

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on May 10, 2023, at 7:00 PM.

Present: Scott Kersjes (North River District); Kaylee Richardson (South River District); Hugh Henry, Vice Chairman (Fork District) and Caitlin Jordan, Senior Assistant County Attorney; Gregory Huson (Shenandoah District) also present; Matt Wendling, Planning Director; Chase Lenz, Zoning Administrator; Veronica Diamond, Clerk to the Planning Commission

Absent: Robert Myers, Chairman (Happy Creek District)

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

Adoption of the Agenda – Request to amend the agenda to add Items 7.J and 7.K to the consent agenda to authorize advertisement for a public hearing for the Planning, Zoning, and GIS Department Fees and Z2023-05-01 Zoning Text Amendment Code Section §180-63. G – Amendment of Modification of conditions and permitted uses.

On a motion by Mr. Kersjes, seconded by Ms. Richardson, and by the following vote of 4-0, the Planning Commission approved the Adoption of the Agenda.

Adoption of Regular Meeting Minutes:

On a motion by Mr. Kersjes, seconded by Ms. Richardson, and by the following vote of 4-0, the Planning Commission approved the minutes from April 12th, 2023, as presented:

Ayes: Kersjes, Richardson, Henry, 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. Vice Chairman Henry 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.

Public Hearings:

CUP2023-04-01 - Mary Francis Jimenez & Zach Kramer - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 2034 Smith Run Road and identified on tax map 45, as lot 9A. The property is zoned Agricultural (A) and located in the South River 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 January of 2018. The owners would like to make the property available for short-term lodging for visitors of the Shenandoah

National Park and Warren County area when they are not using the property themselves. The owners will manage the property personally with assistance from local professional services for trash disposal, cleaning, and maintenance. The applicants own over 80 acres of undeveloped land at the end of Smith Run Road between the subject property and the National Park.

Mr. Lenz stated that this property has not had any previous conditional use permits issued for uses in the Agricultural zoning district. The dwelling was constructed in 1891. Comments have been received from the Health Department confirming there are no records on file for the sewage disposal system servicing the property. The applicants will work with the Health Department to obtain the proper permits for the system. The Certificate of Zoning shall only be issued with approved Health Department records. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 770' to the southwest.

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 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 on state and county roads shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

Vice Chairman Henry asked if the applicant had anything they would like to add about the property before opening the public hearing? The applicant was in attendance and stated yes.

Zach Kramer, 4021 Longfellow St. Hyattsville, MD 20781

He stated how he has enjoyed the location and using the property for vacation time with his friends and family. The main driver for this CUP is to offset some of the costs.

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

Thomas & Julie Hoban, 4162B Lochleven Trl. #1607B, Fairfax, VA 22030

They spoke in favor of the Conditional Use Permit for Mary Francis Jimenez & Zach Kramer.

Vice Chairman Henry closed the public hearing.

Mr. Huson motioned to move that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Mary Francis Jimenez & Zach Kramer for a Short-Term Tourist Rental with the conditions as recommended by staff. Seconded by Mr. Kersjes and by the following vote of 4-0.

Ayes: Kersjes, Richardson, Huson, Henry

CUP2023-04-02 – Roman Semenov – A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 259 Cashmere Court and identified on tax map 23A, section 8, block 47, as lot 38A. The property is zoned Residential One (R-1) and located in the Happy Creek Magisterial District.

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in January of 2023. The owner would like to make the property available for short-term lodging for visitors of the Warren County area when he is traveling for his job. The applicant will manage the property personally with assistance from his spouse when he is not immediately available.

Mr. Lenz stated that Comments have been received from the Health Department approving a maximum of six (6) occupants for the three-bedroom dwelling. Comments were received from the Skyland Community Corporation of disapproval; it does not meet their requirement of absentee owners. The dwelling meets the required 100' setback from neighboring dwellings. The nearest dwelling is located approximately 220' to the northwest.

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 six as determined according to the Health Department operation 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.

