



AGENDA

Board of Supervisors Special Meeting

6:00 PM

September 27, 2022

Call to Order and Pledge of Allegiance of the United States of America

Adoption of Agenda – Additions or Deletions

Public Hearings

- A. Lease of County-Owned Property Located at 229 Stokes Airport Road, Front Royal – Alisa Scott
- B. Lease of County-Owned Property Located at 136 Hillidge Street, Apartment 2, Front Royal – Alisa Scott
- C. Conditional Use Permit 2022-06-09, Cole and Danielle Haase for a Commercial Outdoor Recreational Operation Located at 19959 Fort Valley Road and Identified on Tax Map 10, Lot 110 and Tax Map 9, Lot 36A2 – Matt Wendling
- D. Conditional Use Permit 2022-07-01, Michelle Moriarty for a Short-Term Tourist Rental Located at 96 Cappy Road and Identified on Tax Map 23C, Section 2, Block 2, Lot 29 – Chase Lenz
- E. Conditional Use Permit 2022-07-03, Kendra Hansen, Kathryn Stuart, Simon Sarver, and Michael Cherubin for a Short-Term Tourist Rental Located at 97 River Overlook Road and Identified on Tax Map 15H, Section 1, Lot 23A – Chase Lenz
- F. Conditional Use Permit 2022-07-04, CAZA Legacy, LLC for a Short-Term Tourist Rental Located at 241 Wildcat Drive and Identified on Tax Map 22A, Section 2, Block 2, Lot 33 – Matt Wendling
- G. Conditional Use Permit 2022-07-05, Matthew Williams and Jay Gilbert for a Short-Term Tourist Rental Located at 244 Delicious Road and Identified on Tax Map 22B, Block S, Lot 42 – Chase Lenz
- H. Conditional Use Permit 2022-07-06, Matthew Williams and Jay Gilbert for a Short-Term Tourist Rental Located 115 Lonesome Flats Road and Identified on Tax Map 19, Lot 43 – Chase Lenz
- I. Conditional Use Permit 2022-07-07, Thomas Pigeon for a Short-Term Tourist Rental Located at 540 Lakeside Drive and Identified on Tax Map 27H, Section 1, Block 1, Lot 25 – Matt Wendling
- J. Adjournment



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE 1 OF
September 27, 2022	A	Public Hearing – Lease of County Real Property	
<u>EXPLANATION & SUMMARY:</u> The County would like to rent out the County-owned house located at 229 Stokes Airport Road Front Royal, VA 22630, on the Airport grounds to Albert Van Jarrsveld with Skydive Front Royal, LLC for \$600 per month for the month of September in exchange for Mr. Van Jarrsveld's assisting the airport with excellent customer service at the front desk during operating hours. All leases with County-owned real property must first have a public hearing. <u>COST & FINANCING:</u> <u>PROPOSED OR SUGGESTED MOTION:</u> I move the Board of Supervisors authorize the lease of the house located on the Front Royal-Warren County Airport Grounds 229 Stokes Airport Road with Skydive Front Royal, LLC for a one-month lease of \$600. or I move the Board of Supervisors do not authorize the proposed lease of the house located on the Front Royal-Warren County Airport Grounds.			
SUBMITTED BY: Alisa Scott, Deputy Finance Director	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)		PROCESSED BY:

**LEASE AGREEMENT
SKYDIVE FRONT ROYAL, LLC USE OF THE
AIRPORT HOUSE**

THIS AGREEMENT is made and entered into this _____ day of _____, 2022, by and between the COUNTY OF WARREN, VIRGINIA, a political subdivision of the Commonwealth of Virginia, whose address is 220 Norther Commerce Avenue, Front Royal, Virginia 22630 (“County”), and SKYDIVE FRONT ROYAL, LLC, a limited liability company organized under the laws of the Commonwealth of Virginia, having offices at 145 Walnut Drive Front Royal, VA 22630. (“Skydive Front Royal”).

WITNESSETH:

WHEREAS, the County is the sole owner of the property known as the Airport House located at the Front Royal-Warren County Regional Airport, 229 Stokes Airport Rd, Front Royal, VA 22630 (the “Airport House”); and

WHEREAS, Skydive Front Royal operates its business at the Front Royal-Warren County Airport and has requested the use of the Airport House as its temporary office; and

THEREFORE, in consideration of the mutual promises contained herein, the parties hereto agree as follows:

1. Term of Lease. The County hereby agrees to lease the Airport House beginning September 1, 2022 and continuing until October 1, 2022 (if not otherwise terminated pursuant to the terms of the Agreement) until Skydive Front Royal provides a written notice of termination at least ten (10) days prior to the end of the month. During the term of this lease, Skydive Front Royal has use of the Airport House during the operational hours of the Front Royal-Warren County Regional Airport.

2. Rent. The rent under this Lease is payment in monthly installments of **Six Hundred and 00/100 Dollars (\$600.00)**. Each payment must be paid no later than the 1st of each and every month until Skydive Front Royal provides written notice of termination as set forth more fully in paragraph 1 herein. 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.

3. Utilities. The County shall be responsible for all utility expenses.

4. Insurance. Skydive Front Royal shall maintain in force at all times during the term of the least property, legal and liability insurance in the amount not less than One Million Dollars (\$1,000,000.00) and shall name the County as an additional insured party under said policy. Said policy shall be in addition to any and all insurance carried by the County on the Airport House.

Skydive Front Royal shall provide the County with a certificate showing said insurance to be in force and effect prior to the use or occupancy of the Airport House, with a notation in the certificate and policy that the insurance cannot be cancelled unless the County is given thirty (30) days written notice of said cancellation.

5. Indemnity. Skydive Front Royal hereby agrees to indemnify, defend and hold harmless the County, its employees, agents, and representatives from any suits, claims, actions,

demands, costs and expenses of any kind, including attorneys and professional fees, relating in any way to any claimed injuries or damages sustained by any person(s), or to any property, which is in any way connected with Skydive Front Royal's use of or activities that are in any way connected with the Airport House.

6. Maintenance. Skydive Front Royal shall be responsible for keeping the Airport House clean, free from refuse and debris, and in good condition. Skydive Front Royal shall notify the County's Director of Public Works immediately upon discovering any health or safety hazards, or upon discovering required maintenance to the Airport House. Skydive Front Royal shall be solely responsible for any loss, damage, or repair of the Airport House that occur during Skydive Front Royal's use of the Airport House, excluding anything considered ordinary wear and tear, and Skydive Front Royal shall reimburse the County for said loss, damage, or repair.

7. Equipment. Skydive Front Royal may bring and keep equipment (e.g. desks, filing cabinets, computers, etc.) at the Airport House during the term of the lease. Skydive Front Royal shall be solely responsible for any loss, damages, or repairs of said equipment. Skydive Front Royal shall remove all equipment from the Airport House at the end of the lease.

8. Alterations or Improvements. Alterations, additions, or improvements to the Airport House shall not be permitted without the prior written consent of the County. Any and all approved improvements shall then become the sole and exclusive property of the County and may not be removed by Skydive Front Royal.

9. Hazardous Materials. During the Term, Skydive Front Royal shall not use, store, dispose of or release onto or into the ground of the Airport House 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 Skydive Front Royal, or any release, spill or discharge of any Hazardous Materials onto or into the ground of the Airport House by Skydive Front Royal , Skydive Front Royal 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.

10. Keys to the Facilities. Skydive Front Royal agrees that two (2) keys to the Airport House shall be retained exclusively by the personnel authorized by Skydive Front Royal. Such keys shall not be distributed to other persons for any reason. Such keys shall not be duplicated without the permission of the County, and any approved copies shall become the property of the County. The two (2) keys assigned to Skydive Front Royal to be returned to the Public Works office immediately after removing equipment and cleaning the Airport House, but no later than ten (10) days after the lease is terminated. The authorized personnel must complete a key registration form and abide by policies set forth by the County.

11. Assignment. Skydive Front Royal shall not sell, sublease, convey, or otherwise transfer by any method its rights under this agreement without first obtaining the express written consent of the County.

12. Security Interests and Leasehold Mortgages. It is understood that in borrowing funds, Skydive Front Royal cannot place a mortgage on County's leasehold interest in the Airport House created by this Lease.

13. Alcoholic Beverages and Tobacco Products. No alcoholic beverages or tobacco products of any kind may be used at the Airport House.

14. Illegal Activity. Skydive Front Royal hereby specifically agrees that it will use the Airport House only for lawful purposes, and will not permit, countenance, or condone any illegal activity in the course of its use or operations.

15. Compliance with Laws. In its use of the Airport House, Skydive Front Royal 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. Further, Skydive Front Royal shall obtain any and all licenses and permits as required by federal, state, and local laws.

16. Termination for Convenience. At any time during the Agreement, the County shall have the option to terminate the Agreement for any reason by providing a thirty (30) days' written notice to Skydive Front Royal.

17. Default. In the event of default on any of the terms and conditions set forth herein, or violation of the laws of the United States of America, the Commonwealth of Virginia, or the Ordinances of the County of Warren, Virginia by Skydive Front Royal or its employees or agents associated with the use of the Airport House, the County reserves the right to terminate this Agreement at any time upon twenty-four (24) hours written notice to Skydive Front Royal. Upon default, the County shall be authorized to immediately take possession of the Airport House and to bar Skydive Front Royal from further operations. In addition, upon default, the

County shall have the right to exercise any and all of its remedies at law, including suit for damages and any unpaid fees. All legal expenses and costs incurred thereby shall be paid by Skydive Front Royal.

18. Discrimination. The parties each agree that in its conduct of programs in or upon the Airport House, that at no time shall it discriminate against any person on the grounds of race, religious affiliation, color, sex, national origin, disability, or age.

19. 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.

20. 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 Dr. Edwin C. Daley, County Administrator
County Administrator's Office
220 N. Commerce Avenue, Suite 100
Front Royal, Virginia 22630

Skydive Front Royal
c/o Albert Van Jarrsveld
229 Stokes Airport Rd.
Front Royal, Virginia 22630

21. 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.

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

23. Modification. Modification of the terms and conditions of this Agreement shall not be permitted, unless agreed to in writing and executed by both parties in the same formality as this Agreement.

24. 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.

COUNTY OF WARREN, VIRGINIA

By: _____
Dr. Edwin C. 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 **Dr. Edwin C. 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: _____
Albert Van Jarrsveld
On behalf of Skydive Front Royal, LLC

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 **Albert Van Jarrsveld**, 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 September 27, 2022	ITEM B	SUBJECT: Public Hearing – Lease of County Real Property	PAGE 1 OF
<u>EXPLANATION & SUMMARY:</u> The County would like to lease apartment #2 located at 136 Hillidge Street, Front Royal, VA 22630 to Raymond K. Freeman, Jr., who currently occupies the apartment and pays a monthly rent of \$725. All leases with County-owned real property must first have a public hearing. <u>COST & FINANCING:</u> <u>PROPOSED OR SUGGESTED MOTION:</u> I move the Board of Supervisors authorize the lease of Apartment #2 located at 136 Hillidge Street, Front Royal, VA 22630 with Raymond K. Freeman, Jr., for a monthly rent of \$725. or I move the Board of Supervisors do not authorize the proposed lease of Apartment #2 located at 136 Hillidge Street, Front Royal, VA 22630.			
SUBMITTED BY: Alisa Scott, Deputy Finance Director	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)		PROCESSED BY:

LEASE AGREEMENT
136 HILLIDGE STREET, APT. 2

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 **RAY FREEMAN** (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 136 Hillidge Street, Apt. 2, 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 **September 1, 2022** and continuing (if not otherwise terminated or extended pursuant to the terms of the Agreement) through **August 31, 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 in monthly installments of **Seven Hundred Twenty-Five and 00/100 Dollars (\$725.00)**. The first month's rent shall be paid no later than September 12, 2022. All subsequent monthly payments shall be paid no later than the first day of each month beginning the 1st day of October, 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 Dr. Edwin C. Daley, County Administrator
County Administrator's Office
220 N. Commerce Avenue, Suite 100
Front Royal, Virginia 22630

Ray Freeman
136 Hillidge Street, Apt. 2
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: _____

Dr. Edwin C. 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 **Dr. Edwin C. 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: _____

Ray Freeman

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 **Ray Freeman** 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:	PAGE
9/27/2022	C	Conditional Use Permit #2022-06-09 Cole & Danielle Haase <i>Commercial Outdoor Recreational Operation</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.

Planning Commission Move to Approve:

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 3-0, the Planning Commission forwarded the conditional use permit to deny the application of Cole & Danielle Haase for a Commercial Outdoor Recreational Operation due to concerns about the noise and traffic.

1. The applicant shall comply with all Virginia Department of Transportation (VDOT), Warren County Building Inspections, Warren County Emergency Medical Services, Warren County Health Department, and applicable regulations and requirements.
2. A site plan shall be prepared and approved by the Warren County Planning Department prior to the issuance of a Certificate of Zoning, showing the buildings, parking area, outdoor lighting, trash receptacles, signage, outdoor batting cages, seating areas, outdoor "infield" practice area and other applicable zoning requirements.
3. All light fixtures shall be full cut-off fixtures and comply with the Zoning Ordinance requirements.
4. Activities associated with the commercial operation shall not produce sound levels which exceed 60 decibels during hours of operation at the nearest property line.
5. Activities associated with the commercial operation shall be by appointment or reservation only. The hours of operation Monday thru Friday shall be 3:30PM to 9:00PM and Saturday 9:00AM to 6:00PM, the operation shall be closed on Sunday.
6. The maximum number of occupants at any one time shall not exceed more than twenty vehicles at any one time during the hours of operation and no parking shall be allowed off-site on the adjacent property. ~~an amount as determined by the Warren County Health Department.~~
7. The applicants shall have the well/drinking water tested annually for lead e-coli and coliform contamination and a copy of the results shall be submitted to the Planning Department.
8. ~~Phase 3 of the operation which includes the installation of two little league size recreational fields shall not be included as part of this conditional use application but will require a modification to the permit with a public hearing with the Board of Supervisors at least one year after the applicants have completed and are operating Phases 1 and 2 of the operation.~~

Note: The applicants resubmitted their statement of justification take away phases 2 and 3 of their request and confirming that it will be limited to 20 vehicles at any one-time during business hours. They also have agreed to the use being by-appointment and pre-registration for limited size groups.

The Board of Supervisors held a work session for this application on August 16th to address questions and concerns they had regarding the land-use and application. Staff has revised the conditions showing additions and deletions to those presented to the Planning Commission which they recommended denial and based on the changes submitted by the applicant and reviewed by the Board.

BOARD OF SUPERVISORS PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Cole & Danielle Haase for a Commercial Outdoor Recreational Operation 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 Cole & Danielle Haase for a Commercial Outdoor Recreational Operation (List reasons).

SUBMITTED BY:

Matt Wendling, CFM 
Planning Director
County Floodplain Manager

DISPOSITION OF BOARD:

☐ **APPROVED** ☐ **OTHER (Describe)**

PROCESSED BY:



SUMMARY OF REQUEST

The applicant is requesting a conditional use permit for a Commercial Outdoor Recreation Operation, which would consist of a softball/baseball/soccer training facility. The applicant's purchased this property in April 2022 to turn the property into an outdoor/indoor youth sports training center. The property is the former site of the Church of Waterlick. It houses the church building, as well as a 7,500 square foot accessory building and another smaller accessory building. The applicants have re-submitted their statement of justification revised their initial plans for a smaller facility than originally requested. They plan to have a by-appointment or pre-registration operation for individuals or teams to use the facility and are limiting the business to no more than 20 vehicles at any one time during their hours of operation. They immediately plan to install two outdoor batting cages for teams and instructors to use outdoors. They plan to outfit the 7,500 square foot accessory building into turf with three batting cages and approximately a 30'X100' interior fielding and throwing practice area for availability during inclement weather and during the winter season. ~~They would like to build two little league size regulation softball fields with 200' fences, dugouts, and bleacher seating within 5-10 years.~~ They also plan to serve snack type foods during open hours for both the indoor and outdoor facilities. They plan to use porta-potties. This application has been sent to the Health Department and Building Inspections for their review. They would like to operate Monday through Friday from 3:30pm-9:00pm and Saturdays from 9:00am – 6:00pm.

PROPERTY INFORMATION

Property Location: 19959 Fort Valley Road	Tax Map ID: 10-110 and 9-36A2
Zoning: Agricultural	Magisterial District: Fork
Acres: 10.381 total acres	Existing Land Use: Former Church of Waterlick

SURROUNDING ZONING DISTRICTS & USES

North: Agricultural (A)	Use: Cemetery - Panorama Memorial Gardens
South: Agricultural (A) & Messick Road	Use: Single Family Dwelling
East: Agricultural (A)	Use: Single Family Dwelling
West: Agricultural (A) and Right-of-Way	Use: Single Family Dwelling

PROPERTY HISTORY

This property has had previous Conditional Use Permits #89-06-06 for a temporary mobile home and #93-09-03 for the construction of an addition to existing church in the Agricultural zoning district.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for agricultural land uses. A commercial outdoor recreation operation is a use allowed by conditional use permit in the Agricultural zoning district and is compatible with the current Warren County Zoning Ordinance.

SUPPLEMENTARY REGULATIONS

(There is a text amendment proposed for these to be amended to allow an indoor component as an accessory use to the outdoor commercial operation.)

§ 180-43. Commercial recreational structures and uses.

No commercial recreational activity shall be permitted which is evident from adjacent residential districts and which has the potential of adversely affecting the use and enjoyment of properties within said residential districts.

ATTACHMENTS

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

- A. The minimum acreage for commercial recreational structures and uses shall be two acres.
The property consists of two parcels, containing 10.381 acres. The lot with the accessory structure is less than 2 acres, therefore it will need to have a boundary adjustment. The applicants do plan to submit adjustment in order to have a portion of the property for their future home site.
- B. Proposed sites for such activities shall have direct access to a major street or highway.
The property has direct access to Fort Valley Road.
- C. Proposed sites for such activities shall be of a size and shape appropriate for the proposed use and be dimensioned or located in such a way as to provide spatial or other buffering to protect adjacent development from potentially adverse effects.
The property consists of natural wooded areas to provide buffering from adjoining properties.
- D. A plan shall be provided for safe and convenient parking, circulation and ingress/egress to adjacent streets and highways. This plan shall show the proposed number of parking spaces, aisle widths, the locations of aisles and the location of entrances/exits.
The applicant will need to submit a plan showing the proposed location of the outdoor batting cages.
- E. All commercial recreational structures and uses shall not produce sound levels which exceed 60 decibels during hours of operation at the nearest property line.
For the league softball games in the applicant's phase 3 plan, there will need to be a plan for traffic and noise to mitigate the effects from the adjoining properties.
- F. Minimum yard dimensions shall be as follows:
 - (1) Three hundred feet wide.
 - (2) Front setback: 50 feet from the road right-of-way.
 - (3) Side setback: 50 feet from adjoining property lines.
 - (4) Rear setback: 50 feet from adjoining property lines.
- G. The hours of operation and frequency of operation shall be proposed by the Planning Commission and set by the Board of Supervisors.

RECOMMENDED CONDITIONS

Staff is recommending the following revised conditions to be added to this conditional use permit:

1. The applicant shall comply with all Virginia Department of Transportation (VDOT), Warren County Building Inspections, Warren County Emergency Medical Services, Warren County Health Department, and applicable regulations and requirements.
2. A site plan shall be prepared and approved by the Warren County Planning Department prior to the issuance of a Certificate of Zoning, showing the buildings, parking area, outdoor lighting, trash receptacles, signage, outdoor batting cages, ~~seating areas, outdoor "infield" practice area~~ and other applicable zoning requirements.
3. All light fixtures shall be full cut-off fixtures and comply with the Zoning Ordinance requirements.
4. Activities associated with the commercial operation shall not produce sound levels which exceed 60 decibels during hours of operation at the nearest property line.
5. Activities associated with the commercial operation shall be by appointment or reservation only. The hours of operation Monday thru Friday shall be 3:30PM to 9:00PM and Saturday 9:00AM to 6:00PM, the operation shall be closed on Sunday.
6. The maximum number of occupants at any one time shall not exceed more than twenty vehicles at any one time during the hours of operation and no parking shall be allowed off-site on the adjacent property. ~~an amount as determined by the Warren County Health Department.~~
7. The applicants shall have the well/drinking water tested annually for lead e-coli and coliform contamination and a copy of the results shall be submitted to the Planning Departments.
8. ~~Phase 3 of the operation which includes the installation of two little league size recreational fields shall not be included as part of this conditional use application but will require a modification to the permit~~

with a public hearing with the Board of Supervisors at least one year after the applicants have completed and are operating Phases 1 and 2 of the operation.



Cc: Cole and Danielle Haase – Owners/Applicants

Statement of Justification

July 21, 2022

Warren County Board of Supervisors,

Please consider this update to our original May 18th statement of justification.

Thank you in advance for considering our request for a Conditional Use Permit (CUP) for the property located at 19959 Fort Valley Road, Strasburg, VA 22657 (Warren County). My wife, Danielle, and I, Cole Haase, are requesting the approval of the CUP for a Commercial Outdoor Recreational Operation (with an amendment for indoor operation, which has been recommended for approval by the Planning Commission) at the above property. We recently acquired the property in April, 2022, and our plan is to turn the property into a sports and events center. We are the sole owners of the property and plan to make this a family-run operation for the benefit of the youth of Warren and surrounding counties.

Danielle, our children, and I, have all been very involved in youth sports in Warren County. I served as President of the Warren County Girls Little League Softball organization for two years and served as the grounds keeping board member an additional year. Danielle also served for two years on the board as the Secretary. Additionally, we both have coached for multiple years with that organization. We also own a family-run restaurant in Front Royal where we actively support youth sport teams like the Front Royal Little League, Warren County Girls Little League Softball organization, Skyline and Warren County high school athletics, and the Front Royal Cardinals, among others. As such, we have personally seen the need for a facility like we are proposing.

We believe that this facility would be very beneficial and serve a great need in the county—and surrounding counties—for baseball and softball little leagues, travel leagues, and personalized instruction opportunities for our youth. We have also discussed possibly adding soccer instruction (i.e. footwork clinics) with the Front Royal Soccer Association during winter months when outside instruction is not possible at their complex. As you are aware, more activities for the youth are desperately needed in Warren and the surrounding counties. Our youth sports continue to expand, and the need for practice and teaching facilities continues to rise. We

believe that this property can serve a great purpose to help keep kids out of trouble and involved in beneficial learning activities. Members of the community are very excited to see this project take shape and become a great asset to the community as well.

Previously, the property, located ½ mile south of the Fort Valley Road & Strasburg Road intersection, was the home to the Church at Waterlick, later changed to Master's Touch Ministries. In addition to holding regular church services, this property was used in the past to host revivals, outdoor concerts, overnight camping, and other outdoor activities. As such, the property is already outfitted with lighting, parking, sewer, and activity buildings—along with approximately 10 acres of flat and wooded land—to accommodate our use. We are investing in updates to the property to repair some existing issues that were identified in during our pre-purchase inspection.

We plan to “build” our vision in the following way:

Upon approval:

- We will put in two outdoor batting cages (which can also be used for pitching/catching practice) for teams and instructors to use. There will also be seating areas for parents that wish to stay while their child practices.
 - These cages will be at least 125' from adjoining property lines and roadways.
- Also, the property houses a 7500+ sq ft climate-controlled building, which we will outfit with turf throughout along with three batting cages and approximately a 30' x 100' fielding and throwing practice area for availability during the off season.
 - Please note, that a large percentage of instruction/practice will be held indoors in the above building.
- This building, constructed in the early 1990's, will be accessible during open hours, and currently has two ADA compliant bathrooms for use and will be outfitted with seating area for those parents that wish to safely wait while their child practices.
- Our plan is to operate Monday – Saturday with our open hours during the week being from 3:30pm to 9:30pm, and on Saturday from 9:00am to 6:00pm.

- Under this appointment only operation schedule, we will provide access to teams/individual instruction in 1.5-2 hour blocks. An employee will be always on-site during operating hours.

Conditions to our use that we'd like to put in place:

- Outdoor instruction will be limited to stretching/warm-up and batting cage use. As the cages will be approximately 14' x 60', pitching and catching practice will be limited to the cages, so, along with batting, "loose balls" will be contained to the cage without fear of damage to ours or neighboring properties.
 - Cage use will be limited to daylight hours use with after dark use.
- Any additional outdoor lighting, strictly for parking lot illumination, will be fully shielded (i.e. Dark Sky Compliant).
- The use of the facility will be by appointment / reservation only and will be used for sports aged children that are a member of a team/organization.
 - As a condition to the above, the facility will be limited to no more than 20 vehicles (plus owner/employees) at a time, and we will encourage carpooling from all patrons.
 - Further, as the use will be limited to small groups (most teams average 10-13 children), noise levels and vehicles will be very limited and we do not anticipate 20 vehicles at a time.
- Emergency lanes and parking spots will be clearly marked with signs that do not permit parking by visitors to help facilitate emergency personnel (Police, Fire, & EMS), if the need shall arise.

Other important notes for operation:

- We plan serve snack type foods, available during open hours, for both the indoor and outdoor facilities. Currently, the property houses two "concession stand" buildings and a kitchen area in the larger activity building (noted above) that will have county health department inspection and approval prior to use.

- Outdoor “porta-potties” will be available for use year-round and will be regularly maintained by a local small business company, Primo Potties.
- There are currently approximately 20 parking spaces available, with two being designated handicap accessible.
- As you are aware, the county has been working with VDOT for a Smart Scale project (in round 5) to improve the intersection of Strasburg Road and Fort Valley Road. Continually, as a previous church facility, we believe that VDOT ingress and egress standards are compliant at the property.

Further, along with this request, we would like to request a boundary adjustment to the properties which would expand the above listed business property to approximately 6-7 acres, and the remaining acreage be utilized for our personal single-family home, to be built near the back of the property at a future date, if possible.

We, and many community members, are very excited about the possibilities that this could bring the county and its youth. We plan to attend a supervisors’ working session to discuss further, but please reach out if you have any questions in advance. Thank you again for your time and consideration.

Sincerely,

Cole & Danielle Haase

220 Cedar Spring Drive, Strasburg, VA 22657

937-367-3110 (Cole); 540-622-4897 (Danielle)

WCCUP-000193-2022

WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-06-09
Date Received: 5/18/2022
Fee Amount: \$ 500.00
Date Paid: 5/18/2022 Ch# 1744

Applicant Information:

Cole + Danielle House
Applicant Name

220 Cedar Spring Drive Strasburg VA 22657
Address City State Zip

19959 Fort Valley Road, Strasburg VA 22657
Property Location for conditional use permit if Different than Applicant's Address

937-367-3110 CDAForever@outlook.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: 19959 Fort Valley Rd, Strasburg VA 22657
- (2) Election District: _____
- (3) Tax Map Number: 10-110 + 9-36A2
- (4) Subdivision Name: _____
- (5) Total Area of Property (acres): _____
- (6) Total Area to be Used (acres): _____
- (7) Total Road Frontage (feet): _____
- (8) Depth of Property (feet): _____
- (9) Present Zoning: Agricultural

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: Commercial Outdoor Recreation ^{recreational}
_{operates}
- (2) Current land use and condition of site: Church
- (3) Zoning of surrounding land/property: Agricultural
- (4) Will development be staged? ☒ Yes ☐ No - see "Justification Statement"
- (5) Construction Time: _____
- (6) Season, days, and hours of operation: Year-round; M-Saturday ^{M-F 3-9 pm}
Sat 9-9 pm
- (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.) Unknown
- (9) Number of full time employees: 2
- (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: 15-20/day
- (12) Number of parking spaces to be provided: Regular 18 Handicap 2
- (13) What is the proposed landscaping and buffering for this property? Mostly
Cleared and Flat. Landscaping will remain the
Same.

C. Plans Prepared By

Name: Self, Cole Haase

Address: 220 Cedar Spring Drive, Strasburg, VA 22657

Telephone Number: 937-367-3110

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. Na
- (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? The property has been a church in the past, as such, we do not envision a traffic impact.
- (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. Yes, however, all lighting is already in existence.

**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**
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.**
North on Commerce Ave; to North on Winchester Rd (522); to West on Strasburg Rd; to South on Fort Valley Rd; end at 19959 Fort Valley Rd where property is located on the West side of the 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.

