

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on June 14, 2023, at 6:00 PM.

Present: Robert Myers, Chairman (Happy Creek District); Scott Kersjes (North River District); Kaylee Richardson (South River District); and Caitlin Jordan, Senior Assistant County Attorney; also, present; Matt Wendling, Planning Director; Chase Lenz, Zoning Administrator; Veronica Diamond, Clerk to the Planning Commission

Absent: Hugh Henry, Vice Chairman (Fork District)

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

Adoption of the Agenda

On a motion by Mr. Kersjes, seconded by Ms. Richardson, and by the following vote of 3-0, the Planning Commission approved the Adoption of the Agenda.

Ayes: Myers, Kersjes, Richardson

Adoption of Regular Meeting Minutes:

On a motion by Mr. Kersjes, seconded by Ms. Richardson, and by the following vote of 3-0, the Planning Commission approved the minutes from May 10, 2023, as presented: Mr. Myers abstained from the vote due to not being at last month's meeting.

Ayes: Kersjes, Richardson

Abstain: Myers

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.

Public Hearings:

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.

Mr. Wendling stated that the County of Warren is requesting a conditional use permit for a public protection facility for use as a fire station and emergency medical services (EMS)

for Station #6 in Shenandoah Farms. The dwelling quarters for Station #6 were recently demolished due to unsafe structural and building issues which leaves the emergency responders no adjoining facility to the equipment and vehicle storage garage. Fire and Rescue personnel currently are housed in another structure nearly 500' from the garage which increases emergency response time. The current location of the property is near the Clarke and Warren County boundary at 6363 Howellsville Road and is located approximately 3.8 miles from this location for the proposed fire station. The parcel location is central to the Shenandoah Farms subdivision and within 2,000 feet of the intersection of Howellsville Road and Blue Mountain Road and just across from Hardesty Road and the Howellsville Heights subdivision. The replacement of this fire and rescue station #6 ranks as the County's number 4 priority in its Capital Improvement Plan for FY2024-2028. A concept plan and building layout will be submitted prior to the Planning Commission public hearing. A wetlands study has been completed and VDOT has reviewed the site and determined the site does have the sight distance. The proposed facility is to be served by a private well and septic system and drainfield and there is a planned occupancy for the fire station to be approximately 2 to 6 employees on site.

Mr. Wendling stated he did receive comments from the Health Department today and were provided to the Board. This property was issued a conditional use permit #2011-08-02 on November 15th, 2011, for a Solid Waste Refuse/Recycling Convenience Center and Shenandoah Farms Sanitary District Maintenance Facility which was issued to the County. This CUP has since expired since the plans for the site have been revised because the fire house was deemed structural unsafe and demolished creating an urgent need for housing for Station #6 emergency responders. The staff is recommending the following conditions as there are no supplemental regulations for public protection facility or fire station.

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, Virginia Department of Transportation, and Warren County Building Inspections regulations and requirements.
2. A formal site plan shall be prepared and approved by the Warren County Planning Department prior to the issuance of a building permit, showing the building, parking, landscaping, outdoor lighting plan, and other applicable zoning requirements.
3. All outdoor lighting fixtures shall conform to section 180-49.2 of the Warren County Zoning Ordinance.
4. The site shall comply with Section 180-49.1 of the Warren County Zoning Ordinance regarding landscaping.

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

Kimberly Goad 709 Howellsville Heights Circle, Front Royal, VA 22630

She asked for more information about the location of the fire department. She is concerned about how the firetrucks will enter in and out of the property, being that the section of Howellsville Rd. is on a rough part of the road. What will they do to slow traffic down in that section. She is not opposed to having the fire department in that location.

Rebuttal

Gerry Maiatico, Assistant Fire Chief Warren County Fire and Rescue of Front Royal, VA

He stated that the Fire and Rescue department has worked with county staff to determine a feasibility study of their Fire and Rescue system. This station location was just one of many on looking at looking at our service area and how we can better serve the citizens of our community and strategic fire station locations. Strategically fire stations are built where land is free and where it's donated as part of family, land, proffers, etcetera. A fire station sitting on the Clark County and Warren County line does not best suit the overall response services of the citizens of Warren County. We really analyzed and worked with staff to evaluate this property, to address the traffic concerns that were brought to you this evening. The emergency response plan is to exit out onto Howellsville Rd. There will be appropriate signage as with any fire station approach warning of a fire station. A potential reduction in speed limit has been talked about with VDOT in that immediate area. Ultimately the site distance as far as comments and concerns we receive is no different than any other fire station approaching any other high traffic area throughout the community. We strive in all of our projects through our fire stations to serve as good neighbors and to ensure that we are driving with due regard and we're operating in a fast but safe and efficient manner. We feel that this fire station location is a very good fire station location, as it relates to not only pulling out an emergency response but also slowing our emergency vehicles to turn to return back to quarters and make that turn back into the fire station location. Some of these same concerns were addressed when building the Rivermont fire station relocation project. We have been there for 2 years now and are happy to report that there are no notable related traffic issues as it backs onto Airport Rd. and Rivermont Dr.

