

At a public hearings meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on January 24, 2023 at 6:00 PM.

Present: Victoria L. Cook, Chair (Fork District); Cheryl L. Cullers, Vice Chair (South River District); Jerome K. Butler (Happy Creek District); and Walter J. Mabe (Shenandoah District); also present Edwin C. Daley, County Administrator; Taryn G. Logan, Deputy County Administrator; Caitlin Jordan, Senior Assistant County Attorney; Chase Lenz, Zoning Administrator; Joe Petty, Director of Economic Development; Alisa Scott, Finance Director; Matt Wendling, Planning Director; and Zach Henderson, Office Manager for Economic Development

Absent: Delores R. Oates (North River District)

Mrs. Cook opened the meeting with a moment of silence for the recent passing of Fortsmouth Volunteer / District Fire Chief Homer L. Cross.

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

### **Adoption of Agenda – Additions or Deletions**

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

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

### **Public Hearing – Ordinance to Amend and Re-Ordain Section 160-62 of the Warren County Code – Caitlin Jordan**

Caitlin Jordan, Senior Assistant County Attorney, reported currently, Warren County Code Section 160-62 requires the Commissioner of Revenue and Treasurer to obtain approval from the Board of Supervisors before issuing refunds greater than \$2,500.00 for erroneous assessments. However, Code of Virginia Section 58.1-3981 permits the Treasurer to issue refunds under \$10,000.00 without the Board of Supervisors' approval. Warren County Code Section 160-62 should be amended to reflect the amount in the Code of Virginia.

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

On a motion by Mr. Mabe, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors adopted the proposed ordinance to amend and re-ordain Section 160-62 of the Warren County Code:

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

ORDINANCE TO AMEND AND RE-ORDAIN SECTION 160-62 OF THE WARREN COUNTY CODE  
(REFUND AUTHORIZED; MAXIMUM AMOUNT)

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Warren County Code Section 160-62 be amended and re-ordained as follows:

**§ 160-62 Refund authorized; maximum amount.**

[Amended 9-19-2017; **1-24-2023**]

If the Commissioner of Revenue is satisfied that he has erroneously assessed any local tax, and such assessment has already been paid by the taxpayer, then upon certification by the Commissioner of Revenue to the Treasurer of such erroneous assessment, the Treasurer may approve and issue any refund to such taxpayer up to \$2,500 **\$10,000** as a result of such erroneous assessment.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

Language proposed to be deleted is lined through. ~~Example~~

Language proposed to be added is bolded and underlined. **Example**

**Public Hearing – Sale of County-Owned Real Property Located at 30 E Jackson Street – Alisa Scott**

Alisa Scott, Finance Director, reported the County has determined that its property located at 30 E. Jackson Street Front Royal, VA 22630, further identified on Tax Map 20A7, Section 4, as Parcel 39A, is surplus property or of excess need. The potential revenue to be derived from the sale of the property is better use of public funds than to maintain or improve the property. The County has received 3 offers: \$200,000 from TCG Real Estate Holdings, LLC; \$185,000 from Bayou, LLC and/or Assigns; and \$175,000 from Transform Development, LLC and/or Assigns.

Mrs. Cook opened the public hearing. There being no comments from the public, Mrs. Cook 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 disposition of 30 E Jackson Street Front Royal, VA 22630 (tax map number 20A7 4 39A) for a contract price of TWO HUNDRED THOUSAND DOLLARS (\$200,000) to TCG Real Estate Holdings LLC - At closing 30 East Jackson, LLC, and further authorized the Chair and County Administrator, either of whom may act, to execute all necessary documents that have been approved by the County Attorney or Assistant County Attorney:

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

**Public Hearing – Modification Request for Conditional Use Permit 97-11-01, Alan Munson for Commercial Campground, Canoeing, Boating (kayaking and inner-tubing) and Fishing Equipment Rental and Sales Located at 192 Panhandle Road and Identified on Tax Map 34 as Lot 3B – Chase Lenz**

Chase Lenz, Zoning Administrator, reported in response to consistent requests for long-term rentals of campsites over the past several camping seasons, Mr. Munson is requesting the conditional use permit be modified to allow for a maximum of twelve (12) campsites to be used for long-term camping and parking of recreational vehicles up to a maximum of 180 days or six (6) months. The property is currently approved for a total of 60 campsites with a restriction for all recreational vehicles to be onsite for less than 30 days. Changes are proposed to be made to the following conditions:

