

At a special meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on September 27, 2022 at 6:00 PM.

Present: Cheryl L. Cullers, Chair (South River District); Delores R. Oates, Vice Chair (North River District); Jerome K. Butler (Happy Creek District); Victoria L. Cook (Fork District); and Walter J. Mabe (Shenandoah District); also present were Edwin C. Daley, County Administrator; Taryn G. Logan, Deputy County Administrator; Caitlin Jordan, Senior Assistant County Attorney; Chase Lenz, Zoning Administrator; Alisa Scott, Deputy Finance Director; Matt Wendling, Planning Director; and Emily Ciarrocchi, Deputy Clerk of the Board

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

Adoption of the Agenda

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors adopted the agenda as presented:

Mabe, Aye; Cook, Aye; Cullers, Aye; Oates, Aye; Butler, Aye

Public Hearing – Lease of County-Owned Property Located at 229 Stokes Airport Road, Front Royal – Alisa Scott

Alisa Scott, Deputy Finance Director, reported 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.

Mr. Mabe wondered how long staff has been working on this lease, considering the term of the lease is September 1, 2022 through October 1, 2022 and it is almost October 1st. Dr. Daley responded that this lease is an interim step; the contract with the former Fixed Base Operator (FBO) expired on September 1, 2022, and while the County has received proposals for FBO services, staff is not ready to make a recommendation to the Board. Mr. Van Jarrsveld has offered to provide FBO services on an interim basis.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mrs. Cook, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors authorized 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:

Butler, Aye; Oates, Aye; Cullers, Aye; Cook, Aye; Mabe, Aye

Public Hearing – Lease of County-Owned Property Located at 136 Hillidge Street, Apartment 2, Front Royal – Alisa Scott

Ms. Scott reported 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.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

Mrs. Oates asked if the future plans for this space are to continue to lease it as an apartment or to take it over for additional office space for the Public Works Department. Dr. Daley responded that while this is a twelve-month lease, there is a thirty-day written notice of termination clause in the lease.

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors authorized 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:

Mabe, Aye; Cook, Aye; Cullers, Aye; Oates, Aye; Butler, Aye

Public Hearing – 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

Matt Wendling, Planning Director, reported the applicants are requesting a conditional use permit for a Commercial Outdoor Recreation Operation, which would consist of a softball/baseball/soccer training facility. The applicants 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 Planning Commission has forwarded this application to the Board of Supervisors recommending denial due to concerns about noise and traffic. Since this recommendation, the applicants revised their statement of justification reducing the recreational services that will be offered. They plan to have a by-appointment or preregistration 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' x 100' interior fielding and throwing practice area for availability during inclement weather and during the winter season. They also plan to serve snack type foods during open hours for both the indoor and outdoor facilities. They plan to use porta-potties and would like to operate Monday through Friday from 3:30 PM – 9:00 PM and Saturdays from 9:00 AM – 6:00 PM.

Cole Haase, applicant, expressed his desire for the Board to approve his and his wife's application for this Commercial Outdoor Recreational Operation to establish a youth athletic facility. He hopes they have answered the questions put forth to them so far and addressed any concerns their neighbors may have had. They have scaled back their original proposal and are now focusing on youth athletics, limiting outdoor use of the facility to daytime only. They are also limiting the number of vehicles allowed on the property at one time and having the operation by-appointment only in order to address concerns about the number of attendants of the facility. They have installed directional signage in response to comments from the Virginia Department of Transportation (VDOT), and the property's well and septic services have been deemed safe and adequate by the Health Department. Mr. Haase also presented a petition with over 230 signatures in support of this facility.

Mrs. Oates commented on how the proposal currently before the Board is different from the proposal for which the Planning Commission recommended denial. Mr. Wendling confirmed that the proposed phases 2 and 3 of the facility were removed from the application. The request currently before the Board is for two outdoor batting cages and an indoor facility only.

Mrs. Cullers opened the public hearing. The following individuals appeared in person to speak or submitted emails in support of this application:

- Dawn Takacs
- Toby Brown
- Bryan Rosati
- Rick Novak
- Sarah Veitenthal
- Arianna Whited
- Cody Warren
- Ted McDaniel
- Amanda Slate
- Andrea Bunch
- Chris Gobie
- Ashton Long
- Laura Johnston

The following individuals appeared in person to speak or submitted emails in opposition to this application:

- Sue Russell
- Deborah Jones
- Patty Sims
- Susan Poe

There being no further comments from the public, Mrs. Cullers closed the public hearing.

Danielle Haase, applicant, voiced her appreciation for the support she and her husband have received throughout this process; being able to operate this facility would be a dream come true. Pastors of this former church would host indoor basketball tournaments and outdoor flag football games on this property, which would draw larger crowds than are anticipated for this facility. She and her husband are avid supporters of youth sports, and she will never take “no” for an answer when it comes to the youth of the community. She believes that on their own land, they will be able to ensure litter control and manage vehicular traffic.

Mrs. Cook wanted to know how they were planning on adhering to the twenty-vehicle maximum during the transition time between two appointments, and the Haases replied they built in a thirty-minute buffer between appointment times to account for stragglers or early arrivals. Mrs. Cook also wanted to confirm where the four entrances to the property were located, but Mr. Wendling responded that he had spoken with the VDOT representative who had submitted the comments. The representative did not realize that the parking lot to the north was *not* part of this application, and the comments he submitted took that parking lot into consideration. Those entering onto the property will only be using the two entrances onto the old church property.