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 for a Public Protection Facility – Fire Station with the conditions as recommended by staff. Seconded by Mr. Kersjes and by the following vote of 3-0.

Ayes: Myers, Kersjes, Richardson,

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.

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property she purchased in 2019. The owner would like to make her property available for short-term lodging for visitors of the Warren County area. The applicant will manage the property personally.

Mr. Lenz stated this property has not had any previous Conditional Use Permits issued for uses in the Residential-One zoning district. The dwelling was constructed in 2021. There are two active conditional use permits for short-term tourist rentals in the Junewood Estates subdivision. There is a Health Department conditional permit allowing a maximum of four (4) occupants for the three-bedroom dwelling. The applicant is requesting a waiver to this supplementary regulation as the dwelling does not meet the required 100-foot setback to neighboring dwellings. The dwelling on the property to the north is located 87 feet from the dwelling on the subject property. The applicant indicated in her statement of justification that she is willing to plant evergreen trees along the rear property line to serve as screening for additional privacy for the neighboring dwelling and her guests.

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, within the subdivision, and on state roads 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 87' setback to the dwelling north of the subject property.

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.

Gary Bruck, 120 Sunset Village Rd., Front Royal, VA

He stated that he is opposed to the short-term tourist rental coming into the community. He is concerned because he moved into the community in October and there was nothing presented to him about this house going to be a short-term tourist rental. There was no information provided to them showing that they were going to contribute to the road maintenance or access to the river. He has reservations about how this is going to be managed and would like some clarification on how those aspects are going to be addressed. Furthermore, the community itself is growing and the use of an Airbnb is still up in the air with a lot of the residents.

Chairman Myers closed the public hearing.

Chairman Myers asked Mr. Lenz if he said that there were 2 other short-term tourist rentals in this area?

Mr. Lenz stated that is correct they were both within the last 2 years or so. They are further down in the subdivision. This one is the first house you come to on the left as you turn into Rivermont Dr.

Mr. Kersjes asked if Mr. Lenz had heard from Christopher or Heather Grady?

Mr. Lenz stated that he has not heard any comments from the residents.

Mr. Kersjes stated he is concerned about not hearing from them as they are at 87 feet. Being that she's got a wedding and party venue going.

Mr. Lenz stated that the applicant said she spoke with the neighbor that is withing the

87-foot setback and that they didn't have an issue with it. Obviously, we do not have a way to verify that.

Mr. Kersjes said he would like to see if in writing if not in person that they are ok with it when they say they agree.

Chairman Myers stated that he was not beyond tabling it a month until we get some sort of verification from the neighbor since they will be directly impacted.

Mr. Kersjes motioned that the Planning Commission table this application for the conditional use permit request of Shelly Cook for a Short-Term Tourist Rental until next month for further public input. Seconded by Ms. Richardson and by the following vote of 3-0.

Ayes: Myers, Kersjes, Richardson

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.

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in May of 2022. The owner would like to make his property available for short-term lodging for visitors of the Warren County area when he and his two daughters are not using the property as a retreat from the hustle and bustle of Washington, D.C., where they primarily reside. The applicant will manage the property personally with assistance from local professional services for trash disposal, cleaning, and maintenance.

Mr. Lenz stated the property is located in the Shenandoah Farms subdivision Mountain Lake section. The property was built in 1976 and has no previous Conditional Use Permits issued for this property. There is a Health Department permit allowing a maximum of four (4) occupants for the two-bedroom dwelling. The applicant submitted documentation stating he installed evergreen trees along the border of the property for additional screening and privacy. The applicant has also installed exterior security cameras and lights. The applicant is requesting a waiver to this supplementary regulation as the dwelling does not meet the required 100-foot setback to neighboring dwellings. The dwelling on the adjacent property to the East is 70 feet from the dwelling on the subject property. The applicant has submitted documentation indicating he will restrict his guests from accessing the eastern portion of the subject property, beyond the dwelling, to address potential privacy concerns from the neighbor and his guests.