Applicant Signature

Date

5/18/22

Property Owner Signature

Date

5/18/22

Accepted by: Chase Leroy

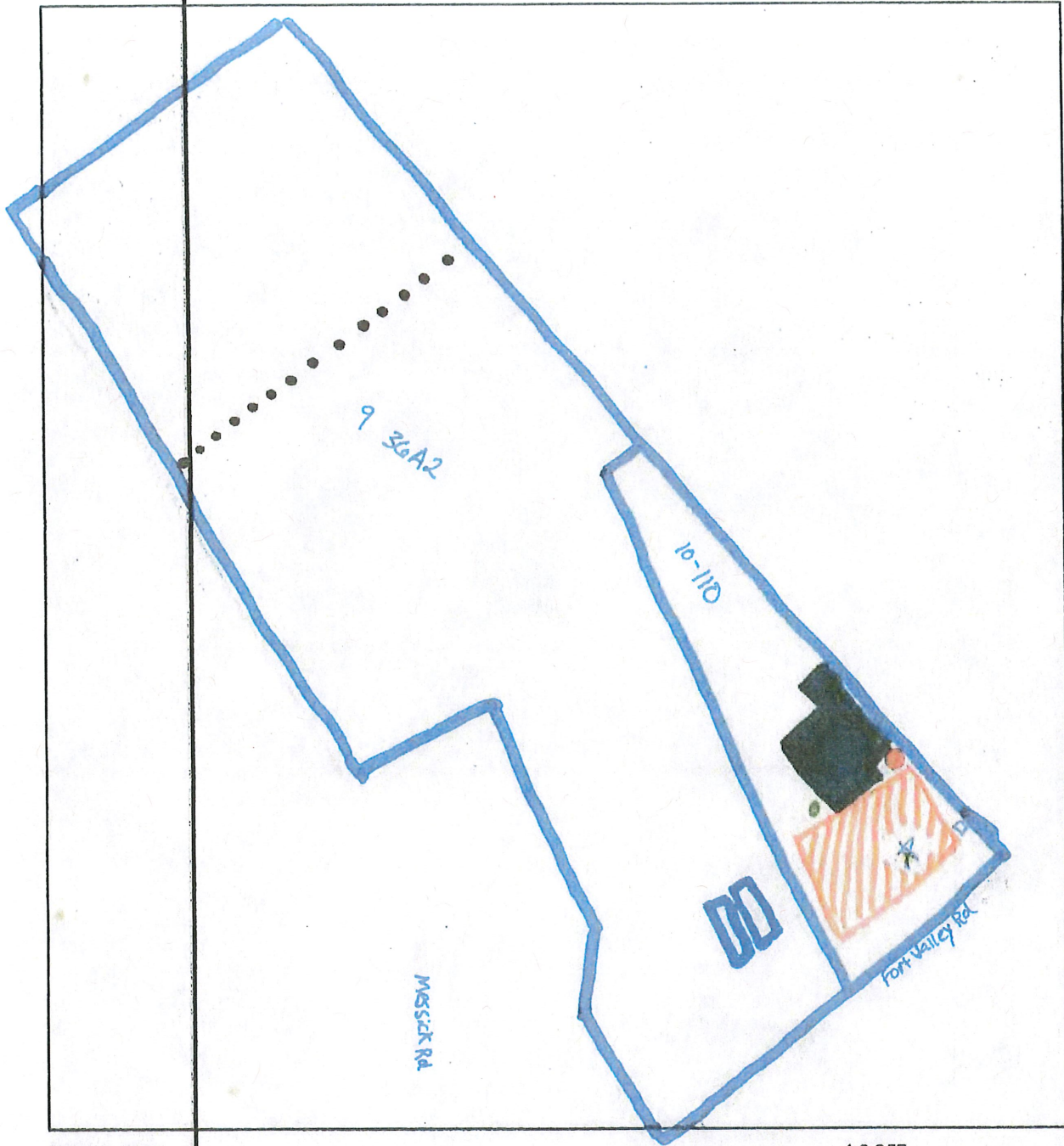
Date: 5/18/2022

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

Gis Map of 19957 Fort Valley Rd

5/18/22



May 18, 2022

Property Boundaries



- Parking Area



- septic tanks



- activities building.



- proposed boundary adjustment.



- Current location of Church



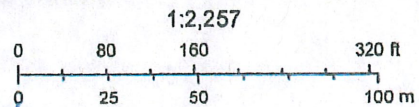
- port-a-potty location.



- outdoor bathing Cages

□ - well

Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community





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



August 05, 2022

Matt Wendling, Planning Director
220 N Commerce Ave., Suite 400
Front Royal, Virginia 22630

RECEIVED
AUG 08 2022

BY:

RE: Request for Comments (2022-06-09)

Owner: Cole & Danielle Haase

Dear Mr. Wendling,

I have reviewed your request for comments for a CUP for a Commercial Outdoor Recreation Operation to be located at 19959 Fort Valley Rd. Strasburg, VA (Tax Map# 10-110 & 9-36A2) and I offer the following comments:

1. The existing dwelling is connected to an Alternative Discharging Sewage Treatment System that is permitted and regulated by the Virginia Department of Environmental Quality (DEQ). Since the proposal is for a commercial establishment, the discharge system will remain under DEQ. Contact the DEQ Valley Regional Office in Harrisburg for further comment.
2. The existing well on the property is regulated by the Virginia Department of Health Office of Drinking Water (ODW). Contact the ODW Culpeper Field Office for further comment.
3. The proposed commercial kitchen and concession stand will require Food Service permits from this office.
4. This office will need to review and approve plans for the proposed public pool prior to construction.

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

Sincerely,

Jim Davis

Environmental Health Manager

Veronica Diamond

From: David Beahm
Sent: Wednesday, August 3, 2022 2:10 PM
To: Veronica Diamond
Cc: Paula Fristoe
Subject: RE: REVISED SOJ: Request for Comments Haase_CUP2022-06-09
Attachments: RE: Request for Comments-Haase-CUP 2022-06-09 – Cole & Danielle Haase – Conditional Use Permit for Indoor/Outdoor Recreational Operation – WCCUP-000193-2022

Comments (copied below) that were provided on June 24, 2022 (attached) would not change with regards to the revised statement of justification:

Comments 2022-06-09 – Cole & Danielle Haase – Conditional Use Permit for Indoor/Outdoor Recreational Operation – WCCUP-000193-2022:

NOTE: From the information provided (photos and description) it would appear that work has possibly been completed without permits having been obtained, but some structures (i.e., concession stands) may pre-date our records. However, the permits that we do have on file have never been completed and will need to be before approval can be provided by the Building Inspections office for this request. Outstanding permits are 373-1998, 882-1999, 954-2004 and 805-2009. Attempts were made to complete these permits and the permit issued in 2009 was such that all the old permits would have to be closed at that time, but that permit was never allowed to be inspected or closed.

- Erosion and Sediment Control (ESC) Items:
 - From the information provided it would not appear that any land disturbance is to take place, but if it does permits would be required. Any land disturbance over 10,000 square feet would require an Erosion and Sediment Control application and permit, which would be a normal submission including a full plan review application
 - If any land disturbance exceeds one (1) acre, it 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:
 - As indicated above, all of the existing permits must be completed as required by COV 13VAC5-63-130.
 - Any required permits must meet the Virginia Uniform Statewide Building Code (USBC) requirements:
 - The described uses may require a Change of Use and Occupancy from what the current church (A-3) is and that can be accomplished through the permitting process. All other structures will need to be evaluated for what they are planned to be used for.
 - The use of portable facilities would not meet any of the requirements for the building uses when they are established.

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

Respectfully,

David C. Beahm, CBO
Building Official
County of Warren

Matt Wendling

From: Arthur Boyce <bobby.boyce@vdot.virginia.gov>
Sent: Tuesday, August 16, 2022 8:45 AM
To: Matt Wendling
Cc: Funkhouser, Rhonda (VDOT); Johnson, Joseph
Subject: Warren- Rte 678- Haase Indoor/Outdoor Recreation Facility- CUP 2022-06-09

<<...>>

DEPARTMENT OF TRANSPORTATION

Staunton/Edinburg Land Development

14031 Old Valley Pike

Edinburg, VA 22824

Dear Mr. Wendling:

We have reviewed the above subject Conditional Use Permit Application dated June 18, 2022 for impacts to the local roadway system. This application is for the conversion of the existing church into a youth baseball and softball training facility and possible two future regulation youth softball ball fields for games or tournaments. We have no objections if the following conditions are met, our comments are as follows:

- The facility has four existing entrances, the two to the south were legally permitted entrances the two to the north were not. The southern-most entrance #1 is a two-way entrance while the adjacent entrance to the north #2 is a one-way enter-only entrance that should remain that way due to the narrow width and limited sight distance. Entrance #2 must be signed and pavement marked (arrow with message) as a enter-only entrance.
- Neither of the next two entrances to the north #3 and #4 are not legally permitted entrances and currently do not meet minimum sight distance requirements. If an entrance is needed for this parking lot one or both of these entrances may be able to be upgraded, if they can meet minimum sight distance standards. To meet minimum sight distance the entrances may need to be shifted and grading preformed along and adjacent to Route 678. This grading to obtain sight distance may require that an easement be obtained from the adjacent owner. The design for the entrance must be submitted to this office for review and approval prior to any construction. The facility may operate with the two paved entrances #1 and #2 once marked while the other entrances #3 and #4 are either removed or upgraded and paved under a VDOT permit.
- A Land Use Permit shall be obtained before any work is performed on the State's right-of-way. The permit is issued by this office and will require an application fee and surety coverage. Once satisfactory application has been made, a permit will normally take 7-15 days to process and issue.

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

Matt Wendling

From: Keith Fowler <keith.fowler@deq.virginia.gov>
Sent: Monday, August 29, 2022 11:07 AM
To: Matt Wendling
Cc: eir@deq.virginia.gov
Subject: Request for Comments - Conditional Use Permit 2022-06-09, Commercial Outdoor Recreation Operation
Attachments: Request for Comments - Conditional Use Permit 2022-06-09, Commercial Outdoor Recreation Operation.pdf

Hi Matt. I just received this request for comments. Here is general information we provide for projects like this that are in the DEQ Valley Region. Please pass this information on to the applicant and/or consider this information in decisions about this project. I encourage you to review the general information provided below and contact me with any questions you may have at any time.

We are happy to assist you in any way we can to determine what environmental permits you may need and to help you understand any other requirements associated with Virginia's environmental laws and regulations. If you happen to need any environmental permits you should know that some can be processed in a matter of days or weeks, but others may take several months or more due to coordination with other agencies and public notice requirements, and we want to make sure you can get started as soon as you desire.

Below is general information related to DEQ programs which should be considered for this project. In addition, we encourage you to refer to DEQ's Environmental Impact Reviews web site, <https://www.deq.virginia.gov/permits-regulations/environmental-impact-review>, and our Pollution Prevention / Environmental Excellence pages, <https://www.deq.virginia.gov/get-involved/pollution-prevention>, for other general information. We are glad to discuss specifics for any aspects of this project with you as it relates to any DEQ programs. Please let me know if you have any questions or need any additional information regarding environmental matters.

1. Water Quality and Wetlands. Measures must be taken to avoid and minimize impacts to surface waters and wetlands during construction activities. The disturbance of surface waters or wetlands may require prior approval by DEQ and/or the U.S. Army Corps of Engineers. The Army Corps of Engineers is the final authority for an official confirmation of whether there are federal jurisdictional wetlands or other surface waters that may be impacted by the proposed project. DEQ may confirm additional waters as jurisdictional beyond those under federal authority. Review of National Wetland Inventory maps or topographic maps for locating wetlands or streams may not be sufficient; there may need to be a site-specific review of the site by a qualified professional. Even if there will be no intentional placement of fill material in jurisdictional waters, potential water quality impacts resulting from construction site surface runoff must be minimized. This can be achieved by using Best Management Practices (BMPs). If construction activities will occur in or along any streams (perennial, intermittent, or ephemeral), open water or wetlands, the applicant should contact Keith Fowler at DEQ-VRO (540-217-7480, Keith.Fowler@deq.virginia.gov) to determine the need for any permits prior to commencing work that could impact surface waters or wetlands.

The attached request for comments is regarding a facility with coverage under the General Permit for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day. The registration number is VAG401669. Based on our files, the design flow of the sewage treatment works is 450 gallons per day.

2. Erosion and Sediment Control and Storm Water Management. DEQ has regulatory authority for the Virginia Pollutant Discharge Elimination System (VPDES) programs related to municipal separate storm sewer systems (MS4s) and construction activities. Erosion and sediment control measures are addressed in local ordinances and State regulations. Additional information is available at <https://www.deq.virginia.gov/water/stormwater>. Non-point source pollution resulting from this project should be minimized by using effective erosion and sediment control practices and structures. Consideration should also be given to using permeable paving for parking areas and walkways where appropriate, and denuded areas should be promptly revegetated following construction work. If the total land disturbance exceeds 10,000 square feet, an erosion and sediment control plan will be required. Some localities also require an E&S plan for disturbances less than 10,000 square feet. A stormwater management plan may also be required. For any land disturbing activities equal to one acre or more, you are required to apply for coverage under the VPDES General Permit for Discharges of Storm Water from Construction Activities. The Virginia Stormwater Management Permit Authority may

be DEQ or the locality. Specific questions regarding the Stormwater Management Program requirements should be directed to Gary Flory at DEQ-VRO (804-212-7018, Gary.Flory@deq.virginia.gov).

3. Other Site Development Considerations. Fugitive dust generated during construction should be controlled by using measures such as the prompt removal of spilled or tracked dirt or other materials from paved streets, limited application of water to suppress dust, and washing of construction vehicles and paved roadways immediately adjacent to construction sites. Do not use water for dust control to the extent that it results in runoff to surface waters or wetlands. Land clearing wastes (vegetative debris) generated during construction should be properly managed in accordance with applicable regulations and local ordinances. Shredding/chipping of vegetative debris and reuse on-site is usually recommended over open burning. Any open burning of vegetative debris must be performed in accordance with the Open Burning Regulation and coordinated with the local fire official to ensure that all local ordinances are met. A copy of DEQ's open burning regulation and related information are accessible from <https://www.deq.virginia.gov/permits-regulations/laws-regulations/air>. Also, no open burning should take place in violation of the Virginia Waste Management Regulations, <https://www.deq.virginia.gov/land-waste/solid-hazardous-waste>. Contact Keith Fowler at DEQ-VRO (540-217-7480, Keith.Fowler@deq.virginia.gov) for any questions related to the proper control of fugitive dust, or open burning requirements and prohibitions.

4. Potable Water. Installation of potable water lines and appurtenances must comply with the State's Waterworks Regulations. The Virginia Department of Health (VDH), <https://www.vdh.virginia.gov/drinking-water/>, administers both federal and state laws governing waterworks operation. For more information, contact the VDH's Lexington Office of Water Programs at (540) 463-7136.

5. Wastewaters. DEQ has approval authority over wastewater discharges per the State Water Control Law and corresponding regulations. This includes discharges or land application of any wastewaters generated from washing of materials, products, or vehicles, or other practices relevant to this project, including water contaminated by chemicals used on-site. DEQ also has approval authority over plans and specifications for sewage collection systems and treatment works (except drainfields and other on-site systems approved by the local health department), per the Sewage Collection and Treatment (SCAT) Regulations, <http://law.lis.virginia.gov/admincode/title9/agency25/chapter790/>. Any wastewaters generated by this project must be properly managed and disposed. For additional information and assistance, contact Brandon Kiracofe at DEQ-VRO (540-217-7479, Brandon.Kiracofe@deq.virginia.gov).

6. Air Quality. Installation / operation / modification / replacement of stationary or portable fuel burning equipment (e.g., generators, wood chippers/grinders, boilers, etc.) or other sources of air pollutants, including dust, may be subject to registration and/or air permitting requirements (<https://www.deq.virginia.gov/permits-regulations/permits/air>); for questions regarding this, please contact Janardan Pandey at DEQ-VRO (540-830-8833, Janardan.Pandey@deq.virginia.gov).

7. Petroleum Storage Tanks. Installation / operation / modification of tanks used for the storage of petroleum and CERCLA substances may be subject to registration and/or other regulatory requirements (<https://www.deq.virginia.gov/land-waste/petroleum-tanks>). If petroleum-contaminated soils or water are encountered during excavation work, or if old petroleum tanks need to be removed or replaced, contact DEQ. For questions regarding any of this, please contact Todd Pitsenberger at DEQ-VRO (540-830-8857, Todd.Pitsenberger@deq.virginia.gov).

8. Solid and Hazardous Wastes, and Hazardous Substances. DEQ administers the Virginia Waste Management Regulations, <http://law.lis.virginia.gov/admincode/title9/agency20/>. All solid wastes, hazardous wastes, and hazardous materials, including construction and demolition (C&D) wastes and universal wastes (batteries, fluorescent lights, refrigerants, mercury switches, mercury thermostats, etc.), must be managed in accordance with all applicable federal, state, and local environmental regulations. The generation of hazardous wastes should be minimized and solid wastes generated at the site should be reduced at the source, reused, or recycled. DEQ encourages the management of certain organic wastes by on-site composting or reuse as animal feed or soil amendment. Also, if you encounter any improperly disposed solid or hazardous wastes, or petroleum contaminated soils, you should contact DEQ-VRO. You may wish to refer to the web link for "What's in My Back Yard?", <https://geohub-vadeq.hub.arcgis.com/>, to help you determine areas where residual contamination may be more likely. Contact Graham Simmerman at DEQ-VRO (540-830-8786, Graham.Simmerman@deq.virginia.gov) for any questions related to waste management / disposal, including any questions related to open burning requirements and prohibitions. Manage / dispose of any asbestos-containing materials (ACMs) in accordance with Virginia Department of Labor and Industry (DOLI) regulations. Contact Doug Wiggins at DOLI (Richard.Wiggins@doli.virginia.gov, 540-562-3580, ext. 131) for any questions related to management / disposal of ACMs.

9. Pesticides and Herbicides. DEQ recommends that herbicides or pesticides for construction or landscape maintenance, when necessary, be used in accordance with the principles of integrated pest management, and that the least toxic pesticides that are effective in controlling the target species be used. Please contact the Department of

Agriculture and Consumer Services at (804) 786-3501 for more information. If applying aquatic pesticides to surface waters, the applicant must comply with the DEQ's Pesticide General Permit, <https://law.lis.virginia.gov/admincode/title9/agency25/chapter800/>.

10. Natural Heritage Resources. The Virginia Department of Conservation and Recreation (DCR) Division of Natural Heritage (DNH) can search its Biotics Data System for occurrences of natural heritage resources from the area indicated on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered animal and plant species, unique or exemplary natural communities, and significant geologic communities. We recommend that the DNH be contacted at (804) 786-7951 to secure updated information on natural heritage resources before commencing the project.

11. Wildlife Resources. The Virginia Department of Wildlife Resources (DWR) exercises enforcement and regulatory jurisdiction over wildlife and freshwater fish, including state or federally listed endangered or threatened species. DWR determines likely impacts on fish and wildlife resources and habitat, and recommends appropriate measures to avoid, reduce, or compensate for those impacts. For more information, see the DWR website at <https://dwr.virginia.gov/wies/contact-wies/> or contact Ray Fernald at (804) 367-8364.

12. Historic and Archaeological Resources. *Section 106 of the National Historic and Preservation Act of 1966*, as amended, requires that activities that receive federal funding must consider effects to properties that are listed or eligible for listing on the National Register of Historic Places. The Department of Historic Resources (DHR) conducts reviews of projects to determine their effect on historic structures or cultural resources. If applicable, contact DHR, <https://www.dhr.virginia.gov/environmental-review/>. In the event that archaeological resources are encountered during construction, immediately contact the appropriate staff from <https://www.dhr.virginia.gov/environmental-review/staff-directory/>.

13. Pollution Prevention. DEQ recommends that construction projects incorporate the principles of pollution prevention including the following recommendations:

- Consider environmental attributes when purchasing materials. For example, the extent of recycled material content and toxicity level should be considered.
- Consider contractors' commitment to the environment when choosing contractors. Also, specifications regarding raw material selection (alternative fuels and energy sources) and construction practices can be included in contract documents and requests for proposals.
- Choose sustainable practices and materials in infrastructure and construction and design. These could include asphalt and concrete containing recycled materials and integrated pest management in landscaping.
- Integrate pollution prevention techniques into maintenance and operation activities to include source reduction (fixing leaks, energy efficient products).

Pollution prevention measures are likely to reduce potential environmental impacts and reduce costs for material purchasing and waste disposal. DEQ's [Office of Pollution of Prevention](#) hosts a number of programs and initiatives that provide non-regulatory assistance to businesses, institutions, and communities including the Virginia Environmental Excellence Program and Virginia Green. For more information, please visit our web site at <https://www.deq.virginia.gov/get-involved/pollution-prevention>.

14. Energy Conservation. Any structures should be planned and designed to comply with state and federal guidelines and industry standards for energy conservation and efficiency. For example, energy efficiency of the structures can be enhanced by maximizing the use of the following:

- thermally-efficient building shell components (roof, wall, floor, and insulation);
- high efficiency heating, ventilation, air conditioning systems; and
- high efficiency lighting systems.

Matt Heller at the Department of Mines, Minerals and Energy, (434) 951-6351, may be contacted for assistance in meeting this challenge.

Emily Ciarrocchi

From: Warren County <noreply@warrencountyva.gov>
Sent: Sunday, August 21, 2022 2:53 PM
To: Emily Ciarrocchi
Subject: Warren County Government Website contact inquiry [Patty Sims]

A contact inquiry has been submitted via the employee contact form found at <https://warrencountyva.gov/> (Warren County Government Website) on 2022-08-21. Please view details below.

Sender Name: Patty Sims
Sender Email: psimms1225@comcast.net
Day Phone: 540-974-2237
Evening Phone: --N/A--
Contact Preference: Either

Comments:

I am writing in opposition to approval of conditional use permit for Cole and Danielle Haase for commercial recreation operation at 19959 Fort Valley Road. This is primarily a residential and farming area. Traffic , litter and accidents have increased hugely in recent years due to more residential building from route 55 all the way into the Valley. Road is narrow and feel this will only increase the amount of accidents , noise and litter. Think facility of this nature would be welcome on area, but not at this location. Thank you for your consideration.

73.177.129.182 - Generated by Work Force (c) on Sunday, 21 August 2022 14:52

Susan Poe
540-974-1484
Susanpoe@comcast.net

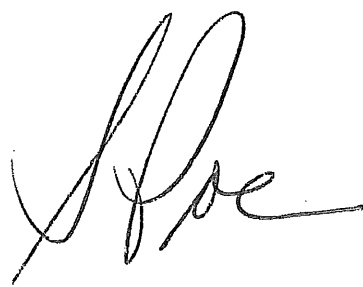
9/19/22

Warren County Board of Supervisors:

Cheryl Cullers, Delores Oates, Jerome Butler, Vicky Cook, and Walter Mabe

My name is Susan Poe and I own 19976 Fort Valley Rd., (white farm house) which is right across the street from the church (19959 Fort Valley Road). As a small business owner, I appreciate and support other small businesses, however this area is residential and farmland. By approving this conditional use permit, you will be spot zoning and dropping a commercial property right in our back yard. Even with conditions, this will open the door for more in the future. The hours of operation for this business would be evening hours and weekends when there are hikers, campers, and bicyclists heading into the National Forest, increasing traffic when schools are letting out and people are getting home from working all day.

Fort Valley Road, (the scenic route to the George Washington National Forest) is already overflowing with traffic, with accidents occurring often, and this will only add to it. The road is already considered narrow and unsafe. After talking with Vicky Cook, Fork District Supervisor, she was getting with the Warren County Sherriff's Office for an accident report on this road.

A handwritten signature in black ink, appearing to read 'S. Poe', with a large, stylized initial 'S' and a long horizontal flourish at the end.

Matt Wendling

From: Cole & Danielle <oncuesportsandbilliards@gmail.com>
Sent: Tuesday, September 6, 2022 9:27 AM
To: Matt Wendling
Cc: Vicky Cook; Veronica Diamond
Subject: Re: FW: Haase CUP and Text Amendment for Commercial Outdoor Recreation Operation

Good morning all,

Hope you had a great weekend and time off. Happy to answer any questions the board or neighbors have.

1. You should not be able to hear the batting cage noise from the outside of the building. The building is well insulated and therefore noise shouldn't be a problem while in use.
2. The batting cage outside will be the same as the indoor cages. approximately 14' wide by 55' long. We do not plan to have bleachers at this point.

Thanks
Cole & Danielle

On Tue, Sep 6, 2022 at 9:12 AM Matt Wendling <Mwendling@warrencountyva.gov> wrote:

Greetings Cole and Danielle,

Can you please answer these for us, I don't have this information in your application and statement of justification?

Thanks,

Matt

Matt Wendling, CFM

Planning Director

County Floodplain Manager

220 N. Commerce Ave., Ste. 400

Front Royal, VA 22630

540-636-3354

mwendling@warrencountyva.gov

Note Change in E-mail to .gov

From: Vicky Cook <vcook@warrencountyva.gov>

Sent: Sunday, August 28, 2022 5:44 PM

To: Matt Wendling <Mwendling@warrencountyva.gov>; Taryn Logan <Tlogan@warrencountyva.gov>

Subject: RE: Haase CUP and Text Amendment for Commercial Outdoor Recreation Operation

Hello Matt and Taryn,

Today, I visited my constituents on Fork Valley Road to get their opinions on the Commercial Outdoor Recreation facility. There were a couple of questions that I could not answer, and maybe you know the answers.

1. Will the indoor batting noise be heard from the outside?
2. How large and how many outside batting cages be? Will there be bleachers around the batting cages?

Thanks

V/R

Vicky L. Cook

Fork District Supervisor

Warren County, VA

703-626-9242

From: Matt Wendling <Mwendling@warrencountyva.gov>

Sent: Monday, August 8, 2022 1:45 PM

To: Cheryl Cullers <Ccullers@warrencountyva.gov>; Vicky Cook <vcook@warrencountyva.gov>; Walter Mabe <Wmabe@warrencountyva.gov>; Delores Oates <Doates@warrencountyva.gov>; Jerome Butler <jbutler@warrencountyva.gov>

Cc: Emily Ciarrocchi <ECiarrocchi@warrencountyva.gov>

Subject: Haase CUP and Text Amendment for Commercial Outdoor Recreation Operation

Matt Wendling

From: alwaysblessed06 <alwaysblessed06@earthlink.net>
Sent: Wednesday, July 13, 2022 4:24 PM
To: Matt Wendling
Subject: Tonight's meeting about property on Ft Valley Rd

Good Afternoon,

I am unable to make the meeting tonight . I live at 252 Messick Rd, Strasburg, VA. I am totally against the rezoning the Church property on Ft Valley Rd. I am the only property on this side of the road. My land joins the cemetary and the church. I enjoy my peace and quiet and do not think this is the area for what they are proposing .

Sincerely

Deborah Jones

252 Messick Rd

Strasburg, VA 22657

540-660-3069





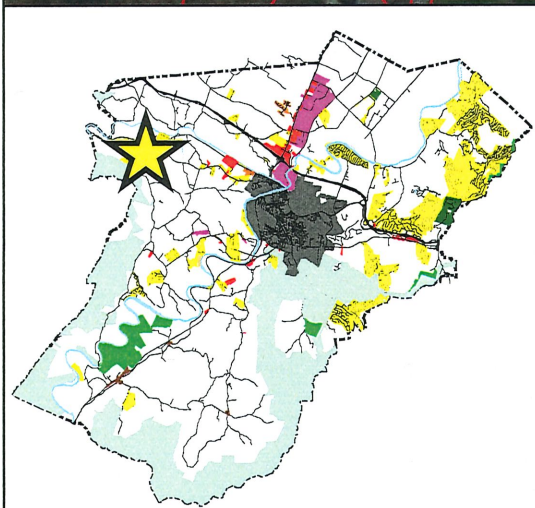
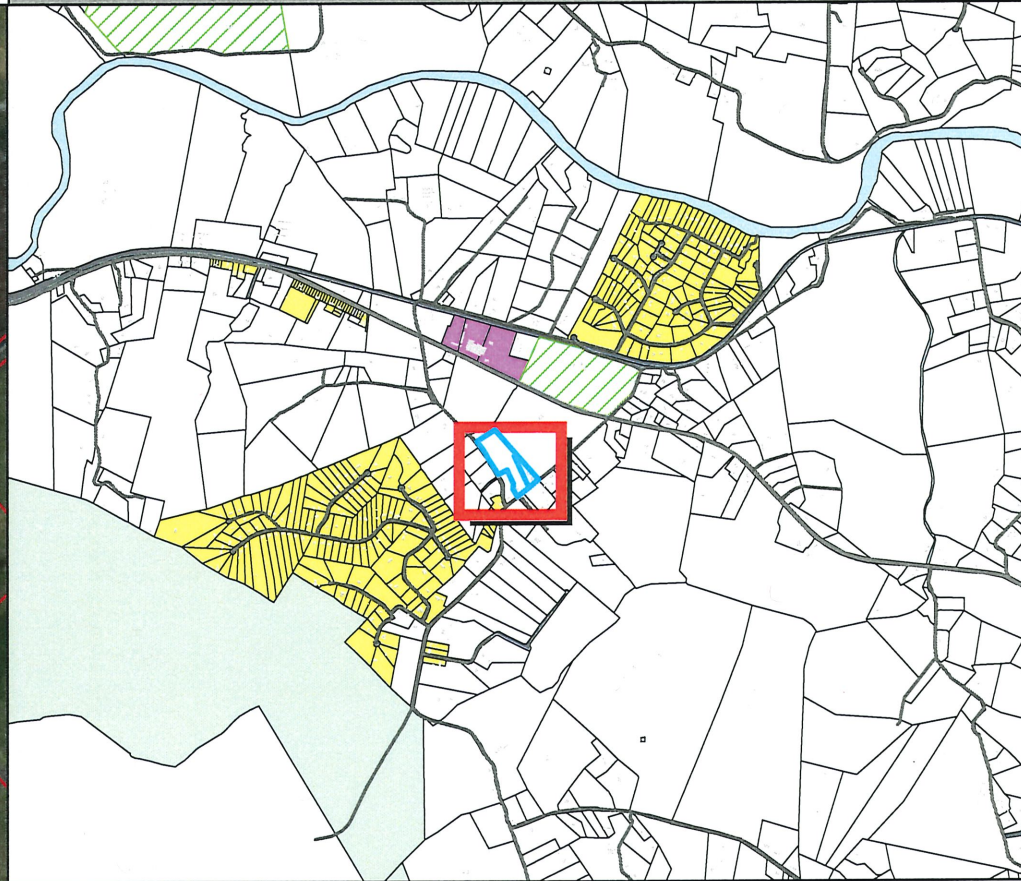
Warren County VA

CUP Location Map



Indoor/Outdoor Recreational Operation
Applicants: Cole & Danielle Haase

TM 10-----110 & 9-----36A2
19959 Fort Valley 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 09/27/2022	ITEM D	SUBJECT: Conditional Use Permit #2022-07-01 Michelle Moriarty <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, August 10, 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 applicant shall comply with all Warren County Health Department, 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 conditional permit for a four-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.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Michelle Moriarty 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 Michelle Moriarty for a Short-Term Tourist Rental.

