional use permit if Different than Applicant's Address

540-539-1819 Pearlalley@gmail.com
 Primary Contact Number Email

Property Owner (if same as applicant, leave blank)

Address City State Zip

Primary Contact Number

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:

- (1) Address/Location: Mandalay -
- (2) Election District: Warren County, VA
- (3) Tax Map Number: 19H117
- (4) Subdivision Name: _____
- (5) Total Area of Property (acres): .24
- (6) Total Area to be Used (acres): .24
- (7) Total Road Frontage (feet): 60 Ft
- (8) Depth of Property (feet): 120 Ft
- (9) Present Zoning: _____

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: Camping - Recreational
- (2) Current land use and condition of site: Lot
- (3) Zoning of surrounding land/property: Camping Lots
- (4) Will development be staged? ☐ Yes ☒ No
- (5) Construction Time: N/A
- (6) Season, days, and hours of operation: Late Spring - early Fall
- (7) Will there be a sign? ☐ Yes ☒ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)
- (8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) N/A
- (9) Number of full time employees: N/A
- (10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public
- (11) Number of persons to be served by the sewage disposal system: N/A
- (12) Number of parking spaces to be provided: Regular ☒ Handicap
- (13) What is the proposed landscaping and buffering for this property? N/A
- _____
- _____
- _____

C. Plans Prepared By

Name: N/A

Address: _____

Telephone Number: _____

D. Environmental Information

- (1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?) _____
- NO
- _____
- _____
- _____

(2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) NO

(3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) NO

(4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. NO

(5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) NO

(6) What will be the impact on traffic? NONE

(7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. NO

**The following documents and/or information are required
to be submitted with the application:**

☐ **An application fee of \$500.00.**

Make payable to the Treasurer of Warren County. A non-refundable fee of \$500.00 will be required at the time of submittal.

☐ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 1/2 x 11 size paper.

☐ **A Site Plan/Survey.**

Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.

☐ **Sewage Disposal and Well Site.**

Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.

☒ **A copy of the deed to the property verifying the current ownership.**

A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.

☒ **A statement verifying that real estate taxes have been paid.**

This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.

☐ **Environmental and Community Impact Statements**

The Planning Director, the Planning Commission, and/or the Board of Supervisors reserve the right to ask for an environmental and/or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.

☐ **List of chemicals stored on the site**

A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.

☒ **Location Map**

A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.

☐ **Directions to your property from the Warren County Government Center.**

Take 220 N Commerce Ave Front Royal, VA
Take 3rd St. to N. Commerce Ave, Continue on
N Commerce Ave and take US-340 N/US 522 N/W
Shenandoah Ave & VA-55 w/w Strasburg Rd
to Homestead Drive, North Fork Resort

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit, shall be charged to the applicant.

Douglas & Christina Alley
Applicant Signature

3-30-2022
Date

Douglas Alley
Property Owner Signature

Christina Alley

3-30-2022
Date

Accepted by: _____

Date: _____

PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

NOTES



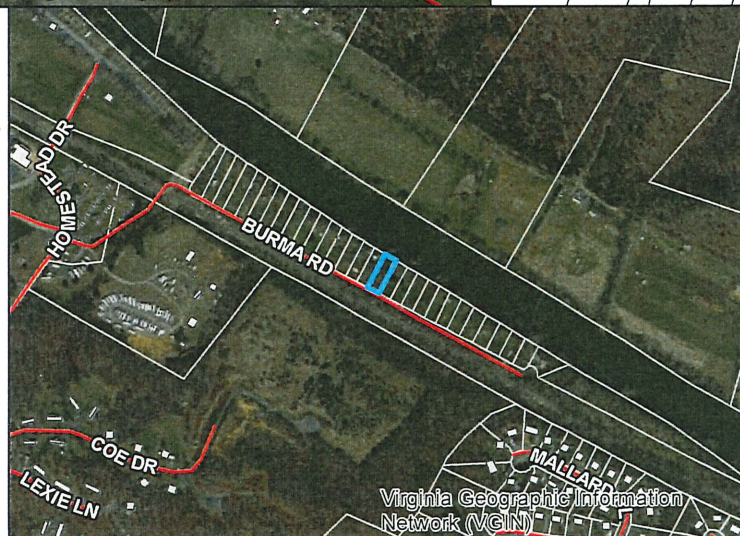
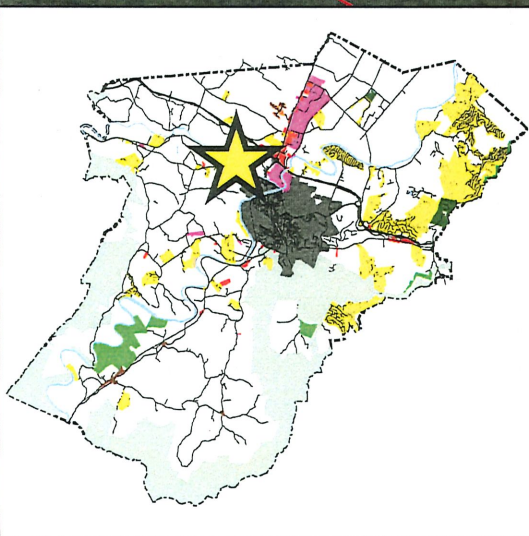
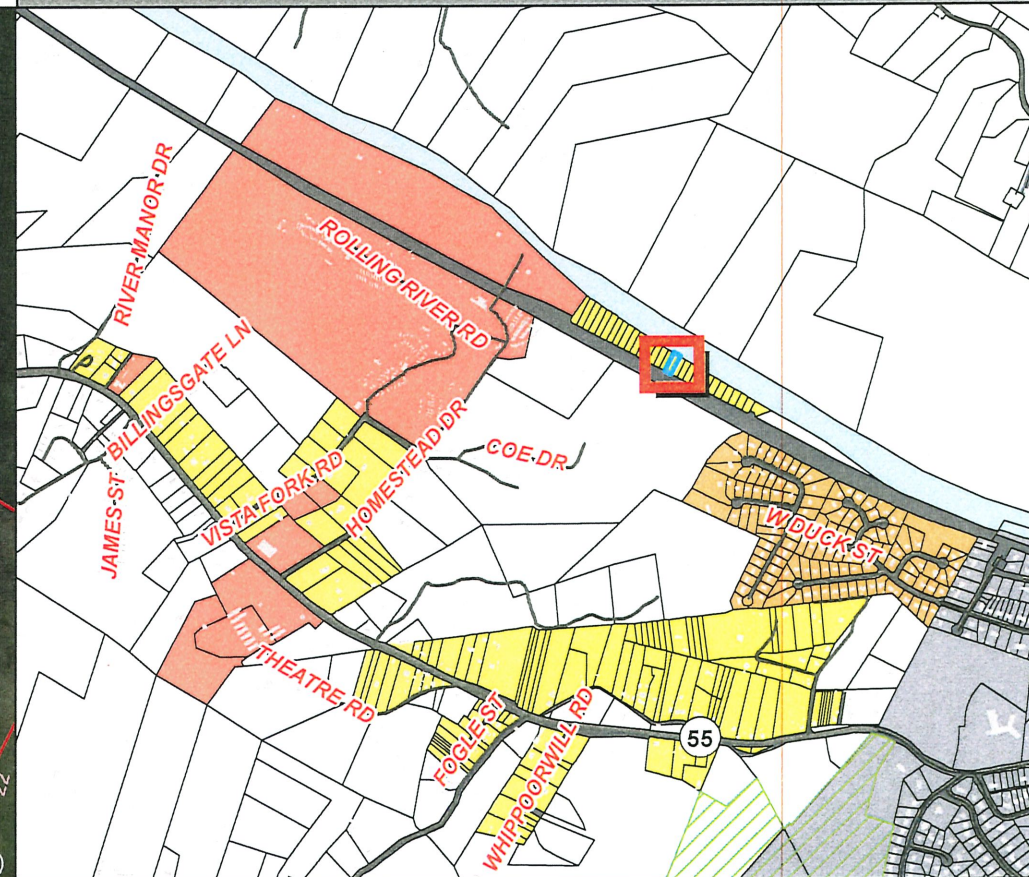
Warren County VA

CUP Location Map



Private Use Camping
Applicants: Douglas & Christina Alley

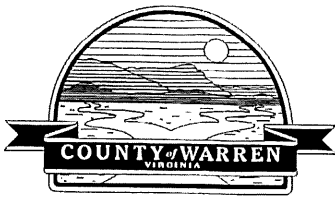
TM 19H-1---17
Burma Rd



Zoning

Agricultural	Rural Residential
Commercial	Right of Way
Industrial	Front Royal
Residential One	Federal Land
Residential Two	State Land
Suburban Residential	Water
Village Residential	VOF Conservation Easements
	WC Conservation Easements

Map produced by
Warren County GIS 2022
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:
7/26/2022	D	Conditional Use Permit #2022-05-03 Seung Wan (Brian) Suh <i>Bed & Breakfast</i>
EXPLANATION & SUMMARY: See attached application and staff report. General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards: 1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan. 2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. 3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. 4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area. 5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. 6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that: a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties. b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion. c) Provide for adequate parking and ingress and egress to public streets or roads. d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property. e) Prevent such use from changing the character and established pattern of development of the community.		

PLANNING COMMISSION STATUS:

On Wednesday, June 8, 2022, Mr. Henry moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mr. Kersjes and approved by the Planning Commission by a vote of 4-0.

RECOMMENDED CONDITIONS:

Staff recommends that if the Board of Supervisors is going to approve of this request that the following conditions should be applied:

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department operational permit for a three-bedroom dwelling and septic system.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Seung Wan (Brian) Suh for a Bed & Breakfast with the conditions as recommended by the Planning Commission and staff.

OR

I move that the Board of Supervisors deny the conditional use permit request of Seung Wan (Brian) Suh for a Bed & Breakfast (List reasons).

SUBMITTED BY:

Matt Wendling, CFM
Planning Director
County Floodplain Manager

DISPOSITION OF BOARD:

☐ APPROVED ☐ OTHER (Describe)

PROCESSED BY:



Conditional Use Permit: 2022-05-03/ Bed & Breakfast

Seung Wan (Brian) Suh, Applicants/ Owners

Staff Report for the Planning Commission

Prepared: April 15, 2022, Revised:

Staff: Matt Wendling, Deputy Planning Director/County Floodplain Manager

A handwritten signature in black ink, likely of the staff member Matt Wendling.

SUMMARY OF REQUEST

The applicants are requesting a conditional use permit for a "Bed and Breakfast" for rental of rooms in their single-family dwelling for less 14 days or less. The applicant states that he and his wife plan to reside at the property full-time in the future and will only be renting one or two bedrooms while they are staying at the property. The most occupants that will be at the dwelling at any one time will be 6 which includes the homeowners. They plan to serve breakfast to their guests and will comply with all Warren County Health Department regulations for a "commercial" kitchen. They have reached out to their neighbors and have received positive responses since they will be on-site while guests are staying at the Bed & Breakfast.

PROPERTY INFORMATION

Property Location: 198 Ashland Ct.

Tax Map ID: # 30D-1--2

Magisterial District: Happy Creek

Subdivision: Ashland Estates

Special Flood Hazard Area: The property and dwelling are in a Non-Floodzone "X" area.

Town/Village: Front Royal

Zoning: Agricultural (A)

Acres: 5.01

Existing Land Use: Single Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

North: Agricultural (A)

South: Agricultural (A)

East: Agricultural (A)

West: Agricultural (A)

Use: SFD with Woodlands

Use: SFD with Woodlands

Use: SFD with Woodlands

Use: SFD with Woodlands

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Agricultural (A) zoning district and has no previous zoning violations. The applicants had applied for a Short-Term Tourist Rental conditional use permit in November of 2021 but withdrew the application shortly afterward due to concerned voiced by his neighbors regarding guests being on-site without the property owners being there.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for agricultural land uses which allows for a Bed and Breakfast by conditional use permit in the Warren County Zoning Ordinance Section §180-21. This property is located in an area with single family dwellings and forest and is in a subdivision served by private roads. Bed and Breakfast establishments provide transient-lodging taxes to the County and are typically used by tourists visiting the area. This use complies with Chapter 6: Economic Development chapter, Goal V and the promotion of tourism objectives of the comprehensive plan.

PROPOSAL:

A Bed and Breakfast is defined by the Warren County Zoning Ordinance as, "An establishment operated for the purpose of providing overnight accommodations for no more than 20 transient guests staying no more than 14 days, with common rooms (living, dining, etc.) available for use by the guests, a complimentary breakfast included and the owner or manager living on the premises."

THERE ARE NO SUPPLEMENTARY REGULATIONS FOR BED AND BREAKFAST ESTABLISHMENTS

RECOMMENDED CONDITIONS:

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.

Staff recommends that, if the Planning Commission recommends approval of this application, the following conditions should be applied:

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department operational permit for a three-bedroom dwelling and septic system.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times.

Cc: Seung Wan (Brian) Suh, *Applicant*



Statement of Justification / House Rules:

198 Ashland Ct, Front Royal, VA 22630

Purpose: Bed & Breakfast

We would like to use the property located at 198 Ashland Ct, Front Royal to operate an owner occupied Bed and Breakfast. Potential guests will be vetted by the owner before accepting bookings.

Owner Occupied Management

The property will be occupied and managed by the owners Seung Suh and Hannah Chung. The neighbors of the property can reach out directly to the owners should any concerns arise.

Contact Information

- Property Managers / Owners:
 - Seung Suh: 714.788.7199
 - Hannah Chung: 949.526.6896

Emergency Information:

In case of emergency, dial 911.

Local hospital: 1.6 miles from the house
Warren Memorial Hospital
351 Valley Health Way, Front Royal, VA 22630
(540) 636-0300

Urgent Care: 2.4 miles from the house
Valley Health Urgent Care Express
415A South St, Front Royal, VA 22630
(540) 636-0495

Local Fire Department:
Front Royal Volunteer Fire and Rescue Department Inc.
Dial 911 to reach fire and emergency services.

Front Royal Police Department: 911
25 E Jackson Street
540-635-2111

Warren County Sheriff's Office: 911
200 Skyline Vista Drive
540-635-4128

Statement of Justification / House Rules:

198 Ashland Ct, Front Royal, VA 22630

House Rules

- Boundaries: The property is located on 5 acres with large trees surrounding the perimeter of the lot which serves as a natural boundary and screening for privacy for the guests as well as neighbors. The property boundaries will be marked by Racey Engineering. Guests are to stay within the property boundaries.
- Quiet hours will be 10pm - 8am and will be enforced by the owners.
- Street safety
- Guests will be notified to limit vehicle speeds to 10 mph due to other families and children living in the neighborhood. If any neighbor sees violation of this they are asked to notify the owner of the property and guests will immediately be removed from the property.
- No hunting on the property or within the community
- No firearms allowed on the property
- No Littering
- ATV's are not permitted
- Respect Ashland Estates residents by not walking/hiking on private property.
- No open fires are permitted on property outside of the use of the firepit upon approval of the owners
- Septic: No flushing of non-biodegradable or food waste down any sinks or toilets
- Absolutely NO DRUGS on the premise
- We enforce a NON smoking policy

**WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION**

Application Number: 2022-05-03
Date Received: 4-12-2022
Fee Amount: \$ 500.00 credit
Date Paid: 4-12-2022

Applicant Information:

Suh, Seung Wan

Applicant Name

198 Ashland Ct, Front Royal, VA 22630

Address

City

State

Zip

Property Location for conditional use permit if Different than Applicant's Address

(714) 788-7199

vkby15@gmail.com

Primary Contact Number

Email

Property Owner (if same as applicant, leave blank)

198 Ashland Ct, Front Royal, VA 22630

Address

City

State

Zip

(714) 788-7199

Primary Contact Number

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:

- (1) Address/Location: 198 Ashland Ct, Front Royal, VA 22630
(2) Election District: Happy Creek Election District
(3) Tax Map Number: 30D (1) 2
(4) Subdivision Name: Ashland Estates
(5) Total Area of Property (acres): 5
(6) Total Area to be Used (acres): 5
(7) Total Road Frontage (feet): 230.49 ft
(8) Depth of Property (feet): 555 ft
(9) Present Zoning: Agricultural

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: Bed & Breakfast
- (2) Current land use and condition of site: Residential / Single family dwelling
- (3) Zoning of surrounding land/property: Agricultural
- (4) Will development be staged? NA ☐ Yes ☐ No
- (5) Construction Time: NA
- (6) Season, days, and hours of operation: Year round
- (7) Will there be a sign? ☐ Yes ☒ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)
- (8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) no
- (9) Number of full time employees: NA
- (10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public
- (11) Number of persons to be served by the sewage disposal system: 8
- (12) Number of parking spaces to be provided: Regular 4 Handicap _____
- (13) What is the proposed landscaping and buffering for this property? _____
House is already screened by existing vegetation.
Wooded buffer between neighbors

C. Plans Prepared By

Name: Suh, Seung Wan

Address: 198 Ashland Ct, Front Royal, VA 22630

Telephone Number: (714) 788-7199

D. Environmental Information

- (1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?) _____
No

(2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) _____
Trash from guests will be stored in trash cans in the garage and the owner will
dispose of trash at the local trash site

(3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) _____
no

(4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. Noise could be a factor but quiet hours are between 10pm - 8am
and will be enforced by the owner (owner occupied).

(5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) no

(6) What will be the impact on traffic? little to none

(7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. _____
2 Porch lights, 2 garage lights, 2 backyard lights.
each LED light bulb is currently 10 watts

**The following documents and/or information are required
to be submitted with the application:**

☒ **An application fee of \$500.00.**

Make payable to the Treasurer of Warren County. A non-refundable fee of \$500.00 will be required at the time of submittal.

☒ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.

☒ **A Site Plan/Survey.**

Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.

☒ **Sewage Disposal and Well Site.**

Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.

☒ **A copy of the deed to the property verifying the current ownership.**

A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.

☒ **A statement verifying that real estate taxes have been paid.**

This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.

☐ **Environmental and Community Impact Statements**

The Planning Director, the Planning Commission, and/or the Board of Supervisors reserve the right to ask for an environmental and/or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.

N/A ☐ **List of chemicals stored on the site**

A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.

☒ **Location Map**

A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.

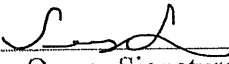
☒ **Directions to your property from the Warren County Government Center.**

Head north toward E 3rd St, turn right onto E 3rd St, Turn right onto N Commerce Ave.

Turn left onto VA-55 E, Turn right onto Ashland Ct, 198 Ashland Ct on the right side.

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit, shall be charged to the applicant.

 4/11/22
Applicant Signature Date

 4/11/22
Property Owner Signature Date

Accepted by: _____ Date: _____

PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

NOTES

Lord Fairfax Health District

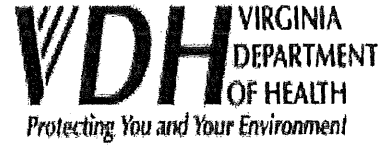
Warren County Health Department

465 West 15th Street, Suite 200

Front Royal, Virginia 22630

Tel. (540) 635-3159 ~ Fax (540) 635-9698

www.vdh.virginia.gov



May 09, 2022

Matt Wendling, Deputy Planning Director
Warren County Planning and Zoning
220 N Commerce Ave., Suite 400
Front Royal, Virginia 22630

RE: Request for Comments (2022-05-03)
Owner: Seung Wan Suh

Dear Mr. Wendling,

I have reviewed your request for comments for a CUP for a Bed and Breakfast the at 190 Ashland Ct. Front Royal, VA. (Tax Map# 30D-1-2) and I offer the following comments:

1. There is a Construction Permit, ROI and Operation Permit on file for the referenced property dated 2/10/2003 (renewed 1/24/2006, 3/22/2006 and 9/26/2006 respectively.
2. The dwelling is served by a Conventional Onsite Sewage System (COSS). The COSS is designed for Three (3) Bedrooms, Six (6) Occupants and 450 gallons per day
3. The dwelling is served by a private Class IIIB Well. A sample of the water should be collected and tested by a state approved lab at least annually.
4. A permit from our office is required to operate a Bed & Breakfast. The applicant can contact our office to discuss the requirements for permit issuance.

Please contact me at (540) 635-3159 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Davis", is written over a horizontal line.

Jim Davis

Environmental Health Supervisor

Lord Fairfax Health District



Warren County Health Department
465 West 15th Street, Suite 200
Front Royal, Virginia 22630
Tel. (540) 635-3159 ~ Fax (540) 635-9698
www.vdh.virginia.gov



December 29, 2021

Matt Wendling, Deputy Planning Director
Warren County Planning and Zoning
220 N Commerce Ave., Suite 400
Front Royal, Virginia 22630

RE: Request for Comments (2022-12-01)
Owner: Seung Wan Suh

Dear Mr. Wendling,

I have reviewed your request for comments regarding the property at 198 Ashland Ct. Front Royal, VA (Tax Map# 30D-1-2) and I offer the following comments:

1. There is a Construction Permit, ROI and Operation Permit on file for the referenced property dated 2/10/2003 (renewed 1/24/2006), 3/22/2006 and 9/26/2006 respectively.
2. The dwelling is served by a Conventional Onsite Sewage System (COSS). The COSS is designed for Four (4) Bedrooms Conditional to Six (6) Occupants and 450 gallons per day.
3. The dwelling is served by a private Class IIIB Well. A sample of the water should be collected and tested by a state approved lab at least annually.
4. All refuse shall be placed in containers with tight-fitting lids.
5. Do not connect any Jacuzzi or hot tub discharge to the sewage disposal system.

Please contact me at (540) 635-3159 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Davis", written over a horizontal line.

Jim Davis
Environmental Health Supervisor

Matt Wendling

From: Arthur Boyce <bobby.boyce@vdot.virginia.gov>
Sent: Tuesday, December 28, 2021 2:46 PM
To: Joe Petty
Cc: Funkhouser, Rhonda (VDOT); Matt Wendling
Subject: Warren - Rte.55 - Seung Wan Suh Short-Term Rental CUP 2021-12-01

<<...>>

DEPARTMENT OF TRANSPORTATION

Staunton/Edinburg Land Development

14031 Old Valley Pike

Edinburg, VA 22824

Dear Mr. Petty:

We have reviewed the above subject Conditional Use Permit (CUP) application dated November 10, 2021 for impacts to the local roadway system. This application is for the existing dwelling at 198 Ashland Court to be converted to a short-term tourist rental. Ashland Court is a private subdivision road/entrance that was installed under VDOT permit. The proposed use should generate less traffic than the single-family dwelling, therefore we have no objections to this CUP.

We appreciate the County's efforts to include VDOT in the early planning stages for development and the opportunity to provide comments on this Conditional Use Permit. We ask that you include a copy of this transmittal for official public record. If you have any questions or need further information, please do not hesitate to give me a call.

Sincerely,

Bobby Boyce

VDOT- Land Development Engineer
Shenandoah, Frederick, Clarke, & Warren Counties
14031 Old Valley Pike
Edinburg, VA 22824
(540) 534-3211

*Ashland Estates Homeowners Association
115 Ashland Ct. Front Royal, Va 22630
Tina Flores, HOA President
(c) (910) 922-0484*

Matt Wendling, CFM
Deputy Planning Director
Warren County Department of Planning
220 N Commerce Avenue, Suite 400
Front Royal VA 22630

Dear Mr. Wendling,

I am writing you in regards to the Conditional Use Permit requested for 198 Ashland Ct, Front Royal. The Restrictive Covenants for Ashland Estates do not specifically address bed and breakfast rentals, therefore, I see no legal impact to the community as a whole. However, I would like to address a few items to the homeowners, on behalf of the Ashland community, before they begin their bed and breakfast business. They need to have a well lit driveway entrance with large and identifiable house numbers so there are no mistakes of tenants driving into neighboring driveways. Safety considerations include the lack of turn lanes and limited visibility due to the crest and overall speed limit on John Marshall HWY. Turning into and from Ashland Ct. can be dangerous due to these safety issues. The neighbors are concerned that information regarding safety and privacy is available and conveyed to the prospective renters. Neighborhood speed limits should be noted as well, there are always young children at play. Additionally, the road up to the Suh property is very steep. Renters need to be able to traverse a snowy or icy hill if they were to stay during a storm, and have vehicles equipped with necessary safety equipment. We appreciate the opportunity to work with the Department of Planning to make the business at 198 Ashland Ct. a safe and successful venture for the entire neighborhood.

Very Respectfully,

Tina Flores
Ashland Estates HOA President

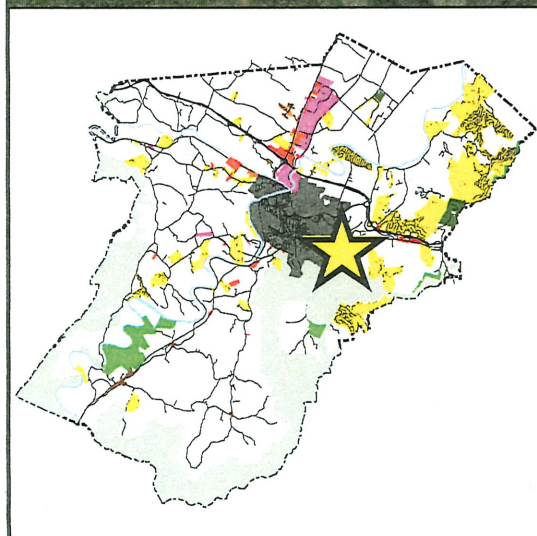
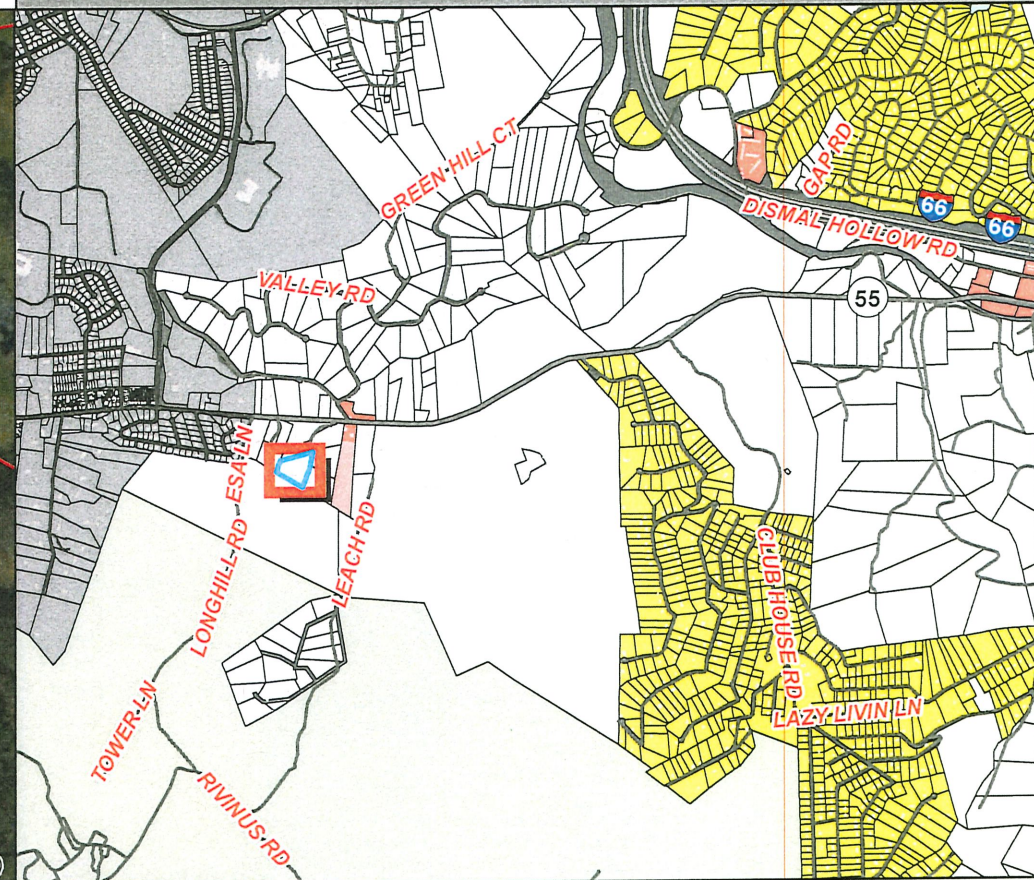
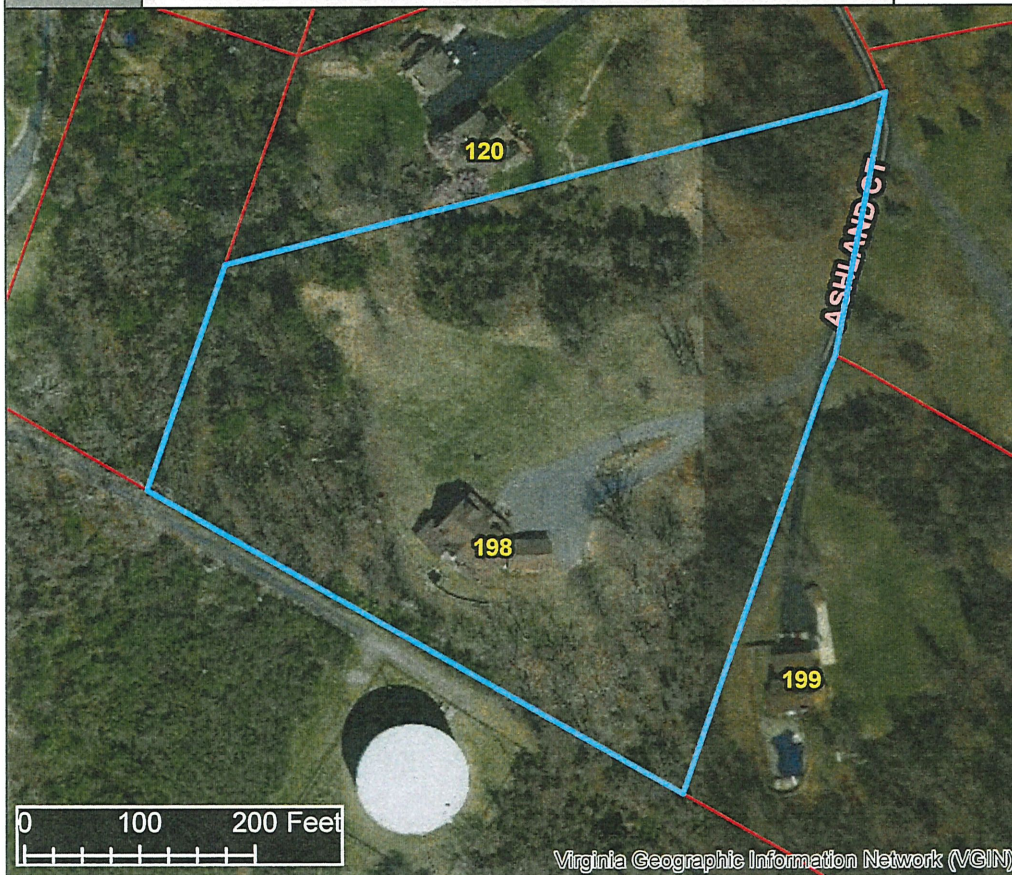
Warren County VA

CUP Location Map



Bed & Breakfast
Applicants: Seung Suh

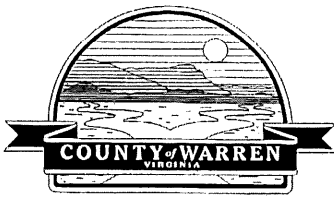
TM 30D--1----2
198 Ashland Court



Zoning

	Agricultural		Rural Residential
	Commercial		Right of Way
	Industrial		Front Royal
	Residential One		Federal Land
	Residential Two		State Land
	Suburban Residential		Water
	Village Residential		VOF Conservation Easements
			WC Conservation Easements

Map produced by
Warren County GIS 2022
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE 07/26/2022	ITEM E	SUBJECT: Conditional Use Permit #2022-05-04 Valley View Ventures, LLC (Brooklyn Steele) <i>Short-Term Tourist Rental</i>
<u>EXPLANATION & SUMMARY:</u> See attached application and staff report. General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards: 1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan. 2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. 3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. 4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area. 5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. 6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that: a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties. b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion. c) Provide for adequate parking and ingress and egress to public streets or roads. d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property. e) Prevent such use from changing the character and established pattern of development of the community.		