Mrs. Cook then spoke about how the Fortsmouth Fire Department used to direct traffic years ago when the church held its revivals or hosted other large gatherings, but no such traffic direction is being proposed for this application. She had reached out to the Sheriff’s Office for accident figures on Routes 55 (Strasburg Road) and 678 (Fort Valley Road), and there have been 15 accidents in the area over the past two years.

Mr. Butler asked how many people in the audience who spoke in favor of this application lived near the subject property and/or would be directly impacted by the proposed use; only one audience member raised her hand. Mrs. Cook stated the most impacted people are the seniors or retired individuals who live in the area.

Mrs. Oates stated that sometimes, sacrifices must be made for the sake of the youth; it is part of what adults do to encourage children to be the best they can be. When her children were younger, she drove them to Gainesville three times per week and paid for sports training. She was fortunate enough to be able to afford this, but there are families who cannot. This facility would provide increased athletic opportunities for many families in the community.

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the conditional use permit request of Cole and Danielle Haase for a Commercial Outdoor Recreational Operation with the conditions as recommended by the Planning Commission and staff and listed below:

Butler, No; Oates, Aye; Cullers, Aye; Cook, No; Mabe, Aye

1. The applicants 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 bathing cages, 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 3:30 PM to 9:00 PM and Saturday 9:00 AM to 6:00 PM, and the operation shall be closed on Sunday.
6. The maximum number of occupants 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.
7. The applicants shall have the well/drinking water tested annually for e-coli and coliform contamination and a copy of the results shall be submitted to the Planning Department.

Public Hearing – 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

Chase Lenz, Zoning Administrator, reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property she recently purchased in April 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.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Mrs. Cullers opened the public hearing.

Lynda McDonough, 1205 High Top Road, thinks short-term rentals are bringing a commercial business into a residential area. The renters hinder local traffic when they get lost or get stuck in the littlest amount of snow in the winter. They stay up until the early hours of the

morning making noise and have no care for the community or the roads. More and more people are buying properties in the area as second homes and renting them out, and she is totally against this application and all other short-term rental applications.

Michelle Moriarty, applicant, said she understands the concerns with the residential area, but unfortunately her family cannot move to this home due to their jobs. She has spoken to every adjoining neighbor and resident on their road to let them know her intentions for renting the home short-term. She has also implemented quiet hours from 10:00 PM – 7:00 AM and included the noise ordinance portion of the Warren County Code in the property management plan.

There being no further comments from the public, Mrs. Cullers closed the public hearing.

Mr. Butler asked how negatively affected residents can best report their concerns, and Mr. Wendling replied that residents can contact the non-emergency number for the Sheriff's Office or the Planning Department during regular business hours. Planning Department staff recommends that property owners intending to rent out their home short-term reach out to neighbors and provide them with a copy of the property management plan as well as contact information for the property manager.

Dr. Daley made the suggestion of creating a log of all short-term tourist rentals in the County and the contact information for the respective property manager(s) to be kept in the Communications Center in the event a complaint is called in to the Sheriff's Office.

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved 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 and listed below:

Mabe, Aye; Cook, Aye; Cullers, Aye; Oates, Aye; Butler, Aye

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 applicant 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 applicant 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.

Public Hearing – 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

Mr. Lenz reported the applicants are requesting a conditional use permit for a short-term tourist rental for the property they recently purchased in May 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.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors approved the conditional use permit request of Kendra Hansen, Kathryn Stuart, Simon Sarver, and Michael Cherubin for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff and listed below:

Butler, Aye; Oates, Aye; Cullers, Aye; Cook, Aye; Mabe, Aye

1. The applicants 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 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.

Public Hearing – 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

Mr. Wendling reported the applicants purchased this investment property in February 2022 and are currently renting it long-term for over 30 days. They intend to use it at times 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' away, and the applicants have 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.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors approved 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 and listed below:

Mabe, Aye; Cook, Aye; Cullers, Aye; Oates, Aye; Butler, Aye

1. The applicants 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 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 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.

Public Hearing – 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

Mr. Lenz reported the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in April 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.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the conditional use permit request of Matthew Williams and Jay Gilbert for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff and listed below:

Butler, Aye; Oates, Aye; Cullers, Aye; Cook, Aye; Mabe, Aye

1. The applicants 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 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.

Public Hearing – 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

Mr. Lenz reported the applicants are requesting a conditional use permit for a short-term tourist rental for the property they recently purchased in March 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.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Mrs. Cullers noted that the opposition letter included in the packet from John Croft makes it sound like he owns Lonesome Flats Road and asked if there was an easement. There was lengthy discussion among the Board members, Mr. Wendling, and Senior Assistant County Attorney Caitlin Jordan regarding access easements.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mrs. Cook, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the conditional use permit request of Matthew Williams and Jay Gilbert for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff and listed below, subject to confirmation from the County Attorney's Office that neither an easement nor right-of-way would prohibit or preclude guests from using Lonesome Flats Road:

Mabe, Aye; Cook, Aye; Cullers, Aye; Oates, Aye; Butler, Aye

Public Hearing – 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

Mr. Wendling reported the applicant purchased this property as a second home in June 2022 and currently lives in Spokane, Washington. He and his partner Michelle Korthauer purchased 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 online rating.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Mrs. Cullers questioned why Mr. Pigeon purchased a home in Warren County if he lives in Spokane, Washington, and Mr. Pigeon responded that he had come to the area for a work trip and would like to spend more time out here.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mr. Butler, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the conditional use permit request of Thomas Pigeon for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff and listed below:

Butler, Aye; Oates, Aye; Cullers, No; Cook, Aye; Mabe, Aye

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 three-bedroom dwelling.
3. The applicant 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 applicant 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 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.

Adjournment

Mrs. Cullers adjourned the meeting at 9:00 PM.