

At a regular meeting of the Well and Septic Appeals Board of the County of Warren held in the Warren County Government Center Board Room on March 21, 2023:

Present: Ralph Rinaldi, citizen member; Jim Davis, Warren County Health Department; David Burke, Zoning Officer; Matt Wendling, Planning Director; Walt Mabe, Board of Supervisor for the Shenandoah District; and Veronica Diamond, Clerk to the Well & Septic Appeals Board.

I. Call to Order:

Chairman Mabe called the meeting to order at 2:00pm.

II. Adoption of Agenda:

Mr. Rinaldi moved the Adoption of Agenda meeting as presented; Mr. Davis seconded the motion which passed by the following vote 3-0:

Ayes: Mabe, Davis and Rinaldi

III. Adoption of October 13, 2022, Minutes:

Chairman Mabe stated that Mr. Rinaldi pointed out on the last page of the minutes there is a typo, it should read Mr. Mabe not Myers.

Mr. Davis moved Adoption of October 13, 2022; Minutes approved as amended; Mr. Rinaldi seconded the motion which passed by the following vote 3-0:

Ayes: Mabe, Davis and Rinaldi

IV. Public Hearing:

A. **WS2023-01-01** - Zeb Homes LLC - Mr. Wendling stated the applicant is requesting a variance to Warren County Code §179-8 to allow a well to be located 75 feet to both adjacent wells on lots 342 and 344 in lieu of the required 100 feet of separation. The subject property is located on Rocky Mount Rd. and identified as Tax Map 24A, Section 28B, Lot 343. The property is 0.758 acres in size and zoned Residential-One (R-1). It is located in the Shenandoah Magisterial District. This request is for a new construction single family dwelling in the Blue Mountain Subdivision. The adjacent dwellings were constructed in 1990 and 2020.

Chairman Mabe asked if the applicant would like to speak?

Brenda Morris – Zeb Homes LLC, P.O. Box 54, Linden, VA 22642

She stated that she purchased the property on July 20, 2021. The lady that she purchased it from had a certification letter for the sewage permit dated June 5, 2019. Ms. Morris applied for both the building and the septic permit. The septic permit was granted to her on January

18, 2022. She didn't realize how close she was to her neighbor's well to the line, now she is asking for a variance. It is 75' between each well on either side.

Mr. Rinaldi thanked Ms. Morris for coming in before she started construction and not waiting until after the fact, he stated that shows good citizenship on her part.

Chairman Mabe opened the public hearing. No one wished to speak.

Chairman Mabe closed the public hearing.

Mr. Rinaldi stated how they run into this all the time. Warren County's states a 100' requirement and the State is 50' with that in mind he does not have any problems with the application.

Mr. Davis replied, the State wouldn't have an issue with this, it is far enough apart from well to well. He has reviewed the proposed well site in the field and it is a viable well site. They are asking for a variance of 75' from each well, once the lot has been properly cleared there may be enough room to get in more than 75', either way it is enough room.

Chairman Mabe asked for a motion.

Mr. Rinaldi moved to approve the request of Zeb Homes LLC as presented; to allow a well to be located 75 feet to both adjacent wells in lieu of the required 100 feet of separation.

Mr. Davis seconded the motion, being no further discussion, and the motion passed with the following vote, 3-0.

Ayes: Mabe, Davis and Rinaldi

B. WS2023-02-01 - Jana & Aaron Bricco - Mr. Burke stated that the applicant is requesting a variance to Warren County Code §179-8 to allow a well to be located 88 feet to an adjacent well located on lot 15A and the same well to be located 63 feet from an adjacent drain field located on Lot 5 in lieu of the required 100 feet of separation. The subject property is located at 78 Luchase Rd and identified as Tax Map 23A, Section 4, Block 8, Lot 4. The property is 0.27 acres in size and zoned Residential-One (R-1). This property is located in the Happy Creek Magisterial District. This request is for an existing single-family dwelling built around 1940 in the Skyland Estates Subdivision.

Chairman Mabe asked if the applicant would like to speak?

Jana Bricco, 104 Luchase Rd. Linden, VA 22642

The cistern isn't functioning, she doesn't think it's been used in at least five years. It has a dead rat floating in it right now, it is disgusting, and hard to access. They would like to close the cistern off. They have a low income family that would like to rent their property and feel it would be an extra expense for them to buy water and have it delivered instead of being able to access the water from the property. On the GIS map it shows there is a well but after they purchased it they found out it didn't have a well. The house was built in the 1940's so if the previous owners would have put the well in then we wouldn't be here today asking for permission. The main well located 88' away is their house as well. They are worried about the water being contaminated being it is so close to the cistern. Having a functioning well will be very helpful for the owner, renter, and value of the property.

Chairman Mabe asked if they have drilled the well yet?

Mrs. Bricco said no they are waiting to see first if they can get approved.

