

At a Public Hearing Meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on July 25, 2023, at 6:00 PM.

Present: Victoria L. Cook, Chair (Fork District); Cheryl L. Cullers, Vice Chair (South River District); Jerome K. Butler (Happy Creek District); Walter J. Mabe (Shenandoah District), and Delores R. Oates (North River District); also, present Jane E. Meadows, Deputy County Administrator; Alisa Scott, Finance Director; Caitlin Jordan, Senior Assistant County Attorney; Matt Wendling, Planning Director; Chase Lenz, Zoning Administrator; Zach Henderson, Deputy Clerk of the Board

Call to Order:

Ms. Cook called the meeting to order at 6:00 PM

Public Hearing - Conditional Use Permit 2023-05-02, Bradly Winans for a Short-Term Tourist Rental:

Mr. Lenz discussed the terms and conditions of the Conditional use permit for the property that the applicants purchased in May 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 Washington DC area where they primarily reside. The applicant will manage the property personally with assistance from local professional services for trash disposal cleaning and maintenance. The property is located in the Shenandoah Farms subdivisions and zoned Residential One. Furthermore, the applicant is requesting a waiver to the 100-foot setback as the nearest dwelling is 70 feet to the East from the dwelling on the subject property.

Ms. Cook opened the public hearing and the applicant Bradly Winans spoke on behalf of his CUP, stating that he has received letters of support from neighbors and highlighted that the family who is not in support due to safety concerns do not have evidence to back their claims. Furthermore, the setback that is less than 100 feet does not face their property and there is no interaction between potential guests and nearest property.

Caitlin Risvold spoke in favor of denial citing concerns of increased traffic and potential issues of safety.

Zachary Risvold spoke in favor of denial also citing concerns of safety issues regarding increased traffic and further emphasized that companies such as Airbnb do vet their customers but only minimally so.

Tom Shalin spoke in favor of denial stating that he is an adjacent property owner, and he has had to “run off” individuals whom he caught trespassing on private trails in the woods on his property. Furthermore, stating that the past renters seemed to have little to no respect for his property.

Bradly Winans spoke again stating that he was not aware of any individuals that had been trespassing on Mr. Shalin’s property. Furthermore, his property has been delisted from Airbnb, but the reservations booked prior could not be cancelled.

There were no additional comments from the applicant or public and Ms. Cook closed the public hearing.

Mr. Butler asked the applicant how long he had been renting prior to the application. Mr. Winans stated that he started renting in June of last year and was not aware that a CUP was needed.

Ms. Cook asked why the Planning Commission recommended denial. Mr. Lenz stated that it was a concern about the setback not being met, and the neighbor within that setback being opposed to the CUP.

On a motion made by Mr. Mabe, seconded by Mr. Butler, and the following vote, the Board denied the Conditional Use Permit request by Bradly Winans.

Mr. Mabe, Aye; Mrs. Oates, No; Mrs. Cook, No; Mrs. Cullers, Aye; Mr. Butler, Aye.

Conditional Use Permit 2023-05-05, Nancy Hilliard for a Short-Term Tourist Rental:

Mr. Lenz discussed the terms and conditions of the Conditional use permit for the property that the applicants purchased in August 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. This property is located in the Blue Mountain subdivision and zoned Residential One.

Ms. Cook opened the public hearing and the applicant, Nancy Hilliard, spoke on behalf of her CUP, stating that she has come under some recent financial hardships and this CUP will help with those financial burdens.

There were no additional comments from the applicant or public and Ms. Cook closed the public hearing.

Mr. Mabe asked if the applicant had a landline phone due to that being a condition of the application. Ms. Hilliard stating that she did not and was not aware that she needed one but could have one installed. Mr. Lenz stated that they have discussed the option for a voiceover internet protocol through Wi-Fi which is a more modern approach over a landline phone.

On a motion made by Ms. Oates, seconded by Mr. Mabe, and the following vote, the Board approved the conditional use permit of Nancy Hilliard for a short-term tourist rental with the conditions as recommended by the planning commission and staff.

Mr. Butler, Aye; Mrs. Cullers, Aye; Mrs. Cook, Aye; Mrs. Oates, Aye, Mr. Mabe, Aye

Conditional Use Permit 2023-05-06, Erica Baker & Richard Case for a Short-Term Tourist Rental:

Ms. Jordan stated that the address that was listed in the letter that was sent to the adjacent property had the correct house number, but the street name was incorrect. Because of this, it was recommended to still hold the public hearing for anyone who wished to speak but to table the motion. Staff will then re-advertise for another public hearing at a later date.