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 within 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 70' setback to the dwelling east of the subject property.

Chairman Myers asked the applicant if there's anything they would like to add about the property before opening the public hearing? The applicant was in attendance. He said yes.

Bradly Winans, 416 Hobbs Knob Rd., Front Royal, VA 22630

He bought this probably a little over a year ago for his daughters. He uses it, it's very nice to have nice property, but it's also nice to have supplement income for short term rentals when he is not using it. He has done everything that he could and willing to do anything else to make the neighbors agreeable to this. He does pay the short-term occupancy tax. He has taken measures like planting trees and integrated themselves into the community pretty well. They go to Royal Farms every time they are here, and he is a member of one of the local wineries. They do use this place and would like to use this area for themselves also it's not strictly a short-term rental property.

Chairman Myers 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 proposed conditional use permit.

- Caitlin Risvold
- Zachary Risvold
- Sevi Winans
- Nicholas Gossin

Rebuttal:

Bradly Winans stated that he did not realize all the neighbors' concerns. He did approach one of the neighbors about getting a waiver for a 100-foot setback. He is retiring, he is on his last tour of the Coast Guard in DC and bought this house with the possibility of moving here in the future by never making it a point to say that this was going to be his permanent residence. As for the neighbors' concerns with traffic, it is shown that permanent residents use the street a lot more than weekend rentals.

Chairman Myers closed the public hearing.

Chairman Myers stated that after reviewing the letters of support and the number of people he saw come out that are opposed he would say it is about a 50/50 split.

Ms. Richardson stated that there are rules and guidelines that need to be followed. 70 feet is a little too close. This is one that we need to follow our rules on.

Ms. Richardson 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 Bradly Winans for a Short-Term Tourist Rental due to not meeting the required setbacks within the County guidelines. Seconded by Mr. Kersjes and by the following vote of 3-0.

Ayes: Kersjes, Richardson, Myers

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.

Mr. Wendling stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property they own adjacent to their primary residence at 292 Howellsville Heights Circle. The applicant would like to make the property available for short-term lodging for guests of the Warren County area. The applicant will manage the

property personally with assistance from local professional services for trash disposal, cleaning, landscaping, and maintenance.

Mr. Wendling stated that the dwelling meets the setback requirement to adjacent single-family dwellings. The subject property is not located in a subdivision governed by an HOA/POA. We did receive comments from the building official stating that an old permit from 1999 was the last permit that could be found for work completed on this site. The picture that is shown in the GIS with that being a new fabricated metal chimney pipe that would require a permit to be issued. They do not have a permit for that and would be required to have approved if moved forward by the Board to be in compliance.

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. The Health Department did submit comments to us, it's 3-bedroom design flow, 450 gallons a day with 6-person occupancy maximum.
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 state and county roads shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

Chairman Myers 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. He said yes.

Walter Scott Piotti, 192 Howellsville Heights Circle, Front Royal, VA

He said the chimney has been removed since that picture was last taken. He does have 3 permits on the house right now. He is also the adjoining property owner 2 acres away and the next adjacent property owner is about 7 acres away. The property has is getting completely redone and is on a private road. He reached out to adjoining neighbors and no one had responded.

Chairman Myers 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.

Mr. Wendling stated that he did not add a condition relating to this comment from building inspections. If the use is approved by the Board of Supervisors, the applicant will be required to get a change of use for a transient lodging facility. They would inspect fire and smoke detectors at that time they could also address any projects that were outstanding or not outstanding.

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 Walter Scott & Victoria Marie Piotti for a Short-Term Tourist Rental with the conditions as recommended by staff. Seconded by Ms. Richardson and by the following vote of 3-0.

Ayes: Kersjes, Richardson, Myers

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.

Mr. Wendling stated that the applicant is requesting a conditional use permit for a short-term tourist rental on behalf of the estate of his close friend who is now deceased and as a representative for his friend's young daughter. The property was purchased in 2018 by the deceased father and uncle of the child. The permit would allow for the applicant to generate income on the property until the daughter turns 21 years old and relocates to the United States from the Philippines. The applicant would like to make the property available for short-term lodging for guests of the Warren County area and will manage the property personally with assistance from local professional services for trash disposal, cleaning, landscaping and maintenance.