6. All permanent structures shall be located at least ~~one (1) foot~~ **two-and-a-half (2.5) feet** above the 100 Year **base** flood elevation (**BFE**).
7. **No more than twelve (12) campsites shall be used for long-term rentals. All recreational vehicles parked on the long-term campsites shall be on site for less than 180 consecutive calendar days in any one year and shall be removed for the remainder of the year. All other recreational vehicles shall be on site for less than thirty (30) days. All recreational vehicles shall be fully licensed and ready for highway use and inoperative recreational vehicles shall be prohibited. Recreational vehicles shall not be used as permanent dwellings.**
9. ~~This permit is nontransferable.~~
12. **11. A biannual review of this permit shall be conducted by the Planning Department staff. The applicant shall keep a record of the length of time each recreational vehicle is parked on the campground and documentation shall be provided to Planning Department staff during the biannual review.**

The proposed changes to Condition #7 reflect the current requirements for parking, storage, and use of recreational vehicles within the Special Flood Hazard Area (SFHA) under Warren County Code Sections 180-16(K)(3)(f) and 180-40.1(F). The proposed change to a biannual review of this conditional use permit under Condition #11 will allow Planning staff to align with the 180-day timeframe of the long-term rentals to ensure compliance with the conditional use permit conditions. The proposed change to Condition #6 complies with recent amendments to the Floodplain Overlay District regulations. Planning staff is requesting the original Condition #9, restricting the conditional use permit from being transferred, be removed as this condition is not enforceable.

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

On a motion by Mrs. Cullers, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the request to modify the conditions of Conditional Use Permit 97-11-01 for a Commercial Campground as requested by the applicant, recommended by staff, and listed below:

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

1. Applicant shall receive all necessary permits from the Warren County Health Department, Virginia Department of Transportation, and Lord Fairfax Soil and Conservation District prior to construction of the campground.
2. The drainfields shall be inspected annually by the Warren County Health Department and per the Virginia Department of Health- Office of Drinking Water a bacteriological water report shall be completed by a third-party environmental engineer and submitted to the Warren County Health and Planning Departments on an annual basis.
3. Applicant shall comply with requirements and standards from Warren County Code section 180-16: Floodplain Overlay District for land located in the Special Flood Hazard Area (SFHA).
4. No permanent buildings or structures shall be located in the floodway of the Shenandoah River.
5. Within the floodway there shall be no development which causes a rise in the 100 Year flood elevation.
6. All permanent structures shall be located at least two-and-a-half (2.5) feet above the 100 Year base flood elevation (BFE).
7. No more than twelve (12) campsites shall be used for long-term rentals. All recreational vehicles parked on the long-term campsites shall be on site for less than 180 consecutive calendar days in any one year and shall be removed for the remainder of the year. All other recreational vehicles shall be on site for less than thirty (30) days. All recreational vehicles shall be fully licensed and ready for highway use and inoperative recreational vehicles shall be prohibited. Recreational vehicles shall not be used as permanent dwellings.
8. A dust free surface shall be maintained on the campground roads at all times.
9. No ancillary structures (screened porches, decks, sheds, trailer skirts, etc.) shall be allowed.
10. Noise generated on the campground must not exceed the maximum permissible sound levels at the property line as defined by Code Section 123-4 for noise measured in an Agricultural District, not to constitute a nuisance or be unreasonably annoying to persons of normal sensibilities who are outside of the campground.

11. A biannual review of this permit shall be conducted by the Planning Department staff. The applicant shall keep a record of the length of time each recreational vehicle is parked on the campground and documentation shall be provided to Planning Department staff during the biannual review.
12. All canoes, kayaks and inner tubes shall be stored outside of the Special Flood Hazard Area during the off-season for the campground.
13. Lifejackets or life vests shall be provided to renters of canoes and kayaks.
14. No mechanized or gas-powered watercraft shall be rented.

