

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on November 9, 2022, at 7:00 PM.

Present: Robert Myers, Chairman (Happy Creek District); Scott Kersjes (North River District); Kaylee Richardson (South River District); Gregory Huson (Shenandoah District) also present; Matt Wendling, Planning Director; Chase Lenz, Zoning Administrator; Veronica Diamond, Clerk to the Planning Commission

Absent: Hugh Henry, Vice Chairman (Fork District) and Caitlin Jordan, Senior Assistant County Attorney

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

Adoption of Agenda:

On a motion by Mr. Kersjes, seconded by Ms. Richardson, and by the following vote of 4-0, the Planning Commission adopted the agenda with the amended language as presented:

Ayes: Kersjes, Myers, Richardson, Huson

Approval of Minutes:

On a motion by Ms. Richardson, seconded by Mr. Kersjes, and by the following vote of 4-0, the Planning Commission approved the minutes from October 12th, 2022, as presented:

Ayes: Kersjes, Myers, Richardson, Huson

Public Presentations:

Public presentations are limited to issues that are not included on the meeting agenda. It is intended as an opportunity for the public to give input on relevant planning issues, and not intended as a question-and-answer period. Chairman Myers asked if anyone would like to speak on items not on the agenda, and told them they will be timed, you will have 3 minutes. No one came forward, the public presentation was closed.

Public Hearings:

CUP2022-10-02 – Maura & Daan De Raedt – A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 54 Arrowood Road. and identified on tax map 23A, section 1, block 4, lot 1. The property is zoned Residential-One (R-1) and located in the Happy Creek Magisterial District.

Mr. Lenz stated that the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in December of 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.

Mr. Lenz stated this property is zoned Residential-One, located in Skyland Estates, is a Single-Family Dwelling, and a vacant lot to the North. There is a Health Department permit confirming the septic system is designed for a maximum of two (2) occupants. The applicant is currently upgrading the system and working with the Health Department to issue an operation permit for a maximum of four (4) or six (6) occupants, depending on the extent of the upgrades to the system capacity. The subject property is a rounded through corner lot with Rights-of-Way adjacent to all but the eastern property boundary. There is an existing fence surrounding the property which identifies the property boundaries. Additionally, existing vegetation partially screens the dwelling on the subject property from the dwelling on the adjacent parcel to the East. 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 full Skyland Community Corporation guidelines for endorsement of a Short-Term Tourist Rental are included in this packet. 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 would support this waiver if the adjacent property owner within the 100-foot setback supports this application or if the applicants are able to reasonably address concerns related to proximity raised by the adjacent property owner.

Mr. Lenz reported Planning Staff is recommending the following conditions be added to this conditional use permit to the Board of Supervisors.

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 the system capacity as determined by the Health Department permit per Warren County Code §180-56.4B. The Certificate of Zoning shall only be issued with approved Health Department records.
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 in the subdivision 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 neighboring dwellings shall be granted for the existing 42' setback to the dwelling east of the subject property.

Chairman Myers asked the applicants if there's anything they would like to add about the property before opening the public hearing? The applicants were in attendance.

Daan De Raedt, 54 Arrowood Rd. Linden, VA 22642

Mr. De Raedt stated he was aware of some of the concerns from neighbors and they are trying to work with them. There is a lot of vegetation for privacy of the neighbors on the north-east side, 3 windows were replaced with siding to help improve the privacy for the neighbors on 1 side of the house. They are planning to install a noise monitor machine so if guests get too loud, they will get a notification. The Property Management Report states quiet time is at 10pm. Mr. De Raedt explained to the Planning Commission where the guest's entrance to the property will be on a map, he brought with him. There was a pool on the property that has been replaced with a deck, and the property was bought in their name not in a business name. Him and his family plan on staying at the property as well as renting it out from time to time.

Chairman Myers opened the public hearing, he asked anyone wishing to speak for or against this matter come forward.

Gary Smullen 537 Bifrost Way Linden, VA 22642

Mr. Smullen stated he is opposed, Skyland Estates is not a resort, in the winter they need 4-wheel drive, wells have gone dry, he would like to see the Property Management Plan, the applicants permanent address is in Reston, VA and they are running a business.