PLANNING COMMISSION STATUS:

On Wednesday, June 8, 2022, Mrs. Richardson moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mr. Henry and approved by the Planning Commission by a vote of 4-0.

RECOMMENDED CONDITIONS:

Staff recommends that if the Board of Supervisors is going to approve of this request that the following conditions should be applied:

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six as determined according to the Health Department operation permit for a three-bedroom dwelling.
3. The applicants shall have the well/drinking water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and on the state road shall be prohibited.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Valley View Ventures, LLC (Brooklyn Steele) for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff.

OR

I move that the Board of Supervisors deny the conditional use permit request of Valley View Ventures, LLC (Brooklyn Steele) for a Short-Term Tourist Rental.

SUBMITTED BY: Chase Lenz,  Zoning Administrator	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (Describe)	PROCESSED BY:
---	---	----------------------



Conditional Use Permit 2022-05-04: Short-Term Tourist Rental

Applicant: Valley View Ventures, LLC (Brooklyn Steele)

Owner: JCPIS43, LLC (Carolyn Patterson)

Prepared: April 29, 2022

Staff Contact: Chase Lenz, Zoning Administrator

SUMMARY OF REQUEST

The applicant is requesting a conditional use permit for a short-term tourist rental for the property she is currently renting from her mother-in law. With the owner's consent, the applicant would like to make the property available year-round as a quaint location for short-term visitations for individuals visiting the Warren County area. The applicant will manage the property personally.

PROPERTY INFORMATION

Property Location: 4315 Rivermont Drive

Tax Map ID: 28-----127B

Magisterial District: South River

Subdivision: N/A

City: Front Royal

Zoning: Agricultural (A)

Acres: 2.10 Acres

Existing Land Use: Single-Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

North: Agricultural (A)

South: Agricultural (A)

East: Agricultural (A)

West: Agricultural (A)

Use: Public Use Park, Skyline High School

Use: Single-Family Dwelling, Veterinary Clinic

Use: Public Use Park

Use: South Fork Shenandoah River

PROPERTY HISTORY

The dwelling on the subject property was constructed in 1978. This property has not had any previous Conditional Use Permits issued for uses in the Agricultural zoning district. No zoning violations have been recorded for the property.



COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for agricultural and residential land uses. A short-term tourist rental is a use allowed by conditional use permit in the Agricultural zoning district and is compatible with the current Warren County Zoning Ordinance.

ATTACHMENTS

☐ Agency Comments

☐ Location Map

☐ Application

☐ Public Comments

☐ Health Permit

☐ Submitted Plans

☐ Letter from Applicant

☐ Other: _____

SUPPLEMENTARY REGULATIONS
Warren County Zoning Ordinance: § 180-56.4: Short-term tourist rentals.

- A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.
- B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however the maximum number of occupants shall not exceed 10. There is a Health Department construction permit and record of inspection on file confirming the Conventional Onsite Sewage System is designed for a maximum of six (6) occupants. The applicant has provided documentation requesting a maximum of four (4) occupants. Warren County Assessment data lists three (3) bedrooms in the dwelling.
- C. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all right-of-ways and in yards. There is sufficient parking for at least four vehicles in the driveway.
- D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. The property is fully screened from the road by elevation change and the dwelling is screened from all adjacent properties by existing woodlands.
- E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.
- F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code, and a carbon monoxide detector must be installed on each floor in every dwelling. The applicant shall obtain building permits to ensure the dwelling meets the current code requirements for fire protection systems.
- G. The owner of a dwelling used for short-term tourist rentals shall give the County written consent to inspect any dwelling used for short-term rental to ascertain compliance with all of the above performance standards upon a 24 hour notice.
- H. A property management plan (PMP) demonstrating how the short-term tourist rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to county staff, public safety officials, and if applicable, the HOA/POA of the subdivision. The plan must be provided as a part of the rental contract. The PMP will be provided.
- I. If the property is located within a subdivision governed by a Home Owners Association/Property Owners Association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental. The subject property is not located within a subdivision governed by an HOA/POA.
- J. The short-term tourist rental shall have a "land-line" with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.
- K. The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood. The property shall have the evacuation plan posted in each bedroom and in the guest registration packet.

- L. A copy of Chapter 123 of the Warren County Code relative to noise must be provided at the short-term tourist dwelling. The applicant shall have a copy of the ordinance in their guest registration packet and posted in a common area of the dwelling.
- M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation as described in §180-63 of the Warren County Zoning Ordinance.
- N. All outdoor burning shall be in compliance with Chapter 92 of the Warren County Code.
- O. There shall be a minimum of 100' from the short-term tourist rental to all neighboring residences. This dwelling does meet the setback requirement to adjacent single-family dwellings. The closest dwelling, located 220' to the south, is also owned by Carolyn Patterson and her husband.

RECOMMENDED CONDITIONS

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. *Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.*

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six as determined according to the Health Department permit for a three-bedroom dwelling.
3. The applicants shall have the well/ drinking water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and on the state road shall be prohibited.

Cc: Valley View Ventures, LLC (Brooklyn Steele) – Applicant, JCIPS43, LLC (Carolyn Patterson) – Owner

03/28/2022

Regarding: 4315 Rivermont Drive, Front Royal, VA 22630

To whom it may concern at the Warren County Planning Commission,

I am writing this statement to request a special permit to list and run a residential property in Warren County as an Airbnb. I will be renting the property from my mother-in-law with approval to list and run as an Airbnb. I will personally be managing the property completely.

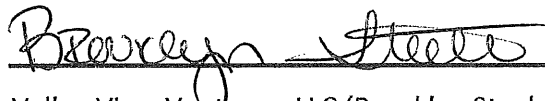
The only neighbor this property has is the Patterson's and they are also the owners of this property. This property has a private septic system and will not be reliant on any town amenities. There will only be a maximum of up to four people occupying the property at one time. The property has its own parking in the driveway and there will be no street parking. This property is secluded from the road and will be no sign or any type of alert stating the property is being used under a conditional permit to operate an Airbnb.

This property is in a great location for visitors to enjoy Front Royal without being bothersome to our county's residents. Both myself and the Patterson's have been long term residents of Front Royal and I would love to provide a quaint place for visitors to come and enjoy our town.

Thank you for your consideration.

Sincerely,

Brooklyn Steele, operating as Valley View Ventures, LLC.



Valley View Ventures, LLC (Brooklyn Steele)



Carolyn Patterson

WARREN COUNTY CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-05-04
 Date Received: 4.11.22
 Fee Amount: \$ 500.05 CK# 1009
 Date Paid: 4.11.22

Applicant Information:

Valley View Ventures LLC (Brooklyn Steele)
 Applicant Name

607 Cresthaven Ct. Front Royal Virginia 22630
 Address City State Zip

4315 Rivermont Drive Front Royal VA 22630
 Property Location for conditional use permit if Different than Applicant's Address

540-622-0630 valleyventures2021@gmail.com
 Primary Contact Number Email

Property Owner (if same as applicant, leave blank)

4305 Rivermont Dr. Front Royal VA 22630
 Address City State Zip

Primary Contact Number

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:

- (1) Address/Location: 4315 Rivermont Dr. Front Royal, VA 22630
- (2) Election District: _____
- (3) Tax Map Number: 28-127B
- (4) Subdivision Name: _____
- (5) Total Area of Property (acres): 2.5
- (6) Total Area to be Used (acres): _____
- (7) Total Road Frontage (feet): _____
- (8) Depth of Property (feet): _____
- (9) Present Zoning: _____

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: Airbnb/Short term Rental
- (2) Current land use and condition of site: Residential
- (3) Zoning of surrounding land/property: Residential
- (4) Will development be staged? ☐ Yes ☐ No
- (5) Construction Time: _____
- (6) Season, days, and hours of operation: ALL YEAR
- (7) Will there be a sign? ☐ Yes ☒ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)
- (8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) NO
- (9) Number of full time employees: N/A
- (10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public
- (11) Number of persons to be served by the sewage disposal system: 0-4 people
- (12) Number of parking spaces to be provided: Regular DRIVEWAY⁽³⁾ Handicap _____
- (13) What is the proposed landscaping and buffering for this property? N/A
- _____

C. Plans Prepared By

Name: _____

Address: _____

Telephone Number: _____

D. Environmental Information

- (1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?) NO
- N/A
- _____

- (2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) NO
- (3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) NO
- (4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. N/A
- (5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) NO
- (6) What will be the impact on traffic? NONE
- (7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. NO

**The following documents and/or information are required
to be submitted with the application:**

- ☐ **An application fee of \$500.00.**
Make payable to the Treasurer of Warren County. A non-refundable fee of \$500.00 will be required at the time of submittal.
- ☐ **A Statement of Justification**
This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.
- ☐ **A Site Plan/Survey.**
Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.
- ☐ **Sewage Disposal and Well Site.**
Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.
- ☐ **A copy of the deed to the property verifying the current ownership.**
A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.
- ☐ **A statement verifying that real estate taxes have been paid.**
This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.
- ☐ **Environmental and Community Impact Statements**
The Planning Director, the Planning Commission, and/or the Board of Supervisors reserve the right to ask for an environmental and/or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.
- ☐ **List of chemicals stored on the site**
A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.
- ☐ **Location Map**
A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.
- ☐ **Directions to your property from the Warren County Government Center.**

Head towards 340- Turn Right on 619.
First Driveway on the Right. (across from
Warren County Veterinary Clinic)

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit, shall be charged to the applicant.

Brenley H. H. H.
Applicant Signature

3/28/2022
Date

Caryn Ross Patterson
Property Owner Signature

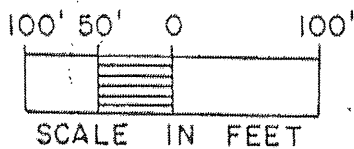
4/9/2022
Date

Accepted by: _____

Date: _____

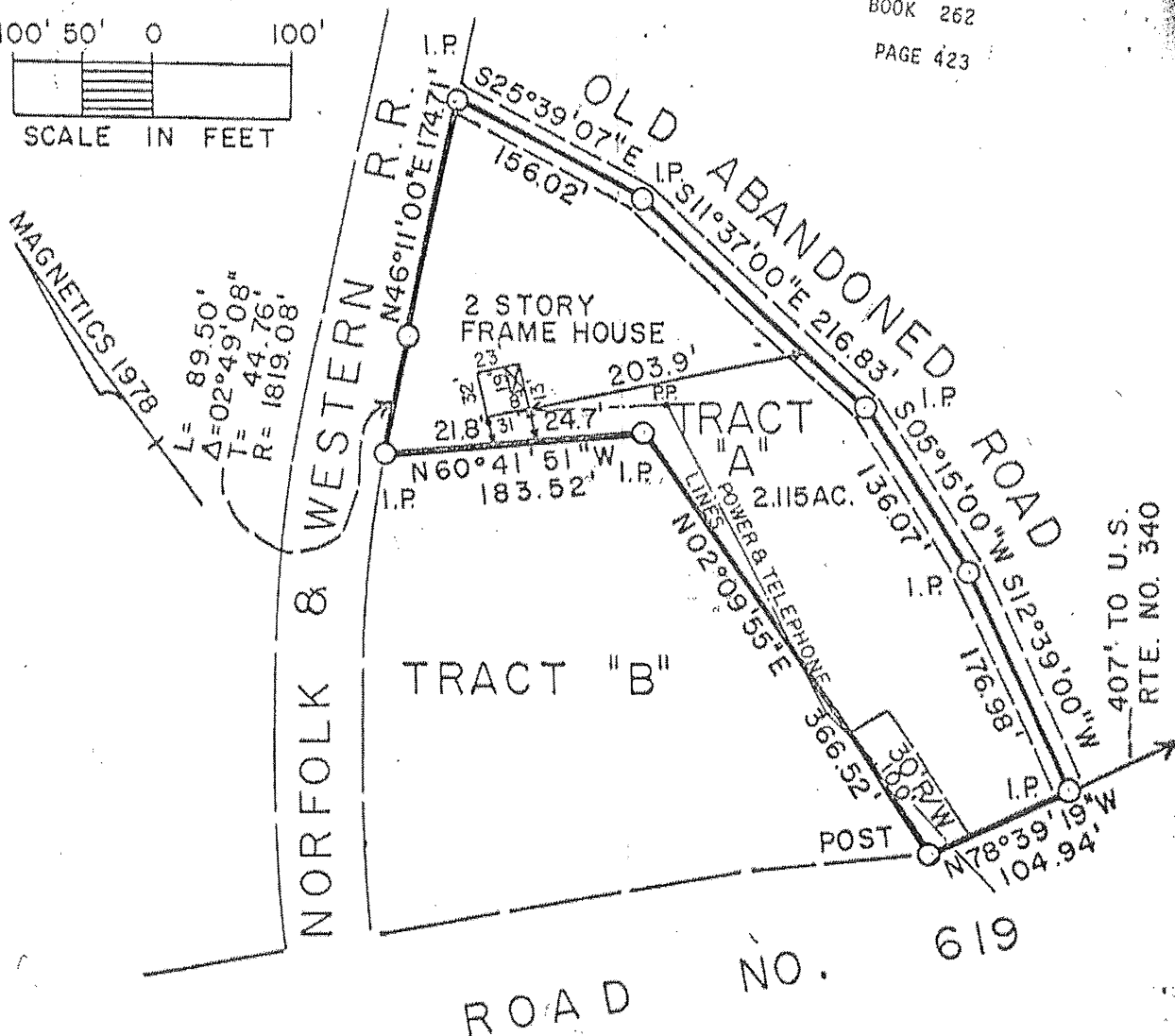
PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

Arcdata/house.jpeg 20529 ^{NOTES}



BOOK 262

PAGE 423



TRACT "A"

2.115 ACRES

JAMES C. WILLIAMS AND CLARE R. WILLIAMS SUBDIVISION

LOCATED ON THE NORTH SIDE OF ROAD NO. 619 A SHORT DISTANCE WEST OF U. S. HIGHWAY NO. 340 ABOUT 1 1/2 MILES SOUTH OF FRONT ROYAL IN SOUTH RIVER DISTRICT, WARREN COUNTY, VIRGINIA.

THIS IS TO CERTIFY THAT ON NOVEMBER 13, 1978, I MADE AN ACCURATE SURVEY OF THE PREMISES SHOWN HEREON AND THAT THERE ARE NO EASEMENTS AND ENCROACHMENTS VISIBLE ON THE GROUND OTHER THAN THOSE SHOWN HEREON.

NOTE: I.P. = IRON PEG
P.P. = POWER POLE

Richard U. Goode
RICHARD U. GOODE
CERTIFIED LAND SURVEYOR
BERRYVILLE, VIRGINIA.
NOVEMBER 13, 1978

WEALTH OF

Lord Fairfax Health District



Warren County Health Department
465 West 15th Street, Suite 200
Front Royal, Virginia 22630
Tel. (540) 635-3159 ~ Fax (540) 635-9698
www.vdh.virginia.gov



April 25, 2022

Chase Lenz, Zoning Administrator
Warren County Planning and Zoning
220 N Commerce Ave., Suite 400
Front Royal, Virginia 22630

RE: Request for Comments (2022-05-04)
Owner: Brooklyn Steel and Carolyn Patterson

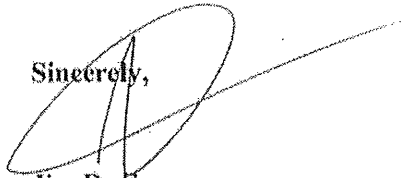
Dear Mr. Lenz,

I have reviewed your request for comments regarding the property at 4315 Rivermont Dr. Front Royal, VA (Tax Map# 28-127B) and I offer the following comments:

1. There is a Construction Permit on file for the referenced property dated 4/16/1983. A ROI is on file.
2. The dwelling is served by a Conventional Onsite Sewage System (COSS). There is no Operation Permit on file but the COSS is designed for Three (3) Bedrooms, Six (6) Occupants and 450 gallons per day under the 1982 SHDR Regulations.
3. The dwelling is served by a private Class IIIB Well.
4. A sample of the water should be collected and tested by a state approved lab at least annually.
5. All refuse shall be placed in containers with tight-fitting lids.
6. Do not connect any Jacuzzi or hot tub discharge to the sewage disposal system.

Please contact me at (540) 635-3159 should you have any questions.

Sincerely,



Jim Davis
Environmental Health Supervisor

Chase Lenz

From: David Beahm
Sent: Tuesday, May 24, 2022 5:23 PM
To: Matt Wendling; Chase Lenz
Cc: Paula Fristoe
Subject: Request for Comments 2022-05-04 – Valley View Ventures, LLC (Brooklyn Steele) – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000179-2022

Comments 2022-05-04 – Valley View Ventures, LLC (Brooklyn Steele) – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000179-2022:

- Erosion and Sediment Control Items:
 - There does not appear to be any land disturbance at this time and therefore nothing would be required. If this is not the case, the normal submission process would be required.
- Building Inspections Items:
 - The use of the existing dwelling(s) for a “short-term rental” would require a building permit to establish it as a transient boarding facility which is the term used by the building code for this type of use. The dwelling would receive a new Certificate of Occupancy designating as a short-term rental.
 - Given the timeframe that the structure was originally built it more than likely will require an Electrical permit to meet the building code requirements for this change.
 - This change requires that smoke detectors are installed as required by the Virginia Residential Building Code.

If anything should change in the scope additional requirements may be required.

Respectfully,



Warren County Building Inspections

David C. Beahm, CBO
Building Official

220 North Commerce A

Suit
Front Royal, VA 2

540/636-

dbeahm@warrencountyva.net

www.warrencountyva.net

FAX 540/636-

THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE; AND THEN PLEASE DELETE THIS MESSAGE FROM YOUR SYSTEM. THANK YOU.



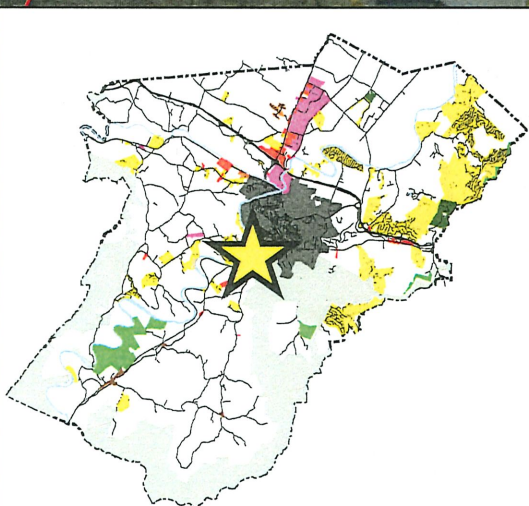
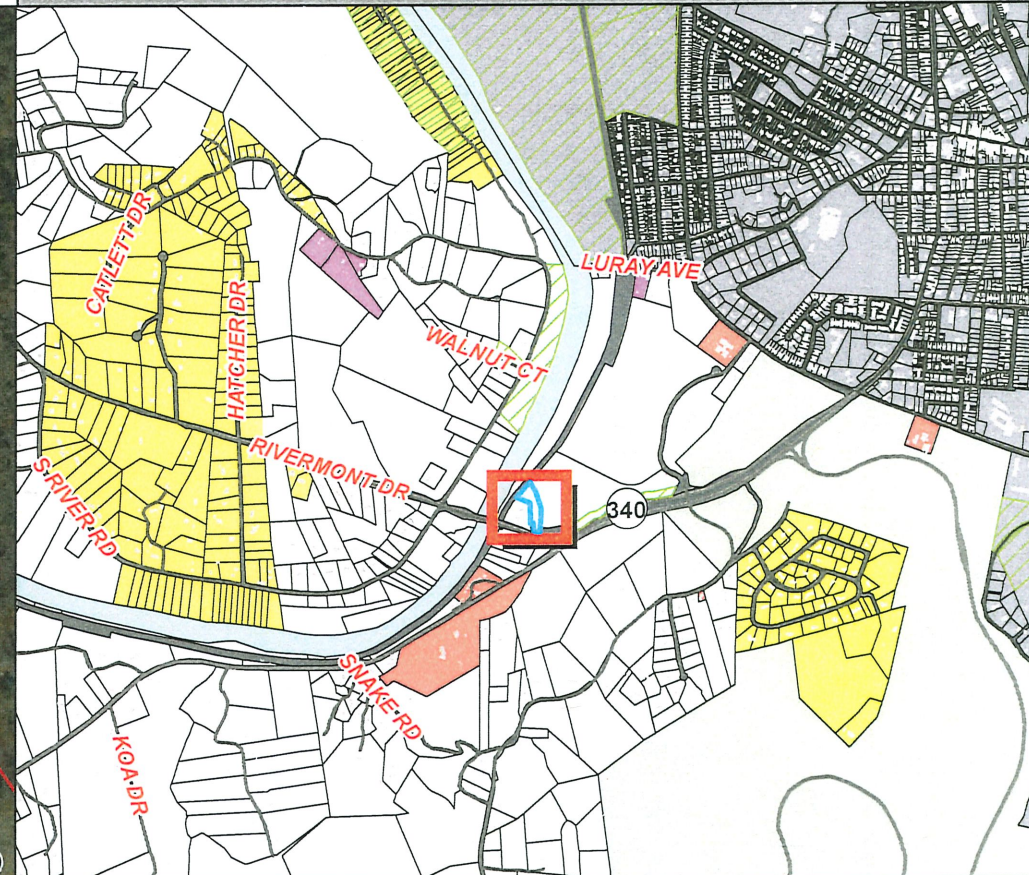
Warren County VA

CUP Location Map



Short Term Tourist Rental
Applicants: Brooklyn Steele

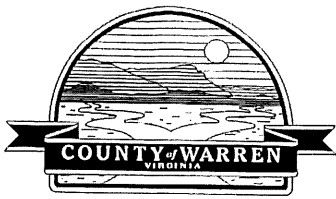
TM 28-----127B
4315 Rivermont Dr



Zoning

Agricultural	Rural Residential
Commercial	Right of Way
Industrial	Front Royal
Residential One	Federal Land
Residential Two	State Land
Suburban Residential	Water
Village Residential	VOF Conservation Easements
	WC Conservation Easements

Map produced by
Warren County GIS 2022
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE 7/26/2022	ITEM F	SUBJECT: Conditional Use Permit #2022-05-05 Edward Sperry <i>Guesthouse</i>
EXPLANATION & SUMMARY: See attached application and staff report. General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards: 1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan. 2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. 3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. 4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area. 5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. 6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that: a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties. b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion. c) Provide for adequate parking and ingress and egress to public streets or roads. d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property. e) Prevent such use from changing the character and established pattern of development of the community.		

PLANNING COMMISSION STATUS:

On Wednesday, June 8, 2022, Mr. Henry moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mrs. Richardson and approved by the Planning Commission by a vote of 4-0.

RECOMMENDED CONDITIONS:

Staff recommends that if the Board of Supervisors is going to approve of this request that the following conditions should be applied:

1. The guesthouse shall not be used for full-time occupancy.
2. This accessory dwelling shall not be used for commercial rental or leasing of rooms for compensation of any kind.
3. The applicant shall comply with all Warren County Building Inspections and Warren County Health Department regulations and requirements including Building Code requirements for a smoke and fire detector system and carbon monoxide detectors.
4. The applicant shall have a condition placed on the deed at the time of transfer of the property to a new owner that the rental or leasing of the dwelling for monetary compensation is prohibited and that it is limited to part-time occupancy up to six months.
5. After the approval by the County and recordation of a family subdivision of the guesthouse lot this conditional use permit shall become null and void.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Edward Sperry for a guesthouse with the conditions as recommended by the Planning Commission and staff.

OR

I move that the Board of Supervisors deny the conditional use permit request of Edward Sperry for a guesthouse (list reasons).

SUBMITTED BY: Matt Wendling, CFM Planning Director County Floodplain Manager 	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (Describe)	PROCESSED BY:
---	---	----------------------



Conditional Use Permit: 2022-05-05 / Guesthouse

Edward Sperry, Current Owner/Applicant

Staff Report for the Planning Commission

Prepared: April 14th, 2022

Staff Contact: Matt Wendling, Deputy Planning Director/County Floodplain Manager

SUMMARY OF REQUEST

The applicant is requesting a conditional use permit for a guesthouse. He and his wife built this workshop in 2021 but due to life's circumstances they decided to convert it to a one-bedroom dwelling to be used for temporary housing. They have plans to build their permanent residence within the next year but require the conditional use permit in order to keep this dwelling for friends and family when they visit. Their principal dwelling will be a three-bedroom structure with 6 person occupancy and they have approval for a four-bedroom septic system which will be used by both dwellings. They plan to continue living in the single bedroom cabin while the construction process is moving forward until they receive a certificate of occupancy for the other dwelling.

PROPERTY INFORMATION

Property Location: 690 Comforter Lane

City: Middletown

Tax Map ID: #10P-1--11

Zoning: Agricultural (A)

Magisterial District: North River

Acres: 10

Subdivision: Lake John Estates LLC

Existing Land Use: Single-Family Dwelling (1 bedroom)

SURROUNDING ZONING DISTRICTS & USES

North: Agricultural (A)

Use: Vacant Lot - Woodlands

South: Agricultural (A)

Use: Vacant Lot - Woodlands

East: Agricultural (A)

Use: Vacant Lot - Woodlands

West: Agricultural (A)

Use: Single Family Dwelling - Woodlands

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Agricultural (A) zoning district. The appropriate building and zoning permits have been issued for the existing one-bedroom dwelling. The property is accessed through an easement on Tax Map 10P-3--32 which is also owned by Mr. Sperry.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The request is compatible with Code Section §180-21, indicating district regulations in the Agricultural (A) zoning district. A guesthouse is permitted under this section as a Conditional Use granted by the Board of Supervisors.

PROPOSAL

The Warren County Zoning Ordinance §180-8 defines a "Guesthouse" as "A dwelling or lodging units for temporary nonpaying guests. No such quarters shall be rented, leased or otherwise made available for compensation of any kind. A guesthouse may be constructed and used prior to the construction of the principal dwelling. The principal dwelling, however, must be completed within five years from the date of issuance of a certificate of occupancy for the guesthouse." And a "Single-Family Dwelling" as "A building containing one dwelling unit and meeting the standards of the Virginia Uniform Statewide Building Code for a one-family dwelling but not to include "manufactured homes" as defined in this chapter."

SUPPLEMENTARY REGULATIONS FOR GUESTHOUSES

There are no supplemental regulations in the Warren County Zoning Ordinance for a guesthouse. Warren County Code Section §180-11.B for Location of Structures states in part: *"Erection of more than one principal structure on a lot. In all residential and agricultural districts only one principal structure, housing a use permitted by right, may be erected on a single lot...."*

SEWAGE DISPOSAL

The property currently has a one-bedroom dwelling which will share the drainfield and septic system with the Three-bedroom dwelling the applicant plans to construct. The septic system has been approved for a four bedroom occupancy. The plat does show the proposed location for the drain-field and this application has been sent to the Health Department for additional comments.

RECOMMENDED CONDITIONS

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.

1. The guesthouse shall not be used for full-time occupancy.
2. This accessory dwelling shall not be used for commercial rental or leasing of rooms for compensation of any kind.
3. The applicant shall comply with all Warren County Building Inspections and Warren County Health Department regulations and requirements including Building Code requirements for a smoke and fire detector system and carbon monoxide detectors.
4. The applicant shall have a condition placed on the deed at the time of transfer of the property to a new owner that the rental or leasing of the dwelling for monetary compensation is prohibited and that it is limited to part-time occupancy up to six months.
5. After the approval by the County and recordation of a family subdivision of the guesthouse lot this conditional use permit shall become null and void.

Cc: Edward Sperry: *Owner/Applicant*

April 12, 2022

Warren County Zoning
220 North Commerce Avenue, Suite 400
Front Royal, VA 22630

To Whom it May Concern:

We purchased Lot 11 and Lot 32 at Lake John Estates with the intent of building our home. Due to time constraints of my wife's health condition (Stage 4 Cancer), we converted our workshop into a dwelling to comply with County regulations for having temporary housing. At this time, we would like to build our primary residence. The current dwelling will be used during construction and will remain as a guest house for family and friends.

Thank you.

Sincerely,

Ted Sperry

cc: Joe Petty, Warren County Zoning

WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-05-05
Date Received: 4/12/2022
Fee Amount: \$ 500.00 ck 1437
Date Paid: 4/12/2022

Applicant Information:

Edward Sperry

Applicant Name

690 Comforter Lane

Middletown

VA

22645

Address

City

State

Zip

Same

Property Location for conditional use permit if Different than Applicant's Address

571-316-6702

tedsperry1@gmail.com

Primary Contact Number

Email

Ted (Edward) Sperry

Property Owner (if same as applicant, leave blank)

Address

City

State

Zip

Primary Contact Number

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:

- (1) Address/Location: 690 Comforter Lane
- (2) Election District: North River
- (3) Tax Map Number: 10P-1-11
- (4) Subdivision Name: Lake John
- (5) Total Area of Property (acres): 10
- (6) Total Area to be Used (acres): .1
- (7) Total Road Frontage (feet): 860 (Road access at Lot 32, I own this lot also, 20 acres)
- (8) Depth of Property (feet): 1300
- (9) Present Zoning: Agricultural

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: GUEST HOUSE
- (2) Current land use and condition of site: Occupied
- (3) Zoning of surrounding land/property: Agricultural
- (4) Will development be staged? ☒ Yes ☐ No
- (5) Construction Time: New
- (6) Season, days, and hours of operation: _____
- (7) Will there be a sign? ☐ Yes ☒ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)
- (8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) No
- (9) Number of full time employees: 0
- (10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public
- (11) Number of persons to be served by the sewage disposal system: 2
- (12) Number of parking spaces to be provided: Regular X Handicap _____
- (13) What is the proposed landscaping and buffering for this property? none
- _____

C. Plans Prepared By

Name: Robert Dean

Address: Winchester VA

Telephone Number: 540-664-1638

D. Environmental Information

- (1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?) No
- _____

(2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) No

(3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) No

(4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. None

(5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) No

(6) What will be the impact on traffic? N/A

(7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. No

**The following documents and/or information are required
to be submitted with the application:**

☒ **An application fee of \$500.00.**

Make payable to the Treasurer of Warren County. A non-refundable fee of \$500.00 will be required at the time of submittal.

☒ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 1/2 x 11 size paper.

☒ **A Site Plan/Survey.**

Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.

☒ **Sewage Disposal and Well Site.**

Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.

☐ **A copy of the deed to the property verifying the current ownership.**

A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.

☐ **A statement verifying that real estate taxes have been paid.**

N/A This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.

☐ **Environmental and Community Impact Statements**

N/A The Planning Director, the Planning Commission, and/or the Board of Supervisors reserve the right to ask for an environmental and/or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.

☐ **List of chemicals stored on the site**

N/A A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.

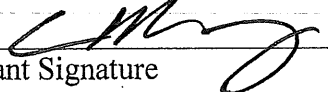
☐ **Location Map**

N/A A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.

☐ **Directions to your property from the Warren County Government Center.**

Take S22 West to Guard Hill Rd. Turn LEFT on Guard Hill Rd.
Take to end, LEFT on Long Meadow Rd. Approximately
1/2 mile, make a LEFT on Comforter Lane.
690 Comforter Lane is on right about 1/4 mile up road.

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit, shall be charged to the applicant.