SUBMITTED BY:

Chase Lenz,
Zoning Administrator

DISPOSITION OF BOARD:

☐ APPROVED ☐ OTHER (Describe)

**PROCESSED
BY:**



Conditional Use Permit: 2022-07-01 / Short-Term Tourist Rental

Michelle Moriarty, *Current Owner/Applicant*

Prepared: June 28, 2022 Revised: July 27, 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 recently purchased in April of 2022. The owner would like to help offset the costs of owning a second home by making the property available as a quiet refuge for short-term visitations for guests seeking to disconnect and surround themselves with the natural beauty of the Shenandoah Valley. The applicant will use a local property manager and local professional services for emergencies, maintenance, cleaning, garbage disposal, and guest screening/reservations.

PROPERTY INFORMATION

Property Location: 96 Cappy Road

Tax Map ID: 23C--2-2--29

Magisterial District: Happy Creek

Subdivision: Shenandoah Farms - Mountain View Section

City: Linden

Zoning: Residential-One (R-1)

Acres: 0.72 Acres

Existing Land Use: Single Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

North: Residential-One (R-1)

South: Residential-One (R-1)

East: Residential-One (R-1)

West: Residential-One (R-1)

Use: Vacant - Woodlands

Use: Vacant - Woodlands

Use: Single Family Dwelling

Use: Single Family Dwelling

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Residential-One zoning district. The dwelling was constructed in 2007 and 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 residential land uses. A short-term tourist rental is a use allowed by conditional use permit in the Residential-One zoning district and is compatible with the current Warren County Zoning Ordinance.

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. **The applicant was recently issued a Health Department conditional permit approving six (6) occupants and four (4) bedrooms for 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 rights-of-way and in yards. **There is sufficient parking for at least three 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. **Existing woodlands partially screen the dwelling on all sides.**
- 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 and reviewed by Planning staff prior to issuance of the Certificate of Zoning.**
- 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 received from the Property Owners of Shenandoah Farms stating they have no objections to this request.**
- 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. **The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 145' 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.*

1. The applicant shall comply with all Warren County Health Department, 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 conditional permit for a four-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.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

Cc: Michelle Moriarty – Owner/Applicant

96 Cappy Road Linden, VA 22642 – Short-Term Rental CUP Statement of Justification

Warren County Planning Commission,

I am requesting your recommendation of approval for a short-term rental conditional use permit (CUP) to rent my property at 96 Cappy Road Linden, VA 22642 (3 bedroom) to guests. I bought this home in March 2022, a month before I got married, with the intention of having this property as a second family home and a short term rental. I hope to use my single-family home part time with my family & friends and then rent it to help offset the costs of having a second home. My husband and I hope to begin having children soon and dream of having family trips out to the cabin and to teach our future kids to love & appreciate the area as we do.

I want to create a quiet and stress-free refuge for up to 6 guests who are searching for an opportunity to disconnect and be surrounded by the natural beauty of Shenandoah Valley, Front Royal, Linden, etc. I would like the rental to also be available to visitors who would like to attend the area's special events and community activities such as the Front Royal Wine & Craft Festival, Appaloosa Music Festival, and Christendom College events. I am working with local contacts to develop a notebook for visitors recommending places to eat, drink, hike, and shop (parks, wineries, restaurants, museums, caverns, etc).

The cabin has been decorated with a patriotic theme and is called "Liberty Chalet". My husband was in the U.S. Army for 15 years and a West Point graduate. We both love this country and our freedoms so the cabin is a tribute to that.

During the past two years of the pandemic my now husband and I went to Shenandoah and Front Royal 1-2 weekends per month, staying in the area overnight and for day trips. This area has been our place of refuge away from the crowded city. We have found peace and beauty here and wanted to become more than just visitors ourselves. Because of our jobs we cannot move here full time but being able to rent our property part time will allow us to continue to be home owners in this area.

Scott Truax will be working as my property manager and will be available for any emergencies. Scott is a local home inspector and has deep ties to the local community. He lives a 10-minute drive from 96 Cappy Road. I plan to hire local landscapers, contractors and cleaners to upkeep the property as well. I have already hired local TNT Construction to complete a significant amount of aesthetic work on the property to ensure it is in pristine condition (Log siding re-finishing, deck refinish, interior floor refinishing etc.). The advertising company we will use to advertise the cabin and make reservations will have strict guidelines for guests including but not limited to - no parties or events, quiet hours between 10pm to 7am, no smoking, and no unregistered guests. The property also has ADT monitoring to ensure the safety of the renters.

I have met with our neighbors and have already talked to them about their concerns. We have exchanged phone numbers and email addresses so that my neighbors can contact myself and/or Scott Truax if they have any issues to discuss.

Thank you for your consideration.

Michelle Moriarty

(571) 594-9256 Michelle.moriarty7@gmail.com

WARREN COUNTY CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-07-01
 Date Received: 5/23/2022
 Fee Amount: \$ 500.00
 Date Paid: 5/24/2022 Ch# 218

Applicant Information:

Michelle Moriarty
 Applicant Name

3820 Birchwood Rd. Falls Church VA 22041
 Address City State Zip

96 Cappy Rd. Linden, VA 22642
 Property Location for conditional use permit if Different than Applicant's Address

571-594-9256 michelle.moriarty7@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: 96 Cappy Rd. Linden, VA 22642
- (2) Election District: Shenandoah Election District 402
- (3) Tax Map Number: 23C 2 2 29
- (4) Subdivision Name: Shenandoah Farms, Mountain view, Section 2, Block 2, Lot 29
- (5) Total Area of Property (acres): .72 acres
- (6) Total Area to be Used (acres): .72 acres
- (7) Total Road Frontage (feet): 105'
- (8) Depth of Property (feet): 196'
- (9) Present Zoning: Residential

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: Short term rental
- (2) Current land use and condition of site: Private residence, site is in good condition
- (3) Zoning of surrounding land/property: Residential use
- (4) Will development be staged? ☐ Yes ☒ No
- (5) Construction Time: N/A - all structures are fully built
- (6) Season, days, and hours of operation: year round - winter weather permitting
- (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 - no there has been no prior application for a conditional use permit
- (9) Number of full time employees: N/A - no full time employees. Scott TNAX is the property manager.
- (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 people, 3 bedrooms
- (12) Number of parking spaces to be provided: Regular 3 Handicap _____
- (13) What is the proposed landscaping and buffering for this property? _____
Currently maintaining landscaping myself but Scott TNAX and I will hire a local landscaper once we are allowed to use the property for short term rentals.

C. Plans Prepared By

Name: Nichelle Moriarty

Address: 3820 Birchwood Rd. Falls Church, VA 22041

Telephone Number: 571-594-9256

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 - 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?) N/A - none

(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 - none

(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 - 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.) N/A - none.

(6) What will be the impact on traffic? N/A - 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. 48 Hampton Bay outdoor lights for the outdoor deck. The lights are string lights with S14 single filament LED bulbs. Watt equivalence is 3.

**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. - see explanation in email

☒ **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. - see explanation in email

☒ **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. - see explanation in email

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

Please see attached directions in the email

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.

Michele Morian
Applicant Signature

5/23/2022
Date

Michele Morian
Property Owner Signature

5/23/2022
Date

Accepted by: Chase Long

Date: 5/24/2022

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

Property Management Plan
96 Cappy Road Linden, VA 22642
Shenandoah Farms, Mountain View

In Case of Emergency

Owner: Michelle Moriarty 571-594-9256 michelle.moriarty7@gmail.com

Property Manager: Scott Truax 571-643-1656 STruax@usinspect.com

If there is an emergency, or there are questions in regards to the property, please contact Michelle or Scott listed above. If the emergency required immediate assistance place a call to 911. An example of the Host Contact Page is attached. Note, Michelle Moriarty is the principle owner located in Falls Church, VA and Scott Truax is the local property manager located in Front Royal, VA.

Warren County Sheriff's Department: 540-636-7100 or 911, 200 Skyline Vista Drive, Front Royal, VA 22630

Warren County Fire & Rescue: 540-636-3830 or 911, 200 Skyline Drive Front Royal, VA 22630

Neighboring Fire Department: Linden Volunteer Fire Department 540-636-3473, located at 4561 John Marshall Hwy, Linden, VA 22642

Warren Memorial Hospital: 540-636-0300 or 911, 1000 N. Shenandoah Ave, Front Royal, VA 22630

Electrical Outage: Rappahannock Electric Cooperative at 800-552-3904

Emergency Evacuation:

Head southeast on Cappy Rd toward High Top Rd

Turn left onto High Top Rd

Turn right onto Crossway Ln

Turn right onto High Top Rd

Turn right onto State Rte 638

Turn left onto VA-55 E to interstate 66

Occupancy: This Conditional Use Permit application is for a 4 bedroom, 6 person short term rental.

Noise: It shall be a violation of the Warren County Code for any person, without compelling reason, to make noise that by reason of its volume, pitch, duration or repetition, considering the time of day, is likely to disturb the rest of any person of ordinary sensibilities or interfere with such persons' lawful and peaceful enjoyment of property owned or rented by him. Quiet hours at this property are between 10pm-7am. There are to be no parties or events and no unregistered guests. *(A copy of Chapter 123 of the Warren County Code relative to noise is provided at the end of this PMP.)*

Parking: Parking is limited to 4 cars in the driveway.

Trash and Recycling: All trash and recycling shall be placed in containers provided by the owner in the shed in the parking area.

Check-In & Check-Out: An online platform will be used which prescreens all guests through 3rd party ID verification; hosts may further qualify guests with minimum age requirements, previous host feedback/reviews, limit the number of guests, and notice of House Rules which detail expected behavior and care of Property during a guest's occupancy; once a host accepts a reservation, guests are sent a greeting that includes host & property management's full contact detail, property address, and reiterates Host Rules. A second welcome message is sent just prior to the day of check in with the entrance door keypad combination (the last four digits of their cell phone number) and instructions and reiterates Host's Rules and instructs guests to review the Property Guide Book at Property (which includes the wifi information) immediately upon arrival. Property Guide Book includes Host Rules, emergency contact info, wifi information, area detail, Local business recommendations, neighborhood rules, and multiple local brochures and area maps.

Wifi/Phone/Etc.: Property has free internet for guests to access with speeds of X; Property Guide Book will provide log in information. Cell service is also available at the property.

Home Land Line Phone Number: (540) 551-3220

Specific Property Details:

Outside: In advance of bookings, Property shall cite all of the Specific Property Regulations identified below. This would be reiterated at actual time of booking and in Property Guide Book located on premises too.

Property Corners are clearly identifiable and I also own the property adjacent which is completely wooded (and property corners marked); on the other side, there are neighbors. All railings on the deck are to code; deck and all improvements are in good, well-maintained condition.

Inside: In advance of bookings, Property shall cite all of the Specific Property Regulations identified below. This would be reiterated at actual time of booking and in the Property Guide Book located on premise too.

House amenities would include a fully-stocked kitchen, beds with fresh linen service, a washer/dryer, and fully furnished dining room, living room, and two office spaces. HVAC, electric and all plumbing in good well-maintained condition. All windows are in working order and are sized according to code for emergency ingress/egress. House is equipped with smoke detectors, carbon monoxide alarm and two fire extinguishers.

Property inspections would be completed after every stay by the trained cleaning team; inspections include interior & exterior review of the Property for general upkeep and routine MEP maintenance as needed to keep the Property in excellent condition.

Area Attractions:

List area attractions and distance to location. Example provided below.

- Listing and Guide Book shall promote the Property being a short drive to Shenandoah National Park, Golf Courses, Canoe/Kayak/Tubing Companies, downtown shopping and restaurants, grocery stores, drug stores, etc.
- An example of Host's recommendations in the Guide Books, promoting local attractions, restaurants, wineries & breweries is attached.

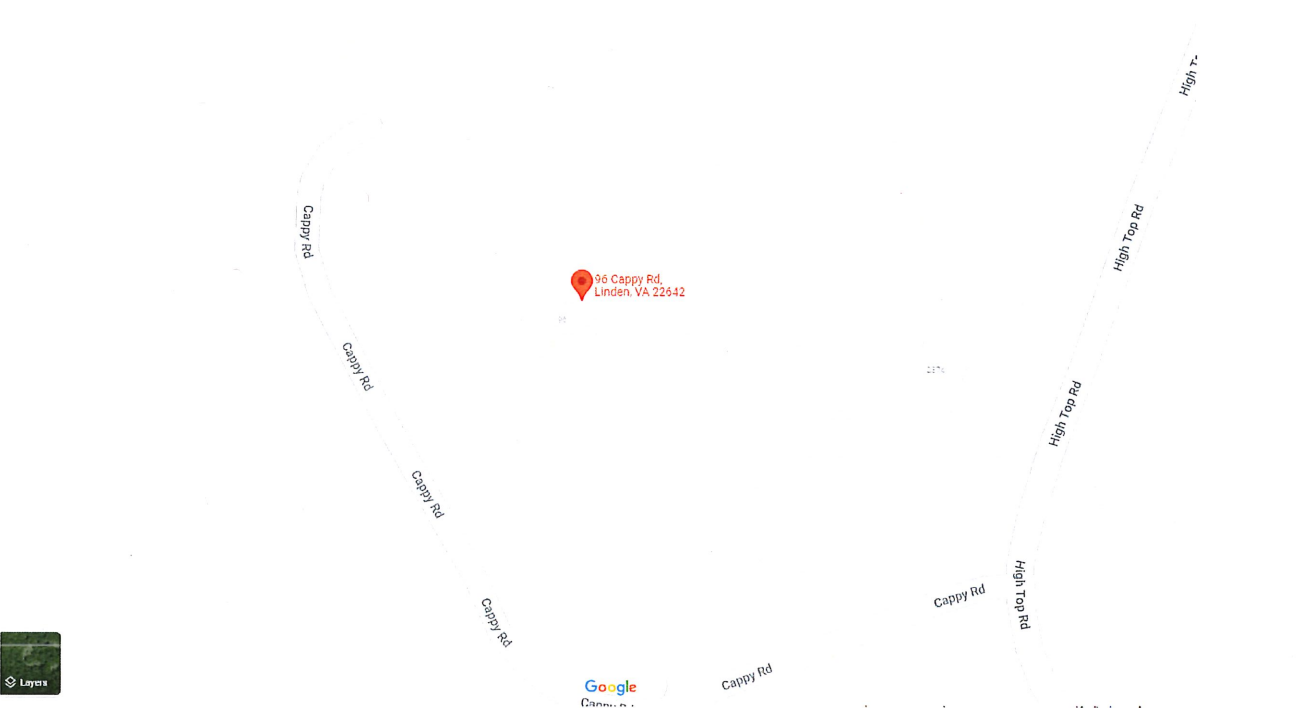
Specific Property Regulations

- No smoking indoors
- No firearms permitted
- No fireworks
- No outdoor fires or burning
- No Candles
- No unauthorized guests or pets
- Trash only in the designated area – shed in the parking lot with red metal roof
- No ATVs
- No loud or amplified music
- Parking in designated areas only

Attachments

- Property Map
- Host Guide Book

Property Map



Liberty Chalet

Welcome to Liberty Chalet! An A-frame log cabin near the top of Blue Mountain on 2 acres, styled with a patriotic touch. Only a 70-minute scenic drive from Washington DC and Northern VA, 20 minutes to Old Town Front Royal and the Entrance Station to Skyline Drive in Shenandoah National Park.

The cabin is at the end of a long gravel road and you can find parking down our driveway in the front of the house. Two levels of luxury meets rustic cabin charm, with a hot tub, a large two level deck, grill, cornhole & other games. Upstairs features the master bedroom with ensuite bathroom, an office area and a loft as a second office area. Each office area provides a monitor, desk & chair for ease of remote working. We offer fast wifi at over 200 Mbps, the mountain has spotty cell phone service. The main floor features vaulted ceilings and a wall of windows & French doors facing the backyard. It includes an open concept kitchen, dining room, living room, one full bathroom and two bedrooms. There is a gas grill, outdoor dining table, and rocking chairs. The deck and wooden logs on the outside of the house were refinished in July 2022.

The space

A vaulted ceiling on the main level, spacious & open concept kitchen, dining room and living room with a 65" Smart Roku television, and sound bar for entertainment. We have board games and puzzles to get you through a cold or rainy day. Wood floors and the pine walls/ceiling give this chalet a homey feel with mountain vibes. Wifi information is below:

Network: Liberty Chalet

Password: xxx

Guest access

Guests can drive in and enter using the code provided to them before check-in. Note: the road and driveway is steep and paved with gravel. 4WD or AWD vehicles are recommended but we have had guests in small 2-wheel-drive sedans without issue. If there is snow or if it is icy you may have issues.

Your front door access code: **xxxx**

You may arm the home with the ADT system with the same code, **xxxx**. Please ensure the system is disarmed before opening any doors or windows so that the alarm does not go off.

Dogs (no more than 2) and children under 2 years old are allowed, but no cats. The cabin does not have toddler safety measures such as locks on low cabinets, but there are two baby gates at the property. Smoking is allowed outdoors only. No one else lives on the property.

VERY IMPORTANT: no parties, no additional guests beyond the (up to) 6 guests booked officially through Airbnb. One outdoor security camera on the doorbell shows who is coming and going, but for your privacy, ONLY the driveway and front door are seen. I will know if more than 6 people are on the property and will report to Airbnb. (Sorry, I have to be very upfront with this because my license with the county states all these terms.)

The cabin is on a septic system (welcome to mountain living!), please ensure nothing other than toilet paper is flushed down the toilets.

The kitchen sink does not have a garbage disposal so please do not put anything solid down the sink.

Other things to note

Liberty Chalet provides a fully equipped kitchen and washer/dryer.

Liberty Chalet is perfect for:

- a) a romantic getaway!
- b) an outdoor & nature enthusiasts exciting getaway!
- c) a unique & generous birthday gift!
- d) a remote working sanctuary!
- e) a quiet place for personal reflection
- f) a culinary couples home base after checking out the local wineries, breweries, fantastic distilleries, & restaurants!
- g) a family or couples gathering spot!

Liberty Chalet is NOT suitable for:

- a) smokers (inside)
- b) parties
- e) guests afraid of encountering bugs during their stay. Liberty Chalet is treated for pest and insect control however given this property is located on a mountain, in nature, the occasional bug or spider may be unavoidable and advise guests to adjust their expectations accordingly to their environment. Bring bug spray (or use ours if provided) and don't let these little critters scare you away from an unforgettable vacation! We also provide two dust busters if you prefer to suck up any little critters you may encounter.

As a reminder, check in is at 3:00PM & check out is 11:00AM. Our cleaning team set these times to ensure each property is properly sanitized, stocked and cleaned between each reservation. Please

contact your host with your planned arrival time & if you have any special check in needs. I will always try to accommodate guests whenever possible!

During winter weather, guests are provided shovels and assistance whenever possible for help keeping steps, deck and drive clear.

(Note, given booking in the winter months has foreseeable seasonal weather and natural conditions like winter storms, the Airbnb cancellation policy will stay in effect without exception, therefore guests do book with a known risk of inclement weather.)

Things to Do

Before turning onto Freezland Road to go up Blue Mountain, stop by The Giving Tree; a farmer's market with seasonal produce, gourmet groceries, wine, pasture raised meats, fresh eggs, local honey & jam.

The famous Apple House is just minutes away - their Apple Cider donuts are known nationally; their barbecue is great too! Behind Apple House is C&C Treats where they serve amazing ice cream, especially their soft serve.

Here are some of our favorite things to do when we're not just enjoying the hot tub, grilling and lounging on the deck:

WINERIES AND VINEYARDS

Liberty Chalet is located down the road (5 minute drive) from Fox Meadow Winery which is nestled on 50 acres of beautiful property overlooking an amazing view of the Blue Ridge Mountains. The surrounding area is full of wineries peppered between gorgeous estate manors. Blue Valley is one of our favorites, with excellent wine and gorgeous grounds and views. Delaplane is a pretty location too, and for the fancy wine tasting experience in an architecturally stunning setting, check out rdV Winery (reservation needed). Our favorite wine is probably the Cabernet Franc at Chester Gap Cellars, which also has one of the most stunning views too, and that is just about 25 minutes from the house.

Check out the Shenandoah Spirits Trail at www.shenandoahspiritstrail.com

HIKING SHENANDOAH NATIONAL PARK & DRIVING SKYLINE DRIVE:

Shenandoah National Park provides a respite from the hustle and bustle of Beltway life. Skyline Drive's overlooks make the Shenandoah National Park arguably one of the best drives in the eastern U.S. Especially to see the amazing fall foliage. The road and the park begin in Front Royal, a 20 minute drive from Liberty Chalet. Along Skyline Drive's scenic roadway are 75 overlooks. Shenandoah National Park has over 500 miles of trails, ranging from the completely flat, anyone-can-do-it (Lumberlost Trail), to the more strenuous (Old Rag). The Appalachian Trail runs for 101 miles in the park, crisscrossing Skyline Drive. You will find several Shenandoah National Park Guides on the bookshelf at the cabin.

HIKING SKY MEADOWS STATE PARK:

Just around the corner, about a 25 drive from the minute house is Sky Meadows State Park, with several trails and great views there.

CANOEING/KAYAKING/TUBING THE SHENANDOAH: They call Front Royal the Canoe Capital of America, but it is fantastic for kayaking and lazy river tubing too! There are two great companies nearby that offer self-guided canoe, kayak, raft and tube trips on the Shenandoah River.

Front Royal Outdoors <https://frontroyaloutdoors.com/> +18002708808

Shenandoah River Outfitters <https://shenandoah-river.com/> +15407434159

DINING AT A HISTORIC INN:

The Ashby Inn is next to Sky Meadows, in Paris, VA. It dates back to the Revolutionary War and has food that is to die for (reservations needed).

EXPLORING HISTORIC TOWNS:

Just around the other corner is Millwood, a lovely town with a fantastic market (Locke Market), beautiful restaurant (the Buttery), both across from an old Mill with picnic area and a waterfall. 20 minutes down the other direction is Upperville, with the Hunter's Head Tavern, with great food and great prices too! Just past Upperville is Middleburg, a super quaint town with its own distillery, plus markets, ice cream shops and even a tasting room nearby (Boxwood).

PICK YOUR OWN FRUIT

Hartland Orchard <https://www.hartlandorchard.com/default3.php>

It is always a good idea to call before you visit for daily changes in crop availability. 540.364.2316

Cherries Late June - ended

Blueberries late June to July

Peaches July, August

Apples September, October

CAVERNS

Skyline Caverns (24 minutes away) and Luray Caverns (50 minutes away) offer educational and exciting daily tours. Luray Caverns is the largest caverns in the eastern United States.

<https://skylinecaverns.com/>

<https://luraycaverns.com/>

HISTORY

Battle of Front Royal Driving Tour is another option for history buffs! Drive along and follow the progression of the battle where General Nathaniel Banks sent 1,000 men to Colonel John R. Kenly to guard the railroads of Front Royal.

<https://www.frontroyalva.com/DocumentCenter/View/153/The-Battle-of-Front-Royal-Driving-Tour-PDF>

There are ten stops along the way, starting at the Front Royal Visitors Center and ending at Fairview, about five miles away.

Warren County, VA Chapter 123 – Noise

§ 123-1

Definitions.

For purposes of this chapter, unless otherwise required by the context, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A-WEIGHTED SOUND PRESSURE LEVEL

The sound pressure level as measured on a sound level meter using the A-weighted scale and programmed to slow response. The level so read shall be designated dB(A) or dBA.

dBA

The sound pressure level as measured on a sound meter set to slow response and to the A-weighted scale to approximate the frequency response of the human auditory system.

DEVICE

Any mechanism which is intended to produce or which actually produces noise when operated or handled.

LAV (dBA)

The average A-weighted sound pressure level measured over a reasonable period not less than five minutes.

NOISE

Any sound which may cause or tend to cause an adverse psychological or physiological effect on human beings.

NOISE SOURCE

Any equipment, motor vehicle, motorcycle or facility, fixed or movable, capable of emitting sound beyond the property boundary of the property on which the equipment is used, but not including motor vehicles or motorcycles operated on public rights-of-way.

SOUND

A temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.

SOUND LEVEL METER

An instrument to measure sound pressure levels which shall meet or exceed performance standards for a Type 2 meter as specified by the American National Standards Institute.

SOUND PRESSURE

The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space.

§ 123-2

Prohibited noise generally.

A.

It shall be a violation of this chapter for any person, without compelling reason, to make noise that by reason of its volume, pitch, duration or repetition, considering the time of day, is likely to disturb the rest of any person of ordinary sensibilities or interfere with such person's lawful and peaceful enjoyment of property owned or rented by him.

B.

No person shall be charged with a violation of this section unless that person has received verbal, electronic or written notice from any law enforcement officer of Warren County that he is violating or has violated the provisions of this chapter and had an opportunity to abate the noise disturbance.

§ 123-3

Specific acts as noise disturbances.

The following acts, among others, are declared to be noise disturbances in violation of this chapter, but said enumeration shall not be deemed to be exclusive, namely:

A.

Blowing horns: to sound any horn or signal device in any other manner or circumstances or for any other purpose than required by the laws of the state.

B.

Racing engine: to race the engine of any motor or all-terrain or motorcycle vehicle while such vehicle is not in motion, except when necessary to do so in the course of repairing, adjusting or testing the same, between the hours of 10:00 p.m. and 7:00 a.m.

C.

Use of vehicle: operating any motor vehicle, including any all-terrain vehicle or motorcycle or engine, stationary or moving instrument, whether on public or private property, not meeting the standards of Title 46.2 of the Code of Virginia pertaining to mufflers and exhaust systems.

D.

It shall be unlawful for any person to use any device for the production or reproduction of sound which is cast upon public streets or lands for the purpose of commercial advertising.

E.

Radios, phonographs, etc. The using or operating of, or permitting to be placed, used or operated, whether in a building, structure, motor vehicle or otherwise, any radio receiving set, musical instrument,

phonograph or other machine or device for the producing or reproducing of sound in such a manner as to be plainly audible at a distance of the greater of either the property line of the property on which such set, etc., is being operated or used or 50 feet from said set, instrument, phonograph, machine or device, if not located in a building, structure or vehicle or 50 feet from the building, structure or vehicle in which it is located or through partitions common to two persons within a building shall be a violation of this chapter.

F.

Exhaust noises: the discharge into the open air of the exhaust of any steam engine, stationary or moving, or internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises therefrom. For purposes of this section, "muffler" is defined as an apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while effectively reducing sound emanating from such apparatus to a reasonable level.

G.

Construction or repairing of buildings: the erection, including excavating, demolition, alteration or repair, of any building or structure between the hours of 10:00 p.m. and 6:00 a.m., except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Official, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues.

[Amended 4-17-2012]

H.

Pets: allowing an animal to create howling, barking, whining, meowing, squawking or other such noises which are plainly audible across a property boundary or through partitions common to two residences within a building and that take place continuously or repeatedly during a period of at least 15 minutes in duration between 7:00 a.m. and 10:00 p.m. or during a period of at least 10 minutes in duration between 10:00 p.m. and 7:00 a.m.; provided, however, that animal noises on property subject to a conditional use permit for a kennel shall be governed exclusively by § 180-49 of the Warren County Code.

[Amended 12-20-2011]

§ 123-4

Maximum permissible sound pressure levels from noise sources.

It shall be unlawful for any person to operate, or permit to be operated, any noise source in such a manner that the noise source emits a sound pressure level which exceeds the limits set forth below when measured on property other than that on which the noise source is located. The category of applicable sound pressure limits shall be determined by the zoning district classification of the property on which the noise is measured, not the property on which the noise is produced.

Land Use Designation Where Noise is Measured

Maximum LAV (dBA) 7:00 a.m.– 10:00 p.m.

Maximum LAV (dBA) 10:00 p.m. – 7:00 a.m.

Agricultural and Residential

62

57

Commercial

67

62

Industrial

77

77

§ 123-5

Exemptions.

A.