Vice Chairman Henry asked the applicant if there's anything they would like to add about the property? The applicant stated no.

Vice Chairman Henry opened the public hearing, he asked anyone wishing to speak for or against this matter come forward. The following people spoke in opposition to the conditional use permit for a short-term tourist rental.

Maureen Diaz
Dennis White
Marc Curell
Gary Smullen

Vice Chairman Henry closed the public hearing.

Vice Chairman Henry asked the representative for applicant would like to rebuttal? He said yes.

Scott Frost, 259 Cashmere Ct. Linden, VA

He stated that he is a real estate agent and did assist Roman Semenov and himself on the purchase of this property. They did major renovations, and it has been habitable for a couple of weeks. Mr. Semenov does travel overseas for work purposes 20%-40% of the year and they do have live in Washington, DC but they are looking to make Cashmere their primary address and would like to rent it out when the property is not in use. They will screen their guests and have live monitors to make sure the property is used responsibly. Mr. Semenov met with the Skyland Estates February board meeting and spoke to them. Mr. Frost doesn't think that the wear and tear on the roads will be a problem because it will be traveled less than a family living on the property full-time.

Vice Chairman Henry closed the public hearing.

Mr. Huson asked if this is a VDOT maintained road?

Mr. Lenz stated it is in a sanitary district, so it is not a State maintained road. The Skyland Estates community works with the County to administer the roads.

Mr. Henry stated that there were some legitimate concerns, and he can put some of them to rest by answering them. The Health Department has rated the septic system for 6 people, it was designed to handle that capacity and typically it will not be rented out for 365 days a year. If there was someone there long-term renting, there would be no rules as to no bonfires and firearms. With them going through with the CUP if they have any of the following is reported, and if it becomes that they are repeat offenders then their permits can be revoked. As far as they go against covenants or homeowner responsibilities, we cannot enforce a homeowner association. That would have to go through the court system. The concern he does have is that they do not have a management plan or a contact list. He asked Mr. Lenz if that information was correct?

Mr. Lenz confirmed that it was correct, there is not a property management plan in place. It is required for the post approval application, and it is suggested that they have it for the Planning Commission as a tool. We will not allow them to get the certificate of zoning for their business license until they have an approved property management plan.

Ms. Richardson asked if that is something that gets passed on to the community? If one is trying to reach out, they do not have any contact how does that go?

Mr. Lenz stated that it is not sent out to an HOA or POA as there are many that are not in an HOA or POA. It is a good idea; however, we can provide this to them.

Vice Chairman Henry asked the applicant if there was anything furthermore that he would

like to address?

Mr. Frost stated that at this time he doesn't feel the need to hire a property manager when the property is being rented out. He will be approximately one hour away the vast majority of the time and will be contactable.

Mr. Henry stated that he would be the main contact and manager of the property?

Mr. Frost stated yes.

Mr. Kersjes asked Mr. Frost if that meant he had no intention of hiring someone local? He said coming from Washington, D.C. is not always one hour away.

Mr. Frost replied that is correct, but he is sure inherently having someone local could quickly make here either. The major role of being a manager and a realtor is what his profession requires communication. He can get from his office to the home quickly.

Mr. Kersjes asked what the occupation percentage is of being away.

Mr. Frost stated 20%-40% of the year but during his off season in the winter he will be staying at home by himself.

Mr. Kersjes motioned to move that the Planning Commission forward this application to the Board of Supervisors with the recommendation to deny the conditional use permit request of Roman Semenov for a Short-Term Tourist Rental with the conditions as recommended by staff. Seconded by Ms. Richardson and by the following vote of 3-1.

Ayes: Kersjes, Richardson, Huson

Nay: Henry

CUP2023-04-03 – Benjamin & Dana Straub - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 91 Present Way and identified on tax map 43, as lot 49A2. The property is zoned Agricultural (A) and located in the South River 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 September of 2021. The owners would like to make their property available for short-term lodging for visitors of the Warren County area looking to relax or take advantage of local recreational activities such as hiking and canoeing when they are not using the property themselves. The applicant will manage the property personally with assistance from local professional services for trash disposal, cleaning, landscaping, and maintenance.