Mr. Wendling stated that the dwelling was built in 2006. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is approximately

131' to the west. We have not received any comments from the HOA/POA. The maximum number of occupants shall not exceed the Health Departments approved permit for the dwelling. The property was issued a sewage disposal system permit on August 27, 1974, for a system designed to serve a 3-bedroom house with a design flow of 450 gpd with six occupants maximum. County Staff did receive a letter Via Fork District Supervisor from a concerned citizen Rob and Lisa Runion. They were concerned about the septic system being older, and it had not been serviced or maintained previously. They are also concerned about their privacy and potential fires if there is a fire ring/pit. This is covered in condition number 7.

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

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

David Downes, 160 Old Browntown Rd., Front Royal, VA 22630

He stated that he is requesting this CUP on behalf of his God daughter who is currently living in the Philippines. His best-friend past in October of 2022 while working on his K-1 visa to try to

bring his daughter here to the United States. His best-friend and his daughter had purchased this property so his daughter could come here and live the American dream. There will not be a fire pit, he understands that's a condition and accepts that. He describes his cabin as a cabin on steroids, it is tax assessed about \$500,000.00. He is current on taxes; this is another reason for having the income flow so the property can be maintained in addition to insurance and other upkeep that is required. He is 10 minutes away from the property so he can be there within short notice. He is involved within the community and is a small-town lawyer to our community and has been for the last 36 years. He will be partnering with a local property manager. This is the first time he has heard that there is a problem with the septic.

Chairman Myers closed the public hearing.

Mr. Wendling stated that the septic system will be added to the conditions so it will have to be serviced and maintained and they will have to provide us with an invoice for the service and maintenance. It is an older system, but it is fine. The Health Department would also need to be provided with the invoice on the service and maintenance.

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 David Downes for a Short-Term Tourist Rental with the conditions as recommended by staff. Seconded by Mr. Kersjes and by the following vote of 3-0.

Ayes: Kersjes, Richardson, Myers

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.

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property she purchased in August of 2022. The owner would like to make her property available for short-term lodging for visitors of the Warren County area when she and her family are not using it as a second home. The applicant will manage the property personally with assistance from local professional services for trash disposal, cleaning, and maintenance.

Mr. Lenz stated this property is located in the Blue Mountain subdivision and there were comments received from the Blue Mountain POA stating that they have no objection to the approval of this application. There is a Health Department permit allowing a maximum of four (4) occupants for the two-bedroom dwelling. The dwelling meets the 100' setback requirement from neighboring dwellings. The nearest dwelling is located 118' to the south. Mr. Lenz stated there was a letter of concern received late yesterday afternoon that was given to the Board before the start of the meeting.

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 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 she would like to add about the property before opening the public hearing? The applicant stated no.

Chairman Myers opened the public hearing, he asked anyone wishing to speak for or against this matter come forward. The applicant was not in attendance. No one came forward to speak.

Chairman Myers closed the public hearing.

Mr. Kersjes stated that he did check the land records and she does own the property next door to the setback requirements.

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 Nancy Hilliard for a Short-term Tourist Rental with the conditions as

recommended by staff. Seconded by Ms. Richardson and by the following vote of 3-0.

Ayes: Kersjes, Richardson, Myers

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.

Mr. Lenz stated that the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in April of 2023. The owners would like to make their property available for short-term lodging for visitors of the Warren County area when they are not using it as a weekly getaway. With experience managing real estate, the applicants will manage the property personally with assistance from local contacts for trash disposal, cleaning, and maintenance.

Mr. Lenz stated that the property is on Farms Riverview Rd., which means it is a high-risk flood zone and entirely within the flood way. It is located directly beside the boat landing. There is a Health Department permit allowing a maximum of four (4) occupants for the two-bedroom dwelling. The dwelling meets the 100' setback requirement from neighboring dwellings. The nearest dwelling is located 307' to the south. Due to the flood way there will not be any other dwellings in that setback constructed.

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 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.

Erica Baker, 31 Farms Riverview Rd. Front Royal, VA 22630

She is a real estate agent in Virginia and Maryland. She would be at the property about every week unless one week is busier than another. They fell in love with the area 2 years ago and have been fighting investors to get a house here. They were encouraged by Bo to make it an Airbnb and that is their goal. There is a public boat landing to the left of the property. To the right of the property the owners come out with their families and camp on the weekends.

Chairman Myers closed the public hearing.

Mr. Kersjes stated in the drawing that the well is next to the river in a flood zone. Should there be an additional condition that the well be tested after a flood?