**Public Hearing – Modification Request for Conditional Use Permit 2015-01-01, Gillian Greenfield & Richard Butcher for Private Use Camping (Non-Commercial) Located off Beech Road and Identified on Tax Map 13C, Section 1, Block 1, as Lot 206 – Chase Lenz**

Mr. Lenz reported John Kovac was issued conditional use permit #2015-01-01 on March 17, 2015 for Private Use Camping (Non-Commercial). Mr. Kovac's intent in applying for the conditional use permit was to construct a small shed for storage of tools, camping equipment, and recreational equipment and to use the lot for recreational tent camping and picnics. The Shenandoah Shores Property Owners Association (SSPOA) Board of Directors submitted a letter in opposition in 2015 to Mr. Kovac's application referencing that their By-Laws and Covenants state there is to be no camping within the subdivision. This resulted in the addition of Condition #1 (*Prior to private use camping and parking of campers or recreational vehicles, the applicant shall have written permission from the Shenandoah Shores POA to camp and shall provide a copy of the letter to Planning staff.*) to the conditional use permit prior to its approval by the Board of Supervisors. During the public hearing, Planning staff reported this condition mitigates the impact on the character of the subdivision by restricting use and parking of campers and recreational vehicles while allowing for the POA to be in control of whether campers and recreational vehicles are allowed in their subdivision.

Following Mr. Kovac's passing, Gillian Greenfield and Richard Butcher purchased the property in June 2022. Ms. Greenfield and Mr. Butcher are requesting a name change on the conditional use permit from "John Kovac" to "Gillian Greenfield and Richard Butcher" as well as the removal of Condition #1. The request to remove Condition #1 stems from legal opinions the applicants have received that the SSPOA lacks the jurisdiction to enforce its Covenants as an elected board. Additionally, according to the applicants' statement of justification for the modification request, "...legal review has determined there is no evidence in the recorded land records of required written majority for any of the changes in the [Covenants] since [the SSPOA's] origination prior to 1972; therefore, any amendments to the protective covenants forward from this date cannot be validated..." including the restriction on camping in the subdivision. No other changes are requested to be made to the other existing conditions.

Mr. Lenz also read submitted comments from the following adjacent and nearby property owners in opposition to this application:

- Charles Rowland
- Mary Lynn Sallette
- Tamsen Strickland
- Jennifer Thomas (Jagger)

Gillian Greenfield, applicant, said she is heavily involved with the community and is fully committed to property rights. She is asking the Board to extract from the conditional use permit the requirement to have written permission from SSPOA prior to private use camping.

Mrs. Cook opened the public hearing.

Charles Rowland, 591 Beech Road, said he is a resident and property owner who lives a few lots away from this property. Every time a riverfront property is sold in Shenandoah Shores, the owners bring campers in, party by the river, and light bonfires. He is worried about the fire risk to the surrounding area and hopes the Board denies this request.

Eileen Corbin, 3500 Shenandoah Shores Road, said this is a residential community and is not a spot for camping. She has lived in Shenandoah Shores for 42 years and has seen much residential growth over the decades. This area is not like being in a campground; there are no monitoring systems or regular policing to ensure compliance. She is requesting the Board deny this request.

Ari Henrique, 68 View Drive, introduced himself as a member of the SSPOA Board. He believes camping should be considered in the future as permissible under certain conditions and restrictions. However, until the SSPOA Board can speak to counsel and receive proper legal guidance on how to respond to Ms. Greenfield's allegation that they do not have enforcement capabilities for their bylaws and covenants, he is requesting the Board of Supervisors table consideration of this item. He also noted that instead of coming to the SSPOA Board to discuss this permit's condition, she bypassed the SSPOA Board entirely and came directly to the Board of Supervisors requesting an amendment to the conditional use permit.

Ms. Greenfield returned to the podium and reiterated that the conditional use permit, as it is currently written, includes a condition that means the Board of Supervisors, in its capacity as the governing body of a locality, is enforcing a POA document.

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

Mrs. Cullers asked the applicant what her plans are for the property, and Ms. Greenfield responded she intends to use this property personally for camping with friends and family. She does not intend to stay on the property overnight but rather use the property during the day.

After general discussion regarding uses of the property, major recreational vehicles, the existing accessory structure, and a proposed amendment to the existing conditions beyond what was being requested, the consensus of the Board was to table this item for additional discussion.

On a motion by Mr. Mabe, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors tabled further discussion regarding this matter:

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

Mrs. Cook asked when the discussion on this request will take place, and Dr. Daley said it would depend on the length of the agenda but more than likely sometime in February.

**Public Hearing – Conditional Use Permit 2022-10-02, Maura & Daan De Raedt for a Short-Term Tourist Rental Located at 54 Arrowood Road and Identified on Tax Map 23A, Section 1, Block 4, Lot 1 – 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 December 2021. The owners would like to make the property available year-round as a quiet, luxurious refuge for visitors seeking to connect with the natural beauty of the Shenandoah Valley and Warren County area. The applicants will hire a local property manager to assist with the management of the property. Comments have been received from the Skyland Community Corporation Board of Directors indicating they unanimously voted on a recommendation of denial for this application due to the application not meeting their guidelines.