Ms. Cook opened the public hearing and the applicant, Erica Baker, spoke on behalf of her application and urged the Board to reconsider the recommendation to table citing that no neighbors have spoken out against the CUP or were present during the Planning Commission meeting.

Mr. Lenz stated that the applicants are requesting a conditional use permit for short term tourist rental for the property they purchased in April of this year and want to make the property available for short-term lodging for visitors of the Warren County area when they're not using, 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 property is located in the Shenandoah Farms Riverview section.

Ms. Oates asked if there is a legal implication if the Board voted on this tonight since there had been no objections to the CUP up to this point. Ms. Jordan stated that since the address was in error the legal recommendation is that this be tabled, and the Board take no action on this item.

Ms. Cook closed the public hearing. On a motion made by Ms. Cullers, seconded by Mr. Butler, and the following vote, the Board moved to table this CUP until the proper advertisement is done.

Mr. Mabe, Aye; Mrs. Oates, Aye; Mrs. Cook, Aye; Mrs. Cullers, Aye; Mr. Butler, Aye.

Proposed Amendment to Warren County Code Section 179-12H to Amend Wells and Sewage Disposal Systems Variance Application Fee Language:

Mr. Lenz stated that there is a draft ordinance to amend Warren County code section 179- 12H to update the language identifying the application fee amount for a well or a sewage disposal system variance. The Board of Supervisors adopted the new Planning Department fee schedule on June 27th, 2023. This code section identifies a \$100 application fee for any variance application for a well or sewage disposal system. However, the new fee schedule includes an increase of this fee to \$200, and Planning staff is recommending the language identifying the fee amount be replaced with a reference to the current fee schedule as adopted by the Board of Supervisors making it a standardized language.

Ms. Cook opened the public hearing, however, there were no comments from the public or Board.

On a motion made by Ms. Oates, seconded by Mr. Mabe, and the following vote, the Board approved the proposed amendment to Warren County code section 179-12H to amend the language regarding the application fee for a well or sewage disposal system variance application.

Mr. Butler, Aye; Mrs. Cullers, Aye; Mrs. Cook, Aye; Mrs. Oates, Aye, Mr. Mabe, Aye

Conditional Use Permit CUP2023-05-04 – David A. Downes for a Short-Term Tourist Rental:

Mr. Wendling stated that the property is located at 125 Freeze Road identified on Tax Map 23C, Section 2, Block 2, Lot 168A and is located in Shenandoah Farms Mountain View section. The applicant is applying for this cup on behalf of the estate of a close friend who is now deceased and as a representative of his friend's 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 in Warren County.

However, upon review by Warren County legal of this application, it was identified that this applicant does not have currently have legal authority to apply for this as an administrator to the estate, and while the applicant is working to rectify the issue, legal recommended this item be tabled.

Ms. Cook opened the public hearing and Ms. Oates asked if this item should be tabled or removed since the applicant does not have the necessary authority to apply for this CUP. Mr. Wendling stated that it has been moved through the Planning Commission, but the Planning Department could request the applicant to withdraw and bring it back when the proper authorizations have been met.

On a motion made by Mrs. Oates, seconded by Mr. Mabe, and the following vote, the Board removed the CUP from the Agenda.

Mr. Mabe, Aye; Mrs. Oates, Aye; Mrs. Cook, Aye; Mrs. Cullers, Aye; Mr. Butler, Aye.

Conditional Use Permit CUP2023-05-03 – Walter Scott & Victoria Marie Piotti for a Short-Term Tourist Rental:

Mr. Wendling stated this property is located at 192 Household Heights Circle, identified on Tax Map 15I, Section 1, Lot 10A. And IS zoned agricultural and has an acreage of 5.23 acres. The applicants live next door and would like to make this property available.

Ms. Cook opened the public hearing but there were no comments from the public or Board and the hearing was then closed.

On a motion made by Ms. Oates, seconded by Mr. Butler, and the following vote, the Board approved the conditional use permit request for Walter Scott and Victoria Marie Piotti for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff.

Mr. Butler, Aye; Mrs. Cullers, Aye; Mrs. Cook, Aye; Mrs. Oates, Aye, Mr. Mabe, Aye

Lease of County-Owned Property located at 229 Stokes Airport Road:

Ms. Scott stated that this hearing is for the lease of County owned property located at 229 Stokes Airport Road at the Front Royal Warren County Airport. The lease will go to Skyline Front Royal LLC, consisting of an office space of 368 square feet on the front eastern side of the building that was formerly used as a pilot lounge and for planning flight planning as his office. This public hearing is being held to ensure the county abides by Virginia code section 15.2 1800 (B) as amended with revenue from this lease of this space will go into the Airport Fund.