Bona fide agricultural activities, practices, tilling, orcharding, raising of livestock or poultry and farming, including but not limited to bona fide agricultural exhibitions and fairs open to the general public whether for an admission fee or otherwise, and the operation of equipment, machinery, tools, devices or apparatus in connection with such activities, practices, etc., are hereby expressly exempted from the provisions of this chapter.

B.

The provisions of this chapter shall not apply to activities or uses permitted under the provisions of issued conditional use permits in force and effect where the noises and sounds generated by such activities or uses are addressed and controlled by the provisions of said conditional use permits. Before any conditional use permit shall be issued concerning a use or activity creating or causing such a noise or noises as would cause such use or activity to be in violation of this chapter were it not for the provisions of said permit, the Board of Supervisors shall make a determination that the potential danger or disturbance to the community is outweighed by the benefit to the public interest by permitting such use or activity.

C.

The provisions of this chapter shall not apply to activities or uses conducted within the corporate limits of the Town of Front Royal.

D.

The provisions of this chapter shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

E.

The provisions of this chapter shall not apply to noise caused by or arising out of activities related to repair, maintenance, replacement or alteration of public utility systems, public drainage systems, or street or highways, and appurtenances thereto, where such activity is reasonably necessary to further a public safety interest and/or to minimize disruption in the provision of public services.

F.

The provisions of this chapter shall not apply to noise, between the hours of 6:00 a.m. and 10:00 p.m., emitted from activities related to the construction, repair, maintenance, remodeling or demolition, grading or other improvement of real property, which noise is customarily emitted from such activities.

[Added 4-17-2012[1]]

[1]

Editor's Note: This ordinance also redesignated former Subsection F as Subsection G.

G.

The provisions of this chapter shall not apply to the following matters during the daytime (7:00 a.m. to 10:00 p.m.):

[Amended 4-17-2012]

(1)

Noise emitted from gardening, lawn care, tree maintenance or removal and other landscaping, which noise is customarily emitted from such activities.

(2)

Noise emitted by an activity at a school, church or park, which activity has been conducted with permission of the persons lawfully in charge of such school, church or park, which noise is customarily emitted from such activity.

§ 123-6

Administration and enforcement.

A.

The Sheriff of Warren County or his deputies or other duly empowered law enforcement officers, including the Animal Warden where the alleged violation of this chapter is due to noise generated by an animal, shall administer and enforce this chapter with all the rights and authority provided for in this chapter. Any said officers shall have the authority to make any necessary inspection, with the consent of the owner, occupant, operator or agent, to enforce any provisions of this chapter, whenever any such

officer has reasonable cause to believe that there is a violation of this section. If any owner, occupant, operator or agent fails to allow or refuses free access and entry to the premises where a noise source is located, or any part thereof, with respect to which an inspection authorized by this chapter is sought to be made, any such officer or the County Administrator or his duly authorized agent may, upon a showing of probable cause to believe a violation of this chapter is being or has been committed, secure a search warrant or petition and obtain from a court of competent jurisdiction an order authorizing such inspection.

B.

Responsible person. The person operating or controlling a noise source shall be guilty of any violation caused by that source. If that cannot be determined, any owner, tenant, resident or manager physically present on the property where the violation is occurring is rebuttably presumed to be operating or controlling the noise source.

C.

Abatement of violation: If the violation is uncorrected at the time of a finding of liability on a civil summons or conviction on a criminal summons, the court shall order the violator to abate or remedy the violation in compliance with this chapter. Failure to remove or abate a violation within the specified time period shall constitute a separate Class 3 misdemeanor, and such failure during any succeeding ten-day period shall constitute a separate Class 3 misdemeanor offense for each ten-day period.

D.

Injunctive relief. In addition to and not in lieu of the penalties prescribed in this section, the County may apply to the Circuit Court for an injunction against the continuing violation of any of the provisions of this chapter and may seek any other remedy or relief authorized by law.

§ 123-7

Violations and penalties.

A.

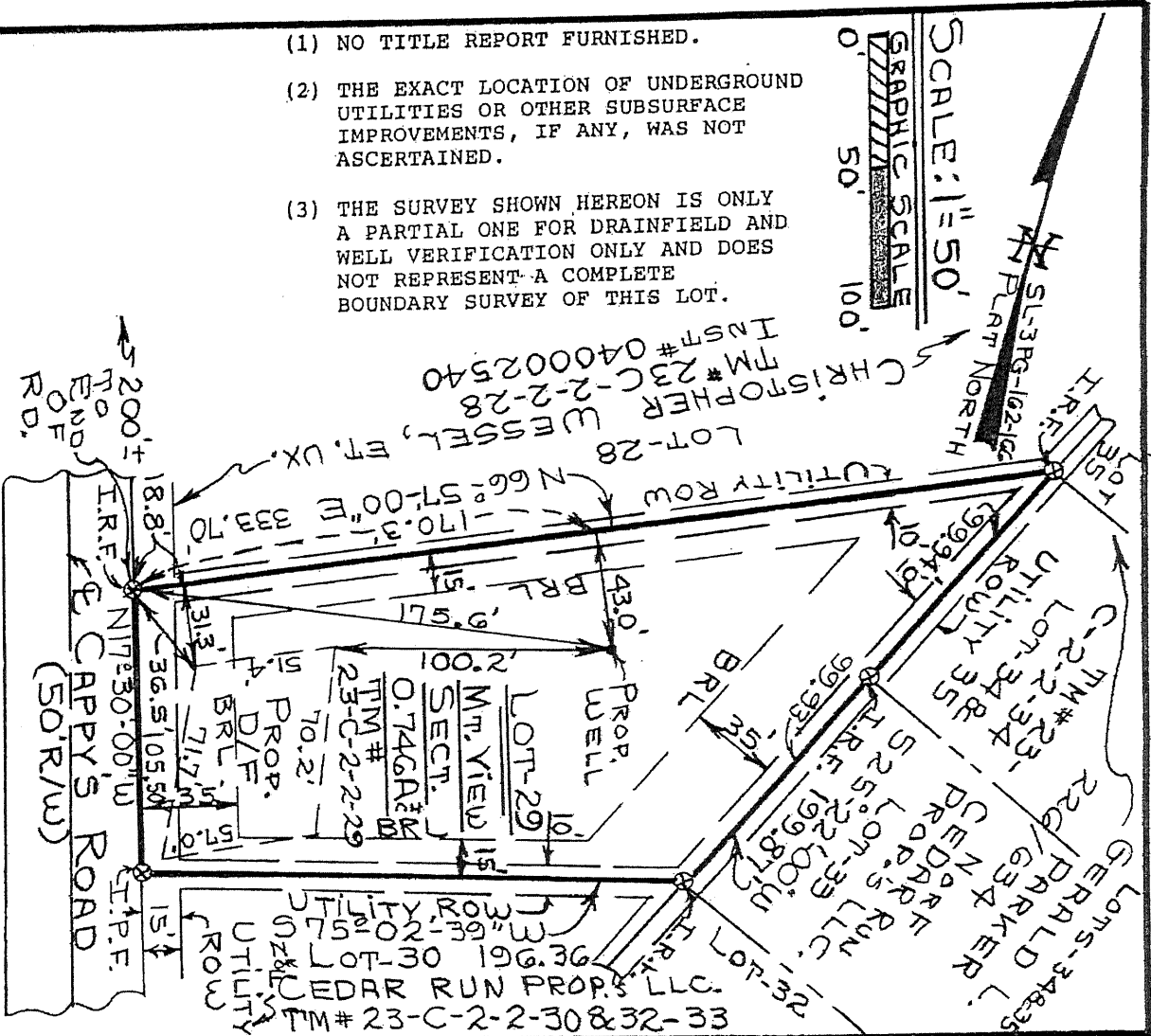
Civil penalties. The provisions of this chapter may be enforced by the law enforcement officers designated in § 123-6 through the issuance of civil summonses assessing civil penalties which shall not exceed \$250 for each first offense and \$500 for each subsequent offense, each day of violation constituting a separate offense; provided, however, that civil penalties shall not be assessed in connection with business being performed on industrial property or the operation of railroads.

B.

Criminal penalties. The provisions of this chapter may be enforced by the law enforcement officers designated in § 123-6 through the issuance of criminal summonses; provided that no officer shall seek both a civil and a criminal summons for any violation of this chapter. Any person found guilty of violating any provision of this chapter shall be convicted of a Class 3 misdemeanor with a fine up to \$500.w2

SCALE: 1"=50'
GRAPHIC SCALE
0' 50' 100'

- (1) NO TITLE REPORT FURNISHED.
- (2) THE EXACT LOCATION OF UNDERGROUND UTILITIES OR OTHER SUBSURFACE IMPROVEMENTS, IF ANY, WAS NOT ASCERTAINED.
- (3) THE SURVEY SHOWN HEREON IS ONLY A PARTIAL ONE FOR DRAINFIELD AND WELL VERIFICATION ONLY AND DOES NOT REPRESENT A COMPLETE BOUNDARY SURVEY OF THIS LOT.



J.O.-2024

Prepared by
CARL J. RINKER AND ASSOC.
LAND SURVEYORS & LAND PLANNERS
LAWYERS ROW
WOODSTOCK, VA. 22664
PH 540459-4715

PLAT SHOWING
PROP. D/F & WELL LOC. ON
LOT-29, PART-2, MT. VIEW
SECT., SHEN. FARMS SUBD.
CEDARVILLE MAG. DIST.,
WARREN CO., VA.
EYAL Y. & HANNA KUTNER
SLIDE-3 PG-162-166 PLAT
INST. # 060002853

Directions from 96 Cappy Rd. to the Warren County Government Center from Google Maps

← from 96 Cappy Rd, Linden, VA 22642
to WARREN CO GOVERNMENT CENTER, 220 N Co...

23 min (12.1 miles)



via State Rte 647

Fastest route now due to traffic conditions

96 Cappy Rd
Linden, VA 22642

- Take State Rte 638 to VA-55 W in Linden
9 min (4.0 mi)
- Turn right onto VA-55 W
2 min (1.5 mi)
- Turn right onto State Rte 647
5 min (3.1 mi)
- Continue on Happy Creek Rd to Front Royal
7 min (3.5 mi)
- Continue on E 3rd St to your destination
34 s (348 ft)

WARREN CO GOVERNMENT CENTER
220 N Commerce Ave, Front Royal, VA 22630

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

List of chemicals stored on site at 96 Cappy Rd

1. Seventh Generation – Disinfecting Multi-surface cleaner
2. Windex
3. Fabuloso Multi Purpose Cleaner
4. Seventh Generation – Dish liquid
5. Tide Pods
6. Sherwin Williams Interior Paint
7. Miniwax – Polyurethane
8. Miniwax – Wood Finish
9. Zinsser – Primer
10. Behr – Primer
11. Valspar Duramax Exterior Paint and Primer

Sewage Disposal System Conditional Construction Permit

September 21, 2022

Sewage Disposal System Conditional Construction Permit

Michelle Moriarty
3820 Birchwood Rd
Falls Church, VA 22041

Subject: Permit ID: 187-STC-36097/187-22-0349
Tax Map Number/GPIN: 23C-2-2-29
Subdivision: Shenandoah Farms Section: MV 2 Block: Lot: 29
96 Cappy Rd Linden, VA 22642

Dear Michelle Moriarty:

The attached drawings, specifications, and calculations constitute your permit to install a sewage disposal system and well (if applicable) on the property referenced above. The attached schematic shows the approved area for the sewage disposal system. If modifications or revisions are necessary between now and when you construct your dwelling, please contact the Warren County H.D..

In addition, your permit has the following conditions in accordance with the Code of Virginia, Title 32.1 and 32.1-164.1. Article I, Board of Health, Commonwealth of Virginia, Sewage Handling and Disposal Regulations, and current agency policy:

Sewage Conditions: Limited Occupancy
Four (4) Bedrooms
Six (6) Occupants
450 gallons per day maximum design

This letter shall become and is a part of the sewage disposal system permit issued for the above referenced location. Due to the conditional nature of this system, this permit shall not become valid until the following items are completed:

1. The permit shall be recorded in the Grantor Index of the land records of the Circuit Court of the County of WARREN.
2. The owner or his agent shall furnish to the Warren County H.D. certification by the Clerk of the Circuit Court of the Deed Book Number and Page Number upon which the permit and all provisions have been recorded. The Deed Book Number and Page Number must be placed on all copies of the permit prior to giving validation to the building officials for issuance of a building permit

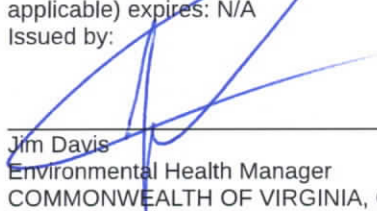
In accordance with the Sewage Handling and Disposal Regulations, you have the right of appeal to obtain a modification or elimination of the conditions set herein. A written request to review the conditions must be submitted to the Health Director of Frederick/Winchester H.D., 10 Baker Street Winchester, VA 22601.

This Construction Permit is null and void if conditions are changed from those shown on your application or if conditions are changed from those shown on the Site and Soil Evaluation Report and the attached construction drawings, specifications, and calculations. VDH may revoke or modify any permit if, at a later date, it finds that the site and soil conditions and/or design do not substantially comply with the Sewage Handling and Disposal Regulations, 12 VAC 5-610-20 et seq., or if the system would threaten public health or the environment. This permit approval has been issued in accordance with applicable regulations based on the information and materials provided at the time of application. There may be other local, state, or federal laws or regulations that apply to the proposed construction of this onsite sewage system or well (if applicable). The owner is responsible at all times for complying with all applicable local, state, and federal laws and regulations.

This construction permit is transferable until expired or deemed null and void. A permit transfer form may be found on the VDH website at <http://www.vdh.virginia.gov/environmental-health/gmp-2015-01-forms/>.

If you have any questions, please contact me. This authorization to construct a sewage disposal system and well (if applicable) expires: N/A

Issued by:



Jim Davis

Environmental Health Manager

COMMONWEALTH OF VIRGINIA, COUNTY/CITY OF _____, to wit:

Subscribed and acknowledged before me this ____ day of _____, 2022.

NOTARY PUBLIC for the
COMMONWEALTH OF VIRGINIA AT LARGE
Registration #: _____

My Commission expires _____

As owner/legal representative of the property included in this permit, I have reviewed and accept all provisions in the conditional sewage disposal system permit.

Michelle Moriarty

Date

COMMONWEALTH OF VIRGINIA, COUNTY/CITY OF _____, to wit:

Subscribed and acknowledged before me this ____ day of _____, 2022.

NOTARY PUBLIC for the
COMMONWEALTH OF VIRGINIA AT LARGE

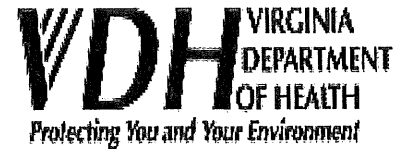
Registration #: _____

My Commission expires _____

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



June 30, 2022

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

RECEIVED
JUL 05 2022

BY:

RE: Request for Comments (2022-07-01)
Owner: Michelle Moriarty

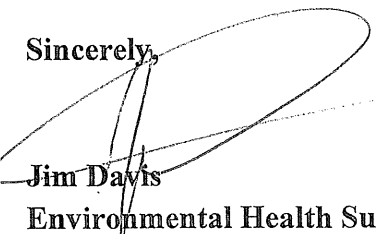
Dear Mr. Wendling,

I have reviewed your request for comments for a CUP for a Short-Term Rental at 96 Cappy Rd. Linden, VA (Tax Map# 23C-2-2-29) and I offer the following comments:

1. There is a Construction Permit and ROI on file for the referenced property (Lot 617) dated 11/15/1966 & 5/02/1967 respectively.
2. The dwelling is connected to an approved Alternative Onsite Sewage System (AOSS). The AOSS is designed to accommodate Three (3) Bedrooms, Six (6) Occupants and a daily flow of 450 gallons.
3. The owner should be aware that AOSS's require annual maintenance and monitoring by a licensed operator.
4. The dwelling is connected to a Class IIIB private well. A water sample should be collected and analyzed by a state approved laboratory at least annually for the presence/absence of coliform bacteria.
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: Thursday, June 9, 2022 3:41 PM
To: Chase Lenz
Cc: Veronica Diamond; Paula Fristoe
Subject: Request for Comments 2022-07-01 – Michelle Moriarty – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000194-2022

Comments 2022-07-01 – Michelle Moriarty – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000194-2022:

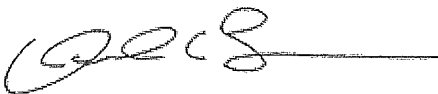
NOTE: No recent permits have been obtained for this property. The only permits issued were from the original construction in 2006 and those were completed.

- 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.

*****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 Office

David C. Beahm, CBO
Building Official

220 North Commerce Ave
Suite
Front Royal, VA 22635

dbeahm@warrencountyva.gov

www.warrencountyva.gov

540/636-9700
FAX 540/636-4100

Veronica Diamond

From: P.O.S.F BUSINESS <shenandoahfarms@comcast.net>
Sent: Thursday, June 23, 2022 11:42 AM
To: Veronica Diamond; Walker, Ashley; jim.davis@vdh.virginia.gov; Smith, Gregory
Subject: Re: Request for Comments-Michelle Moriarty-CUP 2022-07-01

POSF Inc has no objections to this application.

Respectfully,

Property Owners of Shenandoah Farms

6401 Howellsville Road

Front Royal, VA 22630

(540) 837-2068

On 06/23/2022 9:51 AM Veronica Diamond <vdiamond@warrencountyva.gov> wrote:

Good morning,

Please see attached documents attached for Michelle Moriarty.

CUP2022-07-01

WCCUP-000194-2022

Thank you,

Veronica Diamond

Office Manager



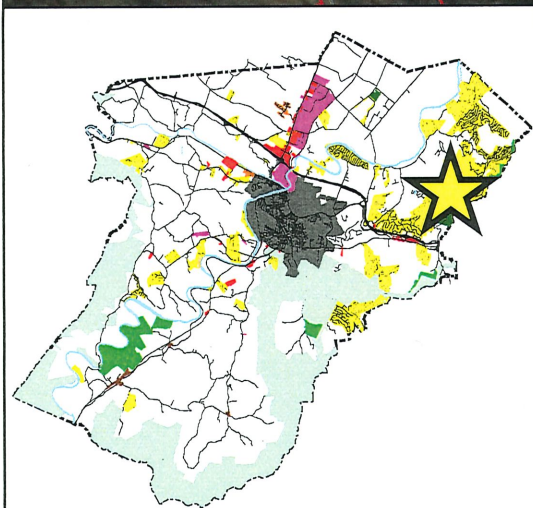
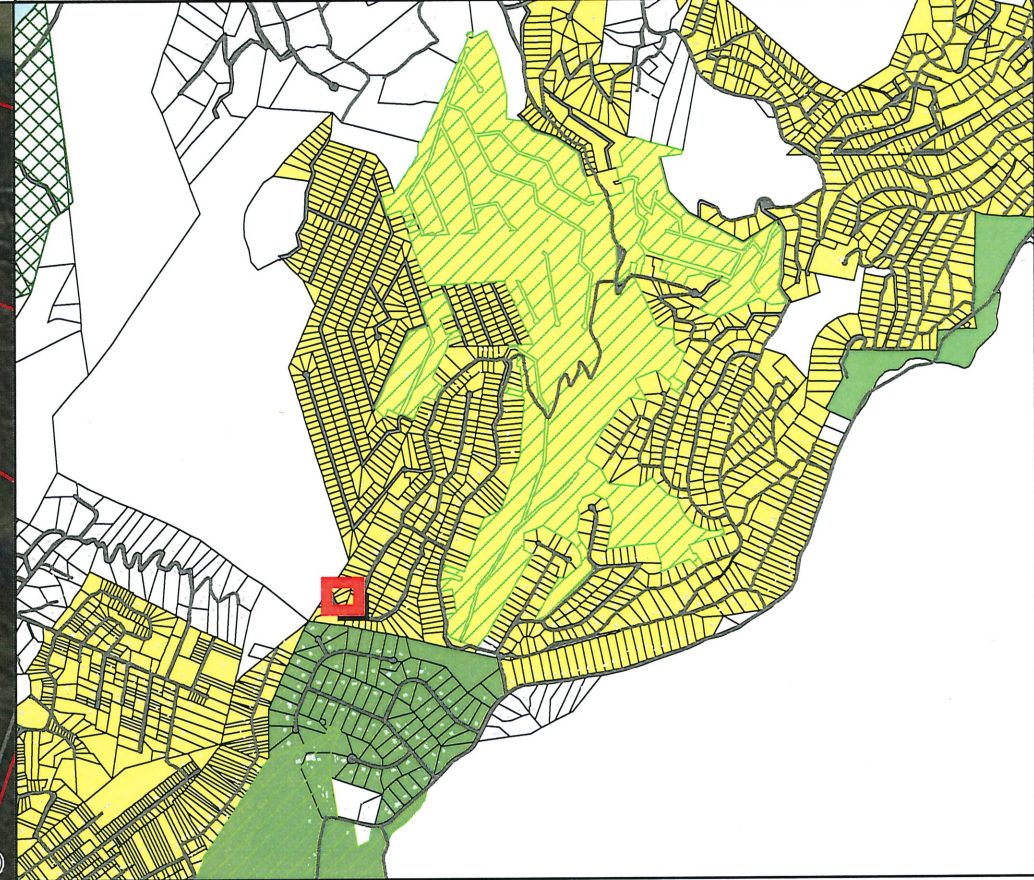
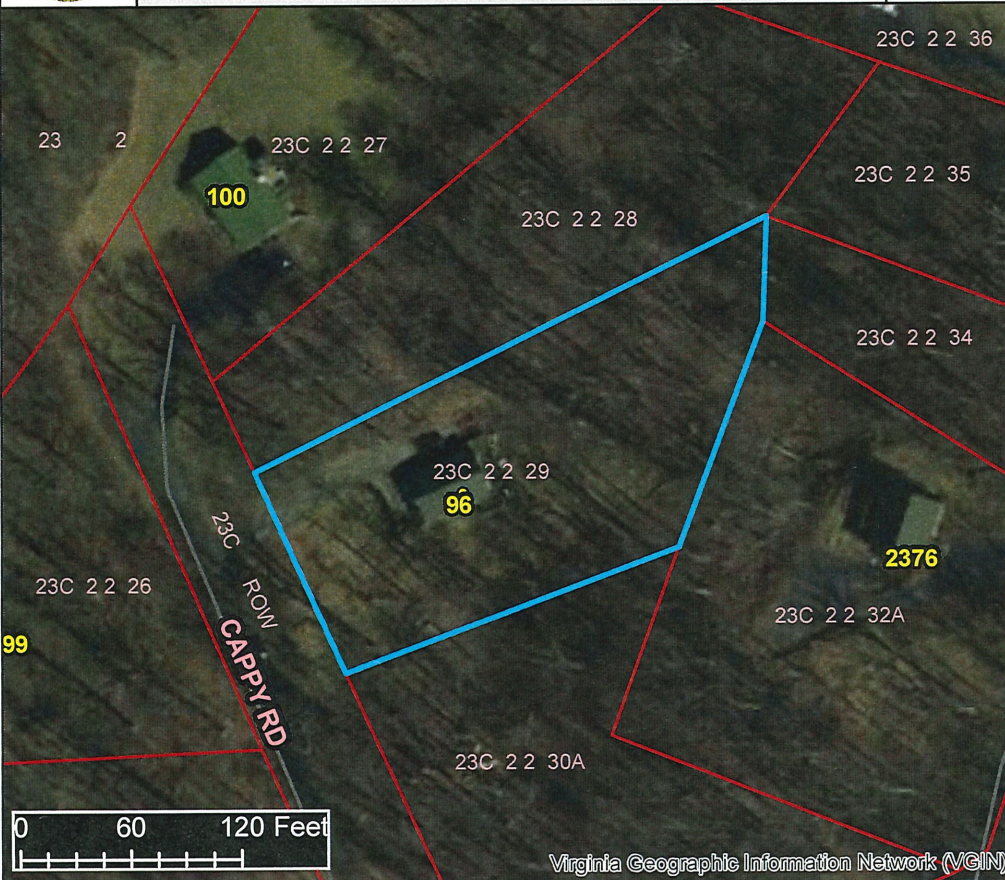
Warren County VA

CUP Location Map



Short Term Tourist Rental
Applicants: Michelle Moriarty

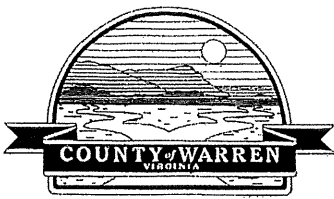
TM 23C--2-2--29
96 Cappy Rd



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:
09/27/2022	E	Conditional Use Permit #2022-07-03 Kendra Hansen, Kathryn Stuart, Simon Sarver, & Michael Cherubin <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, August 10, 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 applicant shall comply with all Warren County Health Department, 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 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.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Kendra Hansen, Kathryn Stuart, Simon Sarver, & Michael Cherubin 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 Kendra Hansen, Kathryn Stuart, Simon Sarver, & Michael Cherubin for a Short-Term Tourist Rental.

SUBMITTED BY:

Chase Lenz, *CL*
Zoning Administrator

DISPOSITION OF BOARD:

☐ APPROVED ☐ OTHER (Describe)

**PROCESSED
BY:**



6

SUMMARY OF REQUEST

The applicants are requesting a conditional use permit for a short-term tourist rental for the property they recently purchased in May of 2022. The owners plan to use the property themselves throughout the year, but they would also like to be able to make the property available for short-term lodging for visitors of the Warren County area when they are not occupying it. The applicants will manage the property personally.

PROPERTY INFORMATION

Property Location: 97 River Overlook Road	City: Front Royal
Tax Map ID: 15H--1----23A	Zoning: Residential-One (R-1)
Magisterial District: Shenandoah	Acreage: 4.0099 Acres
Subdivision: Shenandoah Farms Subdivision - Camels Back Section	Existing Land Use: Single Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

North: Residential-One (R-1)	Use: Vacant Lot - Woodlands
South: Residential-One (R-1)	Use: Single Family Dwelling
East: Residential-One (R-1)	Use: Vacant Lot - Woodlands
West: Residential-One (R-1)	Use: Single Family Dwelling

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Residential-One zoning district. The dwelling was constructed in 1976 and 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 residential land uses. A short-term tourist rental is a use allowed by conditional use permit in the Residential-One zoning district and is compatible with the current Warren County Zoning Ordinance.

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 approving a maximum of six (6) occupants for the dwelling. Documentation has been provided by the applicant 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 rights-of-way and in yards. **There is sufficient parking for at least three 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. **Existing woodlands partially screen the dwelling on all sides.**
- 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 and reviewed by Planning staff prior to issuance of the Certificate of Zoning.**
- 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 Property Owners' of Shenandoah Farms.**
- 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. **The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 276' to the south.**

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 applicant shall comply with all Warren County Health Department, 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 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.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

Cc: Kendra Hansen, Kathryn Stuart, Simon Sarver & Michael Cherubin – Owners/Applicants

Dear Warren County Planning Commission,

We would like the approval of our conditional use permit in order to obtain a short term tourist rental license.

We plan to use this property as our main use throughout the year, but would like the option to rent it out to no more than 6 people at a time during the time we are not able to occupy the space.

There is ample surrounding space from the dwelling to our property line and extending through to neighboring dwellings. We plan to be respectful and ensure our guests have quiet hours and also respect any neighbors.

This rental would have a low impact on the community and hopefully provide a getaway for those seeking a quiet, peaceful setting where they can enjoy all of what Front Royal has to offer.

Thank you for your time & consideration,

Kendra Hansen & Simon Sarver

WARREN COUNTY CONDITIONAL USE PERMIT APPLICATION

Application Number: CUP 2022-07-03
 Date Received: 6/7/2022
 Fee Amount: \$ 500.00 ck.#121
 Date Paid: 6/7/2022

Applicant Information:

Simon Sarver, Kathryn Stuart, Kendra Hansen, Michael Vaughan Cherubin

Applicant Name

97 River Overlook Rd. , Front Royal, VA 22630

Address *City* *State* *Zip*

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

703-509-4300 (Simon); 559-260-0716 (Kendra)

kendraehansen@gmail.com ; simon.sarver@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: 97 River Overlook Rd. Front Royal, VA 22630
- (2) Election District: 6
- (3) Tax Map Number: ~~15H-23A~~ 15H-1--23A
- (4) Subdivision Name: Shenandoah Farms Camels Back (Warren County, VA)
- (5) Total Area of Property (acres): 4.01
- (6) Total Area to be Used (acres): 1
- (7) Total Road Frontage (feet): 530 feet
- (8) Depth of Property (feet): It's 512 at it's "deepest" but if you mean depth of the home from the front of the lot (which is more likely what they mean), I have 79 feet.
- (9) Present Zoning: R-1

B. Proposed Use of Property

- Tourist*
- (1) State the proposed use(s) for the Conditional Use Permit: Short Term Rental License
- (2) Current land use and condition of site: Residential
- (3) Zoning of surrounding land/property: R-1
- (4) Will development be staged? ☒ Yes ☐ No
- (5) Construction Time: N/A
- (6) Season, days, and hours of operation: We plan to use the home primarily as a vacation home for us, but would like the opportunity to rent it out on occasion when we are not using it.
- (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 (we plan to "manage" the short term rentals ourselves)
- (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: no more than 6 (the home has 3 bedrooms)
- (12) Number of parking spaces to be provided: Regular 3 Handicap
- (13) What is the proposed landscaping and buffering for this property?