The applicants are requesting a waiver to this supplementary regulation as the dwelling does not meet the required 100-foot setback to the neighboring dwellings. The dwelling on the adjacent property to the east is 42 feet from the dwelling on the subject property. County Planning staff does not support this waiver, and the Planning Commission forwarded this application to the Board of Supervisors recommending denial due to not hearing from the affected adjacent property owner. However, since the Planning Commission public hearing, a letter was submitted from the neighboring property owner in support of this application.

Daan De Raedt said he and his wife, applicants, live in Reston, Virginia and wanted to address concerns that were raised during the Planning Commission public hearing about this being a for-profit, professionally run Airbnb. He and his wife bought this home to enjoy themselves and to rent it out part-time when they are not using it to supplement the cost of owning a second home and to recoup the costs of the improvements they have made to the property.

Mrs. Cook opened the public hearing.

Gary Smullen, 537 Bifrost Way, introduced himself as a member of the Board of Directors of Skyland Community Corporation, which has declined to support this application. The Corporation is not interested in having absentee property owners with a commercial interest in their community. He noted the De Raedts have a real estate business in addition to flipping homes and owning a portfolio of residential and commercial properties. He also is not in support

of the waiver for the 100-foot setback requirement, especially since the home is less than half the distance away as required by the Warren County Zoning Ordinance.

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

On a motion by Mrs. Cullers, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors denied the conditional use permit request of Maura and Daan De Raedt for a short-term tourist rental:

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

**Public Hearing – Conditional Use Permit 2022-10-03, Wendy C. Willis for a Short-Term Tourist Rental Located at 154 Woodthrush Way and Identified on Tax Map 24D, Section 11, Block 00, Lot 1012 – Chase Lenz**

Mr. Lenz reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property she purchased in October 2016. The owner would like to make the property available year-round for short-term lodging for visitors of the Warren County area to help offset the cost of her mortgage. The applicant will manage the property personally. Comments have been received from the Blue Mountain Property Owners Association (POA) Board of Directors confirming they have no objection to this request, and the dwelling meets the setback requirement to adjacent single-family dwellings, the nearest dwelling being located 168 feet to the west. The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

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

On a motion by Mr. Mabe, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors approved the conditional use permit request of Wendy C. Willis 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; 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 four as determined according to the Health Department permit for a two-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 in the subdivision shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

**Public Hearing – Conditional Use Permit 2022-10-04, Anthony Constable for a Short-Term Tourist Rental Located at 195 Old Oak Lane and Identified on Tax Map 15E, Section 2, Block 2, Lot 628 – Chase Lenz**

Mr. Lenz reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in August 2022. The owner would like to make the property available as a beautiful getaway for visitors of the Warren County area when he and his family are not using the property themselves. The applicant has experience managing rental properties and will manage the property personally with assistance from professional services for cleaning, maintenance, and lawn care. This property is serviced by an alternative septic system, and if this permit is approved, Mr. Constable will need to sign an agreement with the Virginia Department of Environmental Quality for annual inspections of the system.

The dwelling meets the setback requirement to adjacent single-family dwellings, the nearest dwelling being located 182 feet to the northeast. The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

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

On a motion by Mr. Mabe, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors approved the conditional use permit request of Anthony Constable for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff and listed below:

Butler, Aye; Cullers, Aye; 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 four as determined according to the Health Department permit for a two-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 in the subdivision shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

**Public Hearing – Conditional Use Permit 2022-11-01, Jacob Horowitz for a Short-Term Tourist Rental Located at 5433 Gooney Manor Loop and Identified on Tax Map 44 as Lot 18 – Chase Lenz**

Mr. Lenz reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in July 2020. The applicant would like to make the property available year-round for short-term lodging for visitors of the Warren County area to help recover some of the costs of the recent construction of the dwelling on the property in 2021 and 2022. The owner will manage the property personally with assistance from a local point-of-contact for maintenance and immediate response to complaints. The applicant has experience renting out their property in Washington, D.C. to short-term guests and has consistently received 4- and 5-star reviews on AirBnB and VRBO.