	4/12/22
Applicant Signature	Date
	4/12/22
Property Owner Signature	Date

Accepted by: _____

Date: _____

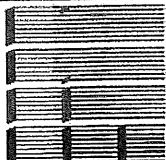
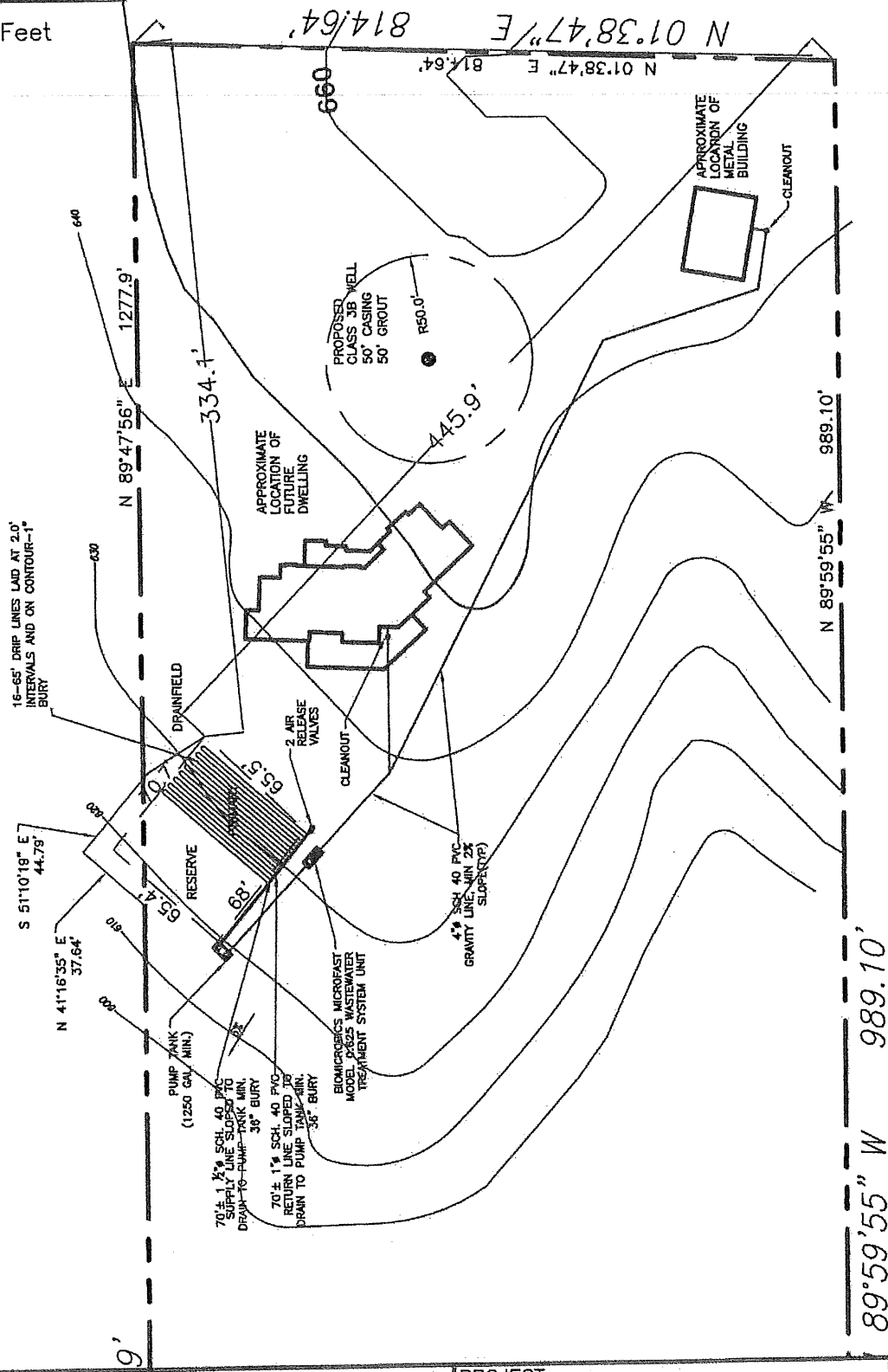
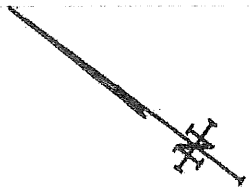
PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

NOTES

80 0 80



Scale in Feet



CONSULTING
ENGINEERS

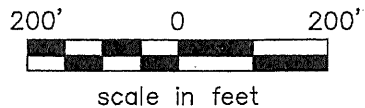
PAINTER-LEWIS, P.L.C.

817 Cedar Creek Grade, Suite 120
Winchester, Virginia 22601
Telephone (540)662-5792
Facsimile (540)662-5793
Email office@painterlewis.com

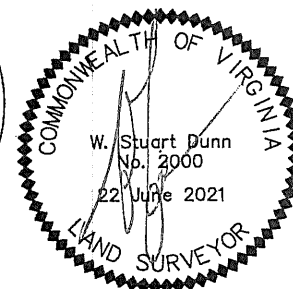
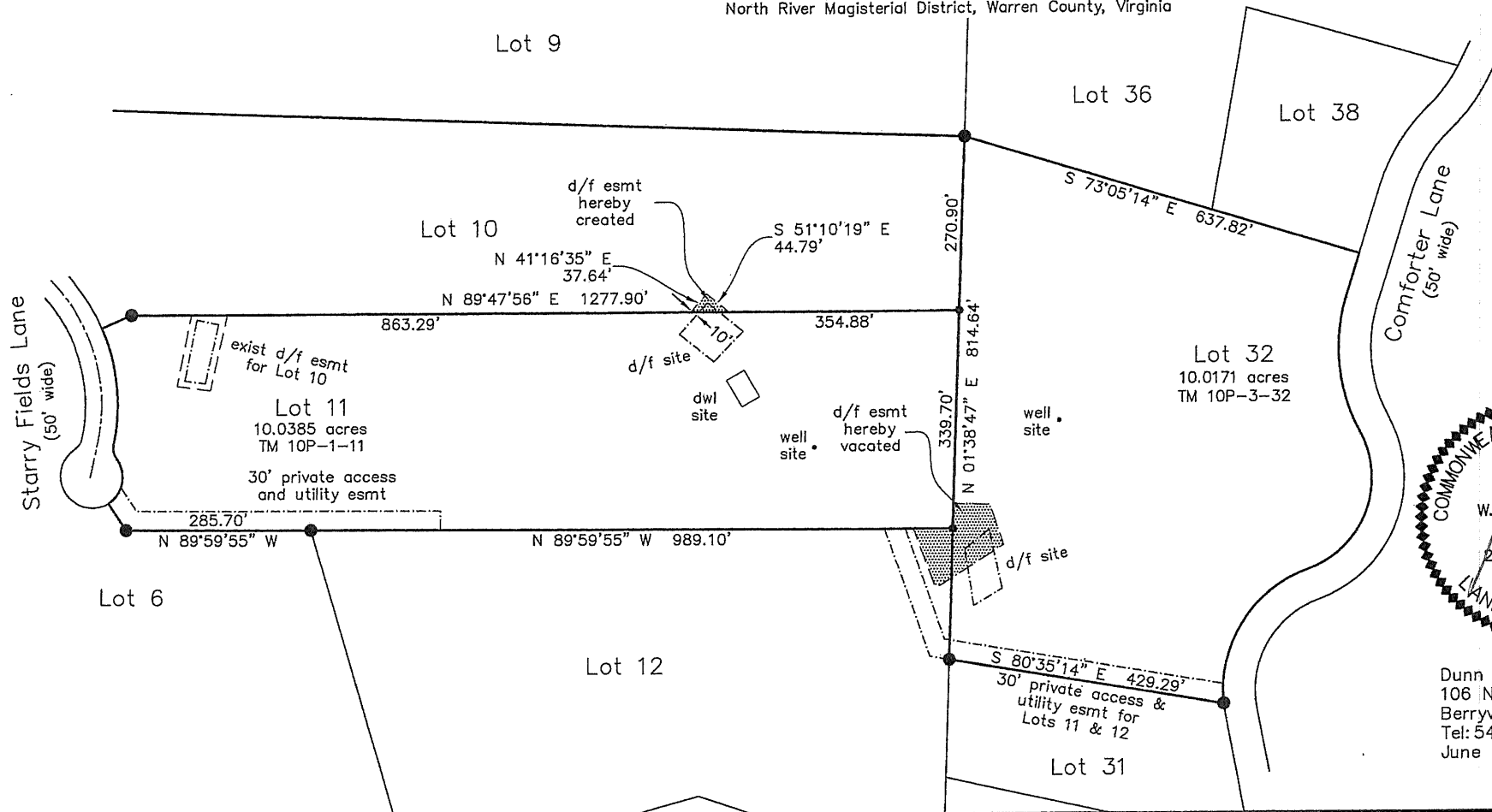
PROJECT:

SPERRY PROPERTY
TM#10P-1-11
WARREN COUNTY, VA.
AS BUILT PLAN

SURVEY:	C.I.:
NA	NA
DRAWN BY:	JOB NO.:
P-L	2108003
SCALE:	DATE:
SHOWN	1/18/22
SHEET:	ASBUILT



Easement Plat of
Lots 10, 11, 12 and 32
Gafia Estates at Lake John
Tax Map 10P-1-10 Tax Map 10P-1-11
Tax Map 10P-1-12 Tax Map 10P-3-32
North River Magisterial District, Warren County, Virginia



Dunn Land Surveys, Inc.
106 North Church Street
Berryville, Virginia 22611
Tel: 540-955-3388
June 22, 2021

survey no. 1286

Lord Fairfax Health District



Warren County Health Department
465 West 15th Street, Suite 200
Front Royal, Virginia 22630
Tel. (540) 635-3159 ~ Fax (540) 635-9698
www.vdh.virginia.gov



April 25, 2022

Matt Wendling, Deputy Planning Director/Flood Plain Manager
Warren County Planning and Zoning
220 N Commerce Ave., Suite 400
Front Royal, Virginia 22630

RECEIVED
APR 29 2022

BY: g

RE: Request for Comments (2022-05-05)
Owner: Edward Sperry

Dear Mr. Wendling,

I have reviewed your request for comments regarding the property at 690 Comforter Ln. Middletown, VA (Tax Map# 10P-1-11) and I offer the following comments:

1. There is a Construction Permit, ROI and Operation Permit on file for the referenced property dated 8/31/2021, 1/21/2022 and 2/04/2022 respectively.
2. The property is served by an Alternative Onsite Sewage System (AOSS). The AOSS is designed for Four (4) Bedrooms, Eight (8) Occupants and 600 gallons per day.
3. The owner should be aware the AOSS must be inspected by a licensed operator at least annually.
4. If a guest house is approved, a Conditional Permit from our office is needed to allow for a One (1) Bedroom, Two (2) occupants, 150 gallons per day for the guest house. The Conditional Permit will also state the main house will be for Four (4) Bedrooms, Six (6) Occupants, 450 gallons per day. The building proposed for use as a guest house is already connected to the AOSS. If a Conditional Permit is not desired, the guest house will need to be connected to a separate approved onsite sewage system.
5. The existing building is currently served by a private Class IIIB Well. The existing well has a yield of 35 gallons per minute, which is adequate for two residential connections.

Please contact me at (540) 635-3159 should you have any questions.

Sincerely,

Jim Davis

Environmental Health Supervisor

Sewage Disposal System Operation Permit

Property Owner

Edward R Sperry
13345 Hershey Dr
Nokesville, VA 20181
Phone: (571) 316-6702

Health Dept. ID: 187-21-0314
Tax Map/GPIN: 10P-1-11
Locality: Warren County

Property Location

Property Address: 690 Comforter Ln
Middletown, VA 22645
Subdivision: Gafia Estates at Lake John Section: 1 Lot: 11

Edward R Sperry is hereby granted permission to operate a **Residential Alternative Onsite Sewage System** at the above referenced location, under the following parameters:

Daily Flow: 600 gallons
Number of Bedrooms: 4
Occupancy Limit: 8 maximum

This permit is issued in accordance with the provisions of Title 32.1, Chapter 6 of the Code of Virginia as Amended, and Section 12VAC 5-610-340 of the Sewage Handling and Disposal Regulations of the Virginia Department of Health. The issuance of an operation permit does not denote or imply any guarantee by the department that the sewage disposal system will function for any specified period of time. It shall be the responsibility of the owner or any subsequent owner to maintain, repair, or replace any sewage disposal system that ceases to operate in accordance with the regulations.

The continued validity of this permit is contingent upon compliance with the operation and maintenance requirements contained in the Owner's Operation and Maintenance Manual and Regulations for Alternative Onsite Sewage Systems of the Virginia Department of Health (12VAC5-613-100 et seq.). Owners are advised to be aware of the operation and maintenance instructions for their alternative onsite sewage system and to follow them. Copies of the operation and maintenance instructions can be found by contacting the local health department for the locality where the onsite sewage disposal system is located.

February 04, 2022
Effective Date

Greg Smith
Environmental Health Specialist


Signature



Warren County Health Department
465 W 15th St. Ste 200
Front Royal, VA 22630
(540) 635-3159 Voice
(540) 635-9698 Fax

Private Well Record of Inspection

Health Department ID Number: 187-21-0314

Tax Map/GPIN: 10P-1-11

Owner Name: Edward R Sperry
Owner Address: 13345 Hershey Dr
Nokesville, VA 20181

Private Well Facility Information

Property Address: 690 Comforter Ln	Subdivision: Gafia Estates at Lake John
County: Warren	Section 1 Block Lot 11
Well Driller: Adam Payne	Well Class: Class IIIB
Date construction started: October 11, 2021	Water Well Completion Report Received: Yes

Location Information

Building Sewer: 50 feet	Soil Absorption System: 100 feet
Pretreatment Unit: 50 feet	Property Line: 1 feet
Conveyance System: 50 feet	Other Distance: Other feet
Comments:	

Construction Information

Total depth of well: 225 feet	Pitless adapter used: Yes
Type of casing: Steel	Pitless properly installed:
Depth of casing: 60 feet	Pitless properly vented:
Diameter of casing: 6.25 inches	Type of Well Seal: Well Cap
Casing extends: 14 in. above ground	Screens: constructed of
Annular Space: sealed with bentonite to a depth of 60 feet,	
Comments:	

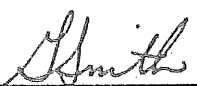
Quantity & Quality

Yield and drawdown determined by continuous pumping of	
Yield: 35 gpm	Sample tap provided:
Drawdown:	Sample collected: Yes
Static Water Level: 27 feet	Result of samples: Satisfactory
Type of storage: Pressure	Date of Sample: January 24, 2022
Comments:	

Satisfactory Construction: Yes on February 04, 2022

Well Approved for Use: Yes on February 04, 2022

Signed February 04, 2022


Greg Smith, EHS

Chase Lenz

From: David Beahm
Sent: Thursday, June 9, 2022 8:58 AM
To: Matt Wendling
Cc: Chase Lenz; Paula Fristoe
Subject: Request for Comments 2022-05-05 – Edward Sperry – Conditional Use Permit for Guesthouse – WCCUP-000180-2022

Comments 2022-05-05 – Edward Sperry – Conditional Use Permit for Guesthouse – WCCUP-000180-2022:

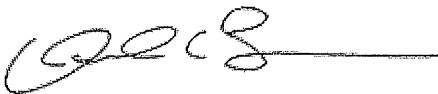
Note: Original structure that was started as a barn has been completed (13051-2021) as a single-family dwelling. A new permit has already been applied for this request of an additional single-family dwelling (15376-2022).

- Erosion and Sediment Control Items:
 - This structure would be considered a new single-family dwelling as defined by the building code and as such would require an Agreement in Lieu of which has been issued (15377-2022).
- Building Inspections Items:
 - This request/permit is for a completely new structure and the trade permits will be required. Including, but not limited to building, electrical, mechanical, plumbing. All of these would require applications and submissions that would be a separate process than what is being gone through currently.

If anything should change in the scope additional requirements may be required.

*****Please Note that Warren County is in the transition of moving to a NEW ".gov" Email Address – both email addresses will work during the transition period, but please update our contact information as soon as possible. Additionally, with the transition already moving forward some of your emails may go to our spam folders and some of ours will go to your spam filters. If you are not receiving information that you have expected from us or not gotten a response to something that you may have sent, please contact our office by phone to notify us so that we can attempt to address quickly.*****

Respectfully,



Warren County Building Inspections Of

David C. Beahm, CBO
Building Official

220 North Commerce Ave
Suite
Front Royal, VA 22

dbeahm@warrencountyva.gov

www.warrencountyva.gov

540/636-9'
FAX 540/636-4i

THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE; AND THEN PLEASE DELETE THIS MESSAGE FROM YOUR SYSTEM. THANK YOU.



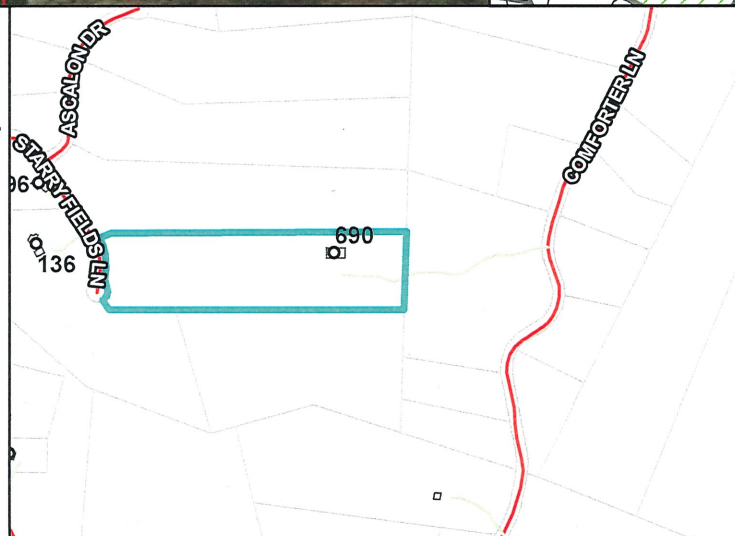
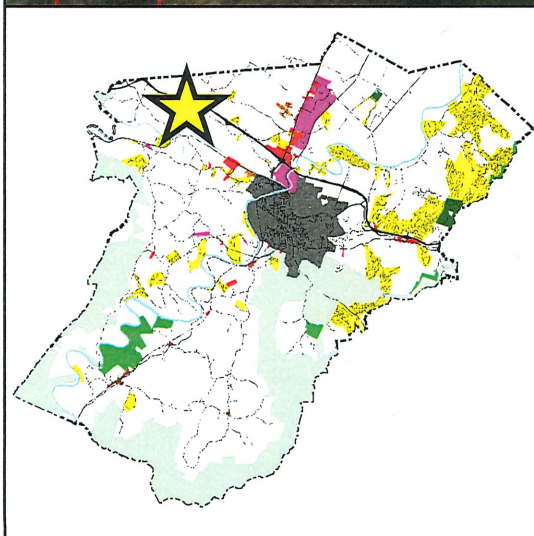
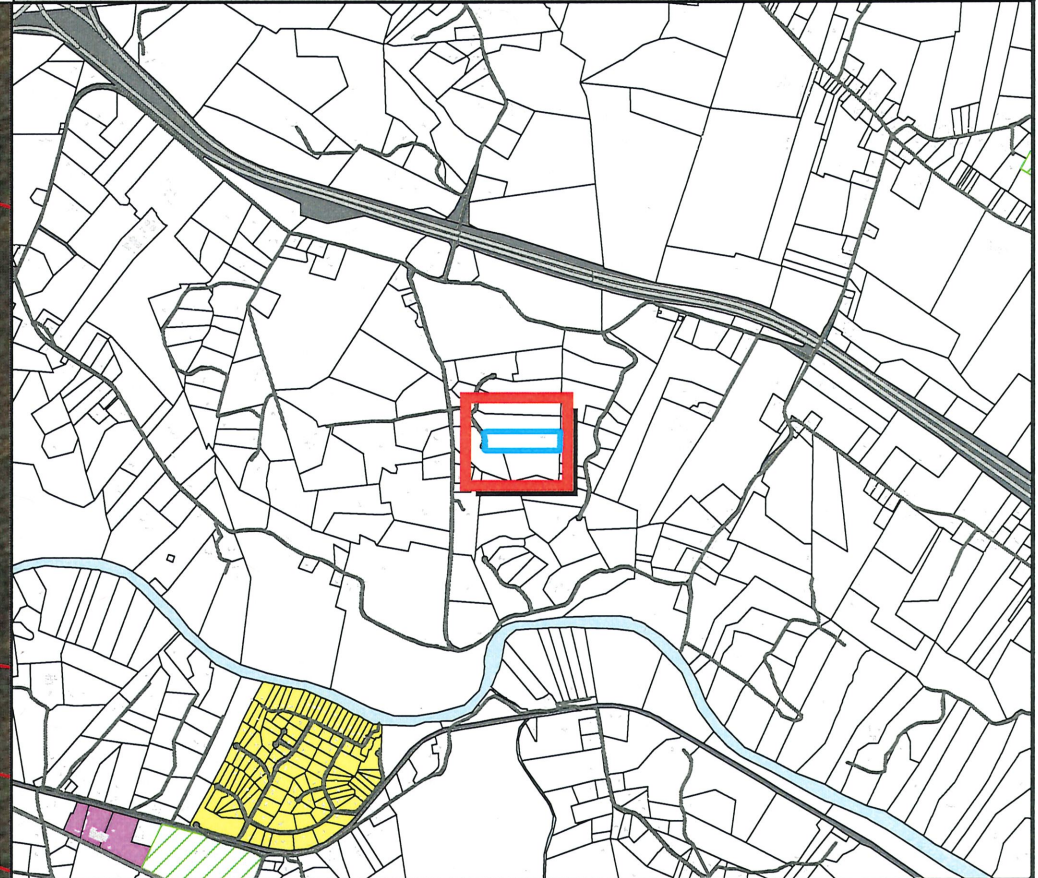
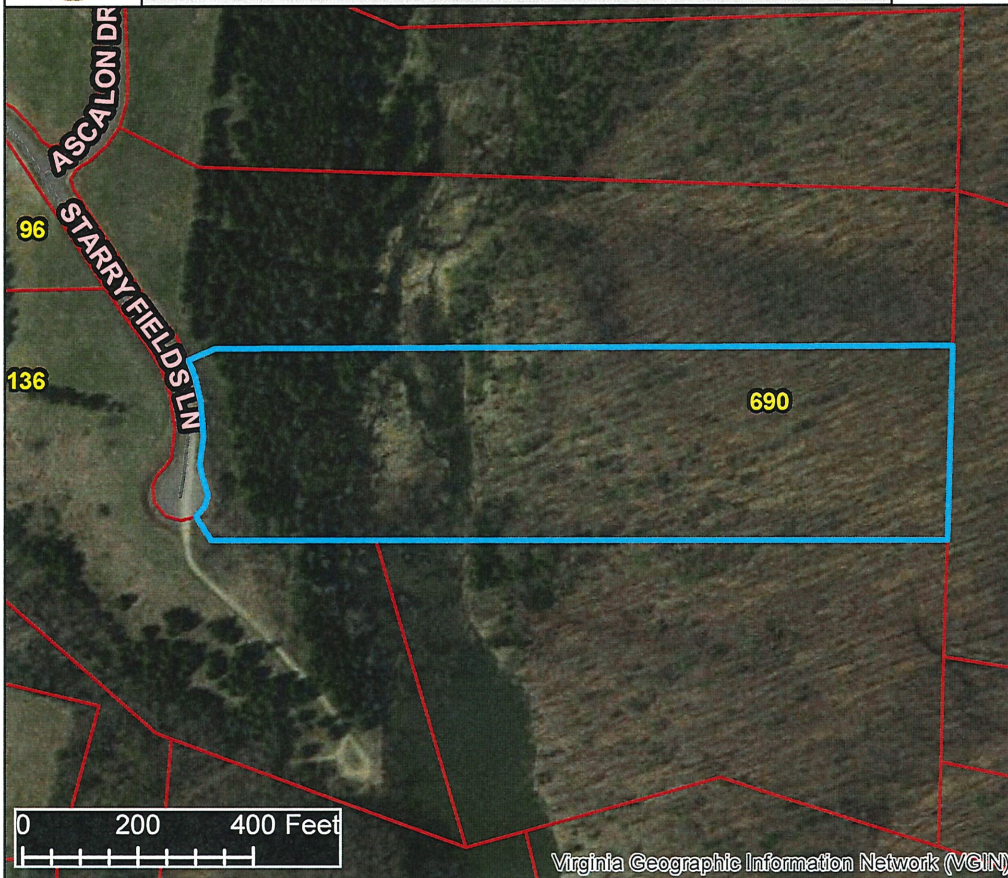
Warren County VA

CUP Location Map



Guesthouse
Applicants: Edward Sperry

TM10P--1----11
690 Comforter Lane



Zoning

Agricultural	Rural Residential
Commercial	Right of Way
Industrial	Front Royal
Residential One	Federal Land
Residential Two	State Land
Suburban Residential	Water
Village Residential	VOF Conservation Easements
	WC Conservation Easements

Map produced by
Warren County GIS 2022
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
7/26/2022	G	Conditional Use Permit #2022-05-06 Hunter E. Hughes & Rinku Sinha <i>Short-Term Tourist Rental</i>	1 of 2

EXPLANATION & SUMMARY:

See attached application and staff report.

General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards:

- (1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.
- (2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
- (3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
- (4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area.
- (5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.
- (6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that:
 - (a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties.
 - (b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion.
 - (c) Provide for adequate parking and ingress and egress to public streets or roads.
 - (d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property.
 - (e) Prevent such use from changing the character and established pattern of development of the community.

After proper advertisement and a public hearing by the Planning Commission, the application has been forwarded to the Board of Supervisors recommending approval with the following conditions:

Planning Commission Move to Approve:

Mr. Henry moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mr. Kersjes and approved by the Planning Commission by a vote of 4 - 0.

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department conditional/operational permit which needs to be issued for a three-bedroom dwelling.
3. The applicants shall have the well/drinking water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Hunter E. Hughes and Rinku Sinha for a Short-term Tourist Rental with the conditions as recommended by the Planning Commission and staff.

OR

I move that the Board of Supervisors deny the conditional use permit request of Hunter E. Hughes and Rinku Sinha for a Short-term Tourist Rental (List reasons).

SUBMITTED BY:

Matt Wendling, CFM 
Planning Director
County Floodplain Manager

DISPOSITION OF BOARD:

☐ **APPROVED** ☐ **OTHER (Describe)**

PROCESSED BY:



Conditional Use Permit: 2022-05-06/ Short-Term Tourist Rental

Hunter Evan Hughes & Rinku Sinha, *Applicants/ Owners*

Staff Report for the Planning Commission

Prepared: April 20th, 2022

Staff: Matt Wendling, *Deputy Planning Director/County Floodplain Manager*

SUMMARY OF REQUEST

The applicants recently purchased the property in 2022 and moved to the property full-time and telecommute to their jobs in the D.C. Metropolitan area. They would like to rent out rooms short-term and will be residing in the dwelling at the same time their guests would be there. They would not be serving food to the guests. This land-use would allow them to defray the costs of home ownership and to eventually renovate their unfinished basement. The applicants will be acting as the property managers and cleaning service since they reside on the premises.

PROPERTY INFORMATION

Property Location: 289 Heim-Jones Rd.

Tax Map ID: #23C-72B--188

Magisterial District: Shenandoah

Subdivision: Shenandoah Farms

Special Flood Hazard Area: The property and dwelling are located in a Non-Floodzone Area designated as X.

Town/Village: Linden

Zoning: Residential-One (R-1)

Acres: 3.882

Existing Land Use: Single Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

North: Agricultural (A)

South: Agricultural (A)

East: Agricultural (A)

West: Agricultural (A)

Use: Single-Family Dwellings with Woodlands

Use: Vacant Lot with Woodlands

Use: Vacant Lot with Woodlands

Use: Vacant Lot with Woodlands

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Residential One (R-1) zoning district and has no previous zoning violations or conditional use permits issued to the property. The single family dwelling was constructed in 2020.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area as zoned Residential-One to be used for residential land uses. This zoning allows for a Short-term Tourist Rental by conditional use permit in the Warren County Zoning Ordinance Section §180-22. This property is located in Shenandoah Farms - Mountain View Section in the Residential-One zoning district. Short-term Tourist Rentals provide transient-lodging taxes to the County and are typically used by tourists visiting the area. This use complies with Chapter 6: Economic Development chapter, Goal V and the promotion of tourism objectives of the comprehensive plan.

PROPOSAL:

A Short-Term Tourist Rental is defined by the Warren County Zoning Ordinance as, "A single-family dwelling not attached to any other dwelling by any means and located on an individual lot that is rented for compensation for periods of less than 30 days. See § 180-56.4 for supplementary regulations pertaining to short-term tourist rentals."

SUPPLEMENTARY REGULATIONS FOR SHORT-TERM TOURIST RENTAL (Section 180-56.4 of the Warren County Zoning Ordinance):

These regulations are as follows:

- A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.
- B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however, the maximum number of occupants shall not exceed 10. Staff has submitted to WCHD a request for septic system information for the operational permit for the septic system. The original septic permit for the structure was approved for a three-bedroom dwelling allowing for an occupancy of six persons. Staff will provide additional comments when they have been received from the Health Department.
- C. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all right-of-ways and in yards. There is sufficient parking for two (2) vehicles in the driveway in front of the dwelling.
- D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. The boundary lines shall be marked according to location shown on the survey.
- E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.
- F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code, and a carbon monoxide detector must be installed on each floor in every dwelling. A change of use for a transient boarding facility for the property dwelling and an inspection will be required to verify if it meets all Building Code requirements for fire/smoke protection and a fire extinguisher.
- G. The owner of a dwelling used for short-term tourist rentals shall give the County written consent to inspect any dwelling used for short-term rental to ascertain compliance with all of the above performance standards upon a 24-hour notice.
- H. A property management plan (PMP) demonstrating how the short-term tourist rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to county staff, public safety officials, and if applicable, the HOA/POA of the

subdivision. The plan must be provided as a part of the rental contract. **A Property Management Plan needs to be submitted and shall be reviewed by staff and all other requirements shall need to be met prior to a certificate of zoning for the business being issued. The applicants plan to be the primary property managers but will be retaining a property management company when they are not available and are currently searching for a reputable company .**

- I. If the property is located within a subdivision governed by a Home-Owners Association/Property Owners Association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental. **This property is located in the Shenandoah Farms subdivision and a letter requesting comments for the application has been sent to them.**
- J. The short-term tourist rental shall have a "land-line" with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.
- K. The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood. **The applicants shall have this posted in the bedrooms and in their guest registration packet.**
- L. A copy of Chapter §123 of the Warren County Code relative to noise must be provided at the short-term tourist dwelling. **The applicants shall have a copy of this in their guest registration packet and have it posted in a common area of the dwelling.**
- M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation as described in Warren County Code Section §180-63.
- N. All outdoor burning shall comply with Chapter §92 of the Warren County Code.
- O. There shall be a minimum of 100 feet from the short-term tourist rental to all neighboring residences. **This dwelling meets the setback requirements to adjacent single-family dwellings which is 219' to the closest dwelling located to the northwest.**

RECOMMENDED CONDITIONS:

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.

Staff recommends that, if the Planning Commission recommends approval of this application, the following conditions should be applied:

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department conditional/operational permit which needs to be issued for a three-bedroom dwelling.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.

4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Cc: Hunter Evans Hughes & Rinku Sinha, Applicants

Statement of Justification

To: Warren County Planning Commission

Summary of Proposed Use: As the owners of 289 Heim-Jones Rd, we are seeking the approval of a conditional use permit to convert this property to a short-term rental.

This property was constructed in 2020 and is in an excellent condition. We plan on staying at the property as primary residents and renting out rooms to potential guests to help defray the cost of the mortgage. Our goal is to update the unfinished basement in the future as well.

This will be our primary residence, and we plan on managing all the logistics around short-term rental (property management, cleaning, trash disposal, and maintenance). As residents of the Shenandoah Farm subdivision and with vested interest in the property, we plan on taking care of this property and ensure guests do not violate any ordinances or break house rules.

Prior to moving to 289 Heim-Jones Rd, we lived in Sterling, Virginia. Both of us work in the home security and information technology industry for the government. We visit Front Royal and Shenandoah National Park region multiple times a year, and with the option to work remotely, we have wanted to move out here. Our goal is not just to defray the cost of the mortgage, but to also share this beautiful historic town and national parks with the families who live in Northern Virginia. We plan on having a guestbook that details all the rules and guidelines for guests to ensure that they adhere to ordinances. In addition, we will use the guestbook to promote local business in the area as well.

For instances when we are away from the property due to the nature of our work, we will be vetting property management companies in the area to assist with coordinating services for garbage removal, maid service, and preventative maintenance.

If a permit is approved, we will make every guest we host aware of the rules and regulations of the permit and covenants of Shenandoah Farms. We will uphold the character and established patterns of the community.

I look forward to your review and feedback of the Conditional Use Permit request.