Maureen Diaz 30 Luchase Rd. Linden, VA 22642

Ms. Diaz stated she is opposed; they are a close community. She is on the Skyland Estates Community Board and keeps seeing Air B&B's pop up everywhere (even without their consent) she would like to see some guidelines be put in place and one being that if you are running an Air B&B you must live on the mountain as well. Ms. Diaz stated she is a frequent Air B&B user and appreciates when the owners are right there so if there is an issue the owner is right there and can come tend to it. When the owner does not live where the Air B&B is they do not have any control. The flavor of the mountain is changing, she asks that the Board protect the sanctity of the community and have guidelines put in place to protect the integrity.

Chairman Myers closed the public hearing.

Rebuttal- Daan De Raedt, 54 Arrowood Rd. Linden, VA 22642

Mr. De Raedt stated that the address in Reston is correct that is his primary residence, and 54 Arrowood Rd. would be their second home. They do own a company that does deals in real estate, most of the time it they do regular residential housing sales. They own a beach house in North Carolina as well and do the exact same thing. The 2nd home is used 6-10 weeks out of the year and during the time they are not there they rent it out (Short-Term Tourist Rental) they have the same idea with this property. They have added high end improvements to the property so the goal is to add to the community, not to take anything away from it. He wants to ensure that it is not your typical rental and hopes everyone can work together.

Mr. Kersjes asked Chase if he has heard anything from the adjacent property owner that is 42' away?

Mr. Lenz stated he has not received anything from them, he hasn't heard if they are for or against it.

Chairman Myers stated the property being 42' away is a concern of his and what they vote on affects the entire county if we start putting waivers on our minimum 100' setbacks. He also stated he felt the 42' setback is too close.

Ms. Richardson stated she is concerned about the neighboring lot, the trees/ vegetation that is there are not on the applicant's actual property it is on the adjacent lot.

On a motion by Ms. Richardson, seconded by Mr. Kersjes, and by the following vote of 4-0, the Planning Commission forwarded the conditional use permit application of Maura & Daan DeRaedt for a for a Short-Term Tourist Rental to the Board of Supervisors with the recommendation to deny the request with conditions as recommended by staff being that they do not meet the 100' setback requirement.

Ayes: Kersjes, Myers, Richardson, Huson

Mr. De Raedt questioned when the next public hearing would be?

Mr. Wendling stated it will be sometime in January and he will receive a letter with that information soon.

Mr. Kersjes recommended that he get the next-door neighbor located 42' from him to the next hearing so the Board can hear from them.

CUP2022-10-03 – Wendy C. Willis – A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 154 Woodthrush Way and identified on tax map 24D, section 11, block 00, lot 1012. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property she purchased in October of 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.

Mr. Lenz stated that the property is zoned Residential-One, it is located in the Blue Mountain Subdivision, and the property has not had any previous Conditional Use Permits issued for uses in the Residential-One zoning district. The dwelling was constructed in 1979 and no zoning violations have been recorded for the property. There is a Health Department construction permit approving a maximum of four (4) occupants for the dwelling. Warren County Assessment data lists two (2) bedrooms in the dwelling. Comments have been received from the Blue Mountain POA confirming they have no objection to this request. This dwelling meets the setback requirement to adjacent single-family dwellings. The nearest dwelling is located 168' to the west.

Mr. Lenz stated the Planning Staff is recommending the following conditions be added to this conditional use permit to the Board of Supervisors.

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.

Chairman Myers asked the applicant if there was anything she would like to add about the property before opening to the public? The applicant was not in attendance.

Chairman Myers opened the public hearing, he asked anyone wishing to speak for or against this matter come forward. No one came forward to speak.

Chairman Myers closed the public hearing.

On a motion by Mr. Kersjes, seconded by Mr. Huson, and by the following vote of 4-0, the Planning Commission forwarded the conditional use permit application of Wendy Willis for a Short-Term Tourist Rental to the Board of Supervisors with the recommendation to approve the request with conditions as recommended by staff.