There is abundant tree coverage on all sides of the home. The landscaping
will be mostly trees and native plants that are all low maintenance and blend
in with the surrounding areas as much as possible.

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, we will institute quiet hours for anyone staying at the home that isn't us.

- (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, we will leave incredibly detailed instructions on how to dispose of any potential trash or recycling 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.) _____

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, the home is on electric heat & cooking, private, self contained well & septic that will be regularly inspected and treated as needed..

- (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.

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.**

<https://goo.gl/maps/tLJp6uMs6Z1NTM3T9>

WARREN CO GOVERNMENT CENTER 120 N Commerce Ave, Front Royal, VA 22630

Take E 3rd St to N Commerce Ave

Take Happy Creek Rd and State Rte 624 to State Rte 643

Continue on State Rte 643. Take State Rte 603 and State Rte 638 to River Overlook Rd

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.

Kendall 5/6/22
Applicant Signature Date

Kendall 5/6/22
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

PERMIT TO INSTALL ☒ REPAIR, ☐ REASONS FOR REJECTION ☐ WATER SUPPLY ☐ SEWAGE DISPOSAL SYSTEM ☒

(1) Void after (12) twelve months. (2) Automatically cancelled when site conditions are changed from those shown on permit.
 (3) Automatically cancelled should facts later become known that a potential hazard would be created by continuing installation.

FHA/VA ☐ Yes ☐ No Date 1 Jun 76 Case No. 1

Owner William R. Miller Address 3140 VALLEY LANE Phone 533-1645
 (Mailing Address)

Occupant _____ Address FALLS CHURCH, VA. 22044 Phone _____
 (Mailing Address)

Exact Location of premises LOT # 23, CAMEL'S BACK SEC., SHEN. FARMS SUB-DIV.
 (Subdivision, Street or Road Name, Section or Lot No.)

FOR: ☒ Dwelling ☐ Other _____ Automatic Washing Machine ☐ Yes ☐ No Consumption 400 gal. per day
 Actual ☐ Potential ☒ Bedrooms 3 MAX. Garbage Disposal Unit ☐ Yes ☒ No (☐ Actual ☒ Estimated Water)
 Additional wastes NONE

(1) WATER SUPPLY (Existing) Class _____ Approved ☐ Yes ☐ No Other _____
 (To be installed) Class III Cased _____ ft. to be grouted _____ ft.

(Unless supported by positive evidence Class III is to be considered as to be installed.)

SOIL STUDY Naturally drained, suitable by sight ☒ Yes ☐ No Technical Classification STANDARD SHALE
 (If Known)

(2) Estimated Percolation Rate 1-10 ☐ 11-25 ☐ 26-50 ☒ 51 ☐ Percolation Test Required ☐ Yes ☐ No ☒ Rate _____
 (Minutes per inch) (Minutes per inch to nearest 10 minutes)
 Depth to Grey Mottles 30 inches (estimate over 4 ft.) OTHER _____
 Surface drainage required ☐ Yes ☒ NO OTHER DRAINAGE NONE

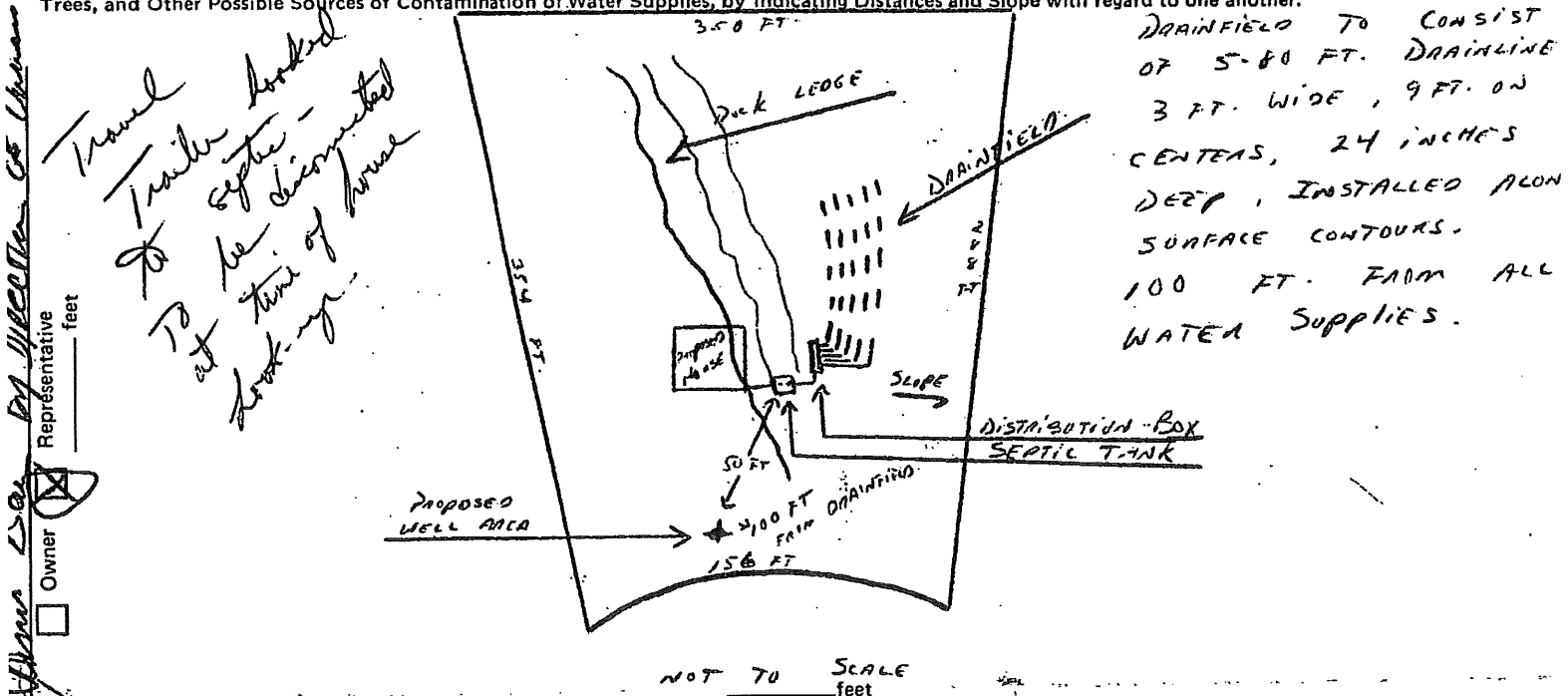
(3) HOUSE SEWER LINE Size 4 inches. Type of material required C.I. Distance from Water Supply _____ feet.
OR COMPARABLE MATERIAL

(4) DETAILS OF CONSTRUCTION Watertight Septic Tank of PRECAST CONCRETE Material Liquid Capacity 1000 gallons.
 Inside Dimensions Length 8 feet. Width 4 feet. Liquid Depth 4 1/4 feet. Depth of Air Space 1 feet.

SUBSURFACE ABSORPTION FIELD Number of square feet required 1200 Type aggregate required 5 STONE

(5) Depth of aggregate from base of tile to bottom of ditches 6 inches. Allowable fall 2 to 4 inches.
 Total aggregate minimum depth 13 inches or more. Depth of drainfield to be 24 inches from surface of original ground.
 Distance from well to septic tank 50 min feet; distance from well to drainfield 100 min feet.

Rough Sketch of Premises (including adjacent properties if pertinent, Showing Location of Lot Line, Buildings, Water Supplies, Sewage Disposal Systems, Trees, and Other Possible Sources of Contamination of Water Supplies, by Indicating Distances and Slope with regard to one another.



Note: Owner or his agent must notify WARREN CO. Health Department, Phone 635-2775 when installation is ready for inspection. If any Sewage Disposal System, or part thereof, is covered before being inspected by the Health Department, it shall be uncovered at the direction of the Health Director or his agent. CONDITIONS DISCOVERED DURING INSTALLATION MAY REQUIRE ADJUSTMENTS OF SYSTEM DESIGN. Changes from above specifications require Health Department approval before being made.

Based on the above information, the undersigned recommends that this permit be issued.

Date _____ Approved _____ (Reviewing Authority) Date 1 Jun 76 Signed T. M. Lee (Sanitarian or Health Director)

RECORD OF INSPECTION-SEWAGE DISPOSAL SYSTEM

TM# 15H 23-5 ✓

7¹⁴
23
18

Date 22 Jul 76 Case No. 00033428

Owner William R. Miller Address 3140 VALLEY LANE Phone _____
(Mailing Address)

Occupant _____ Address FALLS CHURCH, VA - 22044 Phone _____
(Mailing Address)

Exact Location of Premises LOT # 23, CAMEL BACK SEC., SHEN. FARMS SUB-DIV.
(Subdivision, Street or Road Name, Section or Lot No.)

WATER SUPPLY INSPECTION

Installed according to Permit Design ☐ Yes ☐ No Distance to nearest House Sewer _____ feet; Distance to nearest Sewage Disposal System _____ feet.
(Use Form LHS-143 for Detailed inspection of Water Supply Reference Materials.)

SEWAGE DISPOSAL SYSTEM INSPECTION

- (1) LOCATION
Allotted Area adequate ☒ Yes ☐ No Distance from nearest lot lines 25 feet. Trees 5 feet. Water Supplies 2100 feet. Buildings 220 feet.
- (2) INSTALLATION AND DESIGN
Installed according to Permit Design ☒ Yes ☐ No.
Have additional Household Appliances been added NOT on Permit:
☐ Automatic Washer ☐ Garbage Disposal
☒ Other * (Describe)
- (3) SOIL CONDITION
Are there soil conditions now evident which indicate system may be unsatisfactory as designed: ☐ Yes ☒ No. If Yes, show adjustments required under "Remarks" below.
- (4) HOUSE SEWER LINE
Installed ☐ Yes ☒ No. Type of material _____ Size _____ Inches.
- (5) SEPTIC TANK
Constructed of PRECAST CONCRETE (Kind of Material)
Inside Dimensions Length 8 feet. Width 4 feet. Liquid Depth 4 1/4 feet. Depth of Air Space 12 inches.
Inside Fittings comply with requirements ☒ Yes ☐ No.
- (6) DISTRIBUTION BOX
Watertight and equal surcharge to each line by Water Test ☒ Yes ☐ No. Distribution Box provided with _____ (Number) extra outlets for future use.
- (7) SUBSURFACE ABSORPTION FIELD
Total Area in bottom of ditches 1200 square feet. Number of ditches 5 Length of ditches 80 feet. Grade of ditches Minimum 4 inches per 100 feet. Maximum 8 inches per 100 feet. Has system been checked by instruments (Level) ☒ Yes ☐ No. Type aggregate used BROKEN STONE. Depth of aggregate under Tile 6 inches. Total depth of aggregate 13 inches. Depth of backfill over aggregate 12-30 inches.
- (8) SURFACE DRAINAGE
Storm Drains from House and Basement flowing away from Subsurface Drainage Field: ☐ Yes ☒ No. Was Surface Drainage required ☐ Yes ☒ No. If Yes, has this been provided ☐ Yes ☒ No. Has area been drained by lowering Ground Water Table: ☐ Yes ☐ No. ☒ Not required.
- (9) Are follow-up inspections necessary ☐ Yes ☒ No.

Septic Tank Contractor: GLEN SHAPE Address 2703 BAY SHO FA VA. Phone _____

This Sewage Disposal System (Is) ~~Not~~ Approved by WARREN COUNTY Health Department

Date 22 Jul 76 Signed T M Lee (Sanitarian)

Date _____ Approved _____ (Reviewing Authority)

With proper maintenance, approved Sewage Disposal systems may be expected to function satisfactorily provided no overloading or physical damage occurs to the system. Remarks: OWNER RESPONSIBLE TO HAVE ROOF DRAINS DISCHARGE AWAY FROM DRINKING AREA, AND TO HAVE HOUSE SEWER LINE PROPERLY INSTALLED

* TRAILER HOOKED TO SEPTIC SYSTEM - TO BE REMOVED WHEN HOUSE IS COMPLETE

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



June 14, 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 (2022-07-03)

Owner: Simon Sarver, Kathryn Stuart, Kendra Hansen, Michael Vaughan Cherubin

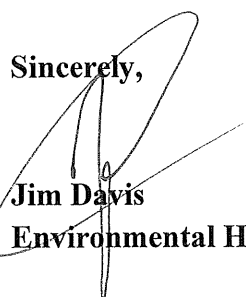
Dear Mr. Wendling,

I have reviewed your request for comments regarding the property at 97 River Overlook Rd. Front Royal, VA (Tax Map# 15H-1-23A) and I offer the following comments:

1. There is a Construction Permit and ROI on file for the referenced property dated 6/1/1976 and 7/22/1976 respectively.
2. The dwelling is connected to an approved 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 connected to a private well. A water sample should be collected and tested at least annually for the presence/absence of coliform bacteria.
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

RECEIVED
JUN 22 2022

BY:

Veronica Diamond

From: David Beahm
Sent: Thursday, June 9, 2022 5:10 PM
To: Matt Wendling
Cc: Chase Lenz; Veronica Diamond; Paula Fristoe
Subject: Request for Comments 2022-07-03 – Simon Sarver, Kathryn Stuart, Kendra Hansen and Michael Vaughan Cherubin – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000196-2022

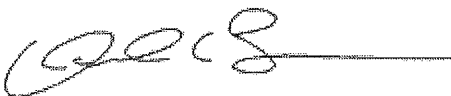
Comments 2022-07-03 – Simon Sarver, Kathryn Stuart, Kendra Hansen and Michael Vaughan Cherubin – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000196-2022:

- 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.

*****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,



David C. Beahm, CBO
Building Official

dbeahm@warrencountyva.gov

Warren County Building Inspection

220 North Commerce

Front Royal, VA

540/63

FAX 540/63

www.warrencountyva.gov

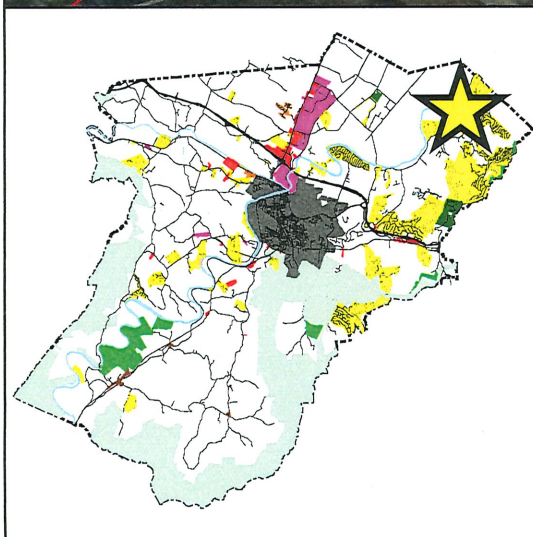
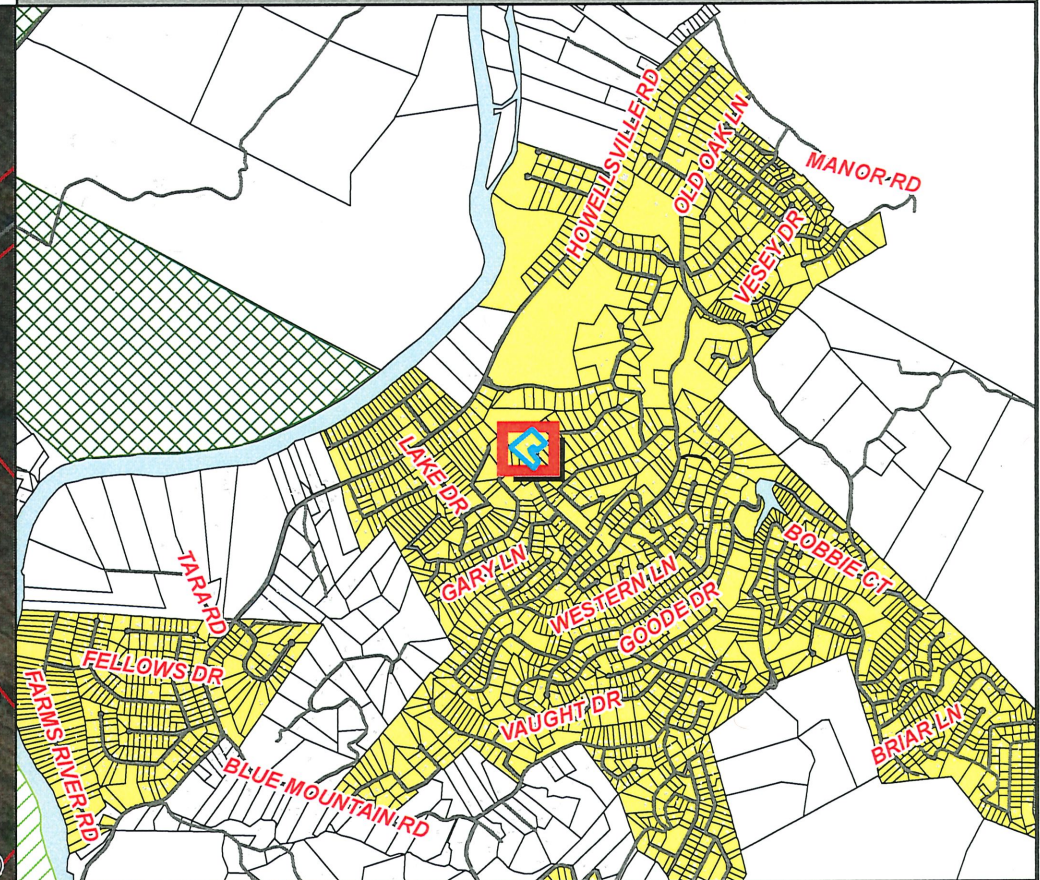
Warren County VA

CUP Location Map



Short Term Tourist Rentals
Applicants: Kendra Hansen

TM 15H--1----23A
97 River Overlook 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	ITEM	SUBJECT:	PAGE
9/27/2022	F	Conditional Use Permit #2022-07-04 CAZA Legacy LLC <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:

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.

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 (4) as determined according to the Health Department conditional/operational permit which needs to be issued for a two-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 on the State, road shall be prohibited.
7. Outdoor burning and the use of fireworks by guests shall be prohibited.
8. A waiver to the required setback of 100' to the adjacent property dwelling shall be granted for the existing 50' setback to the dwelling west of the subject property.

* Waiver has been requested by the applicant with submittal of letter from neighbor.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of CAZA Legacy LLC 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 CAZA Legacy LLC 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: 2022-07-04/ Short Term Tourist Rental

CAZA Legacy LLC, Applicant/ Owners

Staff Report for the Planning Commission

Prepared: July 1, 2022 Revised: August 4, 2022

Staff: Matt Wendling, Planning Director/County Floodplain Manager

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

SUMMARY OF REQUEST

The applicants purchased this property as an investment property and currently are renting the property long-term for over 30 days since purchasing it in February 2022. They do intend to use it at time for themselves as a get-away from their homes in Northern Virginia. The applicants are requesting a waiver to the setback requirement of 100' from dwelling to dwelling; the dwelling to the west is 50' and the applicants has submitted a letter from their neighbor giving his support of the application. The applicants will be contracting a local property management company to maintain the property and as realtors they will be marketing and managing the rental.

PROPERTY INFORMATION

Property Location: 241 Wildcat Dr.

Tax Map ID: # 22A-2-2-Parcel 33

Magisterial District: Shenandoah

Subdivision: Aspen Hill Farms

Special Flood Hazard Area: The dwelling is in a non-Flood zone "X" area.

Town/Village: Front Royal

Zoning: Residential One (R-1)

Acres: 1.06

Existing Land Use: Single-Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

North: Residential One (R-1)

South: Agricultural (A)

East: Residential One (R-1)

West: Residential One (R-1)

Use: Single-Family Dwelling

Use: Single-Family Dwelling

Use: Single-Family Dwelling

Use: Single-Family Dwelling

PROPERTY HISTORY

The former owner of this property was issued a conditional use permit (2016-04-01 Susan Signorella) for a short-term tourist rental in June of 2016 by the Board of Supervisors. She never established the use and the permit expired after two years. At that time the neighbor provided a letter to the Planning Commission and BOS expressing his support for the land-use request even though it was 50' away.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for Residential One (R-1) land uses which allows for a Short-term Tourist Rental by conditional use permit in the Warren County Zoning Ordinance Section §180-23. 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. The applicant has provided the Health Department records which allow for a 2 bedroom and four-person occupancy for the dwelling. A request for comments has been sent to the WC Health Department to verify the septic system and occupancy approved for the dwelling based on their records review.
- 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 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 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 will need to be submitted and will be reviewed and approved by staff with all other requirements shall need to be met prior to a certificate of zoning for the business being issued.

- 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 in the Aspen Hill Farms subdivision and a letter has been sent to the POA contact.
- 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 applicant 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. The applicant is requesting a waiver since the dwelling location doesn't meet the setback requirements to adjacent single-family dwellings; the dwelling to the west is 50'. The other adjacent dwelling meets the required setback. County Planning staff does have concerns for supporting this request for the waiver due to the precedence it would set in the Residential One (R-1) zoning district, but the neighbor has submitted a written letter of support in this case.

RECOMMENDED CONDITIONS:

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 **four (4)** as determined according to the Health Department conditional/operational permit which needs to be issued for a **two-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 on the subdivision road shall be prohibited.
7. Outdoor burning and the use of fireworks by guests shall be prohibited.
8. A waiver to the required setback of 100' to the adjacent property dwelling shall be granted for the existing 50' setback to the dwelling west of the subject property.
* **Waiver has been requested by the applicant.**

Cc: CAZA Legacy LLC, Applicants



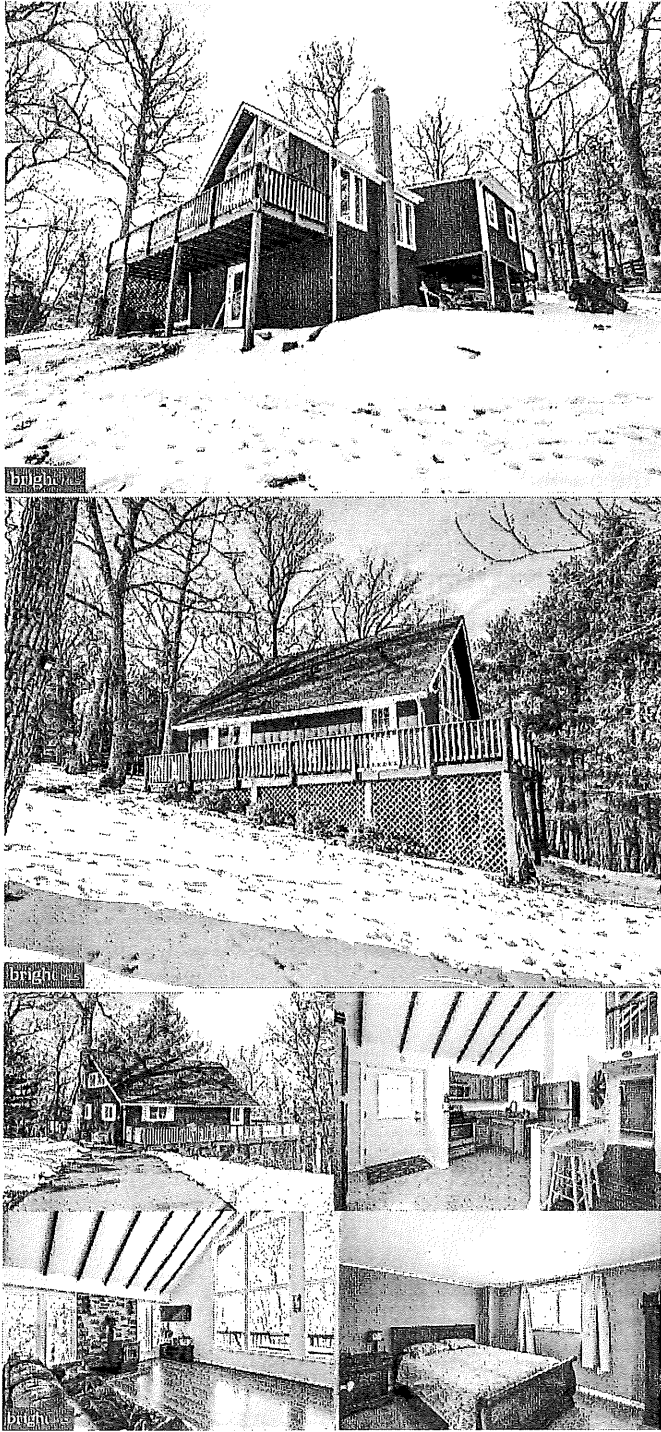
Figure 1 CAZA Legacy LLC Single-Family Dwelling

Statement of Justification: "Sapphire Ridge"

241 Wildcat Drive Front Royal VA 22630, is a beautifully renovated chalet style home built in 1976. The home is situated on just over 1 acre in the Aspen Hills Farms Neighborhood. It is the owner's CAZA Legacy LLC (Robert Chevez and Erin Kavanagh) intent to offer the property for rent on multiple short term rental sites. The tenants will be chosen carefully on a planned and methodical basis. We intend to offer it as a romantic getaway or small family retreat as the property has 2 bedrooms and 1 bath. Only 1002 sq. ft.

By right the property can currently be rented on a minimum of one month at a time according to planning and zoning. The property will also be used a second home for the owners to enjoy all that Front Royal and surrounding areas have to offer. The owners live in Reston, VA and Purcellville VA respectively about 45 to an hour away from the property.

It is our understanding that the property had a permit for short term rental for the period of 2016-2018 however was never used and expired. We would like to obtain this once again.



Management Plan:

1. Rob Chevez and Erin Kavanagh are Licensed REALTORS that have helped several client purchase properties in Warren County. We follow strict ethical guidelines in our business.
2. Sapphire Ridge is located withing Warren County 241 Wildcat Drive, Front Royal VA 20132
3. It is the owners intent to supplement Warren County Tourism by providing a short term rental.

Sapphire Ridge:

1. The owners desire is to have a place for family to go as a second home and to share the property so others can explore the amenities of the local area.
2. The owners will market the property online through several websites. The maximum number of guests would be 6.
3. The Home sits on 1.06 acres, in the Aspen Hills Farm community. The road is maintained by the county. There is currently no Property owners Association according to the current owners.
4. Sapphire ridge will be equipped with fire extinguishers, smoke detectors, carbon monoxide detectors and will have the boundaries clearly marked.

Operations:

1. The owners will hire a management company from the local area to help maintain the property between tenants. Cleaning and Landscaping.
2. The owners intend to maintain the properties, point of contact for garbage cleanup, unruly tenants, and utility issues. We want to continue to maintain the integrity of the community.

Marketing Plan:

1. The owners will market the property on Airbnb.com, VRBO.com and social media who intend on visiting the area.
2. Rental fees will vary depending on season, demand, and competition. We intend to maintain the integrity of the community around us.

Contact Information:

1. Robert Chevez. 7035870995, rob@thecazagroup.com
2. Erin Kavanagh, 7034318310, erin@thecazagroup.com

Emergency Evacuation Plan.

1. In case of emergency there are 2 exits to the property. Side door through kitchen and front door near main bedroom to driveway. The property can be exited by driveway to Wildcat Dr. to Howellsville Rd. to the east or west.
2. To Warren Memorial Hospital Emergency Room: Approx 10 min drive. Left from Wildcat Rd. to Howellsville Rd. Left on Happy Creek Rd. Left on Leach Run Parkway, Left on Valley Health Parkway.
3. To Valley Health Urgent Care: Approx: 18 min drive. From Wildcat left on Howellsville Rd. to right on St Rt. 624, To left on St. Rt. 661, to left on 658, to left on 522, to right on Riverton Commons.

WARREN COUNTY CONDITIONAL USE PERMIT APPLICATION

Application Number: CUP2022-07-04
 Date Received: 6-27-22
 Fee Amount: \$ 500
 Date Paid: 3348 - 6/14/22 mail

Applicant Information:

CAZA Legacy LLC
 Applicant Name

11700 Plaza America Dr Reston Va 20190
 Address City State Zip

241 Wildcat Dr Front Royal Va 22630
 Property Location for conditional use permit if Different than Applicant's Address
Rob Chavez & Erin Kavanagh rob@thecazagroup.com
 Primary Contact Number Email erin@thecazagroup.com

Property Owner (if same as applicant, leave blank)

Address City State Zip

(for immediate attention call Kayla James 304)579-7020
 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: 241 Wildcat Dr Front Royal Va/Lot 33 sec 2
- (2) Election District: Shenandoah
- (3) Tax Map Number: 22-A-2233
- (4) Subdivision Name: Aspen Hill Farms
- (5) Total Area of Property (acres): 1
- (6) Total Area to be Used (acres): 1
- (7) Total Road Frontage (feet): _____
- (8) Depth of Property (feet): _____
- (9) Present Zoning: R-1

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: Short term vacation Rental
- (2) Current land use and condition of site: Cleared, cleaned, fully maintained
- (3) Zoning of surrounding land/property: n/a?
- (4) Will development be staged? ☐ Yes ☒ No
- (5) Construction Time: Done
- (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.) Yes, see attached
Susan Signorella - 03/2016
- (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: _____
- (12) Number of parking spaces to be provided: Regular 4 Handicap _____
- (13) What is the proposed landscaping and buffering for this property? _____
40 bushes were installed around property

C. Plans Prepared By

Name: Kayla James

Address: 32 Cheerful Faye Dr Inwood WV 25428

Telephone Number: 304) 579 7026

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?) _____

Regular Trash pick up

- (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

- (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. _____

nothing besides outdoor lights - 75 watts max

**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.

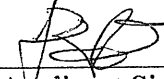
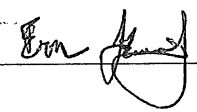
☒ **Location Map**

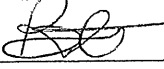
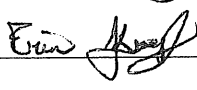
A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.