Best Regards,
Hunter Evan Hughes & Rinku Sinha
Hehughes13@gmail.com
248-881-9100

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: Short-Term Rental (STR)
- (2) Current land use and condition of site: Residential Use & Condition of the site is excellent (property constructed in 2020)
- (3) Zoning of surrounding land/property: R-1
- (4) Will development be staged? ☐ Yes ☒ No
- (5) Construction Time: Not applicable
- (6) Season, days, and hours of operation: This STR will be available year long
- (7) Will there be a sign? ☐ Yes ☒ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)
- (8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) Not applicable
- (9) Number of full time employees: Not applicable
- (10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public
- (11) Number of persons to be served by the sewage disposal system: 6
- (12) Number of parking spaces to be provided: Regular 4 Handicap _____
- (13) What is the proposed landscaping and buffering for this property? _____
This property sits on 1.56 acres and the adjoining lots are vacant plots. In addition - the driveway stretches for 51 ft includes parking for 4 cars along with a 2 door garage. We do not plan to change any landscaping except to include bushes in the front of the house and plant small evergreens in front of the property for privacy.

C. Plans Prepared By

Name: Hunter Evan Hughes & Rinku Sinha

Address: 289 Heim-Jones Rd Linden, VA 22642

Telephone Number: 248-881-9100

D. Environmental Information

- (1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?) _____
We anticipate no adverse impact on the community as we will be present on the property to ensure all guidelines and processes are adhered by the guests. In addition, we are not permitting more than 2 guests at our property.

- (2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) _____

No debris will be generated from STR. We will be present/managing the property ourselves as well to ensure there is no debris generated.

- (3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) _____

Not Applicable. There will be no hazardous substance stored on the property

- (4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. _____

A potential emission might be noise. We plan to mitigate this by ensuring that our guests are aware of noise ordinance within the subdivision and reporting unruly guests to AirBnB or Vrbo. We will also be present at the property to enforce that the noise levels are within the acceptance range. Any waste/trash generated - we will dispose at the designated trash disposal sites.

- (5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) _____

Not Applicable. There will be no electrical or electronic activity on the property.

- (6) What will be the impact on traffic? _____

The impact on traffic will be low since we are allowing only 2 guests for the STR.

Our driveway accommodates 4 cars. There is a 2 door garage as well. In addition, the seasonality nature of STR with occupancy rates ranging from 15-60% - we anticipate low impact on traffic.

- (7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. _____

No exterior lighting will be used except what is attached/available to the property (ie front porch lights)

**The following documents and/or information are required
to be submitted with the application:**

☒ **An application fee of \$500.00.**

Make payable to the Treasurer of Warren County. A non-refundable fee of \$500.00 will be required at the time of submittal.

☒ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 1/2 x 11 size paper.

☒ **A Site Plan/Survey.**

Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.

☒ **Sewage Disposal and Well Site.**

Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.

☒ **A copy of the deed to the property verifying the current ownership.**

A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.

STAFF

☒ **A statement verifying that real estate taxes have been paid.**

This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.

N/A

☐ **Environmental and Community Impact Statements**

The Planning Director, the Planning Commission, and/or the Board of Supervisors reserve the right to ask for an environmental and/or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.

N/A

☐ **List of chemicals stored on the site** (Not Applicable)

A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.

N/A

☐ **Location Map**

A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.

☐ **Directions to your property from the Warren County Government Center.**

Turn left onto Reynolds st
Turn left onto Blue mountain RD & turn left
Morgan Ford rd
Turn left onto N Commerce Ave
Turn right onto E third st

Applicant Signature J. Kimble Lick Date 04/16/2022

Applicant Signature _____ Date _____
 Hunter Hughes ~~_____~~ & Kimber Luhn _____ 04/16/2022
 Property Owner Signature _____ Date _____

Date: _____

PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

NOTES

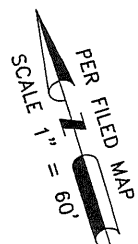
[illegible]

ELSEAS FARM RD.

50' R/W

S 73°00'00" E 305.39'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	50.00'	51.29'	58°46'34"	49.07'	S 50°25'16" W



291.31'
N/F W P ASSOC. PER INST. # 120007104
T.M. 23K PARCEL 2
N 18°28'48" W

T.M. 23C-7-2B
LOT 188
1.561 ACRES

T.M. 23C-7-2B LOT 187
S 10°11'21" E
N/F TUNGARDB PER D.B. 366/689
237.90'

CONCRETE FOUNDATION
65.6'
28.1'
21.7'
58.0'
27.1'
24.0'
19.7'

218.53'
N 68°58'14" W

T.M. 23C-7-2B LOT 189
N/F BELLA HOME DESIGN LLC
PER INST. # 180000170

FOUNDATION LOCATION LOT 188
MAP OF SHENANDOAH FARMS MOUNTAIN VIEW
SECTION 2B PER PLAT RECORDED IN D.B. 226/214

SHENANDOAH MAGISTERIAL DISTRICT
WARREN COUNTY, VA.

JONES 50' R/W RD.

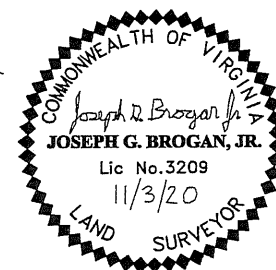
HEIM

PREPARED BY:
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
NOVEMBER 3, 2020

NO TITLE REPORT WAS FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

DERIVATION OF TITLE TO: JAMES C. PUGH, III
PER INST. # 200001931.

SUBJECT PARCEL SITUATED OUTSIDE THE LIMITS OF THE FEMA FLOOD ZONE.



Lord Fairfax Health District

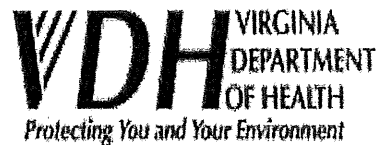
Warren County Health Department

465 West 15th Street, Suite 200

Front Royal, Virginia 22630

Tel. (540) 635-3159 ~ Fax (540) 635-9698

www.vdh.virginia.gov



May 09, 2022

Matt Wendling, Deputy Planning Director
Warren County Planning and Zoning
220 N Commerce Ave., Suite 400
Front Royal, Virginia 22630

RE: Request for Comments (2022-05-06)

Owner: Hunter Hughes & Rinku Sinha

Dear Mr. Wendling,

I have reviewed your request for comments regarding the property at 289 Heim-Jones Rd. Linden, VA (Tax Map# 23C-7-2B-188) and I offer the following comments:

1. There is a Construction Permit, ROI and Operation Permit on file for the referenced property dated 7/01/2020, 11/07/2020 and 12/18/2020 respectively.
2. The dwelling is served by a Conventional Onsite Sewage System (COSS). The COSS is designed for Three (3) Bedrooms, Six (6) Occupants and 450 gallons per day.
3. The dwelling is served by a private Class IIIB Well. A sample of the water should be collected and tested by a state approved lab at least annually.
4. All refuse shall be placed in containers with tight-fitting lids.
5. Do not connect any Jacuzzi or hot tub discharge to the sewage disposal system.

Please contact me at (540) 635-3159 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Davis", is written over the word "Sincerely," and extends across the line.

Jim Davis

Environmental Health Supervisor

Sewage Disposal System Operation Permit

Property Owner

James C Pugh III
80 Rattlesnake Hollow Ln
Huntly, VA 22640
Phone: (703) 789-7861

Health Dept. ID: 187-20-0188
Tax Map/GPIN: 23C-7-2B-188
Locality: Warren County

Property Location

Property Address: 289 Heim-Jones Rd
Linden, VA 22642

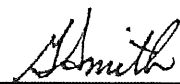
James C Pugh III is hereby granted permission to operate a **Residential Conventional Onsite Sewage System** at the above referenced location, under the following parameters:

Daily Flow: 450 gallons
Number of Bedrooms: 3
Occupancy Limit: 6 maximum

This permit is issued in accordance with the provisions of Title 32.1, Chapter 6 of the Code of Virginia as Amended, and Section 12VAC 5-610-340 of the Sewage Handling and Disposal Regulations of the Virginia Department of Health. The issuance of an operation permit does not denote or imply any guarantee by the department that the sewage disposal system will function for any specified period of time. It shall be the responsibility of the owner or any subsequent owner to maintain, repair, or replace any sewage disposal system that ceases to operate in accordance with the regulations.

December 18, 2020
Effective Date

Greg Smith
Environmental Health Supervisor



Signature

Chase Lenz

From: David Beahm
Sent: Thursday, June 9, 2022 9:18 AM
To: Matt Wendling
Cc: Chase Lenz; Paula Fristoe
Subject: Request for Comments 2022-05-06 – Hunter Evan Hughes & Rinku Sinha – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000181-2022

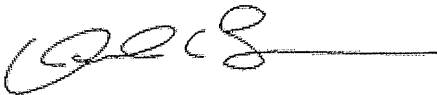
Comments 2022-05-06 – Hunter Evan Hughes & Rinku Sinha – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000181-2022:

- Erosion and Sediment Control Items:
 - There does not appear to be any land disturbance at this time and therefore nothing would be required. If this is not the case, the normal submission process would be required.
- Building Inspections Items:
 - The use of the existing dwelling(s) for a “short-term rental” would require a building permit to establish it as a transient boarding facility which is the term used by the building code for this type of use. The dwelling would receive a new Certificate of Occupancy designating as a short-term rental.
 - Given the timeframe that the structure was originally built it will more than likely not require an Electrical permit to meet the building code requirements for this change.

If anything should change in the scope additional requirements may be required.

*****Please Note that Warren County is in the transition of moving to a NEW “.gov” Email Address – both email addresses will work during the transition period, but please update our contact information as soon as possible. Additionally, with the transition already moving forward some of your emails may go to our spam folders and some of ours will go to your spam filters. If you are not receiving information that you have expected from us or not gotten a response to something that you may have sent, please contact our office by phone to notify us so that we can attempt to address quickly.*****

Respectfully,



Warren County Building Inspections Of



David C. Beahm, CBO
Building Official

220 North Commerce Ave
Suite
Front Royal, VA 22

dbeahm@warrencountyva.gov

www.warrencountyva.gov

540/636-9
FAX 540/636-4

THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE; AND THEN PLEASE DELETE THIS MESSAGE FROM YOUR SYSTEM. THANK YOU.



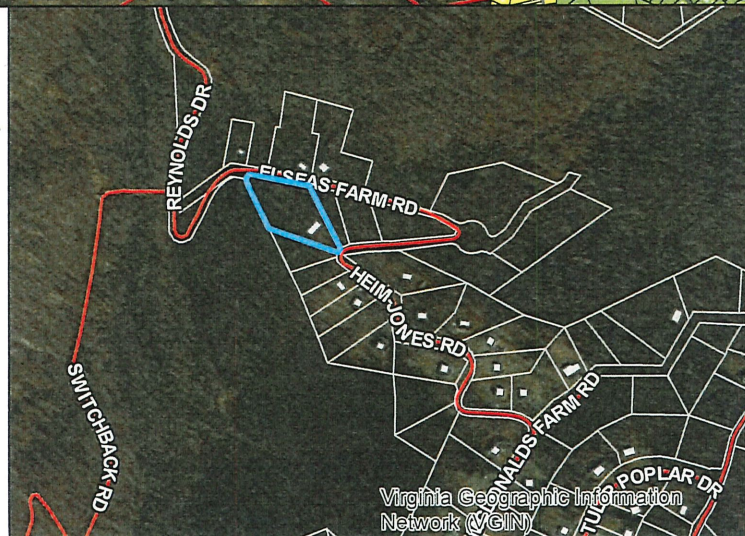
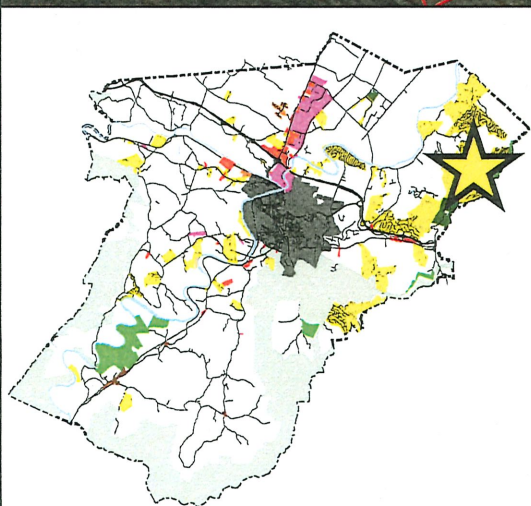
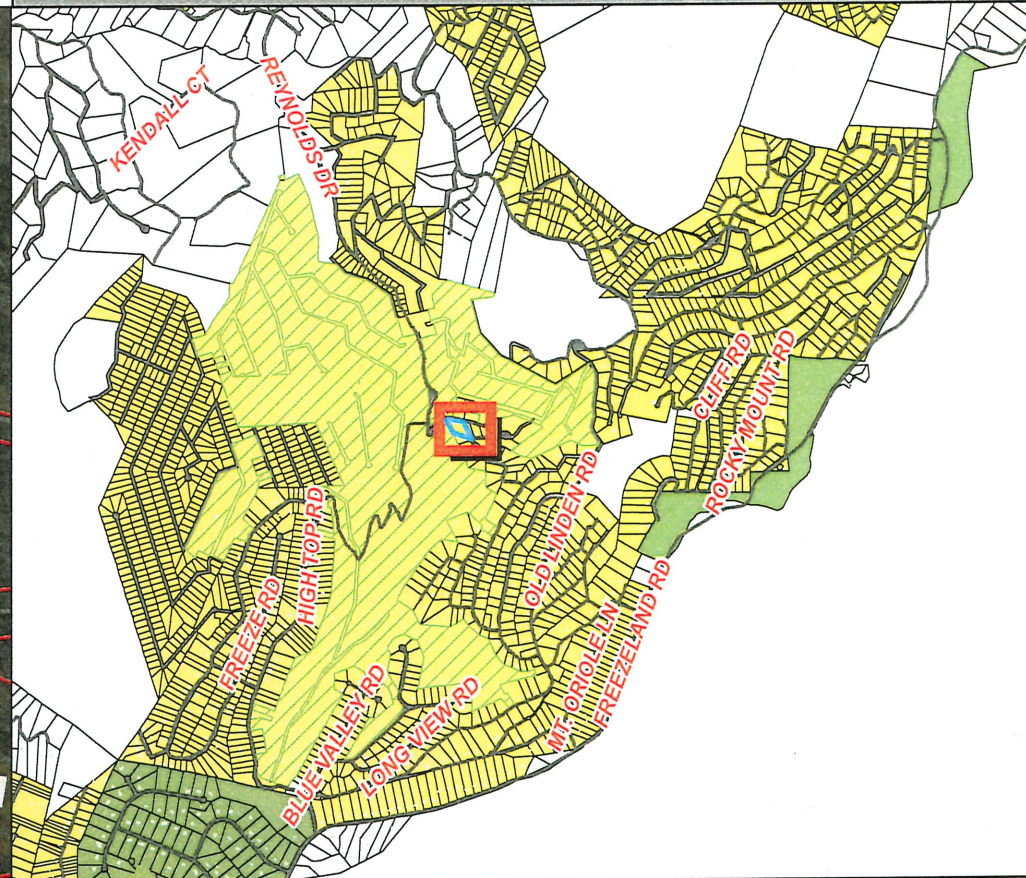
Warren County VA

CUP Location Map



Short Term Tourist Rental
Applicants: Hunter Hughes & Rinku Sinha

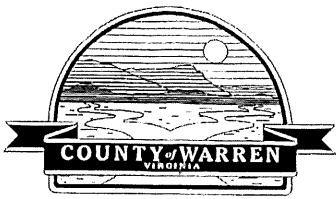
TM 23C--72B-188
289 Heim Jones Rd



Zoning

Agricultural	Rural Residential
Commercial	Right of Way
Industrial	Front Royal
Residential One	Federal Land
Residential Two	State Land
Suburban Residential	Water
Village Residential	VOF Conservation Easements
	WC Conservation Easements

Map produced by
Warren County GIS 2022
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE 07/26/2022	ITEM H	SUBJECT: Conditional Use Permit #2022-05-07 James V. Elliott Jr. <i>Short-Term Tourist Rental</i>
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EXPLANATION & SUMMARY:

See attached application and staff report.

General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards:

- 1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.
- 2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
- 3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
- 4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area.
- 5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.
- 6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that:
 - a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties.
 - b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion.
 - c) Provide for adequate parking and ingress and egress to public streets or roads.
 - d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property.
 - e) Prevent such use from changing the character and established pattern of development of the community.

PLANNING COMMISSION STATUS:

On Wednesday, June 8, 2022, Mrs. Richardson moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mr. Henry and approved by the Planning Commission by a vote of 4-0.

RECOMMENDED CONDITIONS:

Staff recommends that if the Board of Supervisors is going to approve of this request that the following conditions should be applied:

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed four as determined according to the Health Department operation permit for a two-bedroom dwelling.
3. The applicants shall have the well/drinking water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and on the state road shall be prohibited.

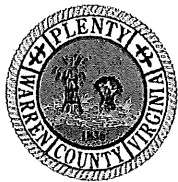
PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of James V. Elliott Jr. for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff.

OR

I move that the Board of Supervisors deny the conditional use permit request of James V. Elliott Jr. for a Short-Term Tourist Rental.

SUBMITTED BY: Chase Lenz,  Zoning Administrator	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (Describe)	PROCESSED BY:
---	---	----------------------



Conditional Use Permit 2022-05-07: Short-Term Tourist Rental

Owner/Applicant: James V. Elliott Jr.

Prepared: May 2, 2022

Staff Contact: Chase Lenz, Zoning Administrator

SUMMARY OF REQUEST

The applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in January of 2022. The owner hopes to promote local businesses and attractions by making the property available year-round for short-term visitations for individuals visiting the Warren County area. The applicant will manage the property personally as he currently resides in Bentonville, a few miles south of the subject property.

PROPERTY INFORMATION

Property Location: 2633 Buck Mountain Road

Tax Map ID: 37-----63D

Magisterial District: South River

Subdivision: N/A

City: Browntown

Zoning: Agricultural (A)

Acres: 3.00 Acres

Existing Land Use: Single-Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

North: Agricultural (A)

South: Agricultural (A)

East: Agricultural (A)

West: Agricultural (A)

Use: Single-Family Dwelling

Use: Single-Family Dwelling

Use: Vacant Lot - Pasture

Use: Single-Family Dwelling

PROPERTY HISTORY

The dwelling on the subject property was constructed in 1995. This property has not had any previous Conditional Use Permits issued for uses in the Agricultural zoning district. No zoning violations have been recorded for the property.



COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for agricultural and residential land uses. A short-term tourist rental is a use allowed by conditional use permit in the Agricultural zoning district and is compatible with the current Warren County Zoning Ordinance.

ATTACHMENTS

☐ Agency Comments
☐ Location Map

☐ Application
☐ Public Comments

☐ Health Permit
☐ Submitted Plans

☐ Letter from Applicant
☐ Other: _____

SUPPLEMENTARY REGULATIONS
Warren County Zoning Ordinance: § 180-56.4: Short-term tourist rentals.

- A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.
- B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however the maximum number of occupants shall not exceed 10. There is a Health Department operation permit on file approving four (4) occupants for the dwelling. Warren County Assessment data lists two (2) bedrooms in the dwelling.
- C. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all right-of-ways and in yards. There is sufficient parking for at least four vehicles in the driveway.
- D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. The property boundaries are clearly marked with the side and rear yards enclosed by a 4-foot-high fence. Additionally, the applicant will post a map of the property and its boundaries within the dwelling.
- E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.
- F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code, and a carbon monoxide detector must be installed on each floor in every dwelling. The applicant shall obtain building permits to ensure the dwelling meets the current code requirements for fire protection systems.
- G. The owner of a dwelling used for short-term tourist rentals shall give the County written consent to inspect any dwelling used for short-term rental to ascertain compliance with all of the above performance standards upon a 24 hour notice.
- H. A property management plan (PMP) demonstrating how the short-term tourist rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to county staff, public safety officials, and if applicable, the HOA/POA of the subdivision. The plan must be provided as a part of the rental contract. The PMP has been provided and will be reviewed by Planning staff.
- I. If the property is located within a subdivision governed by a Home Owners Association/Property Owners Association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental. The subject property is not located within a subdivision governed by an HOA/POA.
- J. The short-term tourist rental shall have a "land-line" with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.
- K. The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood. The property shall have the evacuation plan posted in each bedroom and in the guest registration packet.

- L. A copy of Chapter 123 of the Warren County Code relative to noise must be provided at the short-term tourist dwelling. The applicant shall have a copy of the ordinance in their guest registration packet and posted in a common area of the dwelling.
- M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation as described in §180-63 of the Warren County Zoning Ordinance.
- N. All outdoor burning shall be in compliance with Chapter 92 of the Warren County Code.
- O. There shall be a minimum of 100' from the short-term tourist rental to all neighboring residences. This dwelling does meet the setback requirement to adjacent single-family dwellings. The closest dwelling is located 903' to the west.

RECOMMENDED CONDITIONS

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. *Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.*

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed four as determined according to the Health Department operation permit for a two-bedroom dwelling.
3. The applicants shall have the well/drinking water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and on the state road shall be prohibited.

Cc: James V. Elliott Jr. – Owner/Applicant

STATEMENT OF JUSTIFICATION

The intent is to create a short-term tourist rental property with a positive impact on the surrounding community and environment. The location is without any immediate neighboring structures or homes. The business will be managed by James Elliott & Farrah Brady in accordance with Warren County, VA regulations (Chapter 180, Chapter 123, & Chapter 92).

Any complaints or issues about this property or its guests will be handled immediately and justly.

We are environmentally conscious and have strict safety standards and inspection procedures for check-in/check-out. The property is to be offered to the public via an online platform. Rental applicant(s) will be screened and undergo background checks before each stay.

We are members of the community and our primary residence is 3.4 miles from this property, also located in Warren County, VA.

The property will promote local and small businesses in the area and activities such as visiting State and National Parks, hiking, kayaking, site-seeing, restaurants, breweries, wineries, and other attractions that the area has to offer.

James Elliott &
Farrah Brady
240-351-2707

WARREN COUNTY CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-0507
 Date Received: 4-19-22
 Fee Amount: \$ 500.00 CK#107
 Date Paid: 4-19-22

Applicant Information:

JAMES VINCENT ELLIOTT JR

Applicant Name

*230 TIMBERLAND MANOR DR. BENTONVILLE VA 22610
Address City State Zip

2633 BUCK MOUNTAIN RD. BENTONVILLE VA 22610
Property Location for conditional use permit if Different than Applicant's Address

240-351-2707 jim.elliott@sunbeltrentals.com
Primary Contact Number Email

Property Owner (if same as applicant, leave blank)

Address City State Zip

Primary Contact Number

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:

- (1) Address/Location: 2633 BUCK MOUNTAIN RD. BENTONVILLE, VA 22610
- (2) Election District: SOUTH RIVER DISTRICT
- (3) Tax Map Number: 37 PARCEL 63
- (4) Subdivision Name: FAMILY SUBDIVISION } PORTION OF THE LAND OF H. SILMAN CAMPBELL
MAZIE CAMPBELL
- (5) Total Area of Property (acres): 3.0
- (6) Total Area to be Used (acres): 3.0
- (7) Total Road Frontage (feet): 273.93' + 227 = 500'
- (8) Depth of Property (feet): 455.73'
- (9) Present Zoning: RESIDENTIAL - FAMILY SUBDIVISION

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: SHORT-TERM TOURIST RENTAL
- (2) Current land use and condition of site: RESIDENTIAL, WELL MAINTAINED.
- (3) Zoning of surrounding land/property: RESIDENTIAL - FAMILY SUBDIVISION
- (4) Will development be staged? ☐ Yes ☐ No NA
- (5) Construction Time: NA
- (6) Season, days, and hours of operation: YEAR ROUND
- (7) Will there be a sign? ☐ Yes ☒ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)
- (8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) NO
- (9) Number of full time employees: NA
- (10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public
- (11) Number of persons to be served by the sewage disposal system: 4
- (12) Number of parking spaces to be provided: Regular 4 Handicap _____
- (13) What is the proposed landscaping and buffering for this property? NA

C. Plans Prepared By

Name: JAMES ELLIOTT

Address: 230 TIMBERLAND MANOR DR. BENTONVILLE, VA 22610

Telephone Number: 240-351-2707

D. Environmental Information

- (1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?) _____
NO

(2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) NO

(3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) NO

(4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. NO

(5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) NO

(6) What will be the impact on traffic? MAXIMUM NUMBER OF VEHICLES ALLOWED ON PROPERTY IS 4. CAR PORT & DRIVEWAY PARKING ONLY. MINIMAL IMPACT ON TRAFFIC

(7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. FLOOD LIGHT AT CARPORT INSTALLED FOR GUEST SAFETY AND VISIBILITY, 80 WATT

**The following documents and/or information are required
to be submitted with the application:**

☒ **An application fee of \$500.00.**

Make payable to the Treasurer of Warren County. A non-refundable fee of \$500.00 will be required at the time of submittal.

☒ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 1/2 x 11 size paper.

☒ **A Site Plan/Survey.**

Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.

☒ **Sewage Disposal and Well Site.**

Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.

☒ **A copy of the deed to the property verifying the current ownership.**

A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.

☒ **A statement verifying that real estate taxes have been paid.**

N/A This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.

N/A ☒ **Environmental and Community Impact Statements**

The Planning Director, the Planning Commission, and/or the Board of Supervisors reserve the right to ask for an environmental and/or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.

N/A ☒ **List of chemicals stored on the site**

A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.

N/A ☐ **Location Map**

A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.

☒ **Directions to your property from the Warren County Government Center.**

HEAD SOUTHEAST TOWARDS E 2ND ST.

TURN RIGHT ONTO E 2ND ST.

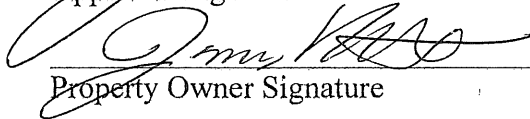
TURN LEFT ONTO 340 S

TURN LEFT ONTO STATE RT 649

TURN RIGHT ONTO STATE RT 622

ARRIVE AT 2633 BUCK MOUNTAIN RD, BENTONVILLE VA 22610

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit, shall be charged to the applicant.

	<u>4-15-22</u>
Applicant Signature	Date
	<u>4-15-22</u>
Property Owner Signature	Date

Accepted by: _____ Date: _____

PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

NOTES

Welcome to Swept Away,

A brick cottage perched in the perfect location to view, rest, reflect, and enjoy any of the many wonderful outdoor activities of the area. Whether here at the cottage, nearby at Glen Manor Vineyard & Winery 5 minutes down the road, or adventuring on Skyline drive in Shenandoah National Park, a 10 minute drive away.

Swept Away Cottage has a unique Mountain View where you meet the surrounding mountains mid-way in elevation, and feel yourself totally surrounded in a bowl of the Blue Ridge Mountains. This also makes for stargazing you can only see to believe.

The property is on 3 acres, and beyond those 3 is 185 acres of gentle sloping farm land. There are no immediate neighbors. You are free to enjoy rejuvenating solitude.

Swept Away Cottage has 3 bedrooms and 2 full bathrooms. There is also a washer, dryer, and laundry detergent available for your use. There is an ample sized screened in porch, as well as overflow area (patio?) outside of it. There is plenty of room to fully and comfortably enjoy the sweeping views.

We allow guests and pets to occupy the home, we ask that you be honest and let us know who you are bringing.

There is a fire pit on the property, 25 feet from the screened in porch. There is an allotment of fire wood per guest provided.

The Cottage has a large dining room table that is excellent for playing games, enjoying a nice meal together, or a pleasurable place to complete some work. The kitchen has a coffee machine, sugar, a variety of teas, a refrigerator with freezer, an oven, and a stove.

We use plant based detergents, soaps, and cleaning products to keep our environment & well in good health. We have one air purifier in the master bedroom and one in the family room. We use the absolute top standards of cleaning and inspections in between guests.

Two of the bedrooms have ample sized closets with hangers provided, enough space to spread out for longer stays.

Our beds are encased and covered in 100% cotton woven sheets to help you rest with ease. There is a linen closet in the hall bathroom with both extra towels and sheets. There are also extra blankets and pillows in the closet in the bedrooms at the far end of the Cottage.

From the Cottage, following the remainder of Buck Mountain Road and taking a left on to Browntown Rd, will bring you past many more lovely views and properties on your quick 12 minute drive into the great town of Front Royal, Virginia.

We highly recommend a restaurant owned and run by a local couple, named Blue Wing Frog. They bake all of their own bread, create all of their sauces, dips, and seasoning in house. The food is magnificent.

A few others are Royal Spice Indian Cuisine, Soul Mountain Soul Food, and Vibrissa Brew Works. As mentioned earlier, there is also a winery 5 minutes away; Glen Manor Vineyard. A beautiful setting with delicious wine that is only a stones' throw away.

Although most come to enjoy Skyline Drive and Shenandoah National Park, the Shenandoah River State Park is another wonderful hiking and outdoors area. It is smaller than SNP but just as beautiful, with lots of lovely river trails, a visitors' center, and mountain vistas. There is also the expansive George Washington National Forest. Most of it being directly west of this property. There are many great hiking, picnic, and driving areas inside this National Forest.

If you are interested in caves, Luray Caverns is 25 minutes away heading South down Highway 340, and Skyline Caverns is 12 minutes away heading North on Highway 340. If you'd like to miss the crowds, make sure to go early. Points if you go to both caves! ☺

Wherever you find yourself, we hope you enjoy it greatly.

If you're a thrifter or enjoy antiques and second hand items, there is a 50,000 sqft indoor flea market that also has a bakery and bookstore in Strasburg, VA called the Strasburg Emporium. Something fun to do on a beautiful day or a rainy one.

Jim and Farrah live 7 minutes down the road. One or both can easily be available if needed.

We hope the views and peaceful setting sweep you away.

Enjoy,

Jim & Farrah

PROPERTY MANAGEMENT PLAN

James Elliott and Farrah Brady
2633 Buck Mountain Rd, Bentonville, VA 22610

We, the owners and management, live 3.4 miles away in Bentonville and can make ourselves available immediately.

SAFETY

Carbon monoxide detectors and smoke detectors are installed on both floors and are tested prior to each check-in. There is a fire extinguisher located on the kitchen wall and on the screened in porch. A first aid kit available for all guests. An emergency evacuation map is also provided.

IN CASE OF EMERGENCY

Dial 911. The dwelling is located 9.5 miles from the Front Royal Police Department.

2.8 Miles from the South Warren Volunteer Fire Department.

10.4 miles from Warren Memorial Hospital.

A list of emergency services, their phone numbers and addresses, are posted on the wall next to the landline.

NON-EMERGENCY, INQUIRIES, COMPLAINTS CONTACT

Jim Elliott is the owner of the property and can be contacted on his cell at 240-351-2707 or email jim.elliott@sunbeltrentals.com

Farrah Brady is co-manager of the property and can be contacted at 410-300-0142 or email Farrah.betoul@gmail.com

Both live 3.4 miles from the property.

(In accordance with Chapter 180, Chapter 123, and Chapter 92)

NOISE

The Warren County noise ordinance is included in the guests Handbook/Welcome packet. Any complaints will be strictly dealt with immediately and accordingly.

(In accordance with Chapter 123)

SMOKING

There is to be no smoking on the property.

FIREPIT

Only the designated firepit located 25 ft from the dwelling may be used. Two fire extinguishers are on the premises. One in the kitchen and one in the screened in porch facing the backyard.

(In accordance with Chapter 92)

INTERNET AND LAND LINE

Wifi and a landline are free to all guests. Emergency Contacts, Poison Control, and Owner's numbers are posted next to the landline.

TRASH & RECYCLING

There are two outdoor trash cans provided. One for recycling, the other for trash, both are labeled. Each outdoor trashcan is well contained and strategically placed in the carport, hidden from street view and for easy access for guest(s).

After each check-out, the garbage will be transported by management, to the Warren County Waste Transfer located at 232 Shangri-La Rd Bentonville, VA 22610. For an extended stay, guests are asked to notify when the receptacles are full (and we will do routine checkups).

ELECTRICAL OUTAGE

RAPPAHANOCK ELECTRIC COOPERATIVE AT 800-552-3904

FENCE AND PROPERTY BOUNDARIES

The property has no immediate neighboring houses or structures. The front of the property faces Buck Mountain Rd. The rear and backyard of the property is enclosed by 4 ft high fence line.

Property boundaries are clearly marked and identifiable. Map of the property and its boundaries is posted for all guests within the dwelling.
(In accordance with Chapter 180)

DWELLING INTERIOR

The dwelling has 3 bedrooms, 2 full bathrooms, laundry/mud room, full size kitchen, dining room, entry room, living area, and screened in porch. All areas are fully furnished including bedding and linens.