Ayes: Kersjes, Myers, Richardson, Huson.

CUP2022-10-04 - Anthony J. Constable - A request for a conditional use permit for Short-term Tourist Rental. The property is located at 195 Old Oak Lane and identified on tax map 15E, section 2, block 2, lot 628. The property is zoned Residential One (R-1) and located in the Shenandoah Magisterial District.

Mr. Lenz stated the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in August of 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.

Mr. Lenz stated that the property is in the Shenandoah Farms – Mountain Lake Section and is zoned Residential-One (R-1). This property has not had any previous Conditional Use Permits issued for uses in the Residential-One zoning district. The dwelling was constructed in 1968 and no zoning violations have been recorded for the property. There is a Health Department permit approving a maximum of four (4) occupants for the two-bedroom dwelling on the subject property. The applicant shall complete the change of ownership process for the General Permit issued by the Virginia Department of Environmental Quality for an alternative discharging septic system prior to issuance of a Certificate of Zoning. This dwelling meets the setback requirement to adjacent single-family dwellings. The nearest dwelling is located 182' to the northeast.

Mr. Lenz stated the Planning Staff is recommending the following conditions be added to this conditional use permit to the Board of Supervisors.

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 §180-56.4B. 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 in the subdivision shall be prohibited.

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

Chairman Myers asked the applicant if there's anything they would like to add about the property before opening to the public? The applicant was in attendance for the property. He stated no.

Chairman Myers opened the public hearing, he asked anyone wishing to speak for or against this matter come forward. No one came forward to speak.

On a motion by Ms. Richardson seconded by Mr. Huson and by the following vote of 4-0, the Planning Commission forwarded the conditional use permit application of Anthony Constable for a Short-Term Tourist Rental to the Board of Supervisors with the recommendation to approve the request with conditions as recommended by staff.

Ayes: Kersjes, Myers, Richardson, Huson

Mr. Myers stated there are seven Short-Term Tourist Rental's for next month

Mr. Lenz stated one is for a gunsmithing service that is mislabeled under Item VII-B, Jeffrey May.

Consent Agenda - Authorization to Advertise for Public Hearing

A. CUP2022-11-01 - Jacob Horowitz - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 5433 Gooney Manor Loop and identified on tax map 44 as lot 18. The property is zoned Agricultural (A) and located in the South River Magisterial District.

B. CUP2022-11-02 - Jeffrey May - A request for a conditional use permit for Gunsmithing Services *typo read Short-Term Tourist Rental*. The property is located at 425 Valley Road and identified on tax map 30C, section 1, block 2, lot 19. The property is zoned Agricultural (A) and located in the Happy Creek Magisterial District.

C. CUP2022-11-03 - Lydia Freeman - A request for a conditional use permit for Short-term Tourist Rental. The property is located at 400 Chipmunk Trail Lane and identified on tax map 24A, section 210, lot 420. The property is zoned Residential One (R-1) and located in the Shenandoah Magisterial District.

D. CUP2022-11-04 - Sergiu Luca - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 104 Marino Lane and identified on tax map 15D, section 2, block 5, lot 128A. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.

E. CUP2022-11-05 – Stacy Weng – A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 5 Oakwood Drive and identified on tax map 13C, section 1, block B, lot 10A. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.

F. CUP2022-11-06 – Matthew Williams & Jay Gilbert - A request for a conditional use permit for Short-term Tourist Rental. The property is located at 1862 Khyber Pass Road and identified on tax map 23A, section 321, lot 1A. The property is zoned Residential One (R-1) and located in the Happy Creek Magisterial District.

G. CUP2022-11-07 – Matthew Williams & Jay Gilbert - A request for a conditional use permit for Short-term Tourist Rental. The property is located at 1424 Khyber Pass Road and identified on tax map 23A, section 935, lot 28. The property is zoned Residential One (R-1) and located in the Happy Creek Magisterial District.