Mr. Lenz stated that the dwelling on the subject property meets the required 100' setback from neighboring dwellings. The nearest dwelling is located approximately 412' to the east. Comments have been received from the Health Department approving a maximum of ten (10) occupants for the five (5) bedroom dwelling. There was a late letter that was sent in from a property owner stating their concerns regarding their application after the conditional use permit application was submitted.

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 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 ten as determined according to the Health Department operation permit for a five-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 state and county roads shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

Vice Chairman Henry 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. She said, yes.

Dana Straub, 41341 Wilton Dr., Leesburg, VA 20175

She stated that she was inspired to build this home by her late mother who grew up in Shenandoah. They have 2 young boys that they would love to stay with at their house and with other families. On days they are not there they would like to offset the cost. They would love to share their home with others from different areas so they can

experience the area the way they do.

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

Vice Chairman Henry closed the public hearing.

Mr. Kersjes motioned to move that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Benjamin & Dana Straub for a Short-Term Tourist Rental with the conditions as recommended by staff. Seconded by Ms. Richardson and by the following vote of 4-0.

Ayes: Kersjes, Richardson, Henry, Huson

CUP2023-04-04 - Kemandri Govender - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 128 Orchard Lagoon Drive and identified on tax map 23A, section 9, block 39, as lot 1. The property is zoned Residential One (R-1) and located in the Happy Creek 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 July of 2022. The owner would like to make the property available for short-term lodging for visitors of the Warren County area when she is traveling for her job. The applicant will manage the property personally with assistance from a local property manager when she is not immediately available.

Mr. Lenz stated that comments have been received from the Health Department confirming there is an operation permit on file approving a maximum of eight (8) occupants for the four-bedroom dwelling. Comments have been requested from the Skyland Community Corporation; they recommend disapproval due to the absentee owner's condition in their guidelines. The dwelling on the subject property meets the required 100' setback from neighboring dwellings. The nearest dwelling is located 131' to the southwest. There was a late letter that was sent in from a property owner stating their concerns after the conditional use permit application that was provided to the Planning Commission prior to the meeting tonight.

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 eight as determined according to the Health Department operation 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.

Vice Chairman Henry asked the applicant if there was anything he would like to add about the property before opening the public hearing? The applicant was in attendance. She said yes.

Kemandri Govender, 128 Orchard Lagoon Dr., Linden, VA

She stated that this is the first property she has purchased and that it is her primary residence. She does travel for work about 20% of the year. During the time she is traveling for work she would like to rent out her property for others to enjoy and also be able to recoup some of her expenses.

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

Maureen Diaz, 30 Luchase Rd., Linden, VA 22642

She stated that she is opposing the conditional use permit for the following reasons. Applicants stating that they will be at the property and always be close to the property is bogus. There is no one the neighbors can call when there is an issue, they do not want any absentee homeowners, period. There is no one to hold the renters accountable. The roads are not suitable for the traffic that short-term rentals bring in, it is dangerous to have fires in a highly wooded subdivision, and she does not want to see the flavor of the community change.

Mr. Huson questioned Ms. Diaz; she mentioned previously that the renters are holding

bonfires. He asked her if she had notified the County when this was happening?

Ms. Diaz said she has told the homeowners and she has posted it on their Facebook page. She has reiterated to a few people that they have to photograph, document things, and call the Sheriff's department. When it is the middle of the night, and you have people looking in your windows, then you really need to be able to contact someone.

Daniel Bowling, 117 Lagoon Dr., Linden, VA 22642

He stated similar concerns to what Maureen Diaz had spoken about. He respectfully disagrees that the homeowner is mindful of the property. One time he heard her alarm going off and she was not there to turn it off.

Vice Chairman Henry closed the public hearing and asked the applicant if there was anything she would like to rebuttal her neighbors' concerns?