SANITATION

The dwelling will be thoroughly cleaned by a licensed cleaning company in between check-ins / check-outs. The interior and exterior of the dwelling will be subject to inspection by the owners, then released for guest occupancy.

SEPTIC

Signage in bathrooms, kitchen, and laundry room for SAFE SEPTIC USE ONLY. No bleach or other chemicals down the sinks, and a no flush list posted. We have provided plant based soaps and laundry detergents free of charge for guest use.

PARKING

Parking is only permitted for 4 vehicles MAXIMUM. Under no circumstance will cars be allowed to park in the roadway.
(In accordance with Chapter 180)

RULES AND REGULATIONS

A comprehensive list of the dwellings rules and regulations is attached.

OCCUPANCY

The maximum number of guests allotted for this dwelling is 6 and 1 pet. (In accordance with Chapter 180)

CHECK-IN AND CHECK-OUT

Once reservation is accepted by management, guests will be provided contact information, the property address, and Rules and Regulations document. A second message is sent the day before check in. This includes the check-in instructions, the Rules and Regulations, and a Welcome Packet.

The dwelling shall be inspected thoroughly after check-out to assess any damage. Each guest is also provided with Departure Instructions.

GUEST BACKGROUND CHECKS

This dwelling utilizes Airbnb's platform. Airbnb submits the guest information to one of their approved background check providers. They check the person's identity against public records or available databases, as outlined below:

The OFAC List, which includes terrorist designations. They check certain databases of public state and county criminal records as well as state and national sex offender registries. Airbnb also may, to the extent permitted by applicable laws and to the extent available, obtain the local version of background or registered sex offender checks.

Airbnb also allows comments and reviews from previous Hosts on the platform on each Guest Airbnb Account. We will also screen these reviews before a reservation is granted.

PETS

Pets must be approved by the owners/management prior to check-in. Any pet staying as a guest should be friendly and house trained. Pets that utilize pee pads are NOT allowed as guests in this dwelling. Pets must be supervised at all times and kept on leashes on the exterior. If left alone they must be crated. Guests will be charged for any damage caused by their pet. Limit 1 pet per stay.

Attached Documents

- House Rules and Regulations
- Rental Agreement
- Check-in / Check-out instructions
- Welcome Letter
- Property Map
- Evacuation Map
- Septic & Well Map
- Statement of Justification

IN CASE OF EMERGENCY

Call 911 using a cell phone or the landline provided in the kitchen of the dwelling.
For non-emergencies or questions contact 240-351-2707 or 410-300-0142.

FIRST AID KIT

A first aid kit is mounted on the wall in the laundry room.

LIST OF IMPORTANT CONTACTS:

DIAL 911 FOR EMERGENCIES

Owners #'s

- Jim 240-351-2707
- Farrah 410-300-0142

NATIONAL POISON CONTROL #

800-222-1222

SOUTH WARREN COUNTY VOLUNTEER FIRE DEPARTMENT SUBSTATION

996 BROWNTOWN RD, BENTONVILLE, VA 22610
540-635-7453

WARREN COUNTY SHERIFF'S OFFICE

200 Skyline Vista Dr, Front Royal, VA 22630
540-635-4128

RAPPAHANOCK ELECTRIC COOPERATIVE

800-552-3904

RENTAL AGREEMENT

We, the Renters (also referred to as "Tenants" and "Guests") agree to the following:

1. We will be completely responsible for any and all damages to the property caused by our negligence.
2. We will notify the owners of any damage upon arrival.
3. We will hold the owners **harmless** from any and all bodily injury and/or property damage incurred on the property arising out of our negligent acts or omissions. See disclaimer below.
4. We will pay for any fee that is reasonably attributable to broken, damaged, or missing items.
5. We will forfeit the full rental amount paid if cancellation is made within 30 days of arrival.
6. There are no refunds for early departure.
7. There are no refunds for snow or weather conditions.
8. All rental monies are due 30 days prior to arrival.
9. We will forfeit security deposit if doors and windows are not locked upon check-out.
10. We will not hold the owners responsible for any items left after our check out.
11. Lost keys will incur replacement costs.
12. This is not a party house.
13. This is a NON SMOKING vacation rental.
14. Pets are NOT allowed in the rental unless approved by the property manager.
15. Maximum occupancy is as stated.
16. Check-in is at 4:00 pm and check-out is 11:00 am. An early check-in or late check-out is subject to extra rental charges.
17. The Renter must be 21 years of age to book this vacation rental.

Host reserves the right to refuse service to anyone. Host will not be responsible for accidents or injury to guests or for loss of their money, jewelry or valuables of any kind.

Cleaning Policy

The Vacation Rental must be left picked up and the departure instructions followed. If there are difficulties following the departure instructions, the renter should notify the property manager.

Reservation Policy

The minimum night stay is 2 nights.

Disclaimer:

Renters understand that the Host is not responsible for any personal injury caused by slipping on snow or ice, and that after the initial shovel or snow and ice before check-in, tenants' are responsible for the removal of snow and ice around the doorways and paths to car, to include the parking area. Shovels and salt are provided.

And further that the homeowners are not responsible for any personal injury or loss or damage to tenants' property caused directly or indirectly from foul, inclement weather conditions, acts of god or nature, failure of heat, accidents related to fire, heaters, stoves, tenants' failure to remove snow around access areas, or any unforeseeable circumstances.

Under no circumstances will tenants or their guests hold the owners of the vacation rental responsible for any damages or claims of any kind resulting from their stay, except for intentional acts of harm.

This agreement and disclaimer applies to Renters and all guests in the Renters' party. I, the Renter, have read, understand, agree to, and will abide by this rental agreement and all conditions stated herein.

Renters full name

Signature

Date

CHECK OUT INSTRUCTIONS

1. Check out time is 11 am
Check in time 4 pm

By making this reservation, all guests agree to check out on time unless prior arrangements have been made and agreed upon with host.

2. All used towels must be collected and placed in laundry hamper. No where else. Do not strip bed linens.
3. For spring & summer guests, adjust the thermostat to 73 degrees on COOL before leaving. For winter and fall adjust to 66 degrees HEAT before leaving.
4. Collect trash and recycling from all areas of the house and place in the outdoor trash cans. One is marked TRASH and the other RECYCLING, please place accordingly.
5. Check and empty fridge and freezer of any personal items. Please leave both fridge and freezer clean and empty.
6. Inspect each room in the house for any personal items or trash.
7. Leave all windows and doors locked before departing the property.
8. We thank you very much for staying at our property. Please leave us a review.

2633 BUCK MOUNTAIN RD HOUSE RULES

- NO EXTRA GUESTS
- NO FIREWORKS
- PARTIES, GATHERINGS, AND FUNCTIONS OF ANY KIND ARE STRICTLY PROHIBITED ON THIS PROPERTY.
- NO LOUD OUTDOOR ACTIVITIES, ALL GUESTS MUST FOLLOW WARREN COUNTY NOISE ORDINANCE ATTACHED ON THE NEXT PAGE
- NO PARKING WITHIN 10 FT OF THE ROAD WAY
- NO ACCESS TO ANY LOCKED CLOSETS, BASEMENT, OR DETACHED GARAGE
- ALL TRASH MUST BE PLACED IN OUTSIDE OR INSIDE TRASH RECEPTACLES. OVERFLOW IS NOT PERMITTED TO BE STORED INSIDE OF THE DWELLING.
- ALL RULES AND NO FLUSH ITEMS MUST BE RESPECTED AT ALL TIMES
- A PROPERTY MAP IS ATTACHED FOR YOUR CONVEINCE. ALL PROPERTY BOUNDARIES MUST BE RESPECTED AT ALL TIMES.
- ONLY ONE PET AND 4 GUESTS ALLOWED TO OCCUPY THE DWELLING PER STAY
- ONLY PRE-APPROVED PETS ARE ALLOWED WITHIN THE DWELLING
- ALL PETS MUST BE SUPERVISED AT ALL TIMES DURING YOUR STAY. IF LEFT ALONE, ALL PETS MUST BE CRATED.
- NO SMOKING INSIDE OF THE DWELLING
- NO LITTERING OF ANYTHING ANYWHERE.
- KEEP YOUR KEY CODE HANDY AND ALWAYS LOCK ALL DOORS AND WINDOWS BEFORE LEAVING THE DWELLING AT ANY TIME.

Septic Safe Items

We use plant-based soaps and detergents to keep the septic system in good standing. We understand if you bring and use your own soaps, please be mindful to not overload them down the drains. Please, absolutely no bleach permitted on this property.

Lastly, if you notice any backup or slow draining from Toilets, Sinks, or Tubs – notify host immediately, 410-300-0142

Do Not Flush List

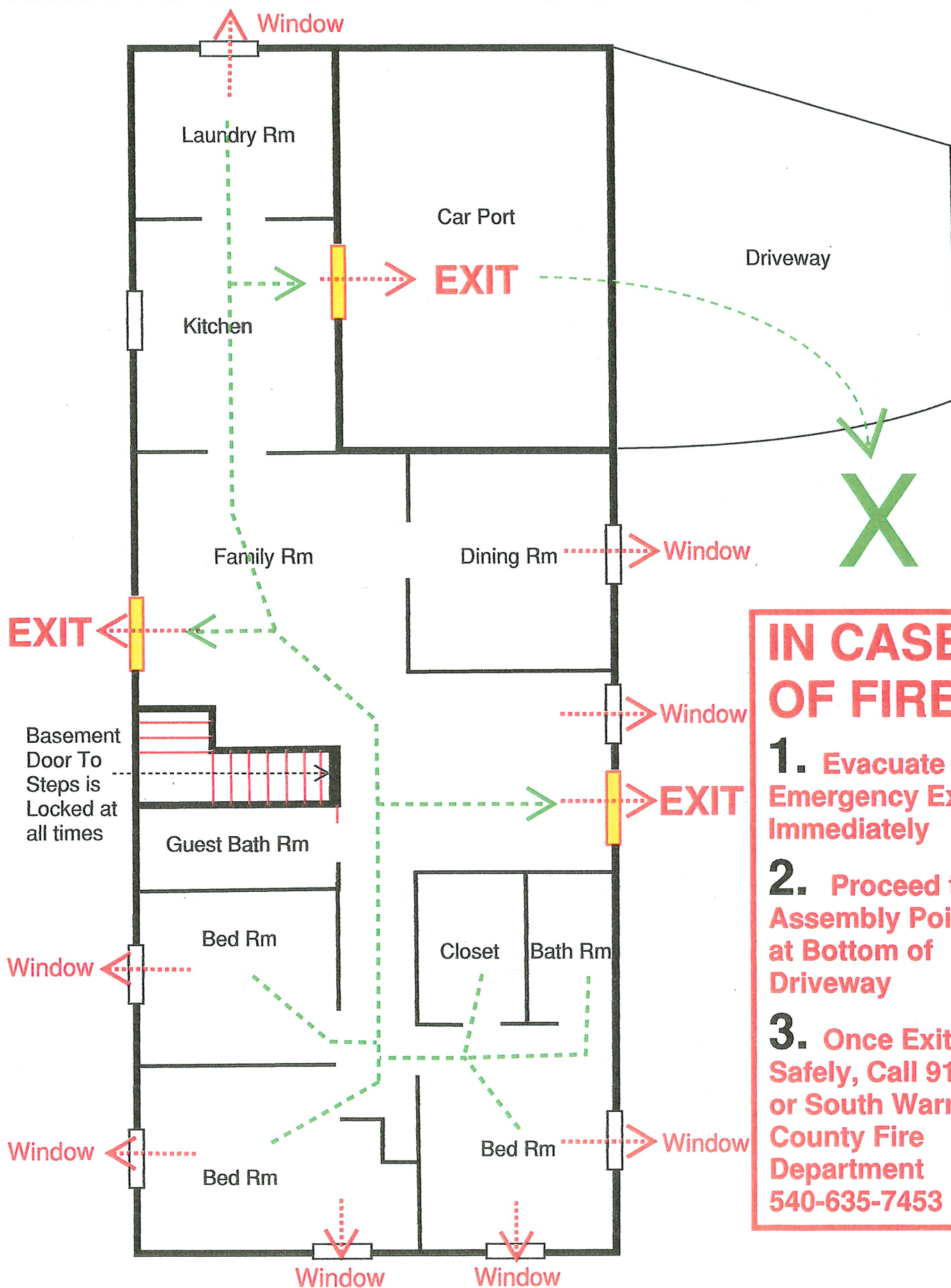
- PLEASE DO NOT FLUSH ANY PRODUCTS OR ITEMS OTHER THAN PROVIDED TOILET PAPER
- Trash cans are available in each bathroom
- Extra trash bags can be found under each bathroom sink

Renters full name

Signature

Date

EMERGENCY EVACUATION PLAN



IN CASE OF FIRE

1. Evacuate to Emergency Exits Immediately

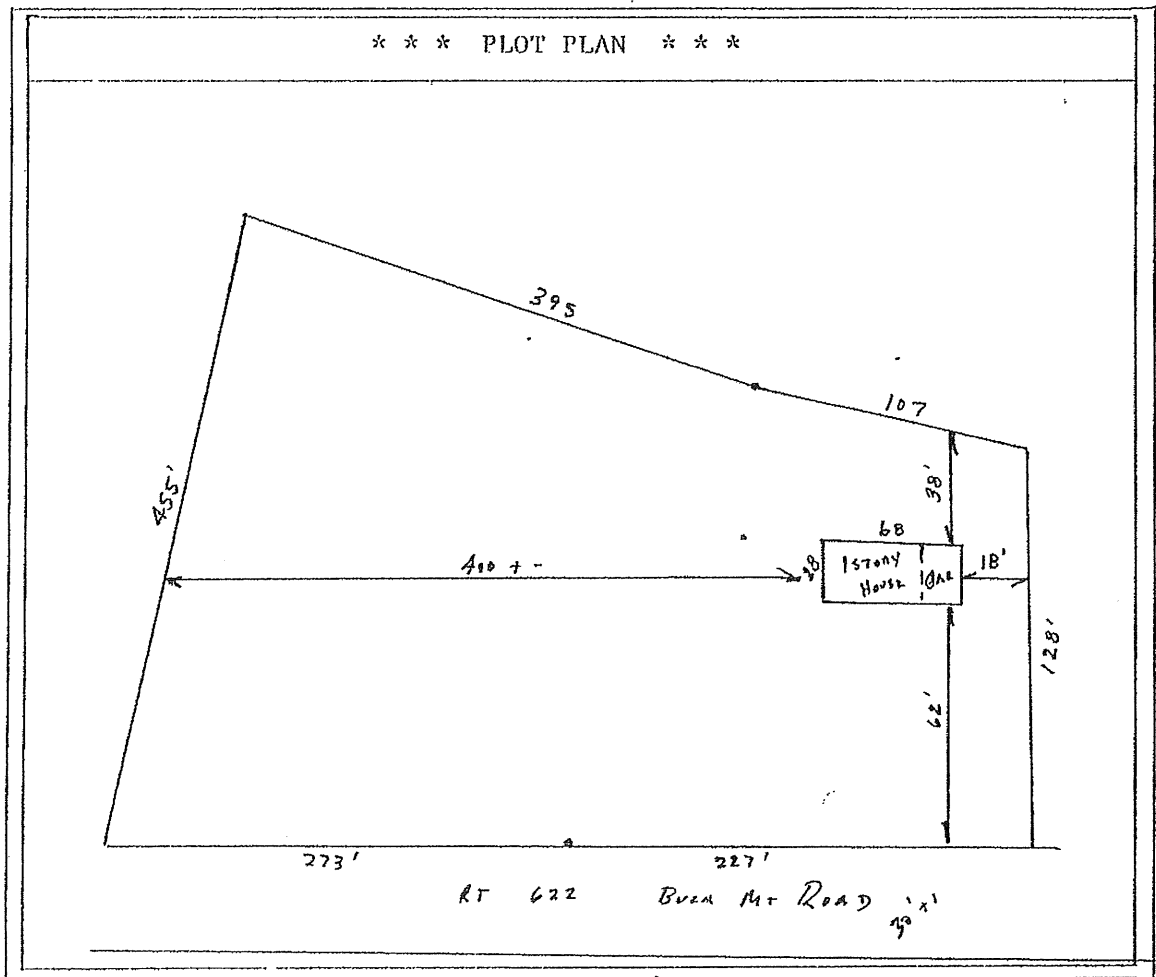
2. Proceed to Assembly Point at Bottom of Driveway

3. Once Exited Safely, Call 911 or South Warren County Fire Department 540-635-7453

COUNTY OF WARREN

ZONING ADMINISTRATOR NOTES:

Permit # _____ District SOUTH RIVER Map # 37 Parcel # 63
 Proposed Use SINGLE FAMILY Zoning _____ Health Permit Yes ☒ No
 Subdivision NONE Street Name or Route # 612 Buck Mt Road
 Building Setbacks: Center of Right of Way 77 Side 910 / 18 Rear 33 Side Street NONE
 Number of Other Dwellings on Parcel 0 Number of Other Structures on Parcel 0
 APPROVED: _____ DISAPPROVED: _____ ZONING ADMINISTRATOR _____



WARNING - Approval of plans is based upon information submitted by the applicant. Any approval found to be procured by misrepresentation of facts or conditions or mis-statements in the application shall be deemed null and void.

I CERTIFY THE ABOVE INFORMATION IS TRUE AND CORRECT:

Signature of Applicant: Daniel Baka Date: Aug. 4, 93
 or
 Authorized Agent: _____ Date: _____

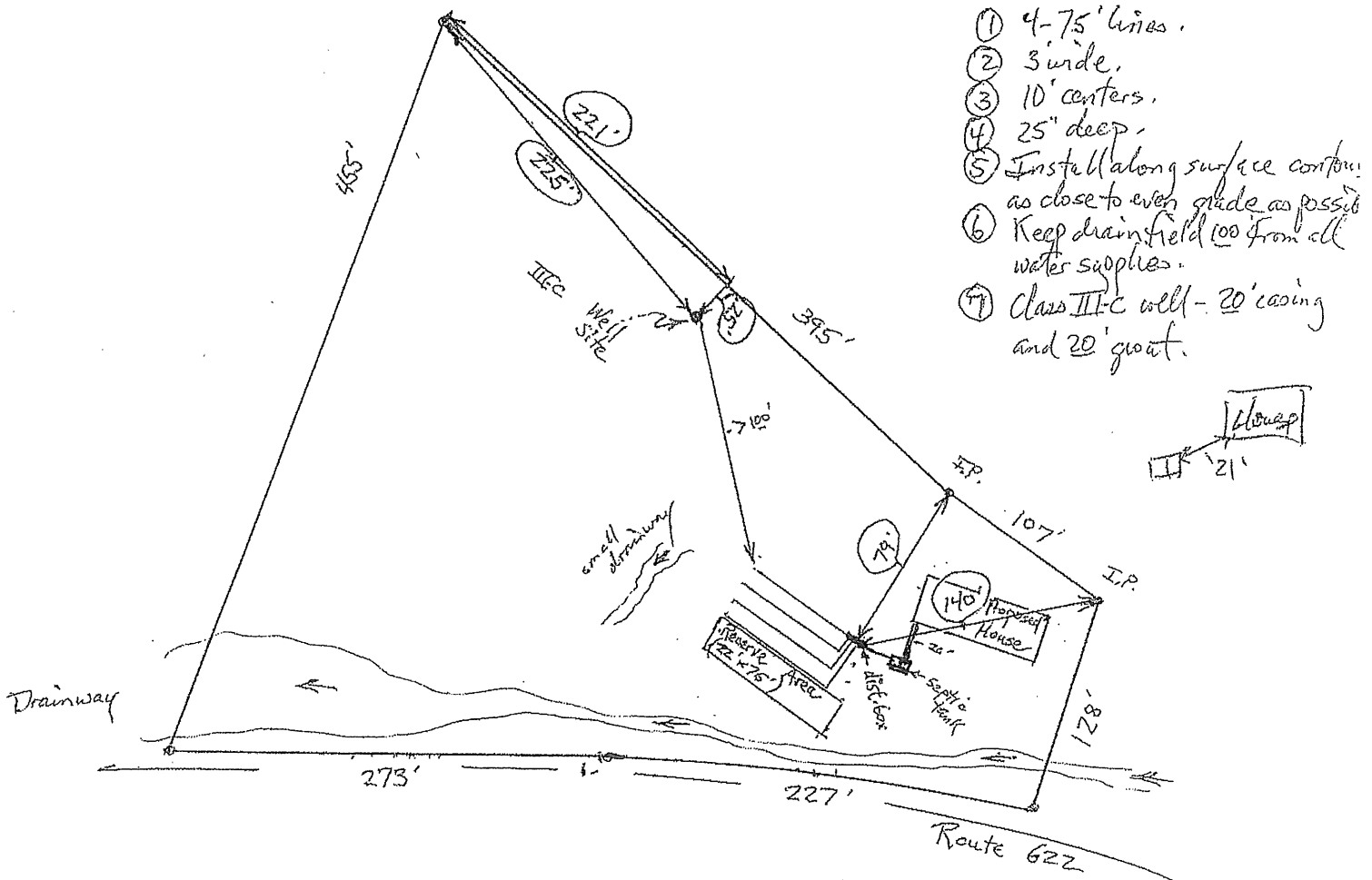
Schematic drawing of sewage disposal system and topographic features.

PAGE 2 OF 2

Show the lot lines of the building lot and building site, sketch of property showing any topographic features which may impact on the design of the system, all existing and/or proposed structures including sewage disposal systems and wells within 100 feet of sewage disposal system and reserve area. The schematic drawing of the sewage disposal system shall show sewer lines, pretreatment unit, pump station, conveyance system, and subsurface soil absorption system, reserve area, etc. When a nonpublic drinking water supply is to be located on the same lot show all sources of pollution within 100 feet.

2 BEDROOM, 4 OCCUPANTS MAXIMUM...

☐ The information required above has been drawn on the attached copy of the sketch submitted with the application. Attach additional sheets as necessary to illustrate the design.



The sewage disposal system is to be constructed as specified by the permit ☒ or attached plans and specifications ☐.

This sewage disposal system construction permit is null and void if (a) conditions are changed from those shown on the application (b) conditions are changed from those shown on the construction permit.

No part of any installation shall be covered or used until inspected, corrections made if necessary, and approved, by the local health department or unless expressly authorized by the local health dept. Any part of any installation which has been covered prior to approval shall be uncovered, if necessary, upon the direction of the Department.

Date: 7-27-93 Issued by: Walter P. Bailey Jr.

Date: 8-2-93 Reviewed by: Bruce R. Hadley

Supervisory Sanitarian

This Construction
Permit Valid until
1-27-98

If FHA or VA financing

Reviewed by Date _____ Date _____

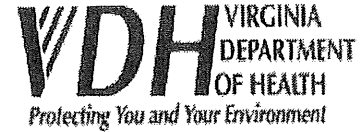
Supervisory Sanitarian

Regional Sanitarian

Lord Fairfax Health District



Warren County Health Department
465 West 15th Street, Suite 200
Front Royal, Virginia 22630
Tel. (540) 635-3159 ~ Fax (540) 635-9698
www.vdh.virginia.gov



May 17, 2022

Chase Lenz, Zoning Administrator
Warren County Planning and Zoning
220 N Commerce Ave., Suite 400
Front Royal, Virginia 22630

RE: Request for Comments (2022-05-07)
Owner: James Vincent Elliot, Jr.

Dear Mr. Lenz,

I have reviewed your request for comments regarding the property at 2633 Buck Mountain Rd. Bentonville, VA (Tax Map# 37-63D) and I offer the following comments:

1. There is a Construction Permit, ROI and Operation Permit on file for the referenced property dated 7/27/1993, 10/29/1993 and 9/01/1994 respectively.
2. The dwelling is served by a Conventional Onsite Sewage System (COSS). The COSS is designed for Two (2) Bedrooms, Four (4) Occupants and 300 gallons per day.
3. The dwelling is served by a Class IIIC private well. A sample of the water should be collected and tested by a state approved lab at least annually.
4. All refuse shall be placed in containers with tight-fitting lids.
5. Do not connect any Jacuzzi or hot tub discharge to the sewage disposal system.

Please contact me at (540) 635-3159 should you have any questions.

Sincerely,


Jim Davis
Environmental Health Supervisor

Chase Lenz

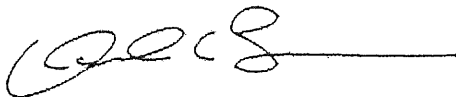
From: David Beahm
Sent: Wednesday, May 25, 2022 9:55 AM
To: Chase Lenz
Cc: Paula Fristoe
Subject: Request for Comments 2022-05-07 –James Elliott – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000182-2022

Comments 2022-05-07 –James Elliott – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000182-2022:

- Erosion and Sediment Control Items:
 - There does not appear to be any land disturbance at this time and therefore nothing would be required. If this is not the case, the normal submission process would be required.
- Building Inspections Items:
 - The use of the existing dwelling(s) for a “short-term rental” would require a building permit to establish it as a transient boarding facility which is the term used by the building code for this type of use. The dwelling would receive a new Certificate of Occupancy designating as a short-term rental.
 - Given the timeframe that the structure was originally built it more than likely will require an Electrical permit to meet the building code requirements for this change.
 - This change requires that smoke detectors are installed as required by the Virginia Residential Building Code.

If anything should change in the scope additional requirements may be required.

Respectfully,



David C. Beahm, CBO
Building Official

dbeahm@warrencountyva.net

Warren County Building Inspections

220 North Commerce A

Suit

Front Royal, VA 2

540/636-

FAX 540/636-

www.warrencountyva.net

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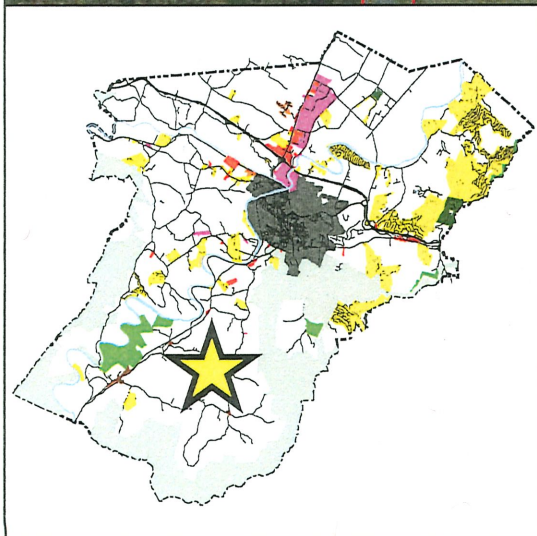
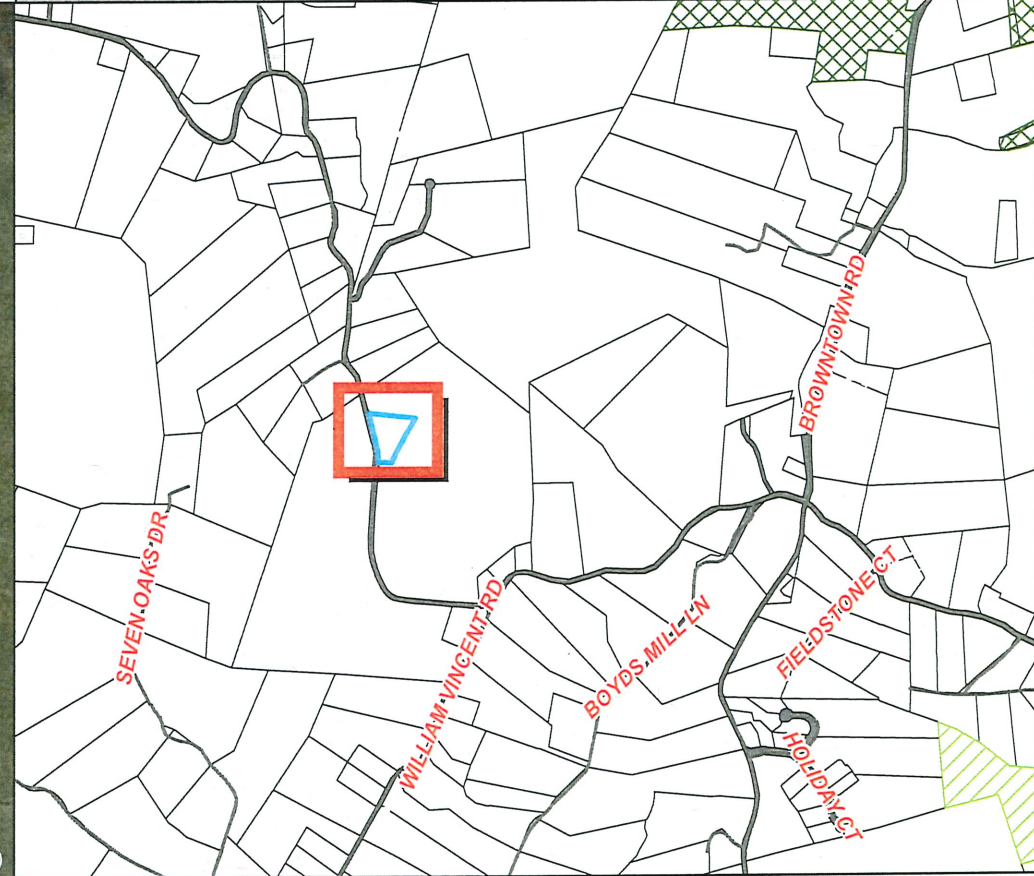
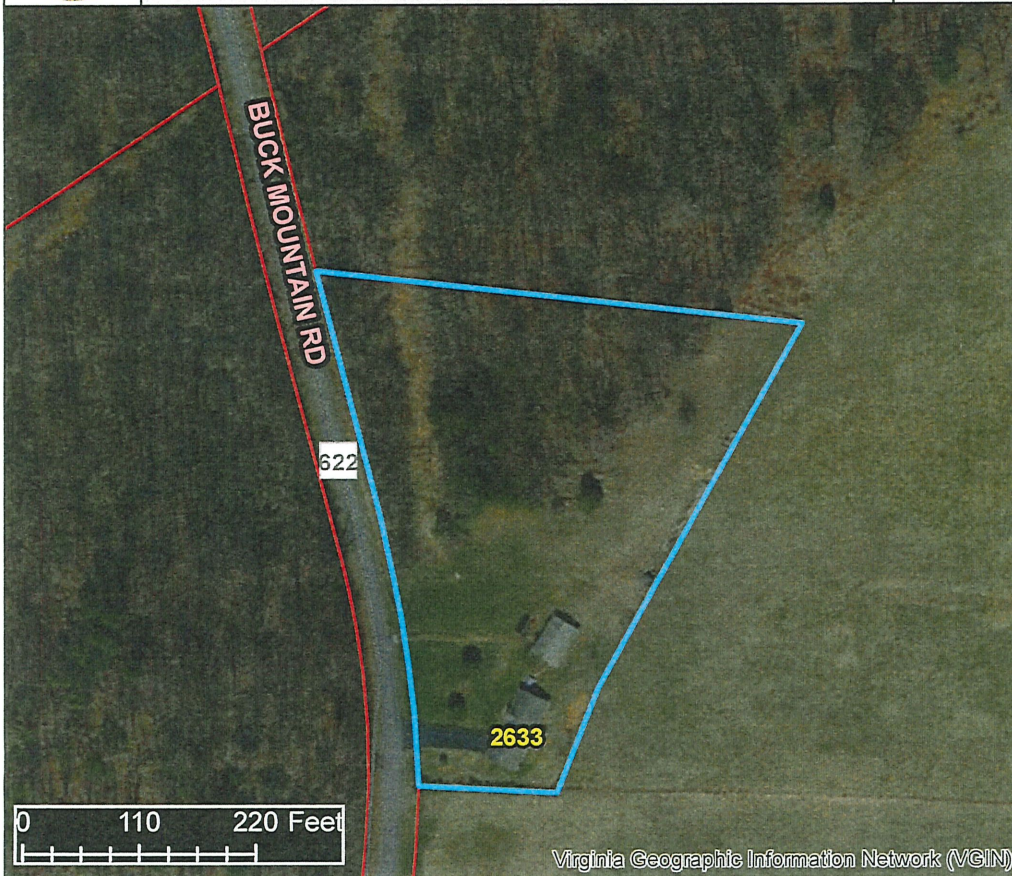
Warren County VA

CUP Location Map



Short Term Tourist Rental
Applicants: James Elliott

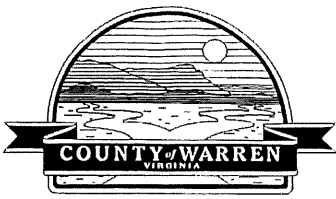
TM 37-----63D
2633 Buck Mountain Rd



Zoning

Agricultural	Rural Residential
Commercial	Right of Way
Industrial	Front Royal
Residential One	Federal Land
Residential Two	State Land
Suburban Residential	Water
Village Residential	VOF Conservation Easements
	WC Conservation Easements

Map produced by
Warren County GIS 2022
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:
7/26/2022	I	Conditional Use Permit #2022-05-08 Self-Realization Fellowship Church Church

EXPLANATION & SUMMARY:

See attached application and staff report.