Ms. Cook opened the public hearing but there were no comments from the public or Board and the hearing was then closed.

On a motion made by Mr. Mabe, seconded by Mr. Butler, ad the following vote, the Board motioned that the lease be approved at the Airport.

Mr. Mabe, Aye; Mrs. Oates, Aye; Mrs. Cook, Aye; Mrs. Cullers, Aye; Mr. Butler, Aye.

Conditional Use Permit CUP2023-05-08 – County of Warren – Shenandoah Farms Fire Station:

Mr. Wendling stated that the County of Warren is requesting a conditional use permit for the public protection facility for use as a Fire Station and emergency medical services station for Station #6 in Shenandoah Farms. The dwelling quarters for Station #6 were recently demolished due to unsafe structural and building issues which leave the emergency responders with no adjoining facility through the equipment and vehicle storage garage. Fire and Rescue personnel currently are housed in another structure nearly 500 feet from the garage, which increases emergency response time. The parcel location is central Shenandoah Farms subdivision and within 2000 feet of the intersection of Howellsville road and Blue Mountain road the replacement of this fire in rescue station #6 ranks as the County's number four priority in its capital improvement plan for fiscal year 2024 through 2028. Furthermore, on the advice of legal, Planning staff is recommending that no conditions be added to this Conditional Use Permit of the Board chooses to approve.

Mr. Wendling emphasized that the enforcement against the County by a County Agent for its own rules or regulations will not be necessary and only be required for Virginia State rules and regulations per the legal opinion of the County Attorney. Building inspections, Health Department, and VDOT Rules and Regulations are still enforced.

Ms. Cook opened the public hearing but there were no additional comments from the Board or public and Ms. Cook closed the hearing.

On a motion made by Mr. Butler, seconded by Mr. Mabe, and the following vote, the Board approved the conditional use permit request of Warren County for the Shenandoah Farms Fire Station.

Mr. Mabe, Aye; Mrs. Oates, Aye; Mrs. Cook, Aye; Mrs. Cullers, Aye; Mr. Butler, Aye.

CUP2023-05-09 – Barbara J. Hessler for a Commercial Outdoor Recreation Operation:

Mr. Wendling stated that the property is located at 2930 Long Meadow Road and identified on Tax Map 9E, and Parcel 1. The applicant is requesting this permit for a commercial outdoor recreation operation which consists of a training facility got off-road motorcycle classes.

Ms. Cook opened the public hearing and the applicant, Barbara Hessler, spoke on behalf of her application expressing her gratitude to the Board and her excitement about being able to operate on her own property instead of renting.

Dean Baker spoke in support of the CUP citing his experience in motorcycle safety and education and highly advocated for this permit. There were no additional comments from the public or Board and Ms. Cook closed the public hearing.

On a motion made by Ms. Cullers, seconded by Mr. Oates, and the following vote, the Board approved the conditional use permit request of Barbara J Hessler for a commercial outdoor recreation operation with the conditions as recommended by the Planning Commission and staff.

Mr. Butler, Aye; Mrs. Cullers, Aye; Mrs. Cook, Aye; Mrs. Oates, Aye, Mr. Mabe, Aye

Conditional Use Permit CUP2023-05-07 – Michael DeLutri for a Short-Term Tourist Rental:

Mr. Wendling stated that the property is located at 2706 Freezeland road and identified on tax map 23G, Section 1, Lot D. The applicant is requesting this short-term tourist rental for a property purchased in 2018. The applicant has submitted a property management plan and has two identified two additional property managers that could assist him.

Ms. Cook opened the public hearing, but there were no comments from the public or the Board, and the public hearing was then closed.

On a motion made by Mr. Mabe, seconded by Ms. Oates, and the following vote, the Board approved the Conditional Use Permit request by Michael DeLutri for the short-term tourist rental with the conditions as recommended by the planning commission and staff.

Mr. Butler, Aye; Mrs. Cullers, Aye; Mrs. Cook, Aye; Mrs. Oates, Aye, Mr. Mabe, Aye

Adjournment:

On a motion made by Mr. Made, seconded by Mr. Butler, and the following vote, the meeting was adjourned at 7:14 PM.