Kemandri Govender stated that a lot of the comments that were addressed were not particularly for her application. The comment Daniel made about her fire alarm is false, it was not her fire alarm going off she was contacted but was not able to respond to the text message at the time she received it. She does have alarms and carbon monoxide alarms because she does live in the home and would not want to put herself at risk, she does plan to be there the majority of the time.

Vice Chairman Henry asked if this property has a property management plan?

Mr. Lenz stated that one has not been submitted at this time.

Mr. Huson stated we have a mechanism for compliance with these issues that everyone is supposed to comply with the conditions. If anyone is out of compliance the neighbors can contact the County and let them know.

Vice Chairman Henry stated that he encourages that and to notify the Planning Commission. He will have no problem revoking one of these if someone will not follow the ordinance. If you're not calling the Sheriff's Office, the Planning Commission, or the County then there is no way for us to enforce it. He asked Mr. Lenz if we currently have a list of Short-term tourist renters that have violations?

Mr. Lenz said he has had a total of 3 instances where he has received a complaint for a property that has a conditional use permit for a short-term tourist rental, two of which were a guest having a fire. We were able to have them remove the firepit and make it unavailable to the guest. The other complaint was that the guests were parking in the road in which he went over the supplemental right that restricts that. He has not had to send a violation letter for a short-term tourist rental. He has been able to call the owner and get it straightened out within the hour.

Mr. Kersjes stated one point about what the association was saying. If you something advertised that shouldn't be on that property let the County know. They may not have a CUP.

Mr. Wendling stated that the department does periodically review the ads and if someone is advertising something like that or advertises the exceeding amount of occupancy that they have been approved for then we will reach out. Mr. Lenz had to reach out to an applicant recently that advertised for more than the occupancy when he was approved for six people. We will notify them and give them a fair amount of time to get it removed from their ad. We do make note of it and if they continue to not comply then that will be the time for us to revoke the application.

Mr. Huson motioned to move that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Kemandri Govender for a Short-Term Tourist Rental with the conditions as recommended by staff. Seconded by Mr. Kersjes and by the following vote of 4-0.

Ayes: Kersjes, Richardson, Huson, Henry

CUP2023-04-05 – Roberto Rodriguez & Gretchen Wagner - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 1820 Gooney Manor Loop and identified on tax map 43, as lot 49A6. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Lenz stated the applicant is requesting a conditional use permit for a short-term tourist rental for the property they are in the process of purchasing. The owner, Passage Valley Builders, Inc, completed the construction of the dwelling on the property in 2021. The applicant would like to make the property available for short-term lodging for visitors of the Warren County area seeking to enjoy a private “home away from home” and the many attractions the Shenandoah Valley has to offer. Primarily residing in Alexandria, VA and with several years of experience managing both short- and long-term rentals in Delaware and Middleburg, VA, the applicants will manage the property personally.

Mr. Lenz stated that this is a new construction. Comments have been received from the Health Department approving a maximum of eight (8) occupants for the four-bedroom dwelling. The subject property is not located in a subdivision governed by an HOA/POA. The dwelling meets the required 100' setback to adjacent single-family dwellings. The nearest dwelling is located approximately 130' to the south and is a short-term tourist rental. We did receive a late letter with concerns about this application, it was provided to the Planning Commission before the meeting tonight.

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 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 eight as determined according to the Health Department operation permit for a four-bedroom dwelling.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and on state and county roads shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

Vice Chairman Henry asked the applicant if there's anything they would like to add about the property before opening the public hearing? The applicant stated, yes.

Gretchen Wagner & Roberto Rodriguez, 3911 Maury Place, Alexandria, VA

Ms. Wagner stated they are the current owners, it was mentioned that the septic is for 8 people, they plan to advertise for 6 people. They moved to Virginia about 7 years ago and fell in love with the Shenandoah Valley. They current live in Alexandria but their personal goal is to move out here eventually but for not a short-term tourist rental is the first step for them to move in that direction in the future.