General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards:

- 1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.
- 2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
- 3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
- 4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area.
- 5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.
- 6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that:
 - a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties.
 - b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion.
 - c) Provide for adequate parking and ingress and egress to public streets or roads.
 - d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property.
 - e) Prevent such use from changing the character and established pattern of development of the community.

PLANNING COMMISSION STATUS:

On Wednesday, June 8, 2022, Mrs. Richardson moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mr. Henry and approved by the Planning Commission by a vote of 4-0.

RECOMMENDED CONDITIONS:

Staff recommends that if the Board of Supervisors is going to approve of this request that the following conditions should be applied:

1. The chapel occupancy shall not exceed the number of occupants to be determined by the VA Uniform Statewide Building Code and VA Dept. of Health approval for an approved on-site sewage system.
2. The applicant shall comply with all Warren County Building Inspections, Virginia Department of Transportation (VDOT) and Warren County Health Department regulations and requirements. These include Building Code requirements for a smoke and fire detector system and change of use and occupancy to the authorized use group.
3. The applicants shall meet the requirements for Code Sections §180-15 for Off-Street parking for a church which requires one (1) parking space per four (4) fixed seats and §180-49.2 for outdoor lighting.

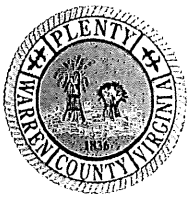
PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Self-Realization Fellowship Church for a church with the conditions as recommended by the Planning Commission and staff.

OR

I move that the Board of Supervisors deny the conditional use permit request of Self-Realization Fellowship Church for a church for the following reasons. (List Reasons)

SUBMITTED BY: Matt Wendling, CFM  Planning Director County Floodplain Manager	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (Describe)	PROCESSED BY:
--	---	----------------------



Conditional Use Permit: 2022-05-08 / Church
Self-Realization Fellowship Church , Current Owner/Applicant
Staff Report for the Planning Commission

Prepared: April 26, 2022

Staff Contact: Matt Wendling, Planning Director/County Floodplain Manager

SUMMARY OF REQUEST

The applicant, Self-Realization Fellowship Church has been holding scheduled worship services for their small local congregation here at this site since the early 1980's. They meet in a small chapel that is currently located in the main residence on the property which serves as home for the worship leader as well as her two assistants. Average attendance for the weekday evening services has been 12 to 18 attendees, Sunday morning services may have up to 50 people on average and 30 to 50 for special fellowship events held on Saturday. The board of directors and members of the church are requesting to build a new facility on the grounds so that the residents of the main dwelling can preserve their privacy and for health concerns that came about during the recent Covid-19 pandemic. The church does not intend to increase its size with the new building will be built to accommodate its current congregation and will also include handicapped and senior citizen accessible facilities that the existing chapel does not. The lot is a 5.12 acre parcel located within the 527 acres of land the church owns which is primarily undeveloped woodlands. See statement of justification and addendum sheet for further information and details regarding this request.

PROPERTY INFORMATION

Property Location: 2660 John Marshall Hwy.
Tax Map ID: #30--24A1
Magisterial District: Happy Creek
Subdivision: Greenfield

City: Linden
Zoning: Agricultural (A)
Acres: 5.12
Existing Land Use: Residences, Chapel, Storage Barn

SURROUNDING ZONING DISTRICTS & USES

North: Agricultural (A)
South: Agricultural (A)
East: Residential One (R-1)
West: Agricultural (A)

Use: Woodlands - Rt. 55 - Green Hill Forest Subdivision
Use: Woodlands - Smithsonian Conservation Biology Ins.
Use: High Knob Subdivision
Use: Vacant Lots - Wooded - Leach Run stream

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Agricultural (A) zoning district. This property was the core area in which the Battle of Wapping Heights/Manassas Gap was fought on July 23, 1863 between Confederate General Robert E. Lee's Army of Northern Virginia and Union Maj. Gen. George G. Meade's Army of the Potomac. [Battle of Manassas Gap - Wikipedia](#) The current use as a church/chapel is non-conforming since it was established at the time the property was purchased in 1983 and has continued since that time. The request to construct a new chapel for worship services is an expansion of the non-conforming use and thus requires a conditional use permit for the listed use in the Agricultural district. County Planning staff have never received any complaints regarding the property and the use for church services that staff is aware of.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The request is compatible with Code Section §180-21.D(4), indicating district regulations in the Agricultural (A) zoning district by conditional use permit. A church is permitted under this code section as a Conditional Use granted by the Board of Supervisors.

PROPOSAL

Section §180-8 defines Church as:

"A place where persons regularly assemble exclusively for worship. The term "church" includes the term "synagogue," "mosque," "monastery," or other terms for a house of worship, and shall include, where appropriate, real estate of not more than 250 acres, provided that such acreage is or is to be devoted exclusively to a church building, chapel, monastery, cemetery, offices used only for administrative purposes of the church, a Sunday school building, church manse, parsonage or rectory, playgrounds, recreation areas or parking lots for the convenience of those attending any of the foregoing." [Amended 5-21-2002]

SUPPLEMENTARY REGULATIONS FOR CHURCHES

There are no supplemental regulations in the Warren County Zoning Ordinance for a church. All conditions will be based on comments received by the Warren County Building Official and State agencies. The currently location for parking meets the needs of the church at this time and will not require an expansion with the exception of two new handicapped parking spaces which will be installed adjacent to the new structure.

SEWAGE DISPOSAL

A construction permit and soil work has been submitted, and the septic system has been designed by Perry Engineering to meet the needs of the church meeting facility. The proposed drain field sites are shown on the plat submitted by Brogan Surveying. Water Quality Reports of Analysis have been submitted by the applicant for October 27, 2021 and January 6, 2022 and both meet the requirements for Total Coliform and E.coli which were both shown to be absent.

RECOMMENDED CONDITIONS

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. Please note that conditions may be modified and additional conditions may be added after all agency comments have been received.

1. The Chapel occupancy shall not exceed the number of occupants to be determined by the VA Uniform Statewide Building Code and VA Dept. of Health approval for an approved on-site sewage system.
2. The applicant shall comply with all Warren County Building Inspections, Virginia Department of Transportation (VDOT) and Warren County Health Department regulations and requirements. These include Building Code requirements for a smoke and fire detector system and change of use and occupancy to the authorized use group.
3. The applicants shall meet the requirements for Code Sections §180-15 for Off-Street parking for a church which requires one (1) parking space per four (4) fixed seats and §180-49.2 for outdoor lighting.

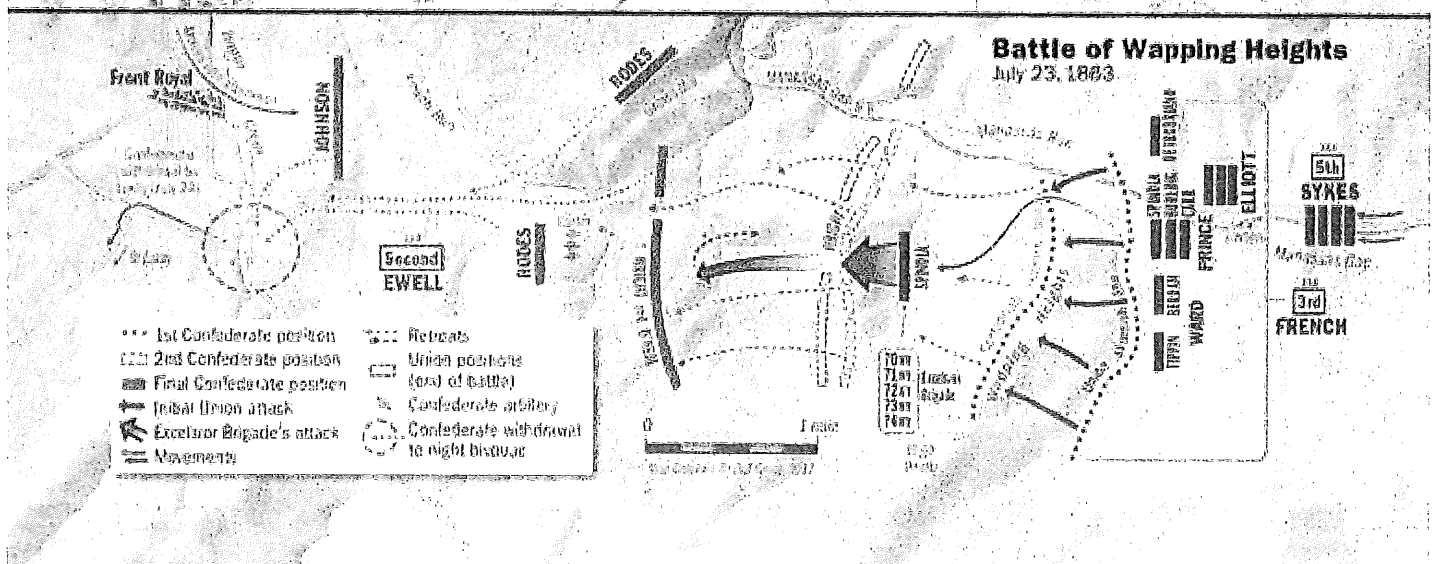
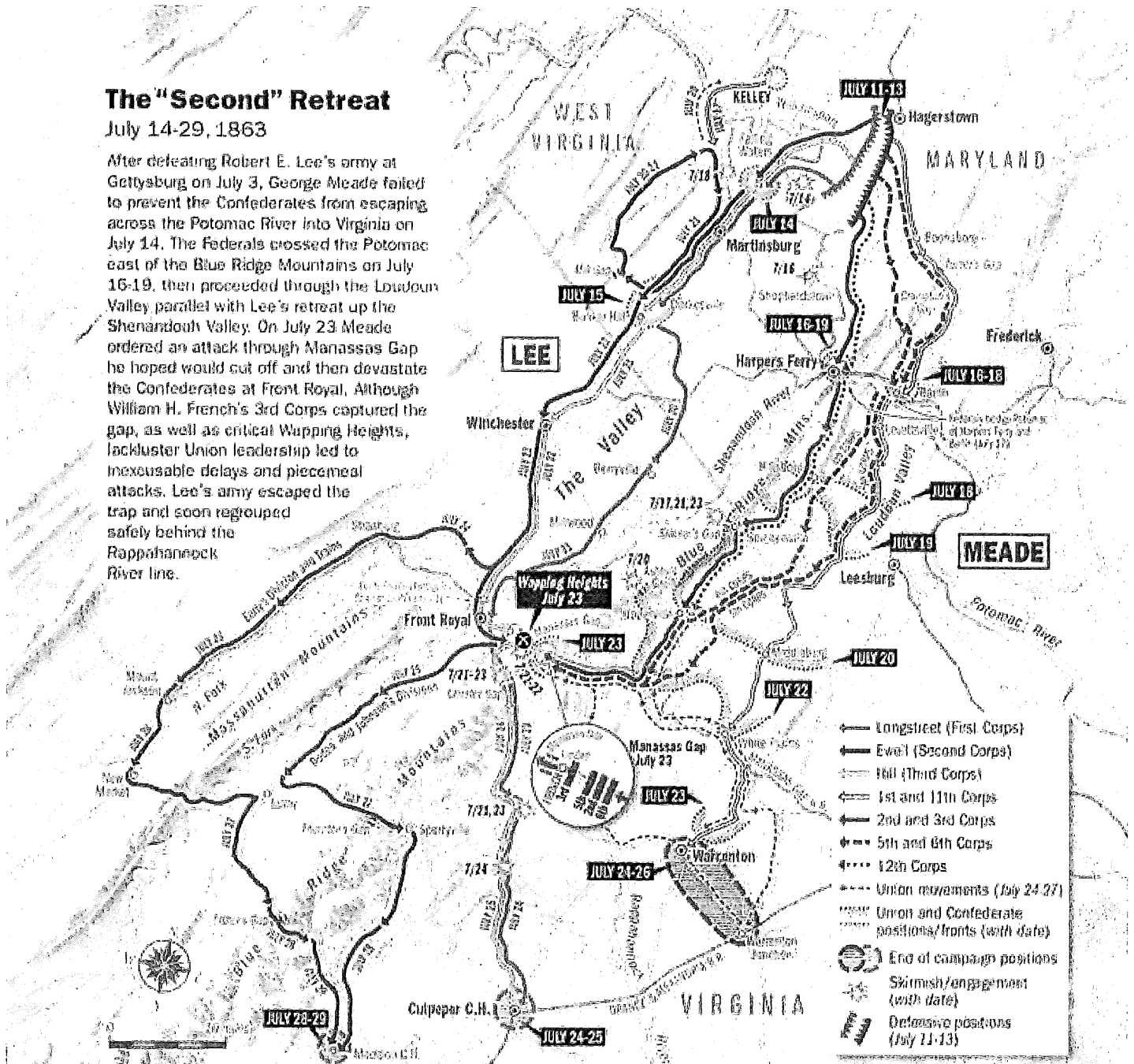
Cc: Self-Realization Fellowship Church: Contact, Keith Arnett – Owner/Applicant



The "Second" Retreat

July 14-29, 1863

After defeating Robert E. Lee's army at Gettysburg on July 3, George Meade failed to prevent the Confederates from escaping across the Potomac River into Virginia on July 14. The Federals crossed the Potomac east of the Blue Ridge Mountains on July 16-19, then proceeded through the Loudoun Valley parallel with Lee's retreat up the Shenandoah Valley. On July 23 Meade ordered an attack through Manassas Gap he hoped would cut off and then devastate the Confederates at Front Royal. Although William H. French's 3rd Corps captured the gap, as well as critical Wapping Heights, lackluster Union leadership led to inexcusable delays and piecemeal attacks. Lee's army escaped the trap and soon regrouped safely behind the Rappahannock River line.



Statement of Justification

Conditional Use Permit Application

Self-Realization Fellowship Church

Self-Realization Fellowship (SRF) has been conducting regularly scheduled worship services at this location since acquiring the property in the early 1980's, serving a small local congregation. The congregation has been meeting in a small chapel located in the main residence on this property, accommodating 12-18 people for each of the two worship services held on Tuesday and Thursday evenings, and a slightly larger number of people for Sunday morning worship services. The location is extremely secluded, surrounded on all sides by 527 acres of undeveloped land owned by Self-Realization Institute of Virginia (SRF's Virginia affiliate). Thus, the use creates virtually no inharmonious or negative impact on neighboring properties and, due to the small size of the congregation, little or no impact to traffic.

Over the years, however, several challenges have arisen with using the main residence building as a chapel, making it a less than ideal scenario:

- The residence serves as the home for our worship leader as well as two assistants. Accommodating the congregation in their home several times a week requires sacrifices both of privacy and convenience.
- The arrival of COVID-19 in early 2020 presented another challenge: the small chapel would not accommodate the congregation after accounting for the social distancing recommended by health authorities. As a result, worship services in this chapel have been cancelled since the beginning of COVID-19, and remain cancelled to this day. There are no other locations available on the property for these services.
- The congregation, like many others, is aging, but the main residence is not accessible to individuals with disabilities, nor are there any accessible restrooms in the building for those with disabilities.

Based on these considerations, we have determined that the best way forward is to build a chapel building to accommodate the existing congregation. The chapel would be sized to enable the congregation to meet while following social distance guidelines, and to provide full access and restroom facilities for individuals with disabilities. By relocating from the original location, the residents of that building will be afforded the peace, privacy, and convenience of their own home.

We wish to underscore that this new chapel building is to be constructed solely to provide the same accommodations as those found in the original chapel in the main residence (except for the addition of disability access).

To further clarify, we would like to stipulate that this facility is not expanding usage or creating any new uses – we will simply continue to do what we have been doing for the past 35+ years, only we will be doing it in a more appropriate building. We are not planning for any additional people, any additional cars, or any additional activities.

WARREN COUNTY CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-05 08
 Date Received: 4-20-22
 Fee Amount: \$ 200.00 CK# 6414
 Date Paid: 4-25-22

Applicant Information:

Self-Realization Fellowship Church

Applicant Name

2660 John Marshall Hwy	Front Royal	VA	22630
<i>Address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>

Property Location for conditional use permit if Different than Applicant's Address

540-631-5024	brahmani@yogananda-srf.org
<i>Primary Contact Number</i>	<i>Email</i>

Self-Realization Fellowship Church

Property Owner (if same as applicant, leave blank)

3880 San Rafael Ave.	Los Angeles	CA	90065
<i>Address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>

323-225-2471

Primary Contact Number

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:

- (1) Address/Location: 2660 John Marshall Hwy, Front Royal VA 22630
- (2) Election District: Happy Creek
- (3) Tax Map Number: 30 24A1
- (4) Subdivision Name: N/A
- (5) Total Area of Property (acres): 5.12
- (6) Total Area to be Used (acres): Approx. 0.15 acres including septic field
- (7) Total Road Frontage (feet): See addendum sheet
- (8) Depth of Property (feet): See addendum sheet
- (9) Present Zoning: Agricultural

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: See addendum sheet
- (2) Current land use and condition of site: See addendum sheet
- (3) Zoning of surrounding land/property: See addendum sheet
- (4) Will development be staged? ☐ Yes ☒ No
- (5) Construction Time: 6-8 months
- (6) Season, days, and hours of operation: See addendum sheet
- (7) Will there be a sign? ☒ Yes ☐ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)
Existing sign at entrance on John Marshall Hwy. - see photo in addendum
- (8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) No
- (9) Number of full time employees: 3
- (10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public
- (11) Number of persons to be served by the sewage disposal system: See addendum sheet
- (12) Number of parking spaces to be provided: Regular 34 Handicap 2
- (13) What is the proposed landscaping and buffering for this property? _____
Building will be approx. 1/3 mile from road, not visible to any neighbors or other structures.

C. Plans Prepared By

Name: Frederick Andreae Architects,

Address: 25 South Royal Ave. Front Royal VA 22630

Telephone Number: 540-635-5135

D. Environmental Information

- (1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?) _____
No. This is a relocation of existing activities already taking place on the property.

- (2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) _____
No. There will be no additional debris generated by this activities in this structure. No new activities will be taking place in this building.
- (3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) _____
No hazardous substances will be used or stored on the property
- (4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. There will be no potentially hazardous emissions other than standard waste water from the bathrooms and warming kitchen. This will be directed to a professionally designed, VDH-certified septic system.
- (5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) _____
No
- (6) What will be the impact on traffic? _____
There will be no additional traffic created by this building.
- (7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. _____
See addendum

**The following documents and/or information are required
to be submitted with the application:**

- ☐ **An application fee of \$500.00.**
Make payable to the Treasurer of Warren County. A non-refundable fee of \$500.00 will be required at the time of submittal.
- ☐ **A Statement of Justification**
This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.
- ☐ **A Site Plan/Survey.**
Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.
- ☐ **Sewage Disposal and Well Site.**
Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.
- ☐ **A copy of the deed to the property verifying the current ownership.**
A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.
- ☐ **A statement verifying that real estate taxes have been paid.**
This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.
- ☐ **Environmental and Community Impact Statements**
The Planning Director, the Planning Commission, and/or the Board of Supervisors reserve the right to ask for an environmental and/or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.
- ☐ **List of chemicals stored on the site**
A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.
- ☐ **Location Map**
A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.
- ☐ **Directions to your property from the Warren County Government Center.**
South on Commerce Ave. from Government center to Rt. 55/John Marshall Hwy, then turn left.
Approximately 2.5 miles east on John Marshall Hwy., arrive at property on right.

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit, shall be charged to the applicant.

Joseph Bouchard 3/8/2022
Applicant Signature Date

Joseph Bouchard 3/8/2022
Property Owner Signature Date

Accepted by: _____ Date: _____

PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

NOTES

Addendum Sheet to Conditional Use Permit Application

Self-Realization Fellowship Church

Item A.7: Total Road Frontage (feet): The property referenced as Tax Map ID 30 24A1 actually has no road frontage, as it is enclosed entirely by property referenced as Tax Map ID 30 21, consisting of 527.3 acres, owned by the Self-Realization Institute of Virginia, Inc.. Lot 30 24A1 is accessed from Rt. 55/John Marshall Hwy, by a gravel drive of approximately ¼ mile in length. For the record, the road frontage of lot 30 21 is approximately 3,710 feet

A.8: Depth of Property: The property referenced as Tax Map ID 30 24A1 is irregular in shape; it is approximately 432 feet deep and 494 feet wide at its widest points. At its nearest point to John Marshall Hwy, lot 30 24A1 is approximately 960 feet from the road.

B.1: State the proposed use(s) for the Conditional Use Permit: The purpose of this building is to relocate our existing church services to a new building. We are not planning for any additional people, any additional cars, or any additional activities. For more details, see the Statement of Justification.

B.2: Current Land Use and Condition of Site: The proposed building site is currently a mowed field in its natural state.

B.3: Zoning of surrounding land/ property: As described above, lot 30 24A1 is completely surrounded by lot 30 21, which is zoned agricultural. All properties adjoining Lot 30 21 are zoned agricultural, with the following exceptions:

- All adjoining properties along the eastern boundary of lot 30 21 and south of Rt. 55/John Marshall Hwy. are part of High Knob Subdivision, and are all zoned Residential R-1.
- All property south of the southern boundary of lot 30 21 is owned by the U.S. Government and serves as the Smithsonian Conservation Biology Institute. It is zoned Federal.

B.6: Season, days, and hours of operation: The church is in use year-round, with services held on Sunday morning, and Tuesday and Thursday evenings. See **B.11** for the number of people present. The grounds are open as follows:

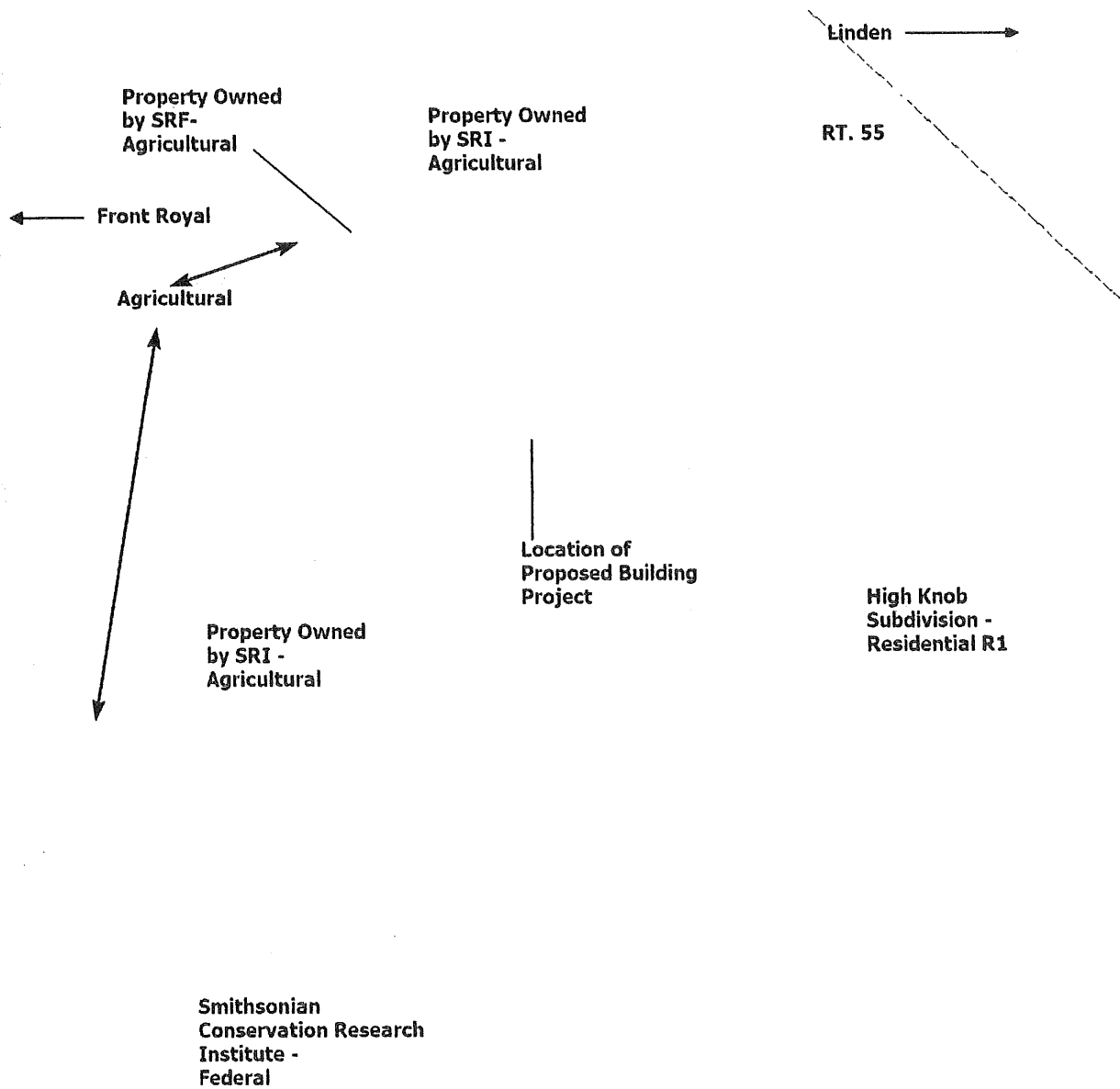
- Monday: Closed
- Tuesday: 9 am – 9:30 pm (evening service 6:30 – 9:30 pm)
- Wednesday: 9 am – 5 pm
- Thursday: 9 am – 8:45 pm (evening service 7:30 – 8:45 pm)
- Friday: 9 am – 5 pm
- Saturday: 9 am – 12:30 pm (fellowship events are held on Saturday evenings, generally once every 2-3 months, 6:00 – 9:00 pm)
- Sunday: 9 am – 1 pm (morning services 10:00 am – 12:00 pm)

B.7: Photo of existing sign: This sign has been in place since the early 1980's.



B.11: Number of persons to be served by the sewage disposal system: The original chapel building has been operating with a septic system approved by VDH for the usage described above. The new chapel building septic system has been designed for similar usage; i.e., 8 or fewer users during regular periods of use; 12-18 people on Tuesday and Thursday evenings, and 50 people on Sunday mornings. Occasional fellowship events as noted in **B.6** may be attended by 30-50 people.

D.7: Will exterior lighting be used?: Walkway lighting and porch lighting will be used for evening services. These outside lights will not be visible to any neighboring properties or from Rt. 55/John Marshall Hwy.



Location Map

VA. RT. 55 - D.B. 50 - P. 36

BOOK 309

PAGE 219

N60°18'09"E-640.30'
S11°01'35"E
115.00'

FOUND!
CHORD N61°10'03"E
70.39'
ARC 70.39'

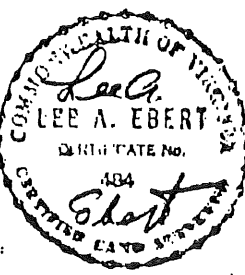
R/W DETAIL
1" = 250'

S07°24'30"E
331.16'
S12°46'40"E
357.66'
S18°30'00"E
42.34'

APPROXIMATELY 906' TO ROUTE 55

R/W TO RT. 55
A SEE DETAIL

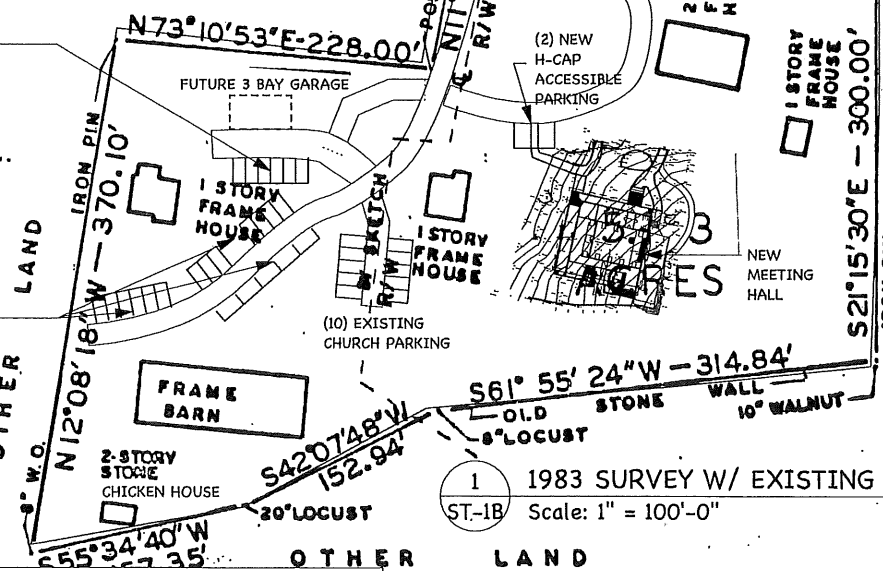
INGRESS /
EGREES ROAD
TO PROPERTY



(5.123 ACRES)

(6) EXISTING
DWELLING
PARKING

(16) EXISTING
CHURCH
PARKING
(2) EXISTING
DWELLING
PARKING



1
ST-1B

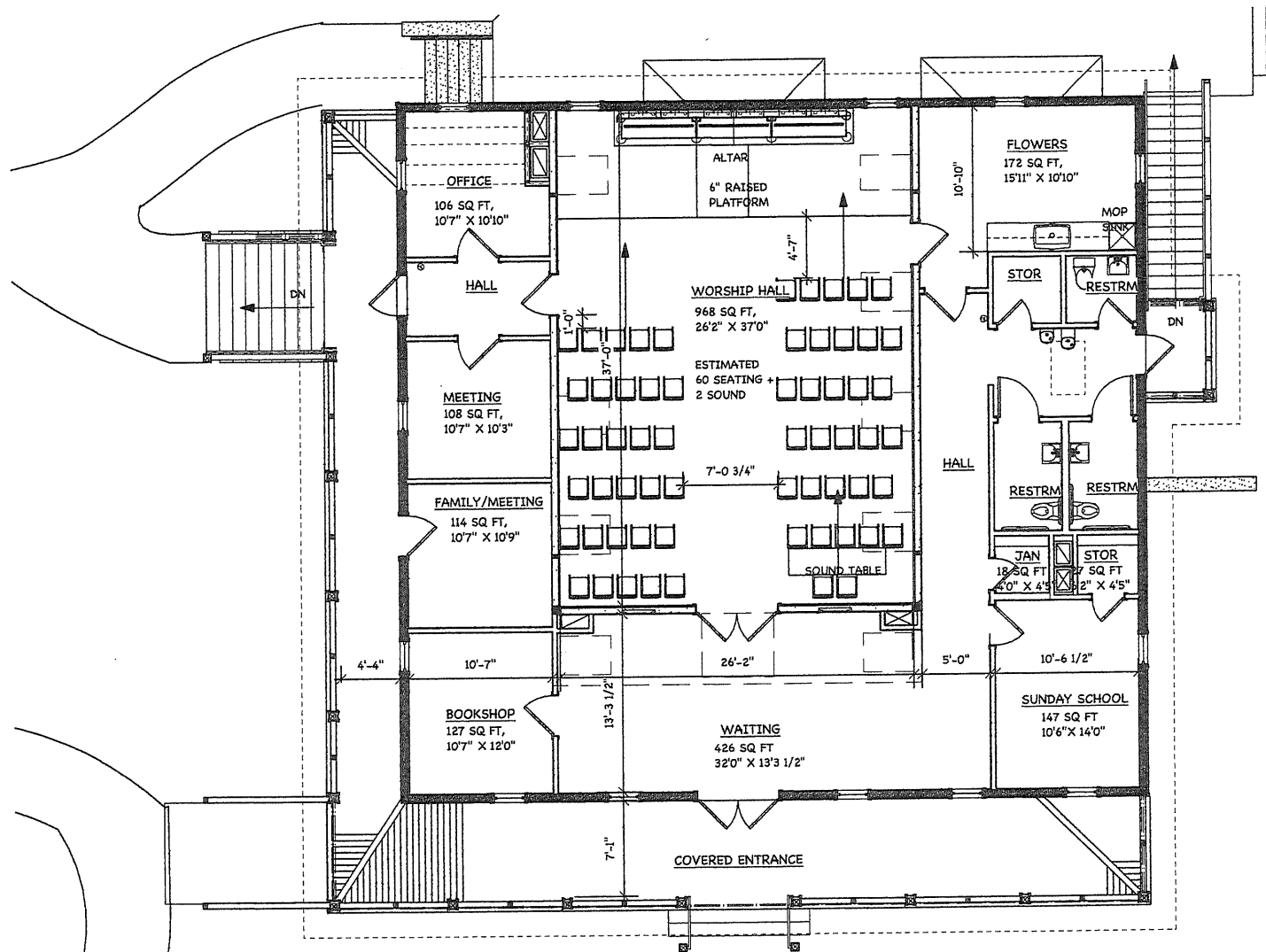
1983 SURVEY W/ EXISTING PARKING

Scale: 1" = 100'-0"

PARKING REQUIREMENTS:
(4) DWELLING UNITS X 2 PARKING PER DWELLING =
8 PARKING SPACES
62 CHAIRS + 2 LEADERS (SANCTUARY) 64 / 4 = 16
PARKING FOR CHURCH

REQUIRED PARKING = 24 SPACES
EXISTING PARKING SPACES = 34 + (2) NEW H-CAP
ACCESSIBLE PARKING SPACES (PAVED OR WITH
COMPACTED STONE DUST)

NOTE: ORIGINAL PLAT PREPARED BY LEE EBERT, PLC 1983;
EXISTING PARKING AND NEW ACCESSIBLE PARKING
SUPERIMPOSED ON SURVEY BY FRED ANDREAE
ARCHITECTS, 4-12-22

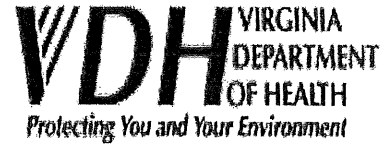


3 FIRST FLOOR PLAN + SANCTUARY SEATING
S-1 Scale: 1/8" = 1'-0"

Lord Fairfax Health District



Warren County Health Department
465 West 15th Street, Suite 200
Front Royal, Virginia 22630
Tel. (540) 635-3159 ~ Fax (540) 635-9698
www.vdh.virginia.gov



May 20, 2022

Matt Wendling, Deputy Planning Director
Warren County Planning and Zoning
220 N Commerce Ave., Suite 400
Front Royal, Virginia 22630

RE: Request for Comments (2022-05-08)
Owner: Self-Realization Fellowship Church

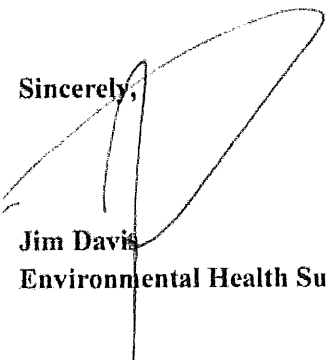
Dear Mr. Wendling,

I have reviewed your request for comments regarding the CUP for a church to be located at 2660 John Marshall Hwy. Front Royal, VA (Tax Map# 30-24A1) and I offer the following comments:

1. Within the packet we received from you concerning your request, documentation was included from a private OSE dated March 5, 2022 that appears to indicate the proposed new building is to be connected to a new onsite sewage disposal system. The OSE documentation appears to be in order. The applicant will need to apply to this office for an onsite sewage system construction permit. The application must include an original OSE packet. The system design is for 500 gallons per day or 100 persons at 5 gpd each.
2. It appears the new building will be connected to an existing private well.