Mr. Wendling stated yes, at least the water to the well, a water test.

Mr. Lenz stated we could amend condition number 3 to add language stating that in the event of a flood the applicant show that the well water has been tested and results will be provided regardless of the annual requirement and at the end of every flood.

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 Erica Baker & Richard Case for a Short-Term Tourist Rental with the conditions as recommended by staff and adding to item 3, well water will be tested after any substantial significant flood event. Seconded by Ms. Richardson and by the following vote of 3-0.

Ayes: Kersjes, Richardson, Myers

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.

Mr. Wendling stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in 2018. The applicant would like to make the property available for short-term lodging for guests of the Warren County area. The applicant will manage the property personally with assistance from local professional services for trash disposal, cleaning, landscaping, and maintenance.

Mr. Wendling stated that the property does meet the required setback, it's 160 feet from any adjacent dwellings. He did not have any comments from the HOA or POA. The building official and building inspections department did state that there was an additional bedroom that was not issued a building permit for a basement bedroom that was finished without permits. In speaking with the applicant this was done a while before his time of ownership. The Health Department commented stating that their permit for the sewage disposal system was from 2002 and was designed to serve a 4-bedroom house with 8-person maximum occupancy. Staff is requesting an additional condition to number 8. The applicant shall meet the Building Inspections permitting requirements for the existing bedroom that was not permitted and the applicant shall not advertise or exceed the occupancy for more than 3 bedrooms and a 6-person occupancy until the final inspection has been approved. The applicant can apply for this prior to the Board making their decision or after.

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 on state and county roads shall be prohibited.

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

8. The applicant shall meet the Building Inspections permitting requirements for the existing bedroom that was not permitted and the applicant shall not advertise or exceed the occupancy for more than 3 bedrooms and a 6-person occupancy until the final inspection has been approved.

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, management representative came forward, the applicant is out of town and lives in California.

Latif Charti, 1 Byron Ct. Sterling, VA 20165

Airbnb's bring business to the community. There is a local landscaping and cleaning company they have hired. As for the permit for the 3 rooms, they will get the additional room properly permitted and will only advertise for 3 rooms until then.

Chairman Myers 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 proposed conditional use permit.

- Travis Lewis
- Debbie Lewis
- Kathy Shives
- Mike Pritchard

Chairman Myers closed the public hearing.

Rebuttal:

Latif Charti, 1 Byron Ct. Sterling, VA 20165

He stated that he texted the owner to let him know the concerns the neighbors had. They will remove the firepit. They do not know about what has happened at this property in the past, they recently began managing the property so if there were parties that have happened in the past or fires, they were not aware of it. They have security cameras throughout the house, they have professional cleaners that take the trash out and they have a local member of the fire department that does takes care of the landscaping of the

property. As far as parties are concerned if they see this is happening on the camera, they will address it right away and are willing to open the communication among the neighbors to get contact information so they can notify him immediately if they see or hear anything happening that shouldn't be. If they have to ask the guests to stop and they do not listen, then they will call the local authorities. The reason for the bigger house is so big families can come out and visit and be together.

Chairman Myers stated that with a conditional use permit if the conditions required are violated you can have your conditional use permit pulled. As for excessive partying, you can contact the Sheriff's office.

Mr. Kersjes suggested to the public that they can also contact Planning and Zoning on Monday morning to let them know.

Mr. Wendling agreed with Mr. Kersjes and stated that County Planning needs to know if there is a complaint and they would follow up on it. He stated that he did receive 1 letter from Sandra O'Shell, 2640 Freezland Rd., Front Royal, VA. She shared that her concerns were similar to the following that spoke about the loud parties and fire pit. There is a mechanism in place.

Ms. Richardson asked if there was a date as to when the party occurred?

Mr. Wendling stated that she did not give a date. They would do a site visit for the post approval and do annual visits if approved. If any complaints are received, we will give them a chance to amend them and if they do not then we will move forward with the Board to revoke them if necessary.

Mr. Kersjes stated he has a small business and takes about 5 guys with him when working and they rent a 5-bedroom Airbnb. When seeing 5 cars in the driveway you might think there is a big party going on but by 8:30pm everyone is in bed, we usually rent for 2 weeks at a time.

Mr. Wendling stated that they are limited to an 8-person occupancy from the Health Department. If they advertise for more than that they will be deemed in violation of that conditional use permit.

Mr. Kersjes stated that the community is more protected with a short-term rental than a 6-month rental. A 6-month rental would be able to have bonfires.