On a motion by Ms. Richardson, seconded by Mr. Kersjes, and by the following vote of 4-0, the Planning Commission authorized items VII- A-G, for the proposed condition use permit requests for advertisement for their public hearing as presented:

Ayes: Kersjes, Myers, Richardson, Huson

Commission Matters

A. Planning Director – Capital Improvement Plan 2023 -2028 Work Session December 2022, Conditional Use Permit for Shenandoah Farms Fire Station, FY 2023 Work Session schedule for Comprehensive Plan, and VA Floodplain Managers Annual Conference.

Mr. Wendling stated Ms. Logan requested we have our Capital Improvement Plan Review Thursday December 8th, 2022, from 6pm-8pm here at the Government Center. If we do not complete it, we will schedule a work session at 6pm on the December 14th, 2022, prior to the Planning Commission Meeting if we need to. We are going to take our notes, surveys, and comments from other organizations then edit a draft by February the latest. We can present what we have to you at a work session and make any changes that need to be made.

Mr. Wendling stated Ms. Logan approached him about a Conditional Use Permit for Shenandoah Farms Fire Department. The County currently owns the property on Howellsville Rd. just before the Blue Mountain grocery-convenient store. That site was approved some years ago for the convenient site to be relocated. The plans have somewhat changed since then, and they feel it is more important to have a fire station at that site right now. Ms. Logan is working on getting things together for this and we will try to get the application on the December agenda to authorize advertisement for the Public Hearing.

Mr. Wendling stated the Virginia Flood Plain Managers Annual Conference was held in Richmond this year at the Westin Hotel. They had some very informative training modules geared towards flood plain management. An interesting training session they had was RV's, manufactured and grandfathered homes in the flood plain in the Virginia Beach area.

Mr. Wendling stated yesterday we received a letter of good standing from FEMA. It was issued to us after they did a community assessment visit in 2019. We finally got everything taken care of which is very good for us. It now starts a timeclock for the County to have an ISO review. An auditor will come and look at what we are doing to promote good floodplain management standards, they look at documentation, that look at our ordinance and everything related to that. This is in order for us to participate in our community rating system (CRS) which will benefit the property owners who pay flood insurance if we get accepted and meet their higher standards criteria.

B. Commission Members

Mr. Kersjes asked Mr. Wendling if we could invite a couple members from EDA Board to come speak at our work session? We can see what they are thinking and what direction we should go in.

Mr. Wendling stated that would be a great idea. A good time to invite them maybe after we get our data from the Regional Commission of the demographic and economic development and have the in put into those chapters. At that point we can schedule that work session so we can get their input, show them what the data is showing, and try and tie that in with what we have. Mr. Wendling stated he would speak to Mr. Petty as well and see if he would be able to attend.

Mr. Kersjes stated to his fellow Veterans, he would see them at the IHOP on Friday morning and Applebee's at lunch.

Chairman Myers stated one week ago we had a meeting with the Town Planning Commission. They are in the midst of revising their Comp Plan as we are and looking for consistency with where our borders meet and making sure we don't have heavy industrial beside residential. He felt it was a very beneficial productive meeting on both sides. Happy Thanksgiving.

Mr. Wendling stated if anyone has something that may be beneficial, please bring it forward and we may be able to add it into the Comprehensive Plan as far as some of the changes or potential changes. Right now, the Happy Creek corridor is probably the most vulnerable with the land that is available for development. That would be an important thing to address along with the transportation connections as mentioned at the Planning Commission Work Session.

C. Senior Assistant County Attorney; Caitlin Jordan- absent

D. Planning Department Staff; Zoning Administrator, Chase Lenz – Update on Short-Term Tourist Rental approvals and reviews and other zoning matters.

Mr. Lenz stated a few Certificates of Zonings have gone out that were approved by the Board earlier this year. We have a tenant for the Equus building the applicant is IT Renew they de-manufacture electrical equipment. Other than that, he may get his certificate from VAZO by Christmas and wished everyone a Happy Thanksgiving.

Adjournment:

Chairman Myers called for a motion to adjourn; on a motion by Mr. Kersjes, seconded by Ms. Richardson, the Planning Commission unanimously approved. The meeting was adjourned at 7:42 PM.

Warren County Planning Commission
Chairman