Please contact me at (540) 635-3159 should you have any questions.

Sincerely,



Jim Davis
Environmental Health Supervisor

Matt Wendling

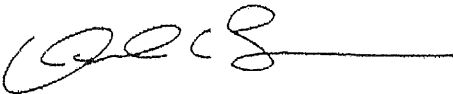
From: David Beahm
Sent: Tuesday, May 17, 2022 2:01 PM
To: Matt Wendling
Cc: Paula Fristoe
Subject: Request for Comments 2022-05-08 – Self-Realization Fellowship Church – Conditional Use Permit for New Church Facility – WCCUP-000183-2022

Comments 2022-05-08 – Self-Realization Fellowship Church – Conditional Use Permit for New Church Facility – WCCUP-000183-2022:

- Erosion and Sediment Control (ESC) Items:
 - Land disturbance is indicated within the application with regards to a new building and potentially addition septic areas. As such, if the work exceeds ten thousand (10,000) square feet an application and permit would be required. Which would be a normal submission including a full plan review application
 - Additionally, the activity appears that it would exceed one (1) acre and would require submission to the Department of Environmental Quality (DEQ) for Stormwater. Approval by DEQ (Construction General Permit) would be required prior to any ESC Permit and any type of Building Permit being issued by Warren County.
- Building Inspections Items:
 - When any building construction related activity (structure, electrical, plumbing, mechanical, etc.) starts, it would be subject to the normal requirements of application, review and approval prior to work beginning.
 - All building requirements are based on the Virginia Uniform Statewide Building Code (USBC).

If anything should change in the scope additional requirements may be required.

Respectfully,



David C. Beahm, CBO
Building Official

dbeahm@warrencountyva.net

Warren County Building Inspections

220 North Commerce A
Suite 100
Front Royal, VA 22635

540/636

FAX 540/636

www.warrencountyva.net

THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE; AND THEN PLEASE DELETE THIS MESSAGE FROM YOUR SYSTEM. THANK YOU.

Taryn read file -



151 Windy Hill Lane
Winchester, VA 22602

June 29, 2015

Fred Andreae Architects
25 S. Royal Avenue
Front Royal, VA 22630

Attn: Fred Andreae

Re: Self-Realization Fellowship Greenfield Center
Site Plan for a 10,000 SF Worship Center

Dear Mr. Andreae:

Greenway Engineering, Inc. is pleased to offer this proposal for surveying and engineering services for a proposed 10,000 square foot worship center at the Self-Realization Fellowship Greenfield Center located in Warren County, Virginia at 2660 John Marshall Highway, Front Royal, Virginia. The proposed site area will be constructed on approximately 6 to 8 acres of an undeveloped agricultural zoned parcel containing approximately 528 acres. This parcel of land is identified in the Warren County Tax Records as Tax Map #20-21, and is currently owned by the Self Realization Institute of VA, Inc. The proposed use of the property for the development of a church/worship center will require a Conditional Use Permit (CUP) Application and is not included in this proposal. Greenway will however provide the owner with the supporting engineering documents that will be required for the CUP application. A summary of services being offered with this proposal, followed by a detailed scope of those services, is as follows.

Engineers Surveyors Planners Environmental Scientists Laboratory
Telephone 540-662-4185 Fax 540-722-9528
www.greenwayeng.com

File #5969F/P02449-Self Realization Fellowship/KP/dls

SUMMARY OF SERVICES

Surveying:

- Asbuilt Topographic Survey
- Drainfield/Well Site Location Survey

Engineering:

- Preliminary Sketch and Conceptual Plan Layouts
- Community Impact Statement (for CUP Application)
- Site Plan Design
 - 10K SF Building
 - Parking Area for 100± Spaces
 - Access Drive w/Commercial Entrance onto John Marshall Highway
 - Vehicular Access for Maintenance from Existing Facilities
- Stormwater Management/Water Quality Plan
 - Stormwater Management Facility Design
 - Best Management Practices (BMP) Design
 - Soil Infiltration Testing – KSAT
- Erosion and Sediment Control Plan
- VDOT Maintenance of Traffic Plan
- VDOT Land Use Permit
- VSMP Registration and Land Disturbance Permit
 - Stormwater Pollution Prevention Plan (SWPPP)

Environmental:

- Environmental Impact Statement (for CUP Application)
 - Field Review and Inspection
- Soils Evaluation for Drainfield Location
- Drainfield Design
- Final Drainfield Inspection



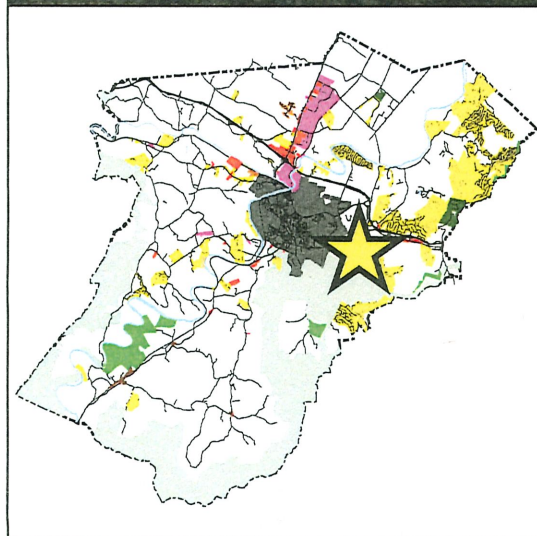
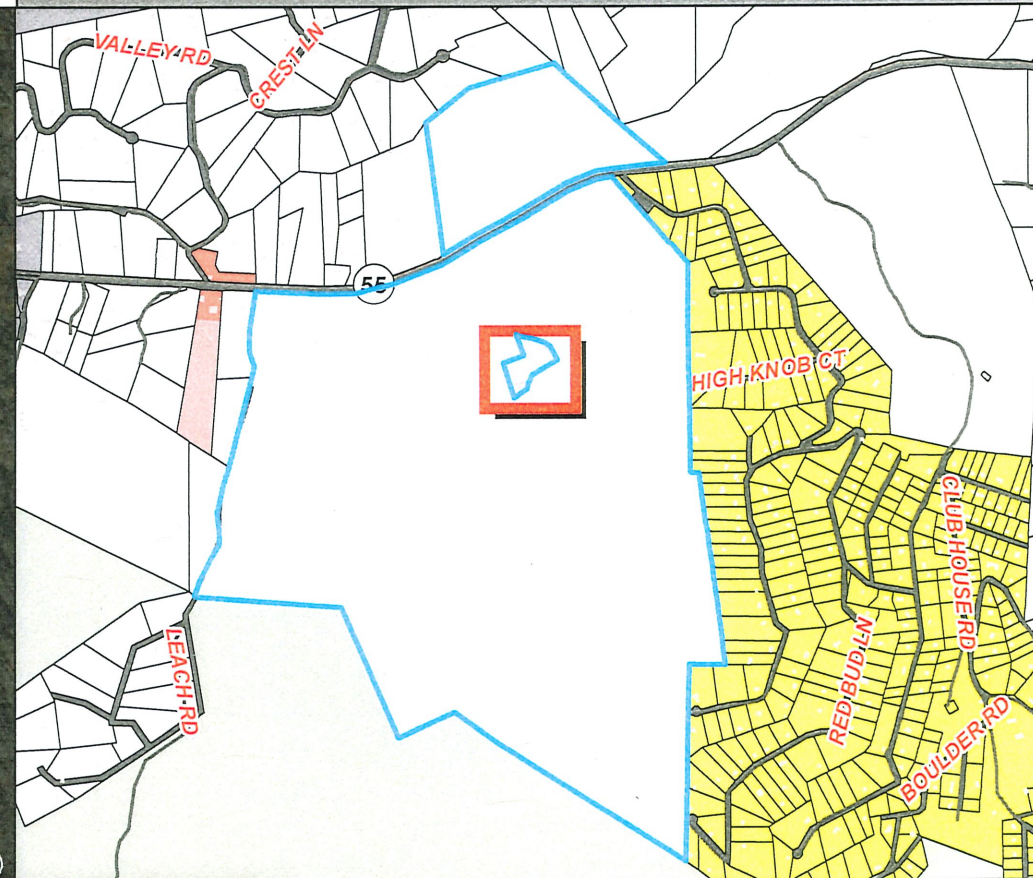
Warren County VA

CUP Location Map



Church
Applicants: Self Realization Fellowship

TM 30-----24A1
2660 John Marshall Hwy



Zoning

Agricultural	Rural Residential
Commercial	Right of Way
Industrial	Front Royal
Residential One	Federal Land
Residential Two	State Land
Suburban Residential	Water
Village Residential	VOF Conservation Easements
	WC Conservation Easements

Map produced by
Warren County GIS 2022
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:
7/26/2022	J	Conditional Use Permit #2022-06-10 Shahi Foods, LLC <i>Food Processing Facility</i>
<u>EXPLANATION & SUMMARY:</u> See attached application and staff report. General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards: 1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan. 2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. 3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering, and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. 4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area. 5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. 6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that: a) Abate or restrict noise, smoke, dust, or other elements that may affect surrounding properties. b) Establish setback, side, and front yard requirements necessary for orderly expansion and to prevent traffic congestion. c) Provide for adequate parking and ingress and egress to public streets or roads. d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property. Prevent such use from changing the character and established pattern of development of the community.		

PLANNING COMMISSION STATUS:

This application is scheduled for a public hearing in front of the Planning Commission on July 13, 2022. The Board of Supervisors will have the Planning Commission's recommendation for the Board public hearing on July 26, 2022.

RECOMMENDED CONDITIONS:

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. *Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.*

1. The applicants shall comply with all Warren County Health Department, and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. All associated materials shall be stored inside the building.
3. The applicants shall prohibit overnight parking of trucks along Baugh Drive.
4. Southbound truck traffic should be directed to utilize Baugh Drive (RT 702) to Toray Drive (RT 720) to access Winchester Road (RT 340/522) to reduce the traffic on Fairground Road (RT 661).
5. Property shall be maintained in accordance with the original approved site plan. Any modifications shall require a review of the site plan by the Warren County Planning Department.
6. All outdoor lighting fixtures shall be full-cutoff (shielded) fixtures as required by the Warren County Zoning Ordinance.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Shahi Foods, LLC for a Food Processing Facility with the conditions as recommended by the Planning Commission and staff.

OR

I move that the Board of Supervisors deny the conditional use permit request of Shahi Foods, LLC for a Food Processing Facility (list reasons).

SUBMITTED BY: Matthew Wendling,  Planning Director County Floodplain Manager	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (Describe)	PROCESSED BY:
---	---	----------------------



Conditional Use Permit 2022-04-01: Food Processing
Owner/Applicant: FR-WC EDA (Owner)/Shahi Foods LLC (Applicant)
Prepared: May 31, 2022
Staff Contact: Matthew P. Wendling, Planning Director/CFM

SUMMARY OF REQUEST

The applicant is requesting a conditional use permit for a food processing facility. Shahi Foods LLC Group, a specialty ice cream bar producer with a distribution network in 20 states, including New York, New Jersey, Texas, Ohio, and Virginia. Shahi projects \$7 million capital investment and a 5-year employment projection of 100 individuals. They are currently going through a 60-day study period with the EDA and have requested the conditional use permit to have land-use approval by the time they close on the property. They project to begin manufacturing operations at the Baugh Drive site in the late fall of 2022.

PROPERTY INFORMATION

Property Location: 426 Baugh Drive
Tax Map ID: 5C-----5
Magisterial District: North River
Subdivision: Stephens Industrial Park

City: Front Royal
Zoning: Industrial (I)
Acres: 13.9393
Existing Land Use: Former Manufacturing Facility

SURROUNDING ZONING DISTRICTS & USES

North: Industrial (I)
South: Industrial (I)
East: Industrial (I)
West: Industrial (I)

Use: Industrial (Ferguson Enterprises)
Use: Vacant Lot
Use: Industrial (Westin Foods)
Use: Vacant Lot & Industrial (Sysco Foods)

PROPERTY HISTORY

This property had any previous Conditional Use Permits (2007-01-01) issued for a trade show exhibit manufacturing facility within the Industrial zoning district. The former CUP has since expired. The 76,800 square feet office and production building was constructed in 2008 and the property does not have a record of any previous zoning violations. The property was leased to SYSCO for storage and that lease recently expired.



ATTACHMENTS

- | | | | |
|--|--|--|--|
| ☐ Agency Comments | ☐ Application | ☐ Health Permit | ☐ Letter from Applicant |
| ☐ Location Map | ☐ Public Comments | ☐ Submitted Plans | ☐ Other: _____ |

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for industrial land uses. A Food Processing Facility is a use allowed by conditional use permit in the Industrial zoning district and is compatible with the current Warren County Zoning Ordinance.

SUPPLEMENTARY REGULATIONS

There are no supplemental regulations for this specific use.

RECOMMENDED CONDITIONS

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. *Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.*

1. The applicants shall comply with all Warren County Health Department, and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. All associated materials shall be stored inside the building.
3. The applicants shall prohibit overnight parking of trucks along Baugh Drive.
4. Southbound truck traffic should be directed to utilize Baugh Drive (RT 702) to Toray Drive (RT 720) to access Winchester Road (RT 340/522) to reduce the traffic on Fairground Road (RT 661).
5. Property shall be maintained in accordance with the original approved site plan. Any modifications shall require a review of the site plan by the Warren County Planning Department.
6. All outdoor lighting fixtures shall be full-cutoff (shielded) fixtures as required by the Warren County Zoning Ordinance.

Cc: Front Royal-Warren County Economic Development Authority – Owner
Shahi Food Group, LLC – Applicant

ATTACHMENTS

- | | | | |
|--|--|--|--|
| ☐ Agency Comments | ☐ Application | ☐ Health Permit | ☐ Letter from Applicant |
| ☐ Location Map | ☐ Public Comments | ☐ Submitted Plans | ☐ Other: _____ |

WARREN COUNTY CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-06-10
 Date Received: 6-1-2022
 Fee Amount: \$ 500.00
 Date Paid: _____

Applicant Information:

Shahi Food Group LLC

Applicant Name

Address City State Zip

426 Baugh Drive, Front Royal, VA 22630

Property Location for conditional use permit if Different than Applicant's Address

Primary Contact Number Email

Front Royal-Warren County Economic Development Authority

Property Owner (if same as applicant, leave blank)

400 Kendrick Lane, Suite D Front Royal VA 22630

Address City State Zip

Jeff Browne, FR-WCEDA Board Chair, 540-635-2182

Primary Contact Number

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:

- (1) Address/Location: 426 Baugh Dr, Front Royal, VA 22630
- (2) Election District: North River
- (3) Tax Map Number: 5C-----5
- (4) Subdivision Name: Stephens Industrial Park
- (5) Total Area of Property (acres): 13.9393
- (6) Total Area to be Used (acres): 7
- (7) Total Road Frontage (feet): 875'
- (8) Depth of Property (feet): approx. 800'
- (9) Present Zoning: Industrial

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: § 180-28D(6) Food Processing
- (2) Current land use and condition of site: Former Trade Show exhibit manufacturer
- (3) Zoning of surrounding land/property: Industrial
- (4) Will development be staged? ☐ Yes ☐ No
- (5) Construction Time: Existing Building
- (6) Season, days, and hours of operation: Year round
- (7) Will there be a sign? ☒ Yes ☐ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)
Signage will meet requirements of Code § 180-14 and be consistent with existing signage
- (8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) Yes, CUP2007-01-01
- (9) Number of full time employees: 100
- (10) What type of sewage disposal system will be used? ☐ Private ☐ Central ☒ Public
- (11) Number of persons to be served by the sewage disposal system: 100
- (12) Number of parking spaces to be provided: Regular 65 Handicap 3
- (13) What is the proposed landscaping and buffering for this property? _____
Existing Landscaping in place per previous CUP and Site Plan Approval

C. Plans Prepared By

Name: _____

Address: _____

Telephone Number: _____

D. Environmental Information

- (1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?) _____
N/A

- (2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) _____

N/A

- (3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) _____

N/A

- (4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. _____

N/A

- (5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) _____

N/A

- (6) What will be the impact on traffic? _____

15-20 trucks per month. 100 shift employees within 5 years

- (7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. _____

Existing lights

**The following documents and/or information are required
to be submitted with the application:**

- ☐ **An application fee of \$500.00.**
Make payable to the Treasurer of Warren County. A non-refundable fee of \$500.00 will be required at the time of submittal.
- ☐ **A Statement of Justification**
This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.
- ☐ **A Site Plan/Survey.**
Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.
- ☐ **Sewage Disposal and Well Site.**
Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.
- ☐ **A copy of the deed to the property verifying the current ownership.**
A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.
- ☐ **A statement verifying that real estate taxes have been paid.**
This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.
- ☐ **Environmental and Community Impact Statements**
The Planning Director, the Planning Commission, and/or the Board of Supervisors reserve the right to ask for an environmental and/or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.
- ☐ **List of chemicals stored on the site**
A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.
- ☐ **Location Map**
A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.
- ☐ **Directions to your property from the Warren County Government Center.**

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit, shall be charged to the applicant.

Applicant Signature

Date

Property Owner Signature

Date

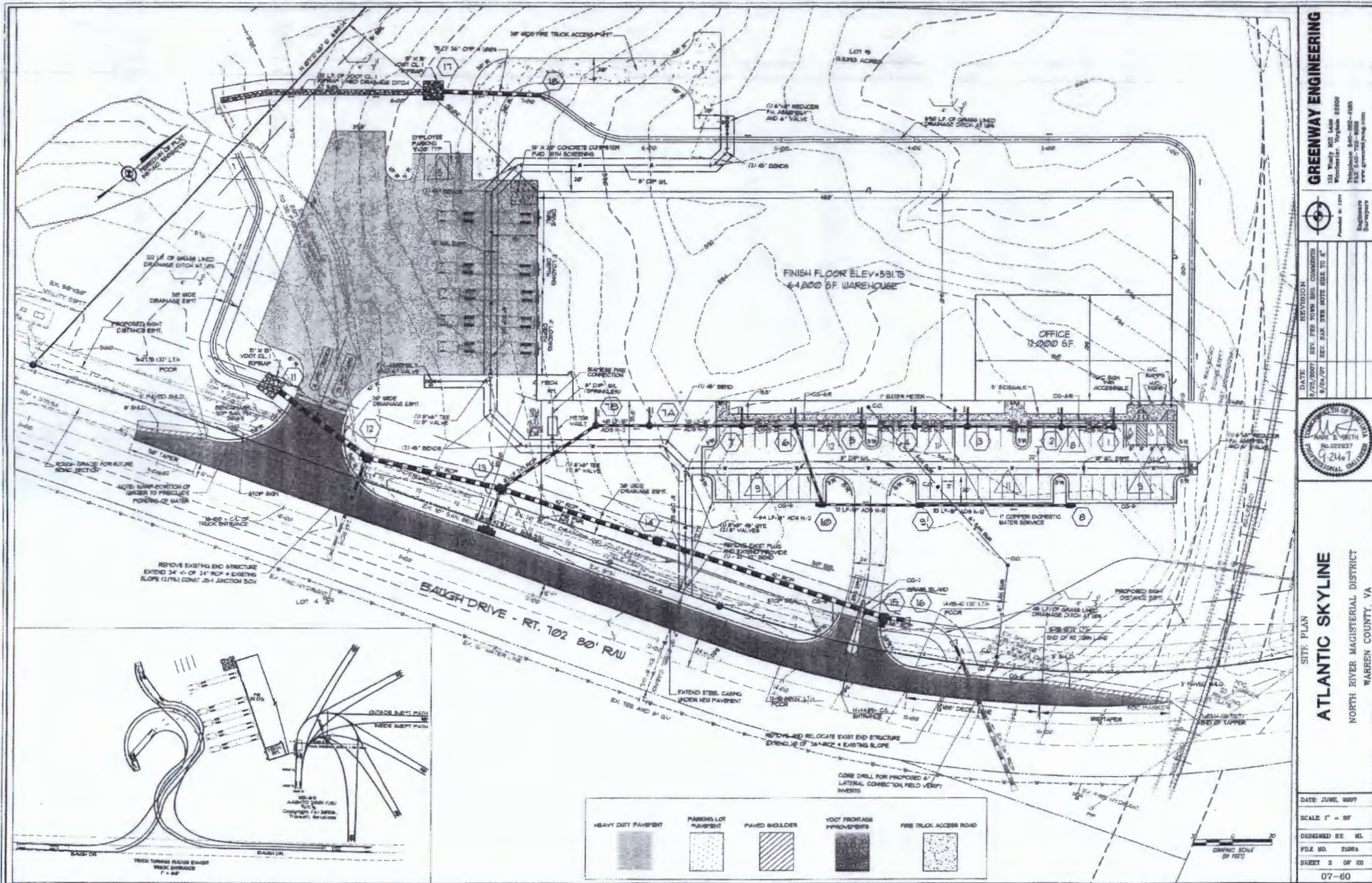
Accepted by: _____

Date: _____

PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

NOTES

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GREENWAY ENGINEERING



DATE: 6/20/2007

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REV. 237: 6/20/07



FOR IMMEDIATE RELEASE

For more information contact:

Jeffrey Browne, Chair

540-635-2182

The Front Royal Warren County EDA held a special meeting on Friday, May 13th at 8:00 AM. All Board members were present. The Board entered into closed session to review a proposed relocation and expansion of a business to Warren County.

As a result of the closed session, The EDA approved a contract and sale of 426 Baugh Drive in Stephens Industrial Park to Shahi Food Group.

Shahi Food Group

The EDA is pleased to announce the contract to sell 426 Baugh Drive, an EDA property, to Shahi Food Group. The sales price of the property is \$5.7M. Shahi projects \$7M capital investment and a 5-year employment projection of 100 individuals. Shahi is projected to begin manufacturing operations at the Baugh Drive site in the late fall of 2022.

Shahi is currently based in a nearby county and has been in business for over 30 years. They produce an ethnic ice cream bar called Shahi Kulfi in 6 flavors – chocolate, strawberry, cream, pistachio, mango, and coconut. They currently distribute to over 2000 retail outlets in 20 states and have a large market presence in New York, New Jersey, Texas, Ohio, and Virginia.

Shahi is approved for retail sales in large grocery and warehouse stores in the US and has received approvals for European distribution of their products. The parent company of Shahi Foods is Shadchem—an international food and consumer products group with a presence in over 16 countries.

The EDA is incredibly excited about another food manufacturer locating in the Stephens Industrial Park of Warren County. EDA Chair Jeff Browne said “this sale is a team effort with everyone taking an active role in determining

that Shahi Food Group is a good fit for our community and has a tremendous upside as it expands in the United States and internationally. Furthermore, not only is the sale bringing jobs and investment to Warren County, but EDA is retiring a significant portion of its bank loans.”

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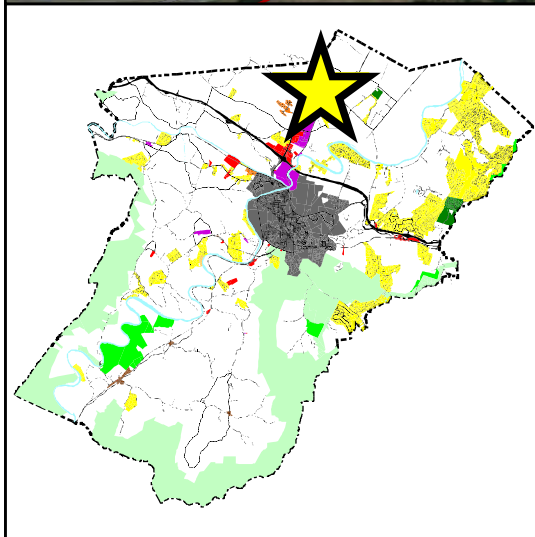
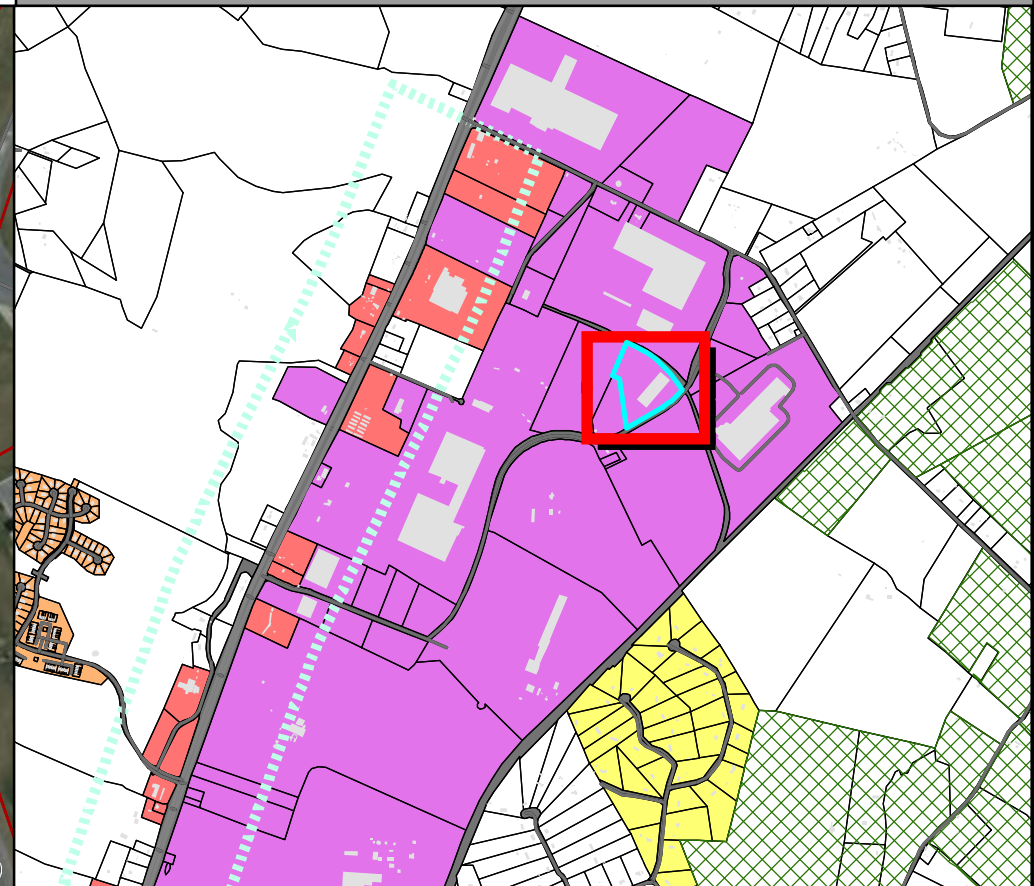
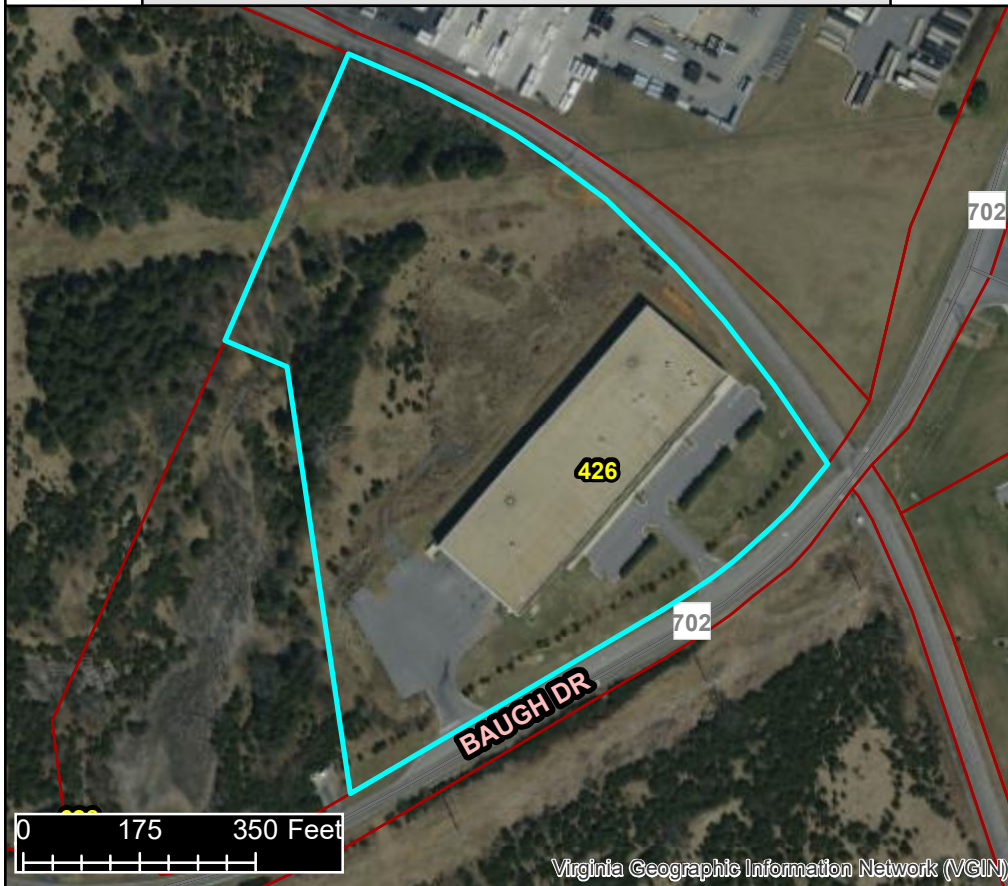
Warren County VA

CUP Location Map



Food Processing
Applicants: Shahi Food Group

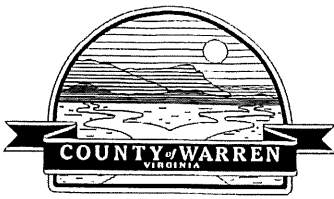
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426 Baugh Drive



Zoning

Agricultural	Rural Residential
Commercial	Right of Way
Industrial	Front Royal
Residential One	Federal Land
Residential Two	State Land
Suburban Residential	Water
Village Residential	VOF Conservation Easements
	WC Conservation Easements

Map produced by
Warren County GIS 2022
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE 7/26/2022	ITEM K	SUBJECT: Zoning Ordinance Amendment - Z2022-05-02 An ordinance to amend Sections §180-8 <i>Definitions</i> and §180-16 <i>Floodplain Overlay District; dam break inundation zones</i> of the Warren County Code.
<u>EXPLANATION & SUMMARY:</u> On March 16, 2022, the Board of Supervisors approved a request to amend the Floodplain Overlay District ordinance with the recommended changes based on the 2019/2020 review of the County ordinance that were recommended by FEMA after their Community Assistance Visit (CAV) in March of 2019. These current amendments are for changes, additions, corrections, and updates based on a third-party review of a FEMA consultant of the latest ordinance which were not observed during the review of the ordinance by FEMA, VA DCR and County staff in the most recent update. The last major review and revision to the ordinance was done between 2012 and 2013 and adopted by the Board on May 21, 2013. During the CAV both FEMA and the VA Department of Conservation and Recreation assisted in the current review of the proposed amended ordinance providing recommendations based on the FEMA Region III Ordinance Review Checklist and the FEMA publication on Higher Standards. In order for the County to meet the requirements of FEMA and the NFIP to participate in the Community Rating System program the County's Floodplain Overlay District ordinance must meet certain provisions and incorporate the voluntary higher standards in order to gain credits for the Community Rating System scoring system. <u>PLANNING COMMISSION STATUS:</u> On Wednesday, June 8, 2022, Mr. Henry moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mrs. Richardson and approved by the Planning Commission by a vote of 4-0. <u>PROPOSED OR SUGGESTED MOTION:</u> Finding that the proposed zoning ordinance amendment is appropriate for the public necessity, convenience, and general welfare and good zoning practice, I move that the Board of Supervisors approve the proposed amendment. OR Finding that the proposed zoning ordinance amendment is not needed or appropriate for the public necessity, convenience, and general welfare and is not good zoning practice, I move that the Board of Supervisors deny the amendment. (List Reasons)		
SUBMITTED BY: Matt Wendling, CFM Planning Director County Floodplain Manager 	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (Describe)	PROCESSED BY:

AN ORDINANCE TO AMEND SECTION §180-16 OF THE WARREN COUNTY CODE AND ADD
THE CHANGE TO THE DEFINITION OF SUPPLEMENTAL DAMAGE TO SECTION §180-8.