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

Vice Chairman Henry closed the public hearing.

Ms. Richardson motioned to move that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Roberto Rodriguez & Gretchen Wagner for a Short-Term Tourist Rental with the conditions as recommended by staff. Seconded by Mr. Huson and by the following vote of 4-0.

Ayes: Kersjes, Richardson, Huson, Henry

CUP2023-04-06 – Barbara J. Hessler - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 2930 Long Meadow Road and identified on tax map 9E, as lot 1. The property is zoned Agricultural (A) and located in the North River Magisterial District.

Mr. Wendling stated the applicant is requesting this conditional use permit for a Short-Term Tourist Rental for the property she currently resides. The property was purchased in September of 2022 by the applicant. In lieu of having a long-term tenant, she is looking to rent short-term. She's making this request to offset some of the expenses for the property and would be residing at the property during rentals of additional rooms. She states she has previously been an Airbnb host in Northern Virginia where she lived previously, and it was a positive experience.

Mr. Wendling stated that this property is located in the Fields of the Valley Subdivision which doesn't have a POA or HOA. This dwelling meets the setback requirements to adjacent single-family dwellings which is 518' to the closest dwelling located to the northwest.

Mr. Wendling stated the 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 and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department operational permit 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.

Vice Chairman Henry asked the applicant if there's anything they would like to add about the property before opening the public hearing? The applicant stated no.

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

Vice Chairman Henry closed the public hearing.

Mr. Kersjes motioned to move that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Barbara J. Hessler for a Short-term Tourist Rental with the conditions as recommended by staff. Seconded by Ms. Richardson and by the following vote of 4-0.

Ayes: Kersjes, Richardson, Huson, Henry

CUP2023-04-07 - Frank O'Reilly - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 320 Old Barn Lane and identified on tax map 13, as lot 14D. The property is zoned Agricultural (A) and located in the Shenandoah Magisterial District.

Mr. Wendling stated the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased the property in August of 2022. The applicant and his family own 10 properties in the County which have been approved for Short-term Tourist rentals three of which are grandfathered. The applicant has developed the Hoskins family farm and this dwelling was a part of the original parcels. He will be the acting property manager of this property also and has a number of years' experience in construction and property maintenance. Many of the family Short-term Tourist Rentals are located just a short distance away.

Mr. Wendling stated this dwelling meets the setback requirements to adjacent single-family dwellings and is 531' to the closest dwelling located to the west which is owned by Mr. O'Reilly's daughter and son-in-law.

Mr. Wendling 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 within 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 the public hearing? The applicant stated, yes.

Frank O'Reilly, 2973 Shenandoah Shores Rd., Front Royal, VA

He stated he has 15 years of running Short-term Tourist Rentals, he manages multiple rental units and different businesses throughout the County, it has been a good experience and they have a good record. He is aware that the County does not have any record of his septic, apparently, they digitized everything, and his records are nowhere to be found. They are in the process of trying to reverse engineer this. They will be redoing the soil work and relocating the septic despite the Health Department losing their records.

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

Mr. Henry and Ms. Richardson agreed that there are a lot of dwellings that the Health Department does not have a record of in Warren County. They had several documents

sent out to be digitally recorded and along the way no checked to see if the records had been scanned in.

Vice Chairman Henry closed the public hearing.

Mr. Huson motioned to move that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Frank O'Reilly for a Short-Term Tourist Rental with the conditions as recommended by staff. Seconded by Ms. Richardson and by the following vote of 4-0.

Ayes: Kersjes, Richardson, Huson, Henry

CUP2023-04-08 - Yesl Cho - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 3744 Browntown Road and identified on tax map 37D, section 1, as lot 7. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Wendling stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property her parents purchased in February of 2015. The owner would like to make the property available for short-term lodging for visitors of the Warren County area while they live in the lower level of the home and renting out the upper level in order to offset the costs of home ownership. The applicant will manage the property personally as the Property Manager on behalf of her parents.