This property is not located in a subdivision governed by a Homeowners or Property Owners Association, and the dwelling meets the setback requirement to adjacent single-family dwellings, the nearest dwelling being located 412 feet to the east. Mr. Lenz noted the adjacent property owner has submitted comments in support of this application. The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

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

On a motion by Mrs. Cullers, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the conditional use permit request of Jacob Horowitz 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; 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 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 and County roads shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

**Public Hearing – Conditional Use Permit 2022-11-02, Jeffrey May for Gunsmithing Services Located at 425 Valley Road and Identified on Tax Map 30C, Section 1, Block 2, Lot 19 – Chase Lenz**

Mr. Lenz reported the applicant is requesting a conditional use permit for gunsmithing services. Warren County Code Section 180-8(C) defines Gunsmithing Services as: “A commercial enterprise, activity, or profession where a gunsmith performs repairs, renovations, safety inspections, modifications alterations for special uses, and appraisals of firearms. The sale of firearms is permitted with proper local, state and federal licensing and regulations. Gunsmithing services shall not be deemed as a home occupation or home enterprise.” Given the state and federal regulations related to firearms services and that the proposed operation will be conducted in an accessory structure, this is not considered a Home Occupation; however, the supplementary regulations and conditions are consistent with those of a Home Occupation to preserve the character of a residential neighborhood by requiring no change in the outside appearance of the building or premises or other visible evidence of the conduct of such activity. Due to the nature of the operation, the detached garage provides a safe space to work outside of the residential dwelling. Per the application, all test firing shall be conducted offsite, and there will be no discharge of firearms associated with the gunsmithing services operation on the property.

The applicant has submitted a letter from the Board of the Green Hill Forest Community Association indicating their conditional support of the application based on parking, noise, traffic, signage, and damage not causing any nuisance or negative impacts to the community. The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

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

On a motion by Mr. Butler, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors approved the conditional use permit request of Jeffrey May for gunsmithing services with the conditions as recommended by the Planning Commission and staff and listed below:

Butler, Aye; Cullers, Aye; 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 applicant shall obtain all Local, State, and Federal licensing and permits to operate commercial gunsmithing services.
3. There shall be no discharge/shooting of firearms on the property associated with the gunsmithing services.
4. Appointments for customers shall be permitted during the hours of 10:00 AM to 4:00 PM, Monday through Friday. Only one customer at any given time, and off-street parking shall be provided.
5. Natural vegetation buffer between neighboring parcels shall remain intact and replaced when necessary.
6. The applicant shall give Planning staff written consent to inspect the property and building used for the Gunsmithing Services operation to ascertain compliance with the supplementary regulations for Gunsmithing Services per Warren County Code Section 180-47.1 and Conditional Use Permit conditions upon a twenty-four-hour notice.

**Public Hearing – Conditional Use Permit 2022-11-03, Lydia Freeman for a Short-Term Tourist Rental Located at 400 Chipmunk Trail Lane and Identified on Tax Map 24A, Section 210, Lot 420 – Chase Lenz**

Mr. Lenz reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property she purchased in February 2022. The owner would like to make the dwelling she recently renovated available for short-term lodging for visitors of the Warren County area when her family is not using the property as an escape from the hustle and bustle of Washington, D.C. where they currently reside. The applicant has experience as a homeowner, landlord for both long- and short-term rentals, and completing home renovations. The owner is passionate about “rescuing” properties through home renovations, and she would like to share the fruits of her passion with short-term guests to help recover some of the costs of renovations, utilities, and maintenance. The applicant will manage the property personally.

Comments have been received stating the Blue Mountain POA Board of Directors has no objection to this request, and the dwelling meets the setback requirement to adjacent single-family dwellings, the nearest dwelling being located 277 feet to the northwest. The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Mrs. Cook opened the public hearing.

Erica Santana, 4012 Blue Mountain Road, is concerned about this house being approved for short-term rental as she has general traffic concerns and specific concerns about people parking in her driveway. The average short-term renter is not familiar with the mountain roads or how to navigate on them as well as drainage issues near to property due to overgrown vegetation. She is a fairly new member on the Blue Mountain POA Board and reported its decision to support this permit application was not a unanimous one. In fact, the POA Board is currently deliberating on a strategy to address short-term rentals in the subdivision in the future since the number of requests have more than doubled in the past few years. She reiterated her opposition to this permit request.