Chairman Myers suggest to the public that if there is anything you see in violation let the Sheriff's office handle it do handle this on your own.

Mr. Richardson wanted to clarify that as of right now this is a 6-person occupancy not 8

persons.

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 Michael DeLutri for a Short-Term Tourist Rental with the conditions as recommended by staff. Seconded by Mr. Kersjes and by the following vote of 3-0.

Ayes: Kersjes, Richardson, Myers

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.

Mr. Wendling stated that the applicant is requesting a conditional use permit for a Commercial Outdoor Recreation Operation, which would consist of training facility for off-road motorcycle classes. This would be for her existing business known as DC Dirt Camp which she has operated out of King George County prior to moving here. The applicant purchased this property in September 2022 and has kept it in agricultural land-use for making hay on the property with the intent relocating her business and using her home as a Short-Term Tourist Rental. She plans to give classes on Friday, Saturday and Sunday starting from 8:30am-10:00am and ending prior to dusk depending on the time of year. Classes typically last about 6 hours and she will limit the students to 8 per session. She also has two additional instructors who will be assisting her periodically and the business is seasonal with classes would be held from April to October. The applicant plans to use a port-o-john for her clients.

Mr. Wendling stated this property is 12.31 acres and it meets the 2-acre requirement. Approximately 2 acres will be used for the actual instruction and the additional area property which is currently gravel will be used for customer parking. The property does have direct access off Longmeadow Rd. via private driveway, there is primarily pastureland, and there's currently a 30-foot landscape buffer around the perimeter of the property. The applicant took some decibels readings while the classes were going in and they appeared within the range. The use for the training dirt bike construction is currently about 100 feet from the nearest property lines. Staff did receive letters of support today that were provided to the Board. The letters were from J.D. Mitchell, 274 Long Meadow Rd. and Fox Skidmore.

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 Virginia Department of Transportation (VDOT), Warren County Building Inspections, and Warren County Health Department applicable regulations and requirements.
2. Activities associated with the commercial operation shall not produce sound levels which exceed 60 decibels during hours of operation at the nearest property line.
3. Activities associated with the commercial operation shall be by appointment or reservation only. The hours of operation shall be from 8:30am and end prior to dusk depending on the time of year but no later than 8:00pm.
4. The maximum number of students and motorcycles at any one time shall not exceed more than eight per session.
5. The training areas for motorcyclists shall be no closer than 100' to the property lines.
6. There shall be no riding of the motorcycles used for the classes on the State roads.

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 no.

Chairman Myers 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.

Mr. Kersjes stated this is an interesting unique use and since we have a letter of approval from Joe, he feels comfortable with this. The neighbor looks like they have a dirt track as well on google earth.

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 Commercial Outdoor Recreation Operation with the conditions as recommended by staff. Seconded by Ms. Richardson and by the following vote of 3-0.

Ayes: Kersjes, Richardson, Myers

Planning, Zoning, and GIS Department Fees- Planning and Zoning Fees- An ordinance changing certain zoning, and subdivision fees as authorized by Virginia Code §§ 15.2-2286(A)(6) and 15.2-2241(A)(9). The specific zoning and subdivision fees for which a change is proposed, and the dollar amount of the increased fee, are shown in the attached table.

Mr. Wendling stated a review of our current fees was requested by the Board of Supervisors during fiscal year 2022. The last time these fees were approved by the Board of Supervisors was April 15, 2003, and they were last amended April 6, 2004. County Staff reviewed Culpeper, Fauquier, Frederick, and Shenandoah fees to compare with Warren's current fees. Planning staff feel the proposed fees are competitive with those fees and appropriate for the cost of staff time and resources required for each item identified on the list. These fees though subject to change in the future will address the current needs for additional revenue for our department in order to maintain our high level of service to the public without having the taxpayers subsidize the fees for individual applications with tax dollars.

Mr. Wendling stated the County Planning and Zoning has probably operated with revenue that covers about a 5th or a 6th of our whole department. The fee increase would cover a significant amount more of revenue for our department. Much of local government has increased fees in those 20 years. The cost of software, hardware, and training for the employees in the department alone do not cover everything. Chase and himself are certified floodplain managers, and David Burke is a certified zoning officer. All these positions require training and continued education credits which cost money. The GIS Department has been a one-person department for a long time. There were 2 people in 2017 for a little while and they were able to state manage and do special projects. For the past 4 years our GIS coordinator managed as best she could, and she got some interns that were a really good source to help her out. We do need more revenue. We try to strive to give the citizens of the community are high level of customer service and that will not change so we ask that you please approve our fee schedule.