Mr. Wendling stated we have no contacts for Plantation Pines so no request for comments were requested. This property fronts a State maintained road. This dwelling meets the setback requirements to adjacent single-family dwellings which is 265' to the closest dwelling located to the west. Staff have not received Health Department comments at this time.

Mr. Wendling 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 within the subdivision shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

Vice Chairman Henry asked the applicant if there's anything they would like to add about the property before opening the public hearing? The applicant stated, yes.

Yesl Cho, 2168 High Top Rd., Front Royal, VA 22630

She stated the home is too big for her parents, they will be living in the lower level and renting out the upper level. She does plan to be the property manager and does have hospitality management experience along with managing a couple of short-term rentals previously before moving to the area. They will be on site managing their property and will be personally doing the cleaning after in between the renters coming and leaving.

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

Chairman Myers closed the public hearing.

Ms. Richardson motioned to move that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Yesl Cho for a Short-Term Tourist Rental with the conditions as recommended by staff. Seconded by Mr. Kersjes and by the following vote of 4-0.

Ayes: Kersjes, Richardson, Huson, Henry

CUP2023-04-09 – Shelly Cook - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 137 Lee Burke Road and identified on tax map 27, as lot 21. The property is zoned Agricultural (A) and located in the Fork Magisterial District.

Vice Chairman Henry asked to abstain from the motion and the vote due to Ms. Cook being a client of his and accepting work on this property. He passed the gavel to Mr. Kersjes.

Mr. Wendling stated the applicant is requesting a conditional use permit for a short-term tourist rental (STTR) for the property she currently uses as a vineyard. She was issued a conditional use permit for a Rural Event Facility in November of 2020. She has recently applied for an agricultural exemption permit to build a winery and building permits for the Rural Event Facility along with 5 permits for one-bedroom lodging units on the property. She has plans to construct a total of 20 lodging units for use in conjunction with the Agri-tourism, winery, Rural Event Facility and for 7-day Short-term lodging units. This dwelling would be used as a Short-term Tourist Rental as defined by the County Code for rental up to 30 days at a time in addition to these lodging units and an adjacent property's single-family dwelling for which a CUP application has been submitted for a STTR.

Mr. Wendling stated that 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. Staff has not received Health Department comments specific to this request at this time. This dwelling meets the setback requirements to adjacent single-family dwellings and is 210' from the nearest dwelling to the west.

Mr. Wendling 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 within the subdivision shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

Mr. Kersjes asked the applicant if there's anything they would like to add about the property before opening the public hearing? The applicant stated, yes.

Shelly Cook, 65 Lee Burke Rd. Front Royal, VA 22630

She stated that this will be part of the whole venue, it is part of the 93 acres of the farm that they will use in conjunction with the vineyard. At this point it is hosting several venue managers so that they can stay on the property. She has a construction business and manages her Airbnb's on her own and lives less than 1 mile away.

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

Mr. Kersjes closed the public hearing.

Ms. Richardson motioned to move that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Shelly Cook for a Short-Term Tourist Rental with the conditions as recommended by staff. Seconded by Mr. Huson and by the following vote of 3-0.

Ayes: Kersjes, Richardson, Huson

Abstain: Henry

Vice Chairman Henry asked to be abstained from the Consent Agenda due to a potential client.

Consent Agenda – Authorization to Advertise for Public Hearing:

- A. **CUP2023-05-01 – Shelly Cook** - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 15 Sunset Village Rd. and identified on tax map 27B, section 2, as lot 19A1. The property is zoned Residential-One (R-1) and located in the Fork Magisterial District.
- B. **CUP2023-05-02 – Bradly Winans** - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 416 Hobbs Nob Rd. and identified on tax map 15F, section 1, block 7, as lot 34. The property is zoned Residential One (R-1) and located in the Shenandoah Magisterial District.