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

On a motion by Mr. Mabe, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors approved the conditional use permit request of Lydia Freeman 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; Butler, No

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 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 in the subdivision shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

**Public Hearing – Conditional Use Permit 2022-11-04, Sergiu Luca for a Short-Term Tourist Rental Located at 104 Marino Lane and Identified on Tax Map 15D, Section 2, Block 5, Lot 128A – Chase Lenz**

Mr. Lenz reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in September 2022. The owner would like to make the property available for short-term stays for individuals visiting the Warren County area. The applicant will manage the property personally with assistance from local professional services for trash removal, cleaning, and maintenance. The dwelling meets the setback requirement to adjacent single-family dwellings, the nearest dwelling being located 147 feet to the southeast. The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Mrs. Cook opened the public hearing.

Kyle Sheeley, 94 Marino Lane, is an adjacent property owner to Mr. Luca and voiced his support for this application.

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

On a motion by Mr. Mabe, seconded by Mr. Butler, and by the following vote, the Board of Supervisors approved the conditional use permit request of Sergiu Luca for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff and listed below:

Butler, Aye; Cullers, Aye; 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 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 within the subdivision shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

**Public Hearing – Conditional Use Permit 2022-11-05, Stacy Weng for a Short-Term Tourist Rental Located at 5 Oakwood Drive and Identified on Tax Map 13C, Section 1, Block B, Lot 10A – Matt Wendling**

Matt Wendling, Planning Director, reported the applicant purchased this property as an investment as a second home and for use as a short-term tourist rental in September 2022. She plans to be involved with the management of the property and will oversee who will be renting the property along with the online rental service she chooses to use. A request for comments was submitted to the Shenandoah Shores POA, but no response was received. The dwelling meets the setback requirement to adjacent single-family dwellings, the nearest dwelling being located 375 feet to the northeast. The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Mr. Wendling noted after the Planning Commission public hearing, the applicant has been issued a Health Department construction permit to expand the drainfield on the property to three-bedrooms with six (6) person occupancy instead of four-person occupancy. He requested that condition #2 be amended to reflect the increase in occupancy.

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

On a motion by Mr. Butler, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors approved the conditional use permit request of Stacy Weng 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; 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 (6) as determined according to the Health Department 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 within the subdivision shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

**Public Hearing – Conditional Use Permit 2022-11-06, Matthew Williams & Jay Gilbert for a Short-Term Tourist Rental Located at 1862 Khyber Pass Road and Identified on Tax Map 23A, Section 321, Lot 1A – Chase Lenz**

Mr. Lenz reported the applicants are requesting a conditional use permit for a short-term tourist rental on behalf of the owner who purchased the property in April 2022. The owners would like to make their property available as a “home away from home” to visitors of the Warren County area. The applicants plan to manage the property personally with assistance from local professional services for cleaning and landscaping. The owners have two separate properties in Warren County with approved conditional use permits for short-term tourist rentals, and no complaints have been received for either property.

Comments have been received from the Skyland Community Corporation Board of Directors stating they have declined to approve this application since it does not meet their requirements for endorsement. The dwelling meets the setback requirement to adjacent single-family dwellings, the nearest dwelling being located 105 feet to the east. The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

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

On a motion by Mrs. Cullers, 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, No; Cullers, Aye; 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 four as determined according to the Health Department permit for a two-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 2022-11-07, Matthew Williams & Jay Gilbert for a Short-Term Tourist Rental Located at 1424 Khyber Pass Road and Identified on Tax Map 23A, Section 935, Lot 28 – 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 October 2022. The owners would like to make their property available as a “home away from home” to visitors of the Warren County area. The applicants plan to manage the property personally with assistance from local professional services for cleaning and landscaping. The owners have two separate properties in Warren County with approved conditional use permits for short-term tourist rentals and no complaints have been received for either property.

Comments have been received from the Skyland Community Corporation Board of Directors stating they have declined to approve this application since it does not meet their requirements for endorsement. The dwelling meets the setback requirement to adjacent single-family dwellings, the nearest dwelling being located 180 feet to the north. The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Matthew Williams, applicant, said this property was abandoned for many years, and he and his partner worked diligently on the renovations. They are committed to ensuring this property remains an asset to the community and not a nuisance to the nearby property owners.

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

On a motion by Mrs. Cullers, 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:

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

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 the system capacity as determined by the Health Department permit per Warren County Code Section 180-56.4(B). The Certificate of Zoning shall only be issued with approved Health Department records.
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.

### **Adjournment**

Mrs. Cook adjourned the meeting at 7:50 PM.