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

A lady from the audience yelled they do a great job, give them more money.

Chairman Myers closed the public hearing.

Chairman Myers stated that he tends to agree, that is a long time without increase. He is sure the surrounding counties had several fee increases.

Mr. Wendling stated in talking with David who used to work for Frederick County they kind of the stayed-on course and every 3 to 5 years they evaluate their fee schedule.

Chairman Myers recommended maybe do the same.

Ms. Richardson motioned to move that the Planning Commission forward this proposed fee schedule for Planning and Zoning fee increases to the Board of Supervisors with the

recommendation to approve the request. Seconded by Mr. Kersjes and by the following vote of 3-0.

Ayes: Kersjes, Richardson, Myers

Z2023-05-01 Zoning Text Amendment Code Section 180-63.G - Amendment of Modification of conditions and permitted uses. An ordinance amending the text of Warren County Code Section 180-63.G 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.”

Mr. Lenz stated attached you will find a draft ordinance to amend Code §180-63G to update the language identifying the application fee for a conditional use permit modification. The Warren County Planning and Zoning Department is currently going through the legislative process of updating the department fee schedule.

Section 180-63G of the Warren County Code identifies a \$75 application fee for any conditional use permit modification which includes a material change in conditions or uses. The proposed 2023 fee schedule includes an increase of this application fee to \$250.

To avoid future text amendments to this Code section for future fee schedule updates, Planning staff is recommending the language identifying the fee amount be replaced with a generic reference to the current department fee schedule as adopted by the Board of Supervisors.

Chairman Myers 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.

Mr. Kersjes motioned to move that finding that the proposed zoning ordinance amendment is appropriate for the public necessity, convenience, general welfare, and good zoning practice, I move that the Planning Commission forward the proposed amendment to the Board of Supervisors with the recommendation of approval. Seconded by Ms. Richardson and by the following vote of 3-0.

Ayes: Kersjes, Richardson, Myers

Consent Agenda - Authorization to Advertise for Public Hearing:

A. CUP2023-06-01 - Amirabbas Burstein - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 1678 Gooney Manor Loop and identified on tax map 43, as lot 51A2. The property is zoned Agricultural (A) and located in the South River Magisterial District.

B. CUP2023-06-02 – Robert Chevez & Kayla James - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 52 Hickory Nut Rd. and identified on tax map 24D, section 11, block 00, as lot 1065. The property is zoned Agricultural (A) and located in the Shenandoah Magisterial District.

C. CUP2023-06-03 – Jay Newell - A request for a conditional use permit for Private Use Camping. The property is located at (0) Avalon Drive and identified on tax map 20C, section 1, Block 4, as lot 38. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.

D. CUP2023-06-04 – Gregory Fritz - A request for a conditional use permit for a Guesthouse. The property is located at (0) Knock Lane. and identified on tax map 10P, section 2, as lot 13. The property is zoned Agricultural (A) and located in the North River Magisterial District.

E. CUP2023-06-05 – Austin Schwoegl - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 1614 High Top Rd. and identified on tax map 23C, section 2, block 2, as lot 79. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.

F. R2022-10-01 – Rushmark Rockland Road, LLC - This is a resubmittal of a request to amend the Warren County Zoning Map and rezone forty-six (46) acres from Commercial (C) to Industrial (I) and rezone one and eight-seven hundredths' (1.87) from Residential One (R-1) to Commercial (C). The properties are located at 8561 Winchester Road and identified on the following tax map numbers; TM# 12A, section 1, block 16, parcels 1, 2, 3, 4, 5, and 28, TM# 12A, section 1, block 10, parcel 26A and TM#12A, section 1, block 5, parcel 8 and TM# 12, parcel 32C1. A portion of TM#12A, section 1, block 16, parcel 28 and TM#12, parcel 32C1 with a total of twenty-seven and four hundredths' (27.04) acres is proposed to remain Commercial (C) with an amended proffer statement. The properties requested to be rezoned Industrial are TM#12, parcel 32C1 and TM#12A, section 1, block 16, parcel 28 for a total acreage of forty-six acres (46) The properties are located in the North River Magisterial District. The total acreage of the parcels is approximately 77.59+/- acres.