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

241 Wildcat Dr to 220 N Commerce Ave
(13 mins w/o traffic) • take Wildcat to
State Rte 624
• Continue on State Rte 624 • take Happy
creek Rd to 3rd St in Front Royal (5.1 miles)
Continue on E 3rd St to final destination

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.

 _____  _____ 6/14/22
Applicant Signature Date

 _____  _____ 6/14/22
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



COUNTY OF WARREN

County Administrator's Office
Warren County Government Center
220 North Commerce Avenue, Suite 100

Front Royal, Virginia 22630

Phone: (540) 636-4600

FAX: (540) 636-6066

Email: dstanley@warrencountyva.net

Douglas P. Stanley
County Administrator

CONDITIONAL USE PERMIT 2016-04-01

BOARD OF SUPERVISORS

CHAIR
Linda P. Glavis
*South River
District*

VICE-CHAIR
Archie A. Fox
*Fork
District*

Tony F. Carter
*Happy Creek
District*

Daniel J. Murray, Jr.
*North River
District*

Thomas H. Sayre
*Shenandoah
District*

NAME: Susan Signorella

ADDRESS: 241 Wildcat Drive, Front Royal, VA 226309

PROPERTY DESCRIPTION: Located in the Shenandoah District, identified on Tax Map 22A, Section 2, Block 2 as Parcel 33, and Zoned Residential One (R-1).

AUTHORIZED USE: Short-term Tourist Rental

CONDITIONS:

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections regulations and requirements and Virginia Statewide Fire Prevention Code.
2. The maximum number of occupants shall not exceed four (4) as determined according to the Health Department permit for a two (2) bedroom dwelling with a maximum occupancy of four persons at 400 gallons per day (GPD).
3. The applicant shall have the well water tested annually and a copy of the results shall be submitted to the Planning Department and Health Department.
4. The applicant shall have the septic system inspected annually by a DPOR licensed inspector and a copy of the results shall be submitted to the Planning Department and Health Department. The system shall also be pumped every five years as recommended by the Health Department.
5. The property shall be in compliance with Section 180-56.4 of the Warren County Zoning Ordinance regarding supplemental regulations for short-term tourist rentals which includes a property management plan to be submitted to the Planning Department prior to staff issuing a certificate of zoning for this use.
6. The applicant shall register with the Commissioner of the Revenue's office for transient lodging tax purposes.
7. The woodstove chimney shall be cleaned and serviced on an annual basis by certified chimney sweep.

*Front Royal-Warren County
Rivers of Opportunity-Mountains of Success*

8. A waiver to the required setback of 100' to the adjacent property dwelling shall be granted for the existing 50' setback to the residence southwest of the subject property.

DATE PERMIT EXPIRES: THIS PERMIT WILL EXPIRE ON JUNE 21, 2018
UNLESS THE USE HAS BEEN ESTABLISHED OR IF THE USE IS DISCONTINUED
FOR A PERIOD OF TWO YEARS OR LONGER.

DATE APPROVED BY BOARD OF SUPERVISORS:


DOUGLAS R. STANLEY
COUNTY ADMINISTRATOR

cc: Commissioner of the Revenue

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



July 08, 2022

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

RECEIVED
JUL 11 2022

BY:

RE: Request for Comments (2022-07-04)
Owner: CAZA Legacy, LLC

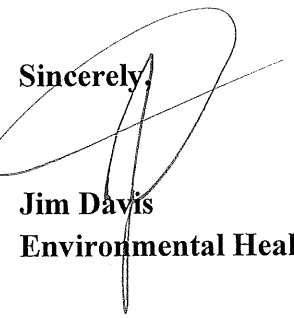
Dear Mr. Wendling,

I have reviewed your request for comments for a CUP for a Short-Term Rental at 241 Wildcat Dr. Front Royal, VA (Tax Map# 22A-2-2-33) and I offer the following comments:

1. There is a Construction Permit and ROI on file for the referenced property dated 9/26/1973 & 3/18/1974 respectively. A repair permit was issued on 2/11/2015 and the repairs were inspected and approved 2/27/2015.
2. The dwelling is connected to an approved Conventional Onsite Sewage System (COSS). The COSS is designed to accommodate Two (2) Bedrooms, Four (4) Occupants and a daily flow of 400 gallons.
3. The dwelling is connected to a Class III private well. A water sample should be collected and analyzed by a state approved laboratory at least annually for the presence/absence of coliform bacteria.
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

Veronica Diamond

From: David Beahm
Sent: Monday, July 25, 2022 1:47 PM
To: Veronica Diamond
Cc: Paula Fristoe
Subject: Request for Comments 2022-07-04 – CAZA Legacy, LLC. – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000199-2022

Comments 2022-07-04 – CAZA Legacy, LLC. – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000199-2022:

- 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:
 - This dwelling(s) was previously authorized for a "short-term rental", but never completed (540-2016) a final inspection. The issue was that the smoke detectors were not approved because they were not inter connected. No request was ever made to inspect the location so that it could be verified. A new permit will be required 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.
 - An Electrical permit may be required 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 /
Sui
Front Royal, VA

dbeahm@warrencountyva.gov

www.warrencountyva.gov

540/636
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.

Veronica Diamond

From: Sylvia Noland <sylviamnoland@gmail.com>
Sent: Wednesday, August 10, 2022 8:57 AM
To: Veronica Diamond
Cc: Matt Wendling
Subject: Planning Commission Public Hearing-CAZA Legacy LLC

To whom it may concern,

This is in regards to CAZA Legacy LLC's requested permit for short term tourist rental: 241 Wildcat Drive

I would like to voice my opinion and ask that the permit be DECLINED.

Concers:

*Road conditions:

The road on Wild Cat drive is not in the best shape. Having more travelers up and down the road may add to poor conditions.

Also, the a lot of the homes share the road with wild animals, family pets, and livestock. We already have a concerning issue with drivers coming up and down the roads to quickly and animals being hurt and or killed. Adding drivers to the road who are unfamiliar with the area would increase the dangers for our wildlife etc.

*Property Safety:

My 2 lots and home are on the conjoined Property line with the requested tourist rental property line.

I feel that this is a liability and safety concern for my home and land.

1. If someone decides to walk the land between the properties and gets hurt on the moutain, I am now liable for injuries as the Property owner. I do not want strangers to think the woods below the house are apart of the rental and leave trash or site walk.

2. Safety concerns for me and my home. I am a single female. Inviting strangers into the house above mine is a little concerning. It is an easy walk through the woods to any one of our homes adjacent to the home requesting permits for tourist. This is potential for crime and unwanted guest on our properties.

3. Noise. This neighborhood is so peaceful and one of the appealing parts of purchasing my home out here was that there was little to be distrupted. If tourist are granted in the house conjoined to my property line, there is potential for noise disturbance and would take away one of the main reasons why I love where I live.

Thank you for taking my concers into consideration. I apologize that they are not in favor for the applicant. I feel that the integrity and safety of my property is at steak here.

Sylvia Noland
103 Bens Court

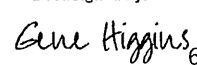
To: Warren County Planning Commission
From: Gene Higgins
Date: 6/13/22

To Whom it may concern,

I, Gene Higgins, am the property owner of 219 Wildcat Dr, adjacent to the property in question.

I strongly agree with 241 Wildcat to be approved for short-term rental. I acknowledge that this property is not at the 100' offset as desired and still would like to push for approval.

Respectfully,
Gene Higgins

DocuSigned by:

F80973AC3A104AE... 6/14/2022 | 8:07 AM EDT

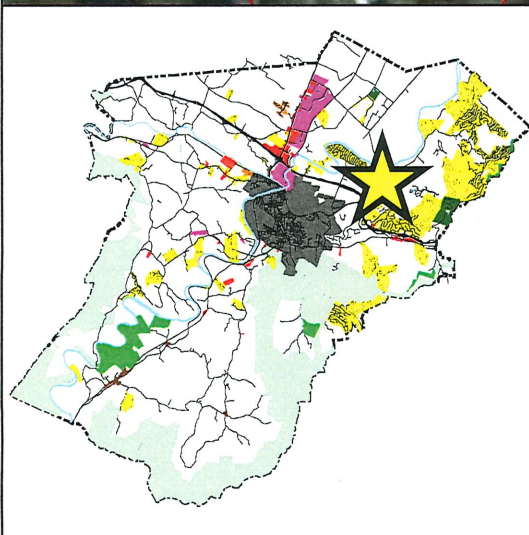
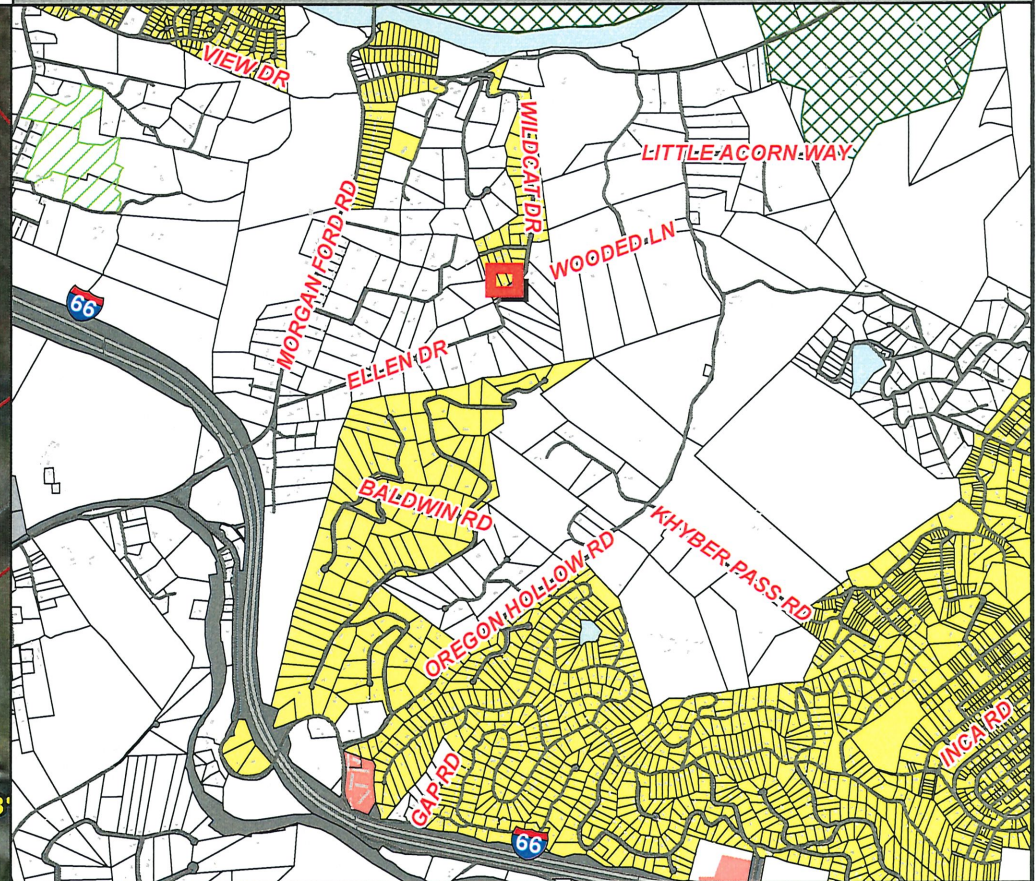
Warren County VA

CUP Location Map



Short Term Tourist Rental
Applicants: CAZA Legacy LLC

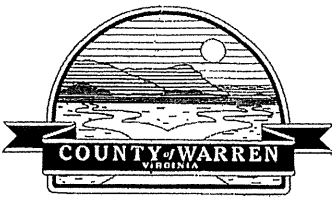
TM 22A--2-2--33
241 Wildcat Drive



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	ITEM	SUBJECT:
09/27/2022	G	Conditional Use Permit #2022-07-05 Matthew Williams & Jay Gilbert <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, August 10, 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 applicant shall comply with all Warren County Health Department, 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 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.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Matthew Williams & Jay Gilbert 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 Matthew Williams & Jay Gilbert for a Short-Term Tourist Rental.

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



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

Matthew Williams & Jay Gilbert, Current Owners/Applicants

Prepared: June 28, 2022 Revised: July 27, 2022

Staff Contact: Chase Lenz, Zoning Administrator

CL

SUMMARY OF REQUEST

The applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in April of 2021. The owners would like to help offset the costs of owning a second home by making the property available for short-term visitations for guests seeking to enjoy the wineries, hiking trails, and other natural attractions of the Shenandoah Valley area. The applicants plan to manage the property personally with assistance from local professional services for cleaning and landscaping.

PROPERTY INFORMATION

Property Location: 244 Delicious Road
Tax Map ID: 22B----S--42
Magisterial District: Happy Creek
Subdivision: Apple Mountain Lake North

City: Linden
Zoning: Residential-One (R-1)
Acres: 1.14 Acres
Existing Land Use: Single Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

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

Use: Single Family Dwelling
Use: Vacant - Woodlands
Use: Single Family Dwelling
Use: Single Family Dwelling

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Residential-One zoning district. The dwelling was constructed in 2004 and 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 residential land uses. A short-term tourist rental is a use allowed by conditional use permit in the Residential-One zoning district and is compatible with the current Warren County Zoning Ordinance.

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. Documentation has been provided by the applicant 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 rights-of-way and in yards. **There is sufficient parking for at least three 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. **Existing woodlands partially screen the dwelling on all sides.**
- 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 and reviewed by Planning staff prior to issuance of the Certificate of Zoning.**
- 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 Apple Mountain Lake North 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. **The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 119' to the northeast.**

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 applicant shall comply with all Warren County Health Department, 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 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.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

Cc: Matthew Williams & Jay Gilbert – Owners/Applicants

Statement of Justification - 244 Delicious Rd.

My partner and I purchased 244 Delicious about one year ago and have enjoyed it as a second home. After recently selling our place in Chicago, IL, we have moved to the area nearly full time, working remotely or in Washington, DC where we own a small car rental business. We spend much of our time at 115 Lonesome Flats (also in Warren County) where we are bringing life back to one of the areas original log cabins. We would like to offer 244 Delicious Rd. as a short-term rental to share the areas natural attractions, wineries, and hiking.

We plan to offer the space only to those that are courteous and mindful of the neighbors. As nearby residents and managers, we'll be responsive to any issues and focused on ensuring our guests have a safe and enjoyable experience in a way that doesn't impede the expected peace and quiet of the neighborhood. In addition to standard processes in place with online platforms, we use outdoor cameras at all entrances to the property as well a sound monitoring device and service that notifies us immediately if a party or other continuous loud noise is present.

We plan to self-manage the property, but will have additional local contacts with a fantastic and local cleaning and lawn care team that will be available in case of emergencies.

WARREN COUNTY CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-07-05Date Received: 6/15/2022Fee Amount: \$ 500.00Date Paid: 6/15/2022 Ch# 1092**Applicant Information:**

Matthew Williams & Jay Gilbert
Applicant Name

115 Lonesome Flats Rd Front Royal VA 22630
Address City State Zip

244 Delicious Rd. Linden, VA 22642
Property Location for conditional use permit if Different than Applicant's Address

330-705-2836 mattwilliams3218@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: 244 Delicious Rd.
- (2) Election District: _____
- (3) Tax Map Number: 22B-5-42
- (4) Subdivision Name: Apple Mountain Lake
- (5) Total Area of Property (acres): 1.14
- (6) Total Area to be Used (acres): 1.14
- (7) Total Road Frontage (feet): 582.11
- (8) Depth of Property (feet): 212.26
- (9) Present Zoning: Residential

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: 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: none
- (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.) _____

- (9) Number of full time employees: _____
- (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 3 Handicap _____
- (13) What is the proposed landscaping and buffering for this property? _____
Thick tree line and/or wooded area serves as a buffer
from neighboring properties

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?) _____
None

- (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
and recycling will be disposed of by owners and cleaning
team on a regular basis.
- (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.) None
- (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.) None
- (6) What will be the impact on traffic? Minimal - no additional traffic
versus full time residence.
- (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 additional lighting will be installed.

**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.

Matt run [Signature] 6/15/22
Applicant Signature Date

Matt run [Signature] 6/15/22
Property Owner Signature Date

Accepted by: Chase Lenny Date: 6/16/2022

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

Alternative System



PERMIT

COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH

IDENTIFICATION # 187040241

DATE OF ISSUE: December 2, 2004

TAX MAP # 22B-S-42

SUBDIVISION: Apple Mountain
Lake; Sec S; Lot 42

OPERATOR: Barnhart Associates Inc

ADDRESS: P.O. Box 782

Front Royal, VA 22630

*The above operator has made application and in accordance with the regulations
of the **BOARD OF HEALTH OF THE COMMONWEALTH OF VIRGINIA**
is authorized by the **WARREN COUNTY HEALTH DEPARTMENT**
to operate the following:*

☒ ON-SITE SEWAGE DISPOSAL SYSTEM

SYSTEM TYPE: II / BEDROOMS IN STRUCTURE: 3

DESIGN CAPACITY: 450 gpd / MAXIMUM OCCUPANCY: 6

OTHER: Puraflō

☒ PRIVATE WATER SUPPLY SYSTEM

Class of non-public water well: IIIB

Based on the inspection of this water supply system, the information contained on the
water completion report and the sample results, this water supply meets the requirements
of the *PRIVATE WELL REGULATIONS*: ☒

An "X" in the ☒ indicates the system approval for which this permit has been issued.

*The issuance of an operation permit does not denote or imply any guarantee by the Virginia
Department of Health that the sewage disposal system will function, as designed, 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 as defined in the
operation permit and in 12 VAC 5-610-350.*

*If a conditional permit has been issued, the owner or any subsequent owner is advised to review
the conditions that have been imposed on the operation of this sewage disposal system.*

This permit not valid unless affixed with the embossed seal of the Lord Fairfax Health District.


HEALTH OFFICIAL

12-2-04
DATE

VDH VIRGINIA
DEPARTMENT
OF HEALTH
Protecting You and Your Environment

SHENANDOAH DISTRICT, WARREN COUNTY, VIRGINIA

SCALE: 1" = 60'

CLARK LAND SURVEYING

LAND PLANNERS AND SURVEYORS
P. O. BOX 478, FLINT HILL, VA. 22627
(540) 635-2328

DATE: DEC. 17, 2003

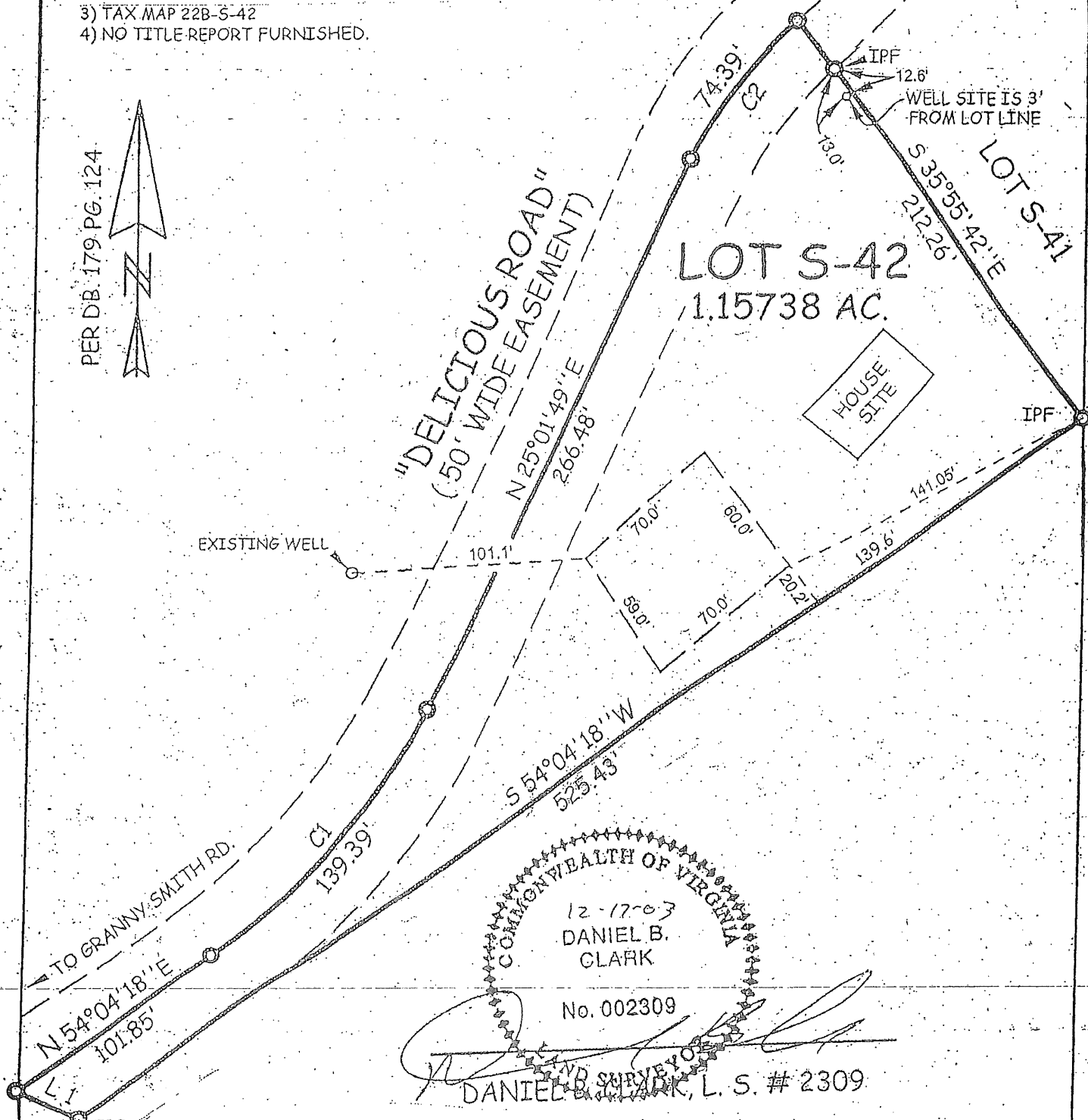
SHEET 1 OF 1

PROJ. NO.: 302

3) TAX MAP 22B-5-42

4) NO TITLE REPORT FURNISHED.

PER DB. 179 PG. 124



Line 1 Bearing N 63°31'57"W Distance 28.21'

Curve	Delta Angle	Radius	Arc	Tangent	Chord	Chord Bearing
1	29°02'29"	275.00	139.39	71.23	137.90	N 39°33'04"E
2	21°18'37"	200.00	74.39	37.63	73.96	N 35°41'08"E

CL5:WARREN\APLEMTN\LOT S-4\PROJ 302\DEP 12\DRG

Perry Environmental Consulting, Inc.

163 W. Duck Street, Front Royal, VA 22630

Tel: 540-635-8292 Fax: 540-635-8363

BACKHOE PIT LOCATION

• Stake Set

■ Backhoe Pit

Re: Delicious Drive.

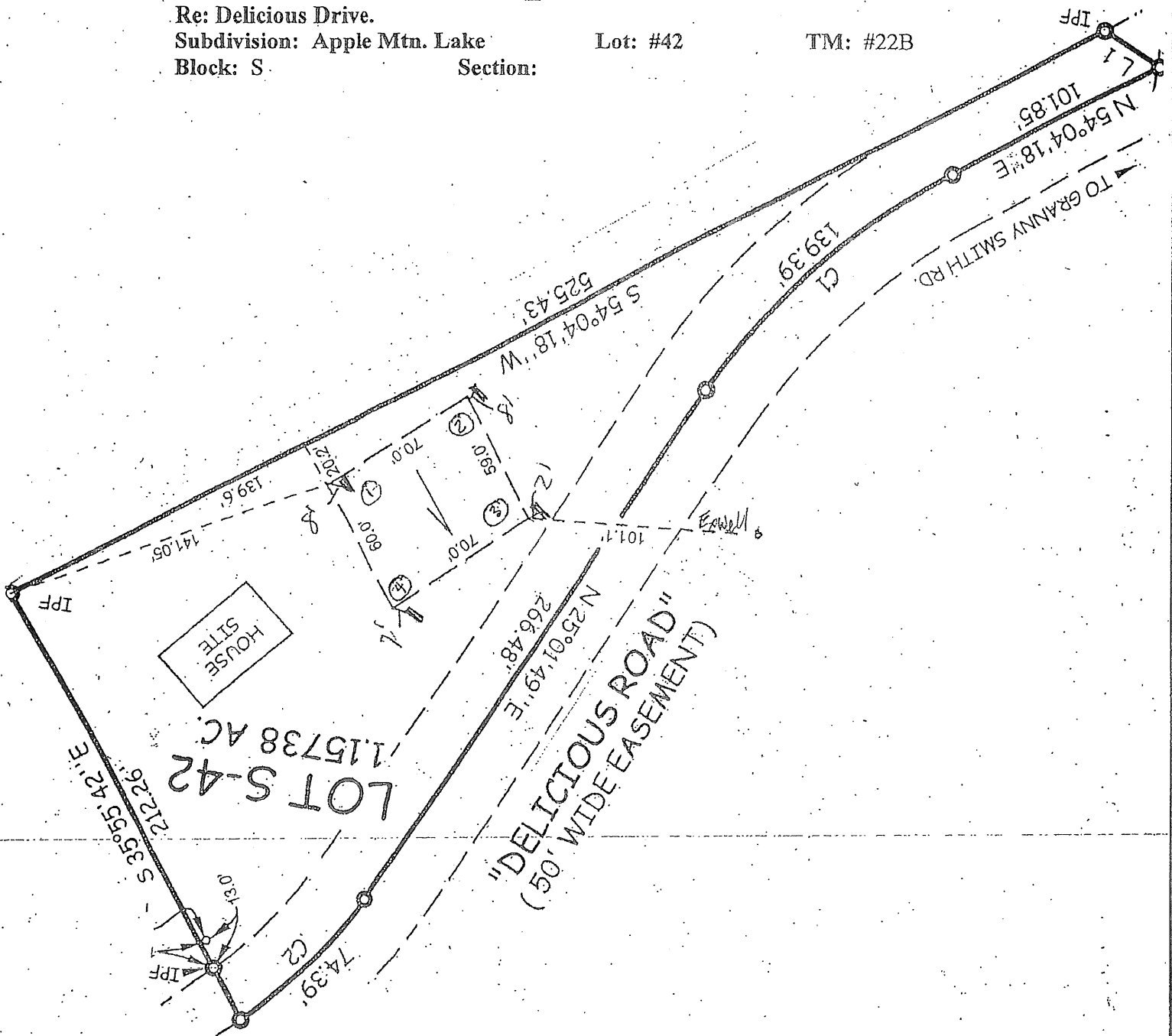
Subdivision: Apple Mtn. Lake

Lot: #42

TM: #22B

Block: S

Section:



Jurich Associates Inc.
Subdivision: Apple Mtn. Lake
Lot: #42 TM: #22B
Location: Delicious Dr.

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



June 30, 2022

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

RECEIVED
JUL 05 2022

BY:

RE: Request for Comments (2022-07-05)

Owner: Matthew Williams & Jay Gilbert

Dear Mr. Wendling,

I have reviewed your request for comments for a CUP for a Short-Term Rental at 244 Delicious Rd. Linden, VA (Tax Map# 22B-S-42) and I offer the following comments:

1. There is a Construction Permit, ROI and Operation Permit on file for the referenced property dated 4/09/2004, 9/30/2004 and 12/02/2004 respectively.
2. The dwelling is connected to an approved Alternative Onsite Sewage System (AOSS). The AOSS is designed to accommodate Three (3) Bedrooms, Six (6) Occupants and a daily flow of 450 gallons.
3. The owner should be aware that AOSS's require annual maintenance and monitoring by a licensed operator.
4. The dwelling is connected to a Class IIIB private well. A water sample should be collected and analyzed by a state approved laboratory at least annually for the presence/absence of coliform bacteria.
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

Veronica Diamond

From: David Beahm
Sent: Friday, June 24, 2022 4:03 PM
To: Veronica Diamond
Cc: Paula Fristoe
Subject: RE: Request for Comments- Williams & Gilbert-CUP 2022-07-05 – Matthew Williams & Jay Gilbert – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000200-2022

Comments 2022-07-05 – Matthew Williams & Jay Gilbert – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000200-2022:

- 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 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,

David C. Beahm, CBO
Building Official
County of Warren
540-636-9973
Fax 540-636-4698
dbeahm@warrencountyva.gov
www.warrencountyva.gov

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.