- C. **CUP2023-05-03 – Walter Scott & Victoria Marie Piotti** - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 192 Howellsville Heights Circle and identified on tax map 15I section 1, as lot 10A. The property is zoned Agricultural (A) and located in the Happy Creek Magisterial District.
- D. **CUP2023-05-04 – David A. Downes** - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 125 Freeze Rd. and identified on tax map 23C, section 2, block 2, as lot 168A. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.
- E. **CUP2023-05-05 – Nancy Hilliard**- A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 83 Moonshiner Way and identified on tax map 24B, section 1, block 28 as lot 690. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.
- F. **CUP2023-05-06 – Erica Baker & Richard Case** - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 31 Farms Riverview Rd. and identified on tax map 15D, section 1, block 3 as lot 2. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.
- G. **CUP2023-05-07 – Michael DeLutri** - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 2706 Freezeland Rd. and identified on tax map 23G, section 1, as lot D. The property is zoned Agricultural (A) and located in the Shenandoah Magisterial District.
- H. **CUP2023-05-08 – County of Warren – Shenandoah Farms Fire Station** - A request for a conditional use permit for a Public Protection Facility – Fire Station. The property is located on Howellsville Rd. and Youngs Dr. and identified on tax map 15B, section 2, block 2 as lot 56A1. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.
- I. **CUP2023-05-09 – Barbara J. Hessler** - A request for a conditional use permit for a Commercial Outdoor Recreation Operation. The property is located at 2930 Long Meadow Road and identified on tax map 9E, as lot 1. The property is zoned Agricultural (A) and located in the North River Magisterial District.
- J. **Planning, Zoning, and GIS Department Fees**- The Board of Supervisors and County Administrator has directed staff to review and submit proposed changes to the Planning and Zoning Fee Schedule. The fee schedule was last approved on April 15, 2003, and amended April 6, 2004. No changes have been made to the fee schedule since that time and costs in labor, technology, software, and training have increased in cost across the spectrum. The GIS fee schedule has always been separated from the

Planning schedule and is still under review but will be included in the fee change request at the time of the public hearing. **VA State Code requires that a public hearing be held, and the Planning Commission approves any fees relating to the zoning and subdivision ordinances prior to them being forwarded to the Board of Supervisors.**

- K. Z2023-05-01 Zoning Text Amendment Code Section §180-63.G - Amendment of Modification of conditions and permitted uses. -** This request is intended to reflect the proposed fee schedule change for modification requests for conditional use permit from "of \$75" to language stating, "in accordance with the current fee schedule as adopted by the Board of Supervisors."

On a motion by Ms. Richardson, seconded by Mr. Huson, and by the following vote of 3-0, the Planning Commission authorized items VIII- A-K, for the proposed condition use permit requests for advertisement for their public hearing as presented:

Ayes: Kersjes, Richardson, Huson
Abstain: Henry

Commission Matters

A. Planning Director - Update on Comprehensive Plan review, Rezoning status and planning related items.

Mr. Wendling stated that the Board approved the fees, but we found through VA State code that we must have the Planning Commission approve it. Mr. Lenz and himself will be drafting coversheets for those items at the next meeting along with any additional items for the Shenandoah Farms Fire Station. Ms. Logan, our Deputy County Administrator, will be available for any questions regarding it. There is a lot of history that he and Ms. Logan have for that particular site.

Update on Comprehensive Plan Review- we are continuing to work on that with the Regional Commission chapter by chapter and it may take a little longer to complete.

Rezoning Status- staff will be meeting with the Rushmark Rockland Road applicant next week and they plan on resubmitting the comp plan amendment for the conditional use permit for that particular site. We are trying to get a meeting with VDOT as well so we can address the Rt.340/522 Corridor Transportation plan.

Rezoning for Shenandoah Club Properties- we have not received word yet that the traffic impact analysis is completed. He reached out to their engineer this evening and hopefully will hear something back by tomorrow. We hope to have comments from VDOT for next month but if they do not have it completely reviewed or have it back to us then we will have to postpone the public hearing until July. We have a number of citizens continuing to provide us with their comments and opinions that will be submitted for your review in the packet once the public hearing is scheduled.