G. CUP2022-10-01 – Rushmark Rockland Road, LLC - This is a resubmittal of a request for a conditional use permit for a building in excess of 50,000 square feet to be located in the Route 340/522 Highway Corridor Overlay District. The properties are located at 8561 Winchester Road and identified on the following tax map numbers; TM# 12A, section 1, block 16, parcels 1, 2, 3, 4, 5, and 28, TM# 12A, section 1, block 10, parcel 26A and TM#12A, section 1, block 5, parcel 8 and TM# 12, parcel 32C1. The properties are currently zoned Commercial (C) and Residential-One (R-1) located in the North River

Magisterial District and are included in the rezoning request to Industrial (I) in application number R2022-10-01.

H. Comprehensive Plan Amendment – Future Land Use Map - Rushmark Rockland Road, LLC - This is a resubmittal of a request to amend the Future Land Use Map in the Warren County Comprehensive Plan to designate the properties located on tax map numbers; TM# 12A, section 1, block 16, parcels 1, 2, 3, 4, 5, and 28, and TM#12A, section 1, block 5, parcel 8 as Commercial and TM# 12A, section 1, block 16, parcel 28 and TM# 12, parcel 32C1 as future Industrial (I) zoning.

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

Ayes: Kersjes, Richardson, Myers

Commission Matters

A. Planning Director, Matt Wendling – Update on Hazard Mitigation Plan review, GIS staffing and planning related items.

Update on Hazard Mitigation Plan review- we've been working with the Northern Central Valley Regional Commission and their contractor we have had a couple of virtual meetings with them. The County Cost Recovery Manager, Brian Foley, has been participating in the meetings for an update and review of the hazard mitigation plan which is required by the state every 5 years. They're fast tracking and hoping to get that done by November. We provided them with input from all the municipalities that are affected by it. That's a good thing for us because for us to participate in FEMA's community rating system the CRS program one of the elements that is required is that your hazard mitigation plan be updated and reviewed periodically.

COMP Plan- we're still working on it, what we're seeing coming through in the way of rezonings and potential rezonings, and short-term tourist rentals are market driven. We can investigate it and see how they tie into tourism but also how they impact housing and impact the community. We hope that we can get a little more time to review it.

GIS staffing and planning related items- We are interviewing for a GIS coordinator to replace Emma Rusnak. Emma is now with the northern Central Valley regional Commission but has been assisting us part time to address some of the more urgent items that we need for GIS. She trained us so that we can create our location maps.

We have received an application for the Shenandoah Magisterial District Planning Commission and that has been forwarded to Mr. Mabe. Hopefully the Board can review it by the July meeting at a closed session and be able to make a decision on this applicant. If there are any other applicants interested in that we will be happy to review their application and resume, it would be forwarded to the County Administrator's office. Thanks to the Staff for keeping up with the workload.

Shenandoah Club Properties along with Rushmark will be coming for rezonings next month.

B. Commission Members-

Mr. Kersjes had a question on the traffic impact statement-is there someone at VDOT that could assess what they submitted for us?

Mr. Wendling stated that would be a good question to ask them. If they could explain to Staff and the general public to help us understand what the impact is and what they need to do. Are the proffers that they are submitting to us an accommodating remedy.

Mr. Kersjes asked if VDOT would be responding to the request?

Mr. Wendling stated that it was sent to VDOT, but they have not responded yet. He stated that he would reach out and ask them.

Chairman Mabe stated that there are geotechnical reports he seen. The first thing that they have is an executive summary at the front which is basically a cliff notes version. It hits the high points instead of digging into every little bit of minutia that's attached. Can the people putting together the study could do something similar?

Mr. Wendling agreed and said he would ask them, and it would be helpful for VDOT as well for their own analysis.

Mr. Kersjes stated today is Flag Day and the Army's birthday.

Mr. Chairman thanked Ms. Jordan for the informative Freedom of Information act training that she held.

C. Attorney Caitlin Jordan - nothing to report.

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

Board of Zoning Appeals-On Thursday, June 1st the Board of Zoning Appeals met and heard a variance case on front setbacks for construction of single-family dwelling in the High Knob subdivision. The variance was granted they found that there was a hardship with the hardness of the rock and the slope on the property. This was his 1st variance that was granted.

Other Zoning related items- Congratulations to Habitat for Humanity, they were the winner for the Front Royal, Warren County anti-litter council annual award program. Happy Summer.

Adjournment:

Chairman Myers called for a motion to adjourn, on a motion by Mr. Kersjes, seconded by Ms. Richardson, the meeting was adjourned at 7:49 PM.



Warren County Planning Commission
Chairman