From: Veronica Diamond <vdiamond@warrencountyva.gov>
Sent: Thursday, June 23, 2022 10:04 AM
To: David Beahm <Dbeahm@warrencountyva.gov>; Walker, Ashley <ashley.walker@vdh.virginia.gov>; jim.davis@vdh.virginia.gov; Smith, Gregory <gregory.smith@vdh.virginia.gov>
Cc: caglejn@hotmail.com
Subject: Request for Comments- Williams & Gilbert-CUP 2022-07-05

Good morning,

Veronica Diamond

From: Samantha Silke <samanthia@tmssuppliesinc.com>
Sent: Wednesday, August 10, 2022 4:32 PM
To: Veronica Diamond
Subject: 244 Delicious Rd Conditional Use Permit for a Short-Term Tourist Rental

Good evening,

I am unable to attend tonight's public hearing but wanted to put my opinion in as I live directly across the street at 251 Delicious Rd.

I have no issues with this property being used as a short-term rental. My family and I have had no issues with the property or any of the visitors. There has been no increase in noise or traffic or any other noticeable negatives associated with that property.

Respectfully,

Samanthia Silke
USN RET

TMS Supplies Inc.
8505-G Euclid Ave
Manassas Park, VA 20111
O: 703-257-7323
F: 703-420-2949
MICRO/SWAM, DBE Certified

****I work remote Mon-Thursday, please call my Cell to reach me 540-660-1741****

<http://www.tmssuppliesinc.com/>



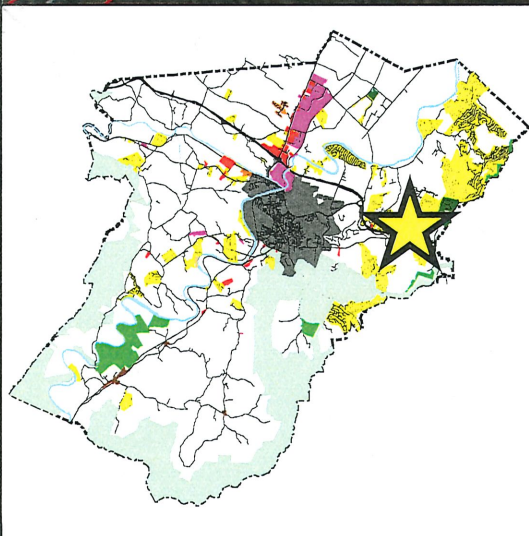
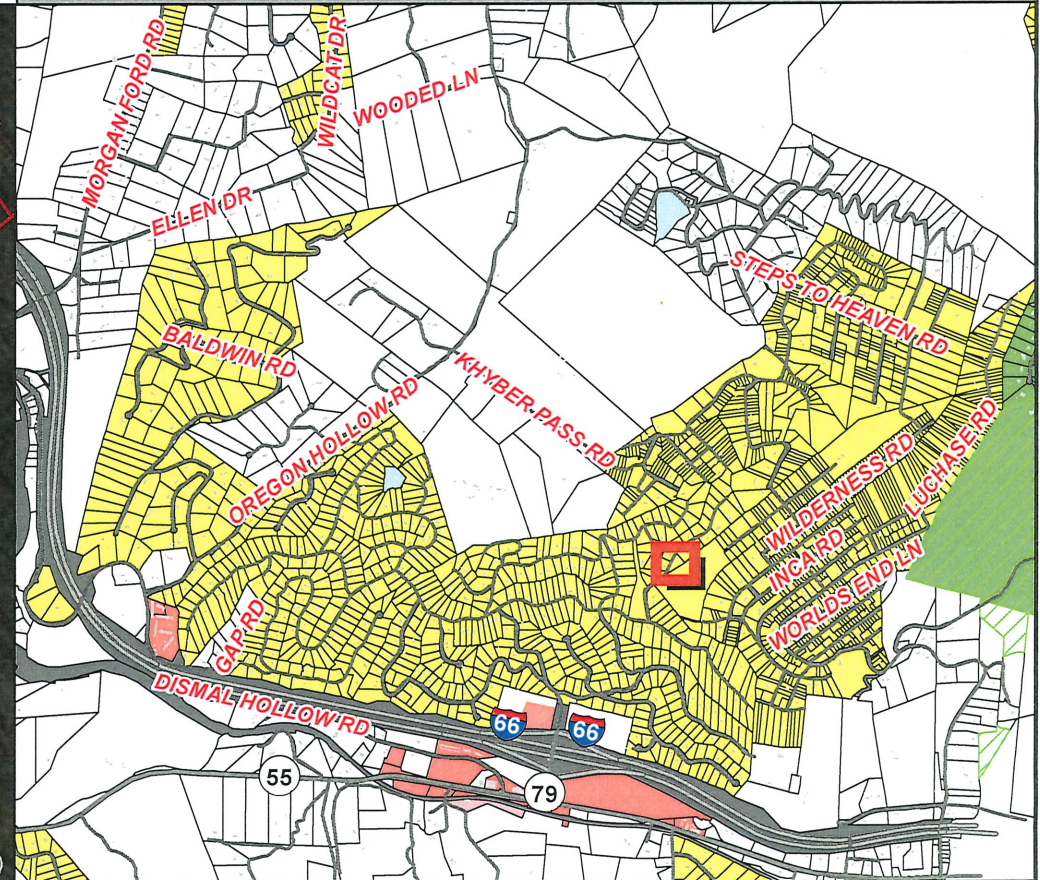
Warren County VA

CUP Location Map



Short Term Tourist Rental
Applicants: Matthew Williams

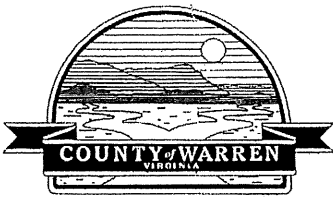
TM 22B----S--42
244 Delicious Road



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:
09/27/2022	H	Conditional Use Permit #2022-07-06 Matthew Williams & Jay Gilbert <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, August 10, 2022, Mrs. Richardson 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 applicant shall comply with all Warren County Health Department, 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 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 and county roads shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Matthew Williams & Jay Gilbert 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 Matthew Williams & Jay Gilbert for a Short-Term Tourist Rental.

SUBMITTED BY:

Chase Lenz, 
Zoning Administrator

DISPOSITION OF BOARD:

☐ APPROVED ☐ OTHER (Describe)

**PROCESSED
BY:**



Conditional Use Permit: 2022-07-06 / Short-Term Tourist Rental

Matthew Williams & Jay Gilbert, Current Owners/Applicants

Prepared: June 28, 2022 Revised: July 27, 2022

Staff Contact: Chase Lenz, Zoning Administrator

6

SUMMARY OF REQUEST

The applicants are requesting a conditional use permit for a short-term tourist rental for the property they recently purchased in March of 2022. The owners would like to make the attached cabin they are in the process of restoring on the property available for short-term visitations for guests seeking to enjoy the wineries, hiking trails, and other natural attractions of the Shenandoah Valley area. The applicants plan to manage the property personally with assistance from local professional services for cleaning and landscaping.

PROPERTY INFORMATION

Property Location: 115 Lonesome Flats Road
Tax Map ID: 19-----43
Magisterial District: Fork
Subdivision: N/A

City: Front Royal
Zoning: Agricultural (A)
Acres: 2.6563 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

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Agricultural zoning district. The dwelling was constructed in 1995 and 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.

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. Documentation has been provided by the applicant requesting a maximum of six (6) occupants. Warren County Assessment data lists four (4) 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 rights-of-way and in yards. **There is sufficient parking for at least three 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. **Existing woodlands partially screen the dwelling on all sides.**
- 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 and reviewed by Planning staff prior to issuing the certificate of zoning.**
- 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 in 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. **The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 313' to the north.**

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 applicant shall comply with all Warren County Health Department, 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 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 and county roads shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

Cc: Matthew Williams & Jay Gilbert – Owners/Applicants

Statement of Justification – 115 Lonesome Flats Rd.

My partner and I recently purchased 115 Lonesome Flats, and while living here as our primary residence, are in the process of restoring the properties attached original log cabin as well as completing some renovations across the rest of the property. We're excited to share the cabin's history and surrounding area with our family and future visitors. While we will be spending much of our time here, we periodically travel and plan to offer all or part of the space as a short-term rental. The home and it's outdoor spaces are private; however we also plan to ensure that they are available only to vetted guests who respect these spaces and the community. In addition to standard processes in place with online platforms, we use outdoor cameras at all entrances to the property as well a sound monitoring device and service that notifies us immediately if a party or other continuous loud noise is present. We have a formal property management plan printed and available virtually for all guests.

We plan to self-manage the property, but will have additional local contacts with a fantastic and local cleaning and lawn care team that will be available in case of emergencies.

WARREN COUNTY CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-07-06
 Date Received: 6/15/2022
 Fee Amount: \$ 500.00
 Date Paid: 6/15/2022 Ch# 1093

Applicant Information:

Matt Williams & Jay Gilbert
 Applicant Name

115 Lonesome Flats Rd Front Royal VA 22630
 Address City State Zip

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

330-705-2836 mattwilliams3218@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: 115 Lonesome Flats
- (2) Election District: FORK
- (3) Tax Map Number: 19-43
- (4) Subdivision Name: _____
- (5) Total Area of Property (acres): 2.65
- (6) Total Area to be Used (acres): 2.65
- (7) Total Road Frontage (feet): _____
- (8) Depth of Property (feet): _____
- (9) Present Zoning: A

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: Short Term Rental
- (2) Current land use and condition of site: A
- (3) Zoning of surrounding land/property: A
- (4) Will development be staged? ☐ Yes ☒ No
- (5) Construction Time: none
- (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.) _____
- (9) Number of full time employees: _____
- (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 3 Handicap _____
- (13) What is the proposed landscaping and buffering for this property? _____
Thick tree line, wooded areas create privacy on all sides of property

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?) _____
none

- (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 and recycling will be regularly disposed of by owners
- (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.) _____
none
- (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.) _____
none
- (6) What will be the impact on traffic? Minimal - strict directions will be
given to renters to use care on shared roadway/driveway
- (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. none

**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.

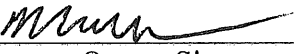
☐ **Location Map**^

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.

  6/15/22
Applicant Signature Date

  6/15/22
Property Owner Signature Date

Accepted by: Chase Lenny Date: 6/16/2022

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 HEALTH DEPARTMENT

134 PEYTON STREET

P. O. BOX 1318

FRONT ROYAL, VA 22630

IN COOPERATION WITH THE
STATE DEPARTMENT OF HEALTH

540-635-3159
FAX # 540-635-9698

June 11, 2003

RE: Walkover Application # 44839
Warren County Planning and Zoning
Tyson Romer division
Tax Map: 19-43

*Neville Derflinger, Building Official
County of warren
220 North Commerce Avenue
Front Royal, Virginia 22630*

Dear Mr. Stanley,

Pursuant to Section 32.1-165 of the Code of Virginia, and your written request dated *June 2, 2003*, I have evaluated the relevant items regarding the existing sewage disposal system and water supply serving the aforementioned property.

- 1.) *The septic system appeared to be functioning adequately at the time of my inspection, although this is no guarantee of future satisfactory performance.*
- 2.) *There is a permit and record of inspection on file for this system dated November 17, 1988 and it was rated for a three- (3) bedroom system with six (6) maximum occupants.*
- 3.) *The system is a conventional gravity-feed septic tank and drain field that was constructed to meet current standards.*
- 4.) *The applicant's proposed subdivision was staked in the field, and was observed during my visit. The proposed subdivision lines do not appear to encroach upon the existing septic system or well serving this house. .*

This office has no objection to the proposed continued use of this sewage disposal system and water supply serving this existing home. The proposed subdivision lines do not appear to adversely impact these components.

No. SD-87-030
WS-94-236
TAX MAP #19-43



PERMIT

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH

~~THIS PERMIT~~
~~EXPIRES ON~~
~~XXXXXXXXXX~~

DATE OF ISSUE
MAY 1, 1995

OPERATOR: MR. TROY A. LUCAS
ADDRESS: 115 LONESOME FLATS ROAD
FRONT ROYAL, VIRGINIA 22630

The above operator has made application and in accordance with the regulations of the Board of Health of the Commonwealth of Virginia is authorized by the WARREN COUNTY *Health Department*
to operate a TYPE I SEWAGE DISPOSAL SYSTEM W/270 GPD (3 BR, 6 PER. MAX. OCC.) W/LOW FLUSH TOILETS & WATER SAVING DEVICES AT 0.1 M EAST OF INT. OF 739 AND 660 ON S SIDE OF 660.

Walter P. Bailey Jr.
HEALTH OFFICIAL

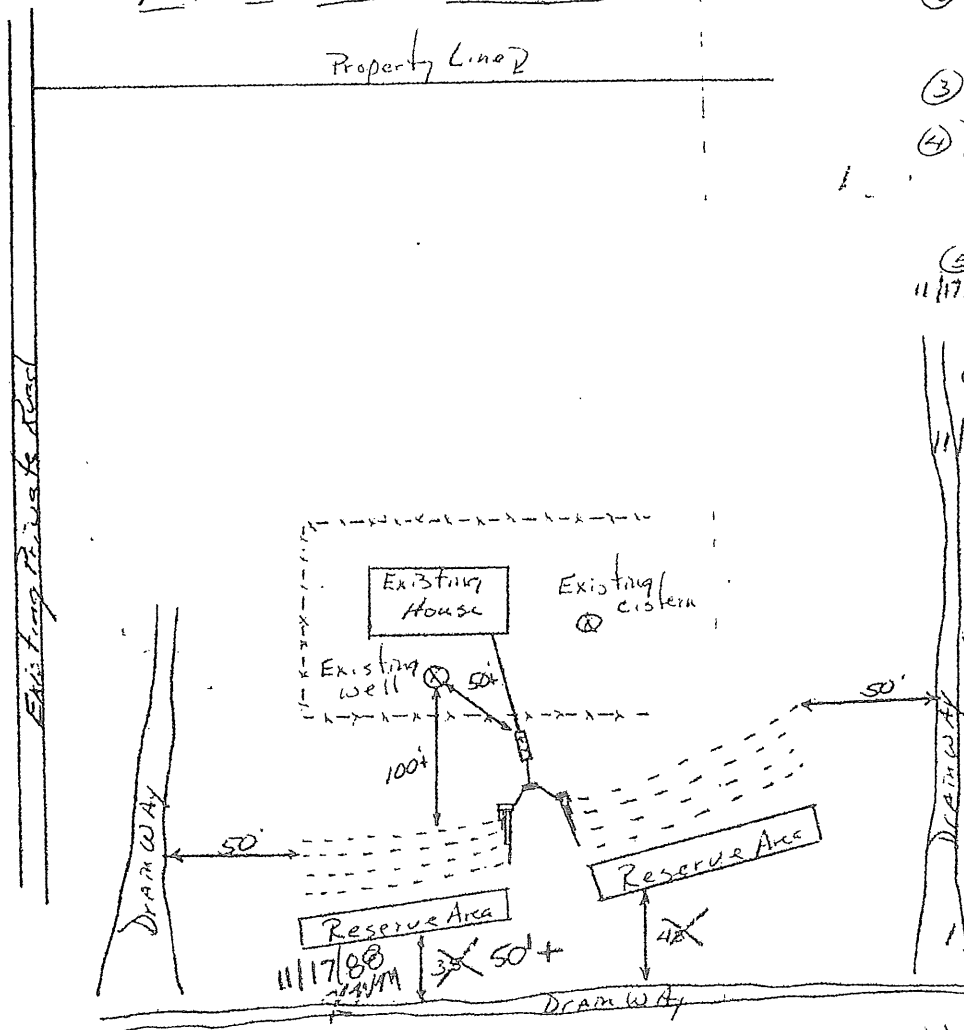
~~THIS PERMIT IS NOT VALID FOR ANY OTHER LOCATION OR FOR ANY OTHER USE~~

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 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.

☐ 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.

Not to Scale 13+ Acres



- ① 8-80 Lines
- ② Lines to be 24" Deep, 3' wide
9' on center
- ③ Lines to follow surface contours
- ④ Drain field to be 100' Min from
all water supplies
- ⑤ Septic Tank to be 10' Min
from House (no basement)
- ⑥ Drain lines to have 10" o/
broken slopes under Drain. Li
to 1/2" to 1" of slope per 10' of line
stone
- ⑦ Permanent water saving
plumbing appliances (low gallon
flush toilets & low restricted
shower heads) are required!
- WA
- 11/17/88 RNM
- or Add to cleanouts
- Abandon well as
- 1) SPLITTER needed
- Keep reserve Min. 50
from drainway!

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: 3/31/87 Issued by: Richard M. Black X

Date: 4-9-87 Reviewed by: HSS/ender Sanitarian
Supervisory Sanitarian 2/2/87

This Construction
Permit Valid until
4/30/91

If FHA or VA financing

Reviewed by Date _____ Date _____
Regional Supervisor _____

Supervisory Sanitarian

Regional Sanitarian

Tax Map

Commonwealth of Virginia Uniform Water Well Completion Report

Owner Novi Lucan
Address 3030 Loperome Plati
Front Royal, Va 22630
Phone _____
Location _____

Tax Map ID 19-43-120
VDH Permit WS-94-236
WVCB Permit _____
WVCB ID _____
County _____

* Well Data *

General Information

Drilling Method Air -Rotary
Depth to Bedrock 5 ft
Static Water Level 15 ft
Well Disinfected (Y or N) _____

Date Started 8-10-94
Date Completed 8-10-94
Yield 15 (GPM)
Stabilized Water Level 200 ft
Disinfectant Used _____

Total Depth of Well 240 ft
Length of Test _____
Natural Flow (Rate) _____
Amount Used _____

Casing

From 10" to 22 ft
Size 65/8 Material Steel
Weight/Schedule 15.0 lb

From _____ to _____
Size _____ Material _____
Weight/Schedule _____

From _____ to _____
Size _____ Material _____
Weight/Schedule _____

Gravel Pack

From _____ to _____

From _____ to _____

From _____ to _____

Grout

From 0 to 20+
Bore Hole Size _____
Type Pressure
Method _____

From _____ to _____
Bore Hole Size _____
Type _____
Method _____

From _____ to _____
Bore Hole Size _____
Type _____
Method _____

Water Zones or Screened Intervals

From 160 to and 220 ft
Mesh Size _____ Diam. _____
From _____ to _____
Mesh Size _____ Diam. _____

From _____ to _____
Mesh Size _____ Diam. _____
From _____ to _____
Mesh Size _____ Diam. _____

From _____ to _____
Mesh Size _____ Diam. _____
From _____ to _____
Mesh Size _____ Diam. _____

* Use Data *

Private Well:
Public Well:

Domestic ☒
Community _____

Agricultural _____
Non Community _____

Industrial _____

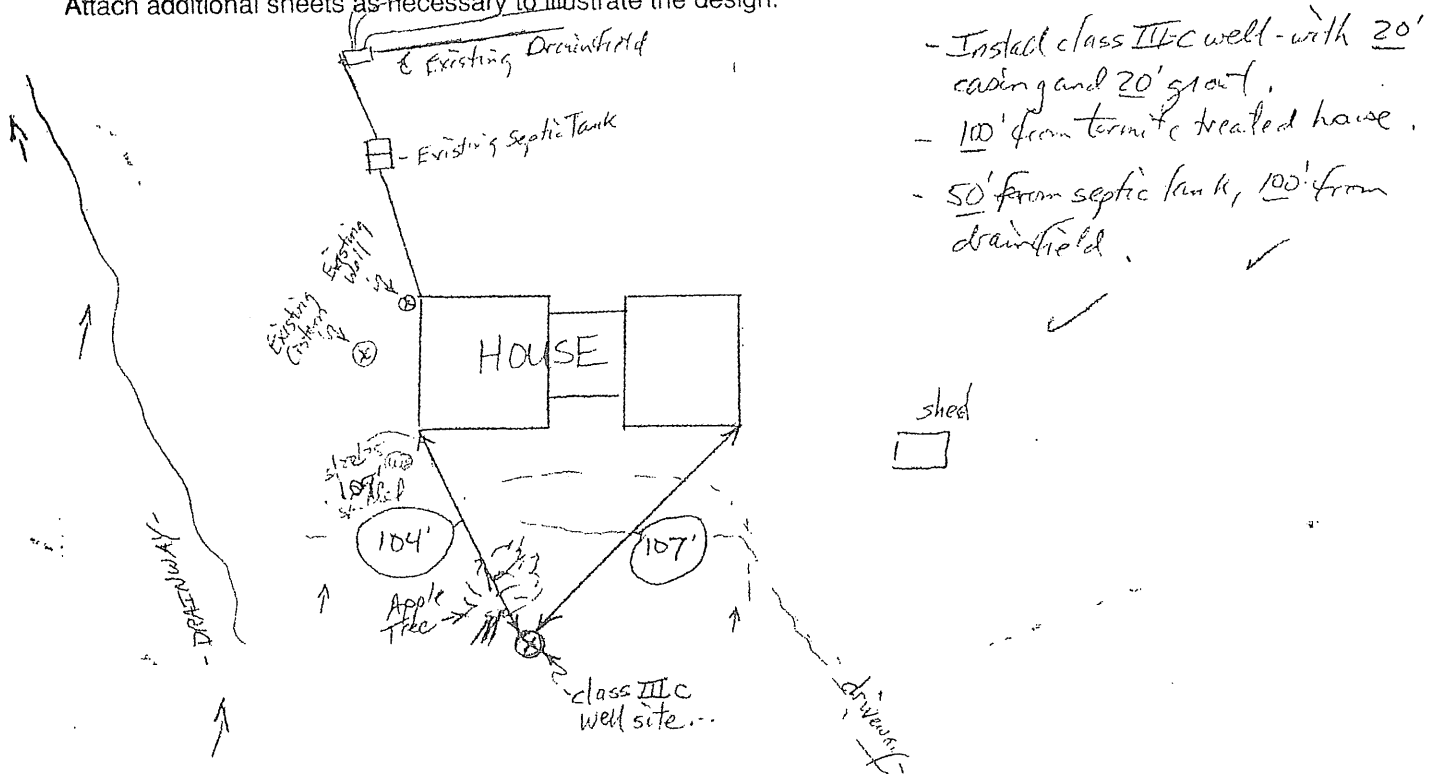
Monitoring _____

WELL

Schematic drawing of sewage disposal and/or water supply system and topographic features.

Show the lot lines of the building site, sketch of property showing any topographic features which may impact on the design of the well or sewage disposal system, including existing and/or proposed structures and sewage disposal systems and wells within 200 feet. The schematic drawing of the well site or area and/or 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 permitted, show all sources of pollution within 200 feet.

- ☐ 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.



This sewage disposal system and/or water supply is to be constructed as specified by the permit ☒ or attached plans and specifications _____.

This sewage disposal system and/or well 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: 8/8/94 Issued by: Walter P. Bailey, Jr., FHSS
 Date: 8/8/94 Reviewed by: Daniel Perry, E.H.S.S.
 Supervisory Sanitarian

This Construction
 Permit Valid until
2/8/97

If FHA or VA financing

Reviewed by Date _____ Date _____

Sewage Disposal System Construction Permit

PAGE 1 OF 2

Commonwealth of Virginia
Department of Health

Warren Co Health Department



Health Department

Identification Number SD-67-030

Map Reference 19-45-73

General Information	
New ☐ Repair ☒ Expanded ☐ Conditional ☐ FHA ☐ VA ☐ Case No. <u>20114</u> Based on the application for a sewage disposal system construction permit filed in accordance with Section 3.13.01, a construction permit is hereby issued to: Owner <u>Atwood Homes to Barbara A. Riddle</u> Telephone <u>—</u> Address <u>RT 1 Box 313 Pleasant S.C. 29460</u> For a Type <u>I</u> Sewage disposal system which is to be constructed on/at <u>Oil m. E of Int 739 + 660 on S side 660 (Oil m S on Private Road)</u> Subdivision <u>N/A</u> Section/Block <u>N/A</u> Lot <u>N/A</u> Actual or estimated water use <u>270 gal per day</u>	
DESIGN	NOTE: INSPECTION RESULTS
Water supply, existing: (describe) <u>Drilled well</u> To be installed: class <u>N/A</u> cased <u>N/A</u> grouted <u>N/A</u>	Water supply location: Satisfactory yes ☒ no ☐ comments <u>11/17/88 - Abandon when necessary</u> G. W. 2 Received: yes ☐ no ☐ not applicable ☐
Building sewer: <u>4"</u> I.D. PVC 40, or equivalent. Slope 1.25" per 10' (minimum). ☐ Other <u>—</u>	Building sewer: yes ☒ no ☐ comments Satisfactory <u>11/17/88 to be completed w/ house - add 2-checkouts</u>
Septic tank: Capacity <u>1000</u> gals. (minimum). ☐ Other <u>—</u>	Pretreatment unit: yes ☒ no ☐ comments Satisfactory
Inlet-outlet structure: PVC 40, 4" tees or equivalent. ☐ Other <u>—</u>	Inlet-outlet structure: yes ☒ no ☐ comments Satisfactory
Pump and pump station: No ☒ Yes ☐ describe and show design. if yes: <u>—</u>	Pump & pump station: yes ☐ no ☐ comments Satisfactory <u>NA</u>
Gravity mains: 3" or larger I.D., minimum 6" fall per 100', 1500 lb. crush strength or equivalent. ☒ Other <u>4" 1500 # plastic</u>	Conveyance method: yes ☒ no ☐ comments Satisfactory <u>50440 TO BOX</u>
Distribution box: <u>1-6</u> Precast concrete with <u>2-8</u> ports. ☐ Other <u>—</u>	Distribution box: yes ☒ no ☐ comments Satisfactory <u>1) SPLITTER 2) D-BOXES</u>
Header lines: Material: 4" I.D. 1500 lb. crush strength plastic or equivalent from distribution box to 2' into absorption trench. Slope 2" minimum. ☐ Other <u>—</u>	Header lines: yes ☒ no ☐ comments Satisfactory
Percolation lines: Gravity 4" plastic 1000 lb. per foot bearing load or equivalent, slope 2" 4" (min. max.) per 100'. ☐ Other <u>—</u>	Percolation lines: yes ☒ no ☐ comments Satisfactory
Absorption trenches: Square ft. required <u>1920</u> ; depth from ground surface to bottom of trench <u>24"</u> ; aggregate size <u>5" 6/15"</u> Trench bottom slope <u>2" to 4" / 100'</u> ; center to center spacing <u>9'</u> ; trench width <u>3'</u> Depth of aggregate <u>16"</u> ; Trench length <u>80'</u> ; Number of trenches <u>8</u>	Absorption trenches: yes ☒ no ☐ comments Satisfactory
Date <u>11/17/88 RNM</u> Inspected and approved by: _____ 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



June 30, 2022

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

RECEIVED
JUL 05 2022

BY:

RE: Request for Comments (2022-07-06)

Owner: Matthew Williams & Jay Gilbert

Dear Mr. Wendling,

I have reviewed your request for comments for a CUP for a Short-Term Rental at 115 Lonesome Flats Rd. Front Royal, VA (Tax Map# 19-43) and I offer the following comments:

1. There is a Construction Permit, ROI and Operation Permit on file for the referenced property dated 3/31/1987, 11/17/1988 and 5/01/1995 respectively.
2. The dwelling is connected to an approved Conventional Onsite Sewage System (COSS). The COSS is designed to accommodate Three (3) Bedrooms, Six (6) Occupants and a daily flow of 450 gallons.
3. The dwelling is connected to a Class IIIC private well. A water sample should be collected and analyzed by a state approved laboratory at least annually for the presence/absence of coliform bacteria.
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

From: [David Beahm](#)
To: [Veronica Diamond](#)
Cc: [Paula Fristoe](#)
Subject: RE: Request for Comments-Williams & Gilbert -CUP 2022-07-06 – Matthew Williams & Jay Gilbert – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000201-2022
Date: Monday, June 27, 2022 10:49:00 AM

Comments 2022-07-06 – Matthew Williams & Jay Gilbert – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000201-2022:

- 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 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 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
County of Warren
540-636-9973
Fax 540-636-4698
dbeahm@warrencountyva.gov
www.warrencountyva.gov

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.

From: Veronica Diamond <vdiamond@warrencountyva.gov>
Sent: Thursday, June 23, 2022 10:09 AM
To: David Beahm <Dbeahm@warrencountyva.gov>; Walker, Ashley <ashley.walker@vdh.virginia.gov>; jim.davis@vdh.virginia.gov; Smith, Gregory <gregory.smith@vdh.virginia.gov>
Subject: Request for Comments-Williams & Gilbert -CUP 2022-07-06

Good morning,

Please see attached documents attached for Williams & Gilbert.

CUP2022-07-06

John Croft 8/6/2022

219 Maywood Drive, Front Royal VA

Opposition to short-term rental on Lonesome Flats Road

As an adjoining property owner and owner of the private road named Lonesome Flats Road, we oppose the use of the property for short term rental. There are several reasons we are against the use of a short term rental.