Chairman Mabe asked if they drill the well a little further down would it help?

Mr. Davis stated he was curious as to why they were asking to drill the well within 88' of an existing well on lot 15A, he didn't know that she was the owner of the property for both lots. It looks like you have gotten 100' away from your well on 15A and that would have put you roughly the same distance from the existing drain field on lot 5 but would have put you about 95' within in the new well to your existing drain fields. That would have been one way to approach a variance request so that you would not have had any impact on the adjacent property owner but since you are the adjacent property it won't matter in this case. The site is proposed as viable, if the site were to be changed to allow a 100' separation to your well then that could be made viable as well. He isn't sure if it is a matter of even considering since she owns both properties and no one is here to speak in opposition.

Mrs. Bricco asked Mr. Davis where he suggested putting the well?

Mr. Davis sketched a description of what he was saying on her site plan and explained it to Mrs. Bricco.

Mrs. Bricco stated Greenway Engineering proposed this well site and she would have to ask why he proposed this well site.

Mr. Burke stated the good thing about the variance is that it restricts her from going any closer than requested. If she was to move the well back and got it further away from the request the variance would still be applicable. Your comments are well thought out and maybe if it had been done a little differently, we may not have been here for two, maybe just for one.

Chairman Mabe opened the public hearing. No one wished to speak.

Chairman Mabe closed the public hearing.

Chairman Mabe asked for a motion.

Mr. Davis moved to that the Well & Septic Board of Appeals approve the variance request of Jana & Aaron Bricco as presented; to allow a well to be located 88 feet to an adjacent well and 63 feet to the adjacent drain field in lieu of the required 100 feet of separation.

Mr. Rinaldi seconded the motion, being no further discussion, and the motion passed with the following vote 3-0.

Ayes: Mabe, Davis and Rinaldi

C. WS2023-03-01 – Marsh & Legge Land Surveyors – Mr. Burke stated that the applicant is requesting a variance to Warren County Code §179-8 to allow a well to be located 55 feet to an adjacent drain field located on lot 26 and the same well to be located 58 feet from an adjacent drain field located on Lot 25 in lieu of the required 100 feet of separation. The subject property is located at 276 Springwood Lane and identified as Tax Map 3C, Lot 25. The property is 7.5472 acres in size and zoned Agricultural (A). This property is located in the North River Magisterial District. This request is for a new single-family dwelling located in the Woodland Springs Subdivision.

Chairman Mabe asked if the applicant would like to speak?

Bruce Legge, 560 N. Loudoun St. Winchester, VA 22601

They got involved with this project after the well and septic permit had been approved on this lot. The builder was Tony Foreman, who works out of Winchester, he contacted them and wanted to know if they could move the house site into the reserved drain field area and if we did, we would have to move the well site. The house site is in the reserved drain field area and comes up the hill. They found a new reserved drain field site that affected the well site for this lot and moved it. He messed up and thought he was in Frederick County and used the 50' set back from the proposed well drain field which is on part of it, there is an easement on this lot that hasn't been built yet (lot 25). The reserve he found for this lot was 58' so he is asking for a variance because he was using the state regulation. The well has been drilled, it is a class 3B well, state approved, it is cased and grouted to 60'. It meets the VDH State regulation for 50'.

Chairman Mabe stated, you did everything you could for a 50' to meet regulation?

Mr. Legge said yes, he totally messed up.

Mr. Wendling stated the Woodland Springs subdivision is right up against the Warren County and Frederick County line. Portions of this subdivision cross into Frederick County, and he could see how this could happen.

Chairman Mabe opened the public hearing. No one wished to speak.

Chairman Mabe closed the public hearing.

Chairman Mabe asked for a motion.

Mr. Rinaldi moved to that the Well & Septic Board of Appeals approve the variance request of Marsh & Legge Land Surveyors as presented; to allow a well to be located 55 feet to an adjacent drain field and 58 feet from an adjacent drain field in lieu of the required 100 feet of separation.

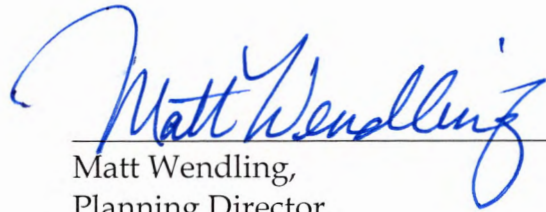
Mr. Rinaldi seconded the motion, being no further discussion, and the motion passed with the following vote 3-0.

Ayes: Mabe, Davis and Rinaldi

Chairman Mabe asked for a motion to close the meeting.

As there was no further business to come before the Board, Chairman Mr. Mabe adjourned the meeting 2:31pm.

Ayes: Mabe, Davis and Rinaldi



Matt Wendling,
Planning Director
County Floodplain Manager