He would be remiss to not say and be thankful to Mr. Huson. He has given his notice to us and will be stepping down today due to personal reasons. We thank you so much for your service to us and what you have brought to our Commission here.

B. Commission Members-

Mr. Huson stated that it had been a pleasure working with everyone and he wishes everyone the best of luck. A comment he wanted to make to the applicant Ms. Cho was that when talking about the occupancy and the number of guests. He doesn't know if the applicants understand that if the occupancy is 6 but mom and pop are upstairs it is only 4 guests. He believes the wording is correct but when talking about the occupancy in the house the applicant may not factor in the number of guests as well.

Mr. Kersjes stated earlier in the meeting he was trying to address to everyone that if they have a complaint, they need to address it to Staff not come to the meeting and complain. Mr. Wendling stated that they appreciate that because if they don't address it to staff then we don't know it. If they let us know then we can send someone out to the property, make a phone call or do whatever we need to do to address it Monday-Friday or they can reach the Sheriff if it's the weekend. Maybe we need to open the line of communication up with the Sheriff and ask them if something is reported to let us know. He believes there is a spreadsheet we share with them, but we will make sure the communication is there and that they report it to us.

Ms. Richardson stated that it is nice for the neighbors to know that if the applicant is out that they do have some way to communicate with them, and it is nice for them to know that there is a management plan in place. It would be nice for us and the neighbors to see this. She doesn't know if maybe if they have the plan of ahead time, it will offer a little bit of ease for the neighbors and for the application process. She would like to see the plan at the Planning Commission level. Now that this has been brought up with communities that have this in their guidelines that are opposed to having short-term tourist rentals, we will be seeing this more often, she believes.

Mr. Lenz stated that the Board of Supervisors has asked them to look into this code to find ways to amend it. He has made changes to the supplemental conditions and believes that he has made changes to say upon submission of the application which means we will not accept the application if they do not have a property management plan under that code. Ms. Richardson stated maybe it would put the community at ease if they knew that someone locally is managing the property and it would bring in revenue to the local community. Mr. Lenz stated that he is meeting with the Skyland Estates Board on Friday to go over some of their concerns. Ms. Richardson asked if the property management plan is changed do they have to notify Planning and Zoning?

Mr. Wendling stated that he has spoken with David Burke, Planning and Zoning Deputy Officer, about this matter. This is one of the things that he will look at during the annual review if it does get approved. Some of the older ones may have been changed and we do send out templates to help the applicants as well. The property management plan is public record if anyone wants it, they can contact us.

C. Attorney Caitlin Jordan - nothing to report.

D. Zoning Administrator, Chase Lenz - BZA Board update, CUP status and other zoning related items.

Society of Saint Pius X application for a church out of a converted barn that made it through Planning Commission did go to the Board and they voted on a motion to revert it back to the Planning Commission. The VDOT comments identify that the distance does not meet the site distance requirements and that they would need a plan and profile, which is part of the permit on file, to determine if it is achievable for the site. Once comments from VDOT on that plan and profile have been received it will be brought back to the Planning Commission.

Board of Zoning Appeals- We did fill the Fork district opening and have gone through the process of getting him appointed properly.

Mr. Lenz wanted to mention the complaint that we heard about earlier in Skyland Estates was received this week. He heard from a resident that there were issues, but he didn't know the address. Mr. Lenz was able to find out the address and was able to speak with the property owner immediately. They had a few issues; they were approved for 6 guests and advertised for 10 guests and had the firepit available. He worked with them, they removed the firepit and updated his advertisement while on the phone with Mr. Lenz. He did check the site this morning to make sure it hadn't been changed back and it was okay.

Adjournment:

Vice Chairman Henry called for a motion to adjourn, on a motion by Mr. Kersjes, seconded by Ms. Richardson, the meeting was adjourned at 8:36 PM.



Warren County Planning Commission
Chairman