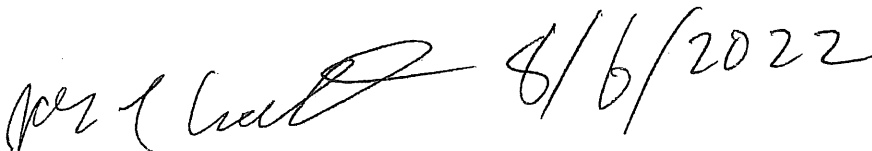
- Short term rentals are largely responsible for the housing crisis in America. Originally the idea behind short term rentals via sites like AirBNB was good. Someone could rent out their property or even part of their property for some additional income when they aren't using it. A family could go on vacation for a week and their property could be left abandoned, or they could rent it out for that week. The later has some drawbacks, but also some major advantages. However, investment groups have started purchasing properties expressly for the purpose of short term rental usages. This adversely affects the housing market. It effectively removes properties from the market as housing and makes them into commercial investment properties. The law of supply and demand means that the number of people looking for housing remains the same or may even grow over time but the available properties are reduced and so prices go up. In some areas it is impossible for the average person to buy a house. This also drives rent prices and affects commercial prices. In short, while it is nice to know my property is worth more today, it means so many new families are priced out of Warren County that we just can't support this practice.
- Additionally, short term renters are not good neighbors. They aren't neighbors at all. They are a product of a business. We have a lot of folks who enjoy riding 4 wheelers in the area. Occasionally we have someone ride up onto our property, often via the embankment in the cul-de-sac. This leaves damage to the ground and promotes erosion in a place where that's already an issue. We also have pets who often roam the woods on our property. We do not want someone to accidentally hit our dog while it's out doing it's business in the woods. What a terrible way to go! So when it happens we try to talk to the person and explain our reasons. Every single time we've done that, they stop going through our property. It's neighborly. With short term rentals, that doesn't exist. Certainly we can talk to a person, but then next week a new person shows up. If even 10% of the renters are interested in 4 wheeling that is over 5 times a year that this is happening, which may not seem like a lot but considering we've not had to talk to that many people the near 2 decades we've lived here, it's a pretty big difference. Then there are other potential issues. We found a bullet in our house from someone using their property as a shooting range. Perfectly legal, but not really interested in my kid being shot while

playing in the yard. With good neighbors we can ensure that the range they use is set up not facing our house or with a sufficient backstop. We haven't found another bullet in our house. A few years back one of our neighbors graduated high school, so he contacted all the folks in the surrounding properties to let us know he was planning on having a party and it might go late. Then gave us a card with a number we can call if it is bothering us so he could turn down the volume. It wasn't a problem, but what an amazing neighbor. I can't imagine short term renters having that kind of relationship with people in the area. I could go on and on about how important it is to be neighborly and why commercial use of the property is bad for the community, but I'm sure y'all can imagine enough scenarios based on your own experiences with neighbors.

- The last reason I'm sharing, though certainly not the last possible reason, is the potential for crime and legal but extremely unwelcome activity. Short term rentals offer a degree of anonymity. There is no tie to the community and where we live there is definitely some privacy. There have been several cases around the country and even world where short term rental properties are used for human and drug trafficking. It's much harder to identify and build a case because locations can change constantly. This is great for criminals but less so for locals who are affected. Additionally short term rentals are used for legal activities that we wouldn't want in our community like adult films. We can regulate this, but there is no possible way to enforce it. Even if the owners indicate they will not allow filming or illegal activity, nothing stops renters from doing just that.

Ultimately, short term rentals are bad for our community and should not be allowed or if allowed they should be limited in a way that more closely approximates the way they were originally set up, a solution that allows families to make use of the property for the time they are not using it. The biggest problem is investment groups that want to squeeze every drop out of a property with no concern for the community because they are not part of the community.

Lonesome Flats Road is approximately 1 acre of land on our property. This is nearly $\frac{1}{3}$ of our total property and we could grant a right of way for use of the property. Only one neighbor has been granted the right to use our road. No one else has contacted us for use of the property, and we are concerned that failing to counter this use will lead to potentially detrimental precedent, so as owner of the private road, we are officially objecting to this use of our property and will not grant a right of way for short term rental traffic.


John Croft



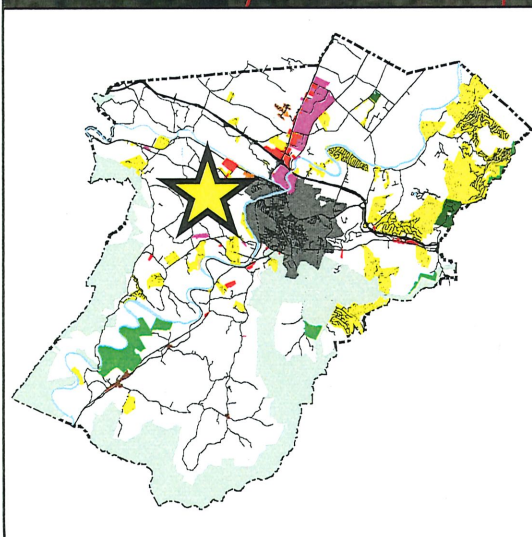
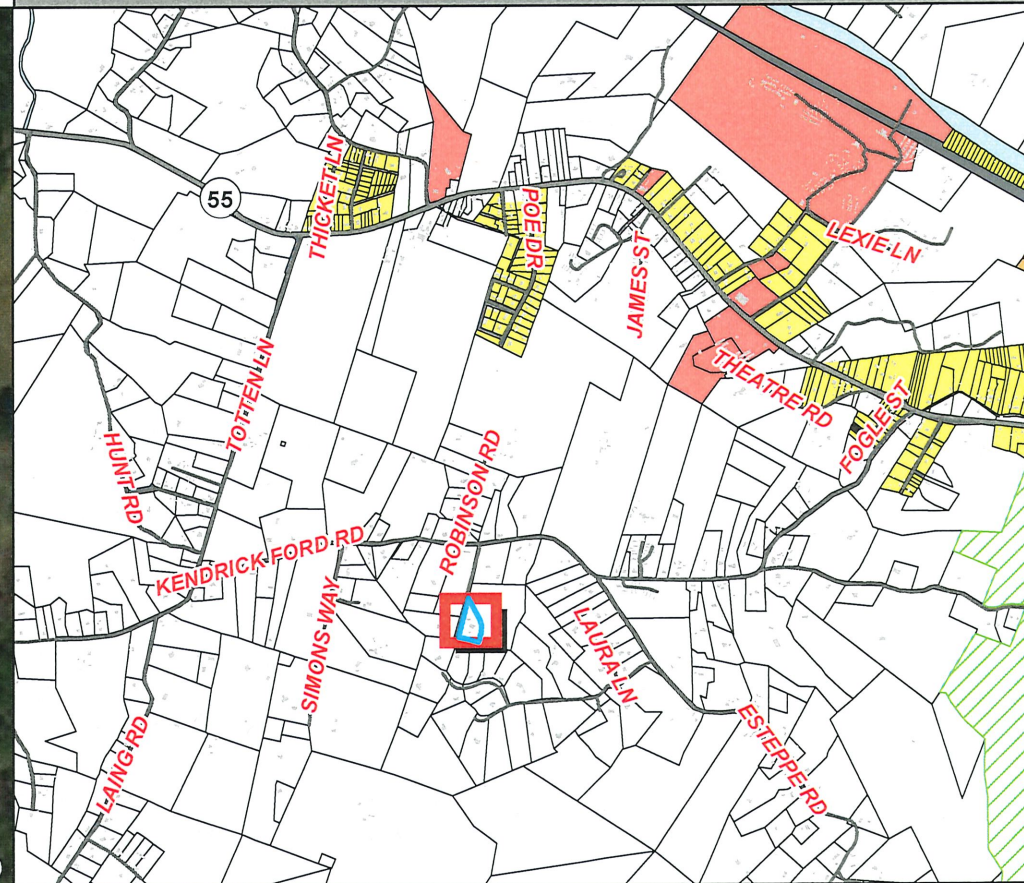
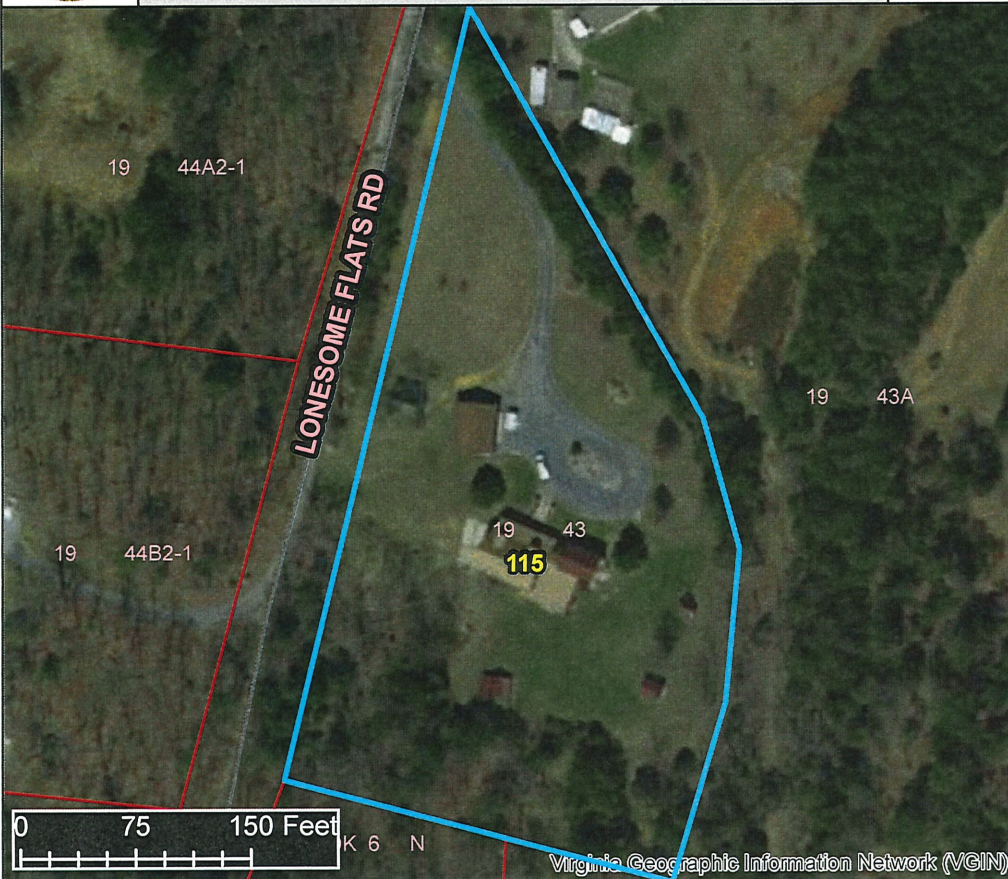
Warren County VA

CUP Location Map



Short Term Tourist Rental
Applicants: Matthew Williams

TM 19-----43
115 Lonesome Flats Road



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
9/27/2022	I	Conditional Use Permit #2022-07-07 Thomas L. Pigeon <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:

Mr. Kersjes moved to forward this application to the Board of Supervisors, recommending approval with the amendment of condition #8 regarding the fence. The motion was seconded by Mr. Henry 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 operational permit which has been 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 on the State, road shall be prohibited.
7. Outdoor burning and the use of fireworks by guests shall be prohibited.
8. The applicant shall install a fence along the border of lot 24 to clearly delineate the property boundary.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Thomas L. Pigeon 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 Thomas L. Pigeon 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: 2022-07-07/ Short Term Tourist Rental

Thomas L. Pigeon (Shawnee LLC), Applicant/ Owner

Staff Report for the Planning Commission

Prepared: July 1, 2022

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

SUMMARY OF REQUEST

The applicant purchased this property as a second home in June 2022 and currently lives in Winchester. He and his partner Michelle Korthauer purchase the property as an investment and for use as a second home. The applicant will contract a local property management company, Shenandoah Valley Property Maintenance LLC to manage and maintain the property if the use is approved. The owners plan to manage the rental of the property through Airbnb and will review any renters for a positive on-line ranking.

PROPERTY INFORMATION

Property Location: 540 Lakeside Dr.

Tax Map ID: # 27H-1-1-Parcel 25 & 26

Magisterial District: Fork

Subdivision: Royal View Estates

Special Flood Hazard Area: The dwelling is located in a non-flood zone "X" area.

Town/Village: Front Royal

Zoning: Residential One (R-1)

Acres: 2.0

Existing Land Use: Single-Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

North: Residential One (R-1)

South: Residential One (R-1)

East: Residential One (R-1)

West: Residential One (R-1)

Use: Vacant Lot - Wooded

Use: Single-Family Dwelling

Use: Single-Family Dwelling

Use: Vacant Lot - Wooded

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Residential One (R-1) zoning district to the property.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for Residential One (R-1) land uses which allows for a Short-term Tourist Rental by conditional use permit in the Warren County Zoning Ordinance Section §180-23. 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. The applicant has provided the Health Department records which allow for a 3 bedroom and 6-person occupancy for the dwelling. A request for comments was sent to the WC Health Department to verify the septic system and occupancy approved for the dwelling based on their records review and they confirmed it was a 3-bedroom system with six-person occupancy.
- 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 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 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 will need to be submitted and will be reviewed and approved by staff with all other requirements shall need to be met prior to a certificate of zoning for the business being issued.

- 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 in the Royal View Estates subdivision and we don't have a contact for this subdivision so no request for comments were sent.
- 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 applicant 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. The dwelling on this property is located over 158' from the adjacent dwellings surrounding this property.

RECOMMENDED CONDITIONS:

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 on the subdivision roads shall be prohibited.



Figure 1 Pigeon House

Cc: Thomas L. Pigeon and Michelle L. Korthauer, Applicants

Statement of Justification

540 Lakeside Dr, Front Royal, VA 22630

Thomas L. Pigeon and Michelle L. Korthauer

This statement is addressed to the Warren County Planning Commission.

540 Lakeside Dr, Front Royal, VA is a property located in the jurisdiction of Warren County. This property is a second home for Thomas L. Pigeon and Michelle L. Korthauer (owners). This home sits on one acre and the owners own the adjacent 1 acre lot # 26 to the north of the property. This property is located 10 minutes from the entrance to Shenandoah National Park and Skyline Drive, 10 minutes to Skyline Caverns, 20 minutes to Shenandoah River State Park, and only 15 minutes to downtown Front Royal. The home is located perfectly for all that the area has to offer. It is the owner's intention to list this property on Airbnb for Short Term Rentals (STR). Tenants will be chosen on a purposeful, planned, and methodical basis by evaluating their online ranking, and reviews provided by www.airbnb.com. Potential tenants will be properly informed of all property and county policies and procedures.

The owners do live out of state, however, the owners will have a contract with Shenandoah Valley Property Maintenance LLC. to provide onsite services for any maintenance, access, etc. items that may arise and to keep the property in good working order. The owners also are in the process of vetting qualified cohosts that are local to provide cohosting as well.

The owners recognize the positive impact that tourism is bringing to the Shenandoah Valley, and all of the revitalizing that is happening. With almost 2 million visitors a year and growing, Shenandoah National Park is a major contributor to the local economy. Coupling that with all of the outdoor recreation that the river provides, the hiking and camping the mountains are known for, the numerous wineries that are a major attraction in the area, the breath taking fall foliage, and numerous winter activities Shenandoah Valley provides, just to name a few, the owners are excited to share their home with visitors that flock this area each year.

WARREN COUNTY CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-07-07
 Date Received: 6/15/2022
 Fee Amount: \$ 500.00
 Date Paid: 6/15/2022 (cc)

Applicant Information:

Thomas L Pigeon
 Applicant Name

→ 540 Lakeside Dr Front Royal VA 22630
 Address City State Zip

→ 820 E Princeton Ave Spokane WA 99207
 Property Location for conditional use permit if Different than Applicant's Address

612-597-5754 ~~tjpigeon22@gmail.com~~ tjpigeon22@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: 540 Lakeside Dr. Front Royal, VA 22630
- (2) Election District: Fork
- (3) Tax Map Number: 274-1-1-25 and 26
- (4) Subdivision Name: Royal View Estates
- (5) Total Area of Property (acres): 2
- (6) Total Area to be Used (acres): 2
- (7) Total Road Frontage (feet): 510
- (8) Depth of Property (feet): 260
- (9) Present Zoning: R-1

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: STTR
- (2) Current land use and condition of site: Residential
- (3) Zoning of surrounding land/property: R-1
- (4) Will development be staged? ☐ Yes ☒ No
- (5) Construction Time: NA
- (6) Season, days, and hours of operation: NA
- (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: 6
- (12) Number of parking spaces to be provided: Regular 5 Handicap _____
- (13) What is the proposed landscaping and buffering for this property? trees, shrubs, forest

C. Plans Prepared By

Name: NA

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?) NA

(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?) _____

NA

(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.) _____

NA

(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. _____

NA

(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.) _____

NA

(6) What will be the impact on traffic? Minimal 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. existing

**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**

NA 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**

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

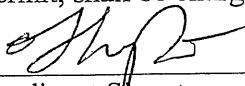
☒ **Location Map**

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.**

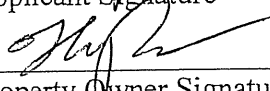
ght on State Rte 6730.3
Head SE to 2nd St. mile left on US-340 South
10.7 miles Right on State Route 619, 4.4 miles
miles turn right on Lakeside Drive, 0.6 miles
The home is on the right.

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.


Applicant Signature

6/15/22

Date


Property Owner Signature

6/15/22

Date

Accepted by: Chase Lenny

Date: 6/15/2022

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

Statement of Justification

540 Lakeside Dr, Front Royal, VA 22630

Thomas L. Pigeon and Michelle L. Korthauer

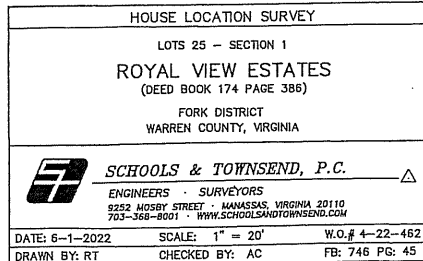
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1. NO TITLE REPORT FURNISHED. PLAT SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
2. FENCE LOCATIONS, IF SHOWN ARE APPROXIMATE ONLY AND DO NOT CERTIFY AS TO OWNERSHIP.
3. ACCORDING TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENTS FLOOD INSURANCE RATE MAPS THE HOUSE SHOWN HEREON APPEARS TO BE IN ZONE "X".
4. THE METES AND BOUNDS AND MERIDIAN SHOWN HEREON WERE TAKEN FROM DEEDS OF RECORD
5. THE PROPERTY SHOWN CURRENTLY STANDS IN THE NAME OF SHAINICE LLC AS PER LR220001069.
6. IRF = IRON ROD FOUND.
IPS = IRON PIPE SET.



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



July 01, 2022

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

RECEIVED
JUL 05 2022

BY:

RE: Request for Comments (2022-07-07)
Owner: Thomas L. Pigeon

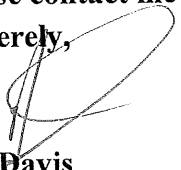
Dear Mr. Wendling,

I have reviewed your request for comments for a CUP for a Short-Term Rental at 540 Lakeside Dr. Front Royal, VA (Tax Map# 27H-1-1-25 & 26) and I offer the following comments:

1. There is a Construction Permit and ROI on file for the referenced property dated 1/12/1997 & 3/18/1999 respectively. There is no current Operation Permit on file. The OP for this type of system expires with the General Permit. It appears ownership of this property changed in February 2022. The new owner must file a Transfer of Ownership Form with the Department of Environmental Quality Valley Regional Office to obtain a General Permit. The form is attached.
2. The dwelling is connected to an Alternative Discharging Sewage Treatment System. The system is designed to accommodate Three (3) Bedrooms, Six (6) Occupants and a daily flow of 450 gallons.
3. The owner should be aware that Alternative Discharging Sewage Treatment Systems are required to be monitored at a frequency described under the General Permit issued by the Virginia Department of Environmental Quality (DEQ). A summary of monitoring and reporting requirements are attached. There are no recent monitoring reports on file for this property for the current owner.
4. The dwelling is connected to a Class IIIB private well. A water sample should be collected and analyzed by a state approved laboratory at least annually for the presence/absence of coliform bacteria.
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



PERMIT

COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH

IDENTIFICATION # VAG 401383
DATE OF ISSUE: January 17, 2013

TAX MAP # 27H-1-1-26
EXPIRATION DATE: 8/1/2016

OPERATOR: Daniel & Lenore Marsh
ADDRESS: 540 Lakeside Dr.
Front Royal, VA 22630

*The above operator has made application and in accordance with the regulations of the **BOARD OF HEALTH OF THE COMMONWEALTH OF VIRGINIA** is authorized by the **WARREN COUNTY HEALTH DEPARTMENT** to operate the following:*

☒ **ALTERNATIVE DISCHARGING SYSTEM**

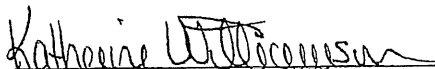
SYSTEM TYPE: recirculating sand filter
BEDROOMS IN STRUCTURE: 3 / MAXIMUM OCCUPANCY: 6
DESIGN CAPACITY: 450 gpd / SYSTEM APPROVAL TYPE: General
VPDES General Permit #: VAG 401383
OTHER:

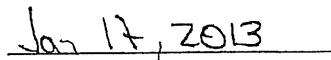
THE ISSUANCE OF THIS OPERATION PERMIT DOES NOT DENOTE OR IMPLY ANY WARRANTY OR GUARANTEE BY THE DEPARTMENT THAT THE DISCHARGING SYSTEM WILL FUNCTION AS DESIGNED (OR WITHIN THE LIMITS OF THE GENERAL PERMIT) FOR ANY SPECIFIED PERIOD OF TIME.

THE OPERATION AND MAINTENANCE OF THIS SYSTEM IS THE RESPONSIBILITY OF THE OWNER AND DISCHARGES IN EXCESS OF THE LIMITS ESTABLISHED IN THE "GENERAL PERMIT", NOW OR IN THE FUTURE, MAY CAUSE THE DEPARTMENT TO MANDATE THE REPAIR, EXPANSION OR REPLACEMENT OF THIS DISCHARGING SYSTEM.

THIS OPERATION PERMIT WILL EXPIRE WITH THE EXPIRATION OF THE GENERAL PERMIT, UNLESS THE OPERATION PERMIT IS SUSPENDED, REVOKED, OR AN EXPIRATION DATE OTHER THAN THAT OF THE GENERAL PERMIT IS NOTED ON THIS OPERATION PERMIT.

THIS ALTERNATIVE DISCHARGING OPERATION PERMIT IS NOT TRANSFERABLE.


HEALTH OFFICIAL


DATE



Scanned

TM:27H-1-1-26

KW

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

Douglas W. Domenech
Secretary of Natural Resources

4411 Early Road, P.O. Box 3000, Harrisonburg, Virginia 22801
(540) 574-7800 Fax (540) 574-7878
www.deq.virginia.gov

David K. Paylor
Director

Amy Thatcher Owens
Regional Director

July 13, 2011

Daniel S. and Lenore R. Marsh
540 Lakeside Drive
Front Royal, VA 22630

Re: Automatic Renewal of the General VPDES Permit for Domestic Sewage Discharges $\leq 1,000$ GPD, Permit No. VAG401383, Marsh, Daniel S. and Lenore R. Residence
540 Lakeside Drive

Dear Permittee:

The State Water Control Board recently reissued the general VPDES permit for the waste water treatment facility located at this address. According to Department records and Virginia Department of Health records your treatment works qualifies for automatic permit coverage renewal as described in 9VAC25-110-70 1.2.b. Your new permit coverage becomes effective on August 2, 2011, and expires August 1, 2016.

Please continue to operate the treatment works in accordance with the general permit. A copy of the reissued general permit can be found at <http://www.deq.virginia.gov/vpdes/pdf/VAG40-2011-decl.pdf>. A copy of the change of ownership form can be found at http://www.deq.virginia.gov/vpdes/documents/DSDGP_Change_of_Ownership_Form.doc

Note that the monitoring requirements have not changed for this permit reissuance. You should continue to monitor your discharge as you are presently doing. For your convenience, we have attached the monitoring requirements for your facility. If you do not have web access, or would like a paper copy of the entire general permit sent to you, please contact this office.

Please contact Olive Critzer at (540) 574-7877 or at olive.critzer@deq.virginia.gov if you have any questions.

Sincerely,

Brandon D. Kiracofe
Regional Water Permits Manager

Enclosure: Monitoring Requirement Page
cc: VDH Local Health District
FileNet

Veronica Diamond

From: David Beahm
Sent: Monday, June 27, 2022 11:21 AM
To: Veronica Diamond
Cc: Paula Fristoe
Subject: RE: Request for Comments - Thomas L. Pigeon - CUP 2022-07-07 – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000198-2022

Comments 2022-07-07 – Thomas L. Pigeon – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000198-2022:

NOTE: An outstanding gas appliance permit with completely new system will need to be addressed prior to approval for this request can be given. Permit was issued, but no inspections were ever requested. Owner/applicant can contact the office to address taking care of this items:

- 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
County of Warren
540-636-9973
Fax 540-636-4698
dbeahm@warrencountyva.gov
www.warrencountyva.gov

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.

From: Veronica Diamond <vdiamond@warrencountyva.gov>
Sent: Thursday, June 23, 2022 1:17 PM
To: David Beahm <Dbeahm@warrencountyva.gov>; Walker, Ashley <ashley.walker@vdh.virginia.gov>; jim.davis@vdh.virginia.gov; Smith, Gregory <gregory.smith@vdh.virginia.gov>
Subject: Request for Comments-Thomas L. Pigeon -CUP 2022-07-07

Veronica Diamond

From: Barbara <buckshot10@centurylink.net>
Sent: Wednesday, August 10, 2022 4:31 PM
To: Veronica Diamond
Subject: Short term rental 540 LAKESIDE DRIVE, FRONT ROYAL, VA 22630

I AM BARBARA SEALOCK 644 LAKESIDE DR. A NEIGHBOR TO THIS PROPERTY

MY CONCERNS FOR APPROVAL IS AS FOLLOWS:

- 1 - HOW MANY PEOPLE WILL THEY BE ADVERTISING TO STAY AT SAID PROPERTY.
SINCE IT IS A 3 BEDROOM APPROVED SYSTEM MEANING 6 OCCUPANTS.
MOST OF THESE 3 B.R. RENTALS ADVERTISE FOR 12-15 PEOPLE. IF 12 PEOPLE
STAY PER WEEK X 4 WEEKS YOUR LOOKING AT 48 PEOPLE PER MONTH 15X4
IS 60 PER MONTH. THIS ON SEPTIC, NOT INCLUDING SHOWERS, DISHWASHER,
AND DRYER. WHO WILL BE MAINTAINING AND CHECKING. SYSTEM? WE HAV A
STREAM BELOW WHICH RUNS DIRECTLY INTO THE SHENANDOAH RIVER.
- 2 - GARBGE PICK-UP?? SINCE THERE IS NO GARBAGE PICKUP UNLESS YOU PAY FOR
IT? IT NEEDS TO BE TRANSPORTED TO THE TRANSFER STATION ON RT 340.
MOST RENTALS RUN FROM SATURDAY AT 3 PM TILL SUNDAY AT 10-11 AM
WE CAN NOT AND DO NOT WANT GARBAGE NOT ATTENDED TO, SINCE WE
HAVE RACOONS, BEARS, ETC. PLUS WE DO NOT WANT PROBLEMS WITH
MICE AND RATS.
- 3- WILL ANIMALS BE ALLOWED? THERE IS NO FENCED IN AREA TO CONTAIN
THEM. THERE ARE SMALL CHILDREN ACROSS THE ROAD WHICH LEADS TO
CONCERNS.

THANK YOU.

RESPECTFULLY SUBMITTED
BARBARA A SEALOCK
644 LAKESIDE DR,
FRONT ROYAL, VA 22630

PHONE: CELL. 540 683-6668

Sent from my iPad



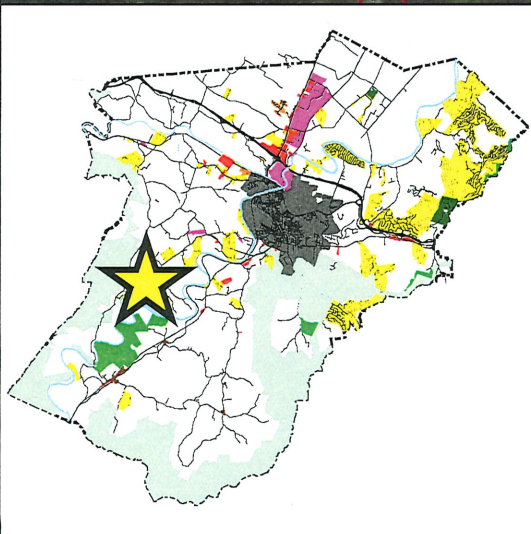
Warren County VA

CUP Location Map



Short Term Tourist Rental
Applicants: Thomas Pigeon

TM 27H--1-1--25
540 Lakeside 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
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