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Sections 180-8 (Definitions) and 180-16 (Floodplain Overlay District; dam break inundation zones) of the Warren County Code be amended, added, and re-ordained as follows:

§ 180-8. Definitions.

- C. Definitions of words and terms. As used in this chapter, the following words and terms shall have the meanings indicated:

...

SUBSTANTIAL DAMAGE

...

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 45% of the assessed value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either ~~any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure;~~

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

§ 180-16 Floodplain Overlay District; dam break inundation zones.

[Amended 2-21-1995; 2-17-1998; 5-20-2008; **3-16-2022**]

A. Statutory Authorization and Purpose and Intent:

- (1) Statutory Authority: In accordance with the general purpose and intent, this ordinance is specifically adopted pursuant to the authority granted to localities by Va. Code § 15.2-2280 and §10.1-600 et seq. and all amendments thereto.
- (2) Purpose and intent. These flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood. The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruptions of commerce and all governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief and the impairment of the tax base by:
 - (a) Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies;

- (b) Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding or located within dam break inundation zones; **[Amended 5-21-2013]**
 - (c) Requiring all those uses, activities and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and
 - (d) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood or dam break hazards. **[Amended 5-21-2013]**
 - (e) The Planning Department shall maintain copies of all mapped dam break inundation zones. **[Added 5-21-2013]**
 - (f) Addressing a local need of property owners for flood insurance and to participate in the National Flood Insurance Program (NFIP).
- B. Applicability: These provisions shall apply to all privately or publicly owned lands within the unincorporated limits of Warren County and identified as being in the Special Flood Hazard Area (SFHA) by the Federal Insurance Administration or by the community. These lands are also identified in the most recent Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) adopted by the Warren County Board of Supervisors on June 3, 2008, and all subsequent revisions. **[Amended 5-21-2013]**
- C. Compliance and Disclaimer of Liability.
 - (1) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this section and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this section.
 - (2) The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study but does not imply total flood protection within the Special Flood Hazard Areas and adjacent areas.
 - (3) Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that districts outside the floodplain district or that land uses permitted within such district will be free from flooding or flood damages. **[Amended 5-21-2013]**
 - (4) Records of actions associated with administering this section shall be kept on file and maintained by the Planning Department in perpetuity. **[Added 5-21-2013]**
 - (5) This section is not a waiver of sovereign immunity or any statutory immunities and shall not create liability on the part of Warren County or any officer, agency or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
- D. Abrogation and Greater Restrictions
 - (1) This chapter supersedes any less restrictive, conflicting ordinance currently in effect in flood-prone areas. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.
 - (2) These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.
 - (3) This chapter shall also include any subsequent revisions and amendments to the Flood Insurance Rate Maps and the Flood Insurance Study effective June 3, 2008.

E. Severability

- (1) If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

F. Designation of County Floodplain Administrator

The Floodplain Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the County Floodplain Administrator. The County Floodplain Administrator may:

- (1) In the absence of a designated Floodplain Administrator, the duties are conducted by the Planning Director, Zoning Administrator or Zoning Officer.
- (2) The duties and responsibilities of the County Floodplain Administrator shall include:
 - (a) Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
 - (b) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
 - (c) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
 - (d) Administer the requirements related to proposed work on existing buildings: Make determinations as to whether buildings and structures that are located in the flood hazard areas and that are damaged by any cause have been substantially damaged.
 - (e) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
 - (f) Assure that all other State and Federal permits are obtained.
 - (g) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
 - (h) Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
 - (i) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - [1] Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps), and Letters of Map Change; and
 - [2] Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
 - (j) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.

- (k) Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- (l) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE), and have submitted copies of such notifications to FEMA.
- (m) Administer the requirements related to proposed work on existing buildings:
 - [1] Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
 - [2] Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- (n) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- (o) Notify the Federal Emergency Management Agency when the corporate boundaries of the Warren County have been modified and:
 - [1] Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - [2] If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

G. Penalties

- (1) Enforcement. This section shall be administered and enforced by an officer to be known as the "Floodplain Administrator." The Floodplain Administrator may be assisted in the enforcement of this section by the Planning Director, Zoning Administrator, Building Official and all other officials of Warren County, Virginia, pursuant to their respective fields. The Floodplain Administrator shall have all necessary authority on behalf of the governing body to administer

and enforce this section, including the ordering in writing of the remedying of any condition found in violation of this section and the bringing of legal action to ensure compliance with this section, including abatement or other appropriate action or proceeding.

- (2) Violations. Any person who violates any of the provisions of this section or permits any such violation or fails to comply with any of the requirements hereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine or punishment as provided by law. Each day during which such violation continues shall constitute a separate offense. The imposition of a fine or penalty for any violation or failure to comply with any of the requirements hereof shall not excuse the violation or noncompliance.

H. Reporting NFIP Participation and Local Permit Information and Submission of New Technical Data to FEMA

- (1) The County shall submit to a report to FEMA concerning the county's participation in National Flood Insurance Program (NFIP), including, by not limited to, the County's development and implementation of floodplain regulations, under 44 Code of Federal Regulations (CFR) §59.22(b) either annually, biennially or upon request by FEMA.
- (2) The County shall on request from FEMA or VA Department of Conservation and Recreation submit a report which may include information, regarding the number of buildings, permits issued, appeals and variances for development of properties in the Special Flood Hazard Areas.
- (3) The County's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the county shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data. Such submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

I. Definitions. Notwithstanding any other provision of the Warren County Code, for the purposes of this section, the following words and phrases shall have the meanings described herein:

BASE FLOOD (BFE)

The flood having a 1% chance of being equaled or exceeded in any given year and may be referenced as the 1% Annual Chance Flood.

BASE FLOOD ELEVATION

The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.

BASEMENT

Any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.

BOARD OF ZONING APPEALS

The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this section.

CODE OF FEDERAL REGULATIONS (CFR) Title 44 Chapter 1

The code of federal rules and regulations published in the Federal Register implemented and enforced by FEMA under the Department of Homeland Security.

CRITICAL FACILITIES

Those structures or facilities such as hospitals, nursing homes, children and adult day care and housing which are likely to house occupants who may not be sufficiently mobile to avoid death or injury during a flood event; police stations, emergency rescue vehicle and equipment storage facilities and emergency operations centers; and public and private utility facilities which are vital to maintaining or restoring normal services to flooded areas before, during and after a flood event; structures which produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

DAM BREAK INUNDATION ZONE

The area downstream of a dam that would be inundated or otherwise directly affected by the failure of the dam. The dam break inundation zone shall be as shown on the dam break inundation zone map filed with the Virginia Department of Conservation and Recreation. **[Added 5-21-2013]**

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING

A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings or columns (posts and piers).

ENCROACHMENT

The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

ENGINEERED OPENING

An Engineered Opening is a mechanical opening, which is activated during a flood, revealing an unobstructed area for which floodwater can flow through to equalize the hydrostatic loads on the enclosure wall. These openings are performance tested and certified to cover a square footage amount.

EXISTING CONSTRUCTION

Any buildings and structures for which the start of construction commenced before May 1, 1980, in conjunction with the Flood Insurance Rate Maps. Existing construction is also referred to as existing structures. **[Added 5-21-2013]**

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

A federal agency of the United States Department of Homeland Security that oversees the National Flood Insurance Program (NFIP).

FLOOD-DAMAGE-RESISTANT MATERIALS

Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. **[Added 5-21-2013]**

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community. DFIRM is the digital version of the FIRM. **[Added 5-21-2013]**

FLOOD INSURANCE STUDY (FIS)

A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards. **[Added 5-21-2013]**

FLOOD or FLOODING

- (1) A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland or tidal waters; or
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (c) Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature such as flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1) of this definition.

FLOODPLAIN or FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures and their contents; these include required anchoring and strapping of structures and the inclusion of approved flood vents when necessary. **[Added 5-21-2013]**

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height not to exceed one (1) foot as set by the National Flood Insurance Program. Reference definition for Regulatory Floodway.

FREEBOARD

A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. It is a specific additional height requirement above the base flood elevation (BFE) that provides a margin of safety against extraordinary or unknown risks. **[Amended 5-21-2013]**

HEC-RAS (HYDROLOGIC ENGINEERING CENTER - RIVER ANALYSIS SYSTEM)

A one-dimensional steady flow hydraulic model designed to aid hydraulic engineers in channel flow analysis and floodplain determination. **[Added 5-21-2013]**

HIGHEST ADJACENT GRADE (HAG)

The highest natural elevation of the ground surface prior to construction located adjacent to the proposed walls of a structure. **[Added 5-21-2013]**

HISTORIC STRUCTURE

Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs

which have been approved by the Secretary of the Interior; or

- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior such as the Virginia Department of Historic Resources (DHR); or **[Amended 5-21-2013]**
 - (b) Directly by the Secretary of the Interior in states without approved programs.

HYDROLOGIC AND HYDRAULIC (H&H) ANALYSIS

Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, flood profiles and mapping of the Special Flood Hazard Area. **[Added 5-21-2013]**

LETTER OF MAP CHANGE (LOMC)

An official FEMA determination by letter which reflects an official revision or amendment to an effective Flood Insurance Rate Map. A letter of map change is issued in lieu of the physical revision and republication of the effective map. Letters of Map Change include:

- (1) Letters of Map Amendment (LOMA): an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a parcel of land as defined by metes and bounds or a structure is not located in a special flood hazard area.
- (2) Letter of Map Revision (LOMR): a revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.
- (3) A Letter of Map Revision Based on Fill (LOMR-F) is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (4) Conditional Letter of Map Revision (CLOMR): a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.
- (5) Conditional Letter of Map Revision Based on Fill (CLOMR-F) is a conditional determination that a structure or parcel of land will be elevated by fill above the base flood elevation and will be no longer exposed to flooding associated with the base flood. A LOMR-F is then submitted once fill has been placed in the area during construction. This construction may have taken place during the time the engineering study was being performed or subsequent to that study. **[Added 5-21-2013]**

LOWEST ADJACENT GRADE (LAG)

The lowest natural elevation of the ground surface located adjacent to the walls of the structure.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 CFR 60.3.

MANUFACTURED/MOBILE HOME

A structure, transportable in one or more sections, ~~which is~~ built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. **[Amended 5-21-2013]**

MANUFACTURED/MOBILE HOME PARK

A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale. **[Added 5-21-2013]**

NEW CONSTRUCTION

For the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial Flood Insurance Rate Map on or ~~July 19, 1974~~ **May 1, 1980**, whichever is later, and includes any subsequent improvements to such structures.

For floodplain management purposes, “new construction” means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures which is on or after May 1, 1980 **and includes any subsequent improvements to such structures. This also includes the replacement of a structure or facility which has been totally destroyed.**

NONCONFORMING STRUCTURE

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions and Flood Insurance Rate Maps adopted on May 1, 1980.

NON-ENGINEERED OPENING

A Non-engineered Opening is an opening or air vent device that is used to meet FEMA/NFIP’s requirement of one (1) square inch of net open area for one (1) square foot of enclosed area.

POST-FIRM BUILDING

A building for which construction or substantial improvement occurred after May 1, 1980, or on or after the effective date of an initial Flood Insurance Rate Map (FIRM), whichever is later. **[Added 5-21-2013]**

PRE-FIRM BUILDING

A building for which construction or substantial improvement occurred on or before May 1, 1980, or before the effective date of an initial Flood Insurance Rate Map (FIRM). **[Added 5-21-2013]**

RECREATIONAL VEHICLE

A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or able to be permanently towed; and **[Amended 5-21-2013]**
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

REGULATORY FLOODWAY

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height ~~not to exceed one (1) foot~~.

REMEDY A VIOLATION

Remedy a violation means to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its

noncompliance. Ways those impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

REPETITIVE LOSS STRUCTURE

Any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period since 1978. A repetitive loss property may or may not be currently insured by the NFIP. [Added 5-21-2013]

SEVERE REPETITIVE LOSS STRUCTURE

Repetitive loss structures with four separate claim payments greater than \$5,000 each which include building and contents or two or more separate claim payments within any rolling 10-year period since 1978 for the building only, where the total of payments exceeds the current market value of the structure.

SHALLOW FLOODING AREA (SHEET FLOW AREA)

A designated AO, AH, AR/AO, AR/AH, or VO Zone on a community's FIRM with a one-percent-or-greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. [Added 5-21-2013]

SPECIAL FLOOD HAZARD AREA (SFHA)

The land in the floodplain subject to a one-percent-or-greater chance of being flooded in any given year as determined in § 180-16J (2) of this section and formerly called the one-hundred-year floodplain. Includes areas having special flood, mudflow, or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) as Zones A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/A1-A30, V1-V30, VE and V. [Amended 5-21-2013]

START OF CONSTRUCTION

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of the construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE

For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. For insurance purposes, means: A building with two or more outside rigid walls and fully secured roof, that is affixed to a permanent site, or, a manufactured home built on a permanent chassis, transported to its site in one of more sections, and affixed to a permanent foundation, or a travel trailer without wheels built on a chassis and affixed to a permanent foundation. These are regulated under the community's floodplain management and building ordinances or laws.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 45% of the assessed value of the structure before the damage occurred. This term does not, however, include either:

- (1) Land value; or
- (2) Sewer/septic system, well or landscape values.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 45% of the assessed value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

VARIANCE

A grant of relief by a community from the terms of a floodplain management regulation

VIOLATION

The failure of a structure or any other development to be fully compliant with Warren County's floodplain management regulations shall be deemed a violation. A structure or other development without the required floodplain determination, zoning and building permits, elevation certificate, other certifications, or other evidence of compliance required by 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided for the as-built structure prior to final inspection approval and issuance of a certificate of occupancy from the Building Inspections Department.
[Added 5-21-2013]

WATERCOURSE

A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

J. Establishment of floodplain districts and dam break inundation zones. [Amended 5-21-2013]

- (1) Description of districts.
 - (a) Basis of districts. The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for Warren County prepared by the Federal Emergency Management Agency, dated June 3, 2008, as amended.
 - [1] The Special Flood Hazard Area (SFHA) Floodway District is delineated, for purposes of this section, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in Table 4, Floodway Data, of the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map.
 - [2] The Special Flood Hazard Area Zone AE District shall be those areas identified as an AE Zone on the Flood Insurance Rate Maps accompanying the Flood

Insurance Study for which base flood elevations have been provided but for which no floodway has been delineated.

- [3] The Special Flood Hazard Area Zone A District shall be those areas identified as an A Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the one-percent annual chance of flooding boundary has been approximated in the Flood Insurance Rate Maps and Digital Flood Insurance Rate Maps.
- [4] Warren County may identify and regulate local flood hazard or stormwater areas that are not delineated on the FIRM through the County's subdivision application process. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high-water marks or approximate study methodologies. This data may be submitted by a certified engineer and shall be used during the letter of map revision process for determination of the floodplain and base flood for a specific area.

(b) Overlay concept.

- [1] [The floodplain districts described below shall be overlays to the existing underlying districts as shown on the Official Zoning Map of Warren County and, as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
- [2] Any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
- [3] In the event that any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(2) Official Zoning Map. The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map (FIRM) and Digital Flood Insurance Rate Map (DFIRM) which is declared to be a part of this section and which shall be kept on file at the Warren County Planning and Zoning offices.

(3) District boundary changes.

- (a) The delineation of any of the Floodplain Districts may be revised by the Warren County Board of Supervisors where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA) after an elevation certificate and letter of map change (LOMC) have been submitted to them.
- (b) Initial interpretation of the boundaries of the floodplain districts shall be made by the County Floodplain Administrator, Planning Director, Zoning Administrator or Deputy Zoning Administrator. Should a dispute arise concerning the boundaries of any of the districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

(4) Jurisdictional boundary changes.

- (a) In accordance with CFR, Title 44, Subpart (B), Section 59.22(a)(9)(v), all NFIP participating communities must notify the Federal Emergency Management Agency and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.
- (b) In order that all Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed, or relinquished floodplain management regulatory authority must be included with the notification.

K. District provisions.

(1) Permit and application requirements. **[Amended 5-21-2013]**

- (a) Permit requirement. All uses, activities and development occurring within any floodplain district shall be undertaken only upon the issuance of a floodplain determination, zoning and building permits. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code, Chapter **155**, Subdivision of Land, and Chapter **180**, Zoning, of the Code book of Warren County. Prior to the issuance of any such permit, the Zoning Administrator, Floodplain Administrator and Building Official shall require all applications to include compliance with all applicable state and federal laws.
- (b) Site plans and permit applications. All applications for development within any floodplain district and all building permits issued for the Special Flood Hazard Area shall incorporate the following information:
 - [1] The base flood elevation (BFE) at the site, topographic information showing existing and proposed ground elevations for structures to be elevated, and the lowest floor elevation (including basement).
 - [2] For structures to be flood-proofed and the elevation to which the structure will be flood-proofed.
 - [3] The issuance of an elevation certificate for an as-built residential dwelling structure prior to the final inspection and a certificate of occupancy being issued by Warren County Building Inspections and submitted to the Zoning or County Floodplain Administrator within 30 days prior to the issuance of a certificate of occupancy.

(2) General standards. In all SFHA Districts the following provisions shall apply to all permits: **[Amended 5-21-2013]**

- (a) The building of critical facilities in the Special Flood Hazard Area 1% annual chance and 0.2% annual chance flood/shaded zone X area shall be prohibited.
- (b) New construction and substantial improvements shall be built according to this ordinance and the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- (c) Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent

with applicable state requirements for resisting wind forces.

- (d) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (e) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - (f) Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (g) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - (h) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - (i) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - (j) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this section shall meet the requirements of new construction as contained in this section.
 - (k) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this section shall be undertaken only if said nonconformity is not furthered, extended or replaced.
 - (l) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the United States Corps of Engineers (USACE), the Virginia Department of Environmental Quality (DEQ) and the Virginia Marine Resources Commission (VMRC). A joint permit application is available from any of these organizations or from other Virginia state offices of environmental programs. Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (DCR) Division of Dam Safety and Floodplain Management and the Federal Insurance and Mitigation Administration (FIMA).
 - (m) The flood-carrying capacity within an altered or relocated portion of any watercourse shall be maintained. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
 - (n) In any flood zone the Floodplain Administrator may require a hydrologic and hydraulic analysis for any development.
 - (o) Development within the Special Flood Hazard Areas shall not adversely impact any threatened and endangered special status faunal species as identified by the Virginia Department of Wildlife Resources (DWR).
- (3) Specific standards. In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to § 180-16 K(1), the following provisions shall apply and shall comply with the current Uniform Statewide Building Code (USBC):
- (a) Residential construction. Construction of these structures within the regulatory

floodway (SFHA Floodway District) shall be prohibited. Within the Special Flood Hazard Areas Zones A and AE, new construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than two and a half feet above the base flood elevation (**30" above BFE in inches**). They must also meet a linear setback of fifty (50') feet from the edge of the regulatory floodway as determined in the Flood Insurance Study or through a base floodwater surface elevation and contour analysis survey. Such certifications and determinations, including the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the County Planning Department. The Zoning Administrator shall determine that the yard location and setbacks for structures located in residential zoned properties and adjacent to the waterway are compliant and meet the Warren County Code requirements and Floodplain Determination elevation and comments of the Floodplain Administrator. A signed and notarized letter of understanding for a non-conversion of the dwelling shall be submitted at the time of the permit application.

- (b) Nonresidential Commercial, Industrial and Institutional construction. New construction of these structures within the SFHA Floodway shall be prohibited. Substantial improvement of any existing commercial, industrial, or institutional buildings located in all A and AE Zones shall have the lowest floor, including basement, elevated to no lower than two and a half feet above the base flood elevation (**30" above BFE**). These buildings may be floodproofed in lieu of being elevated, provided that all areas of the building components below the elevation corresponding to the BFE plus two and a half feet (**30" above BFE**) are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided during the site plan process and must be approved by the County Floodplain Administrator or Zoning Administrator.
- (c) Accessory structures. Vacant lots in the Residential-1 (R-1) and Residential-2 (R-2) Zoning Districts, located in the Special Flood Hazard Area shall have a principal use for private-use camping established by conditional use permit prior to an accessory structure being located on the property. Vacant lots in all residential and Agricultural (A) zoning districts located within or in a portion of the Special Flood Hazard Area shall require a floodplain determination, zoning and building permits prior to construction of any accessory structure used for by-right, conditional use permit or agricultural exemption uses. In residential districts there shall be a limit of one structure allowed within the Special Flood Hazard Area and the structure is to be used for storage of property maintenance, ~~and~~ recreation equipment, or a pavilion and shall be composed of materials approved by the Planning Department. It shall be no larger than 200 square feet and shall meet the requirements for flood venting based on square footage of the structure and for anchoring. In the Agricultural district there shall be a limit of two structures allowed within the Special Flood Hazard Area inclusive of Agricultural exempt structures as determined by the County and shall not exceed the cumulative area of 320 square feet for both structures. Structures shall be required to be flood-proofed and strapped or anchored according to the Virginia Uniform Statewide Building Code (USBC). The appropriate building permits shall be issued prior to construction and a final inspection shall be conducted by a County Building Inspector and the Floodplain Administrator, or Zoning official. Accessory structures shall have no kitchen facilities and shall not be used for living quarters nor used for

dwelling purposes or occupied overnight.

- (d) Fences: Prior to installation, any fence located within the Special Flood Hazard Area shall first receive a zoning permit, floodplain determination and documentation identifying the fence type and its location to be approved by the Floodplain Administrator or Zoning Administrator. Solid panel or board on board/batten fencing shall not be permitted.
- (e) Elevated buildings. Enclosed areas of new construction or substantially improved structures which are below the regulatory flood protection elevation shall:
 - [1] Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;
 - [2] Be constructed entirely of flood-resistant materials below the regulatory flood protection elevation;
 - [3] Include, in Zones A and AE, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - [a] Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - [b] The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding.
 - [c] If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - [d] The bottom of all required openings shall be no higher than one foot above the adjacent grade.
 - [e] Openings may be equipped with screens, louvers or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - [f] Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.
- (f) Standards for manufactured homes and recreational vehicles.
 - [1] All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood must meet all the requirements for new construction, including the elevation and anchoring requirements in § 180-

16K(1) and (2).

[2] All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

- [a] The lowest floor of the manufactured home is elevated no lower than two and a half feet above the base flood elevation **(30" above BFE);** or
- [b] The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength and of no less than 36 inches in height above the grade;
- [c] The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;

[3] All recreational vehicles placed on sites must:

- [a] Be on the site for fewer than 180 consecutive calendar days **in any one year and** be fully licensed and ready for highway use; ~~or~~

[b] The major recreational equipment is ready for highway use if it is on its wheels or jacking system, attached to the site by only quick disconnect-type utilities and securities and has no permanently attached additions.

[c] The parking and storage of inoperative major recreational equipment shall be prohibited.

~~[b] Meet all the requirements for manufactured homes in § 180-16K(3)(d), outlined above.~~

~~[4] A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.~~

(4) Standards for Special Flood Hazard Area Zone A District. **[Amended 5-21-2013]**

- (a) When base flood elevation data or floodway data have not been provided, the Zoning Administrator or County Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of § 180-**16.K**. In locations where the specific base flood elevations and floodway boundary cannot be determined using sources such as the United States Army Corps of Engineers Floodplain Reports, United States Geological Survey Flood-Prone Quadrangles or other existing data, then the applicant shall provide documentation certifying the base flood elevation and floodway boundary using hydrologic and hydraulic engineering methods and modeling. This analysis shall be certified by a state-registered professional engineer or surveyor and submitted to the Planning Department with supplemental data relating to the study. When such base flood elevation and floodway boundary data is utilized, the Zoning Administrator or County Floodplain Administrator shall obtain:

- [1] An elevation certificate which states the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and

- [2] Documentation that the structure has been flood-proofed in accordance with the requirements of § 180-16.K above, the elevation in relation to the mean sea level to which the structure has been flood-proofed.

~~(b) New construction, development and substantial improvement of existing structures within the regulatory floodway shall be prohibited.~~

(b) Any new construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than two and a half feet above the base flood elevation (30" above BFE).

(c) Any new construction or development must meet a linear setback of fifty feet (50') from the edge of the regulatory floodway based on best available data or through a hydrologic and hydraulic analysis study submitted by a certified engineer or a topological field survey by a licensed surveyor.

(d) Development activities in Zone A on the Warren County Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies, with the Board of Supervisor's endorsement, for a conditional letter of map revision (CLOMR) ~~or one based on fill (CLOMR-F)~~, and receives the approval of the Federal Emergency Management Agency.

(5) Standards for the Special Flood Hazard Area Zone AE District. The following provisions shall apply within this district: **[Amended 5-21-2013]**

(a) New construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as AE on the Flood Rate Insurance Map and located and setback fifty feet (50') outside of the regulatory floodway.

[1] An elevation certificate which states the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and

[2] Documentation that the structure has been flood-proofed in accordance with the requirements of § 180-16.K above, the elevation in relation to the mean sea level to which the structure has been flood-proofed.

~~(b) New construction, development and substantial improvement of existing structures within the regulatory floodway shall be prohibited.~~

(b) Any new construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than two and a half feet above the base flood elevation (30" above BFE).

(c) Any new construction or development must meet a linear setback of fifty feet (50') from the edge of the regulatory floodway as determined in the Flood Insurance Study or through a base floodwater surface elevation analysis completed by a certified engineer or topological field survey by a licensed surveyor.

(d) Development activities within the AE flood zone on the Warren County Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies, with the Board of Supervisor's endorsement, for a conditional flood insurance

rate map revision (CLOMR) ~~or one based on fill (CLOMR-F)~~, and receives the approval of the Federal Emergency Management Agency.

- (6) Standards for the Special Flood Hazard Area Floodway District: The following provisions shall apply within this district: **[Amended 5-21-2013]**

- (a) Encroachments, including fill, new construction, substantial improvements and other developments shall be prohibited, with the exception of accessory structures used solely for storage of recreation equipment and property maintenance equipment as referenced in § 180-16K(3)(c). All development shall require a floodplain determination and shall have a zoning and building permit issued if it is deemed to be a qualifying accessory structure, fence and any land disturbance or erosion stabilization.

[1] Substantially damaged structures shall meet all permitting requirements and flood hazard reduction provisions of §180-16K.

- (b) If § 180-16K(6)(a) is satisfied, all new construction of accessory structures shall comply with all applicable flood hazard reduction provisions of § 180-16K.
- (c) The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision, provided the anchoring, elevation and encroachment standards are met.

- (7) Standards for subdivision proposals;

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (d) Hydrologic and hydraulic analysis and/or drainage study, erosion and sediment, encroachment analysis and base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions greater than 50 lots or 5 acres) that are in the SFHA or within 100 feet of the boundary of the Special Flood Hazard Area. **[Amended 5-21-2013]**

L. Variances: factors to be considered.

- (1) In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the Zoning Ordinance and consider the following additional factors that are exceptional, unusual, and specific to the property:
- (a) The showing of good and sufficient cause and an exceptional hardship exists, the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public, and is the minimum action necessary to afford relief and meets the required standards for a variance as outlined in the Code of Warren Section §180-62(B).
- (b) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity within any Floodway or Floodplain District that will cause any increase in the Special Flood Hazard Area base flood elevation. **[Amended 5-21-2013]**

- (c) The danger that materials may be swept on to other lands or downstream to the injury of others.
 - (d) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (e) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
 - (f) The importance of the services provided by the proposed facility to the community.
 - (g) The requirements by other State Agencies of the facility in a waterfront location.
 - (h) The availability of alternative locations not subject to flooding for the proposed use.
 - (i) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (j) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - (k) The risk to individuals stranded in isolated structures surrounded by what is, in many cases, rapidly flowing, debris-laden floodwater and the risk to rescue workers and the safety of access by ordinary and emergency vehicles to the property in time of flood.
 - (l) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
 - (m) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (n) Such other factors which are relevant to the purposes of this section.
 - (o) The ability of the property owner to remove equipment and vehicles incidental to the use of the property prior to or during a flood event. **[Added 5-21-2013]**
 - (p) Development must not cause an increase in water surface elevations (WSEL) during floods of any magnitude.
- (2) The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and the adequacy of the plans for flood protection and other related matters.
 - (3) Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights greater than one foot (1'); additional threats to public safety; extraordinary public expense; and will not create nuisances; cause fraud or victimization of the public; or conflict with local, state or federal laws or ordinances. **[Amended 5-21-2013]**
 - (4) Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief from exceptional hardship to the applicant.
 - (5) The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the Special Flood Hazard Area base flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance. **[Amended 5-21-2013]**

- (6) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.
- (7) A record of the issuance of a variance with any conditions attached shall be recorded with the deed to the property and on any elevation certificate submitted for the property within 30 days from the approval of the variance by the Board of Zoning Appeals (BZA). **[Added 5-21-2013]**

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

Language proposed to be deleted is lined through. ~~Example~~

Language proposed to be added is bolded and underlined. **Example**

DRAFT