

At a Regular Meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on June 27, 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 Edwin C. Daley, County Administrator; Alisa Scott, Finance Director; County Attorney; David Beahm, Director of Building Inspections; Jane Meadows, Human Resources 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

Adoption of Agenda – Additions or Deletions:

Dr. Daley recommended that item 9 be removed from the Consent Agenda.

On a motion made by Mr. Mabe, seconded by Mr. Butler, and the following vote, the Board adopted the Agenda as amended.

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

Appropriations and Transfers:

On a motion made by Mr. Butler, seconded by Mr. Mabe, and the following vote, the Board accepted the appropriations and transfers as presented.

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

Approval of Accounts:

On a motion made by Mr. Butler, seconded by Mrs. Oates, and the following vote, the Board approved the accounts as presented.

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

NEW BUSINESS

Consent Agenda:

1. Authorization to Advertise for Public Hearing - Conditional Use Permit 2023-05-02, Bradly Winans for a Short-Term Tourist Rental
2. Authorization to Advertise for Public Hearing - Conditional Use Permit 2023-05-05, Nancy Hilliard for a Short-Term Tourist Rental
3. Authorization to Advertise for Public Hearing - Conditional Use Permit 2023-05-06, Erica Baker & Richard Case for a Short-Term Tourist Rental
4. Authorization to Advertise for Public Hearing - Proposed Amendment to Warren County Code Section 179-12H to Amend Wells and Sewage Disposal Systems Variance Application Fee Language

5. Authorization to Advertise for a Public Hearing - Conditional Use Permit CUP2023-05-03 – Walter Scott & Victoria Marie Piotti for a Short-Term Tourist Rental

6. Authorization to Advertise for a Public Hearing - Conditional Use Permit CUP2023-05-04 – David A. Downes for a Short-Term Tourist Rental

7. Authorization to Advertise for a Public Hearing for Conditional Use Permit CUP2023-05-07 – Michael DeLutri for a Short-Term Tourist Rental

8. Authorization to Advertise for a Public Hearing CUP2023-05-09 – Barbara J. Hessler for a Commercial Outdoor Recreation Operation

9. Festival Permit Request of the Warren County Fair Association **(Removed)**

On a motion made by Mr. Mabe, seconded by Mr. Butler, and the following vote, the Board approved the consent agenda as presented.

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

Public Hearings:

F. Public Hearing - Conditional Use Permit 2023-04-01, Mary Francis Jimenez & Zach Kramer 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 2018. The applicant, Zach Kramer, spoke to the Board expressing his enjoyment at living on the property and stated that the short-term rentals will help with the costs.

There were no comments from the public, nor the Board.

On a motion made by Mr. Mabe, seconded by Mrs. Oates, and the following vote, the Board approved the condition use permit request for Francis Jimenez and Zach Kramer for a short-term tourist rental with the conditions is recommended by the planning commission and staff.

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

G. Public Hearing - Conditional Use Permit 2023-04-02, Roman Semenov for a Short-Term Tourist Rental

Mr. Lenz discussed the terms and conditions of the Conditional use permit for the property that the applicant purchased in 2023. Mr. Lenz commented that the Skyland Estates Board of Directors did not endorse because it does not meet their condition regarding operation by an absentee owner. The applicant spoke to the board stating that he has taken careful consideration of all the standards and conditions and felt that he satisfied them all and further stated that any expressed issues of increased traffic is a non-issue.

Mr. Butler asked Mr. Lenz why the planning commission denied the request. Mr. Lenz stated that there were some questions on how the property would be managed, and they were not satisfied with the answer the applicant provided. Citing difficulties securing a tangible property management plan.

Mr. Wendling stated that it is a requirement of the supplemental regulations, and a certificate of zoning would not be issued for the post-approval completion until we had a property management plan that staff have reviewed.

Mrs. Cook opened the public hearing and Gary Smullen spoke regarding the criteria that the Skyline Community Corporation uses to approve or disapprove a request for endorsement and urged the board not to accept the application due to the management plan issue. No other citizens spoke on this matter and the public hearing was then closed.

Dr. Daley suggested that the motion can be tabled until a management plan is submitted.

On a motion by Mr. Mabe, seconded by Mr. Butler, and the following vote, the Board tabled the CUP until a management plan was submitted.

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

H. Public Hearing - Conditional Use Permit 2023-04-03, Benjamin & Dana Straub 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 2021. The applicant briefly spoke expressing his gratitude to the Board and to the Planning Department for the opportunity.

Mr. Mabe asked if the applicants lived on the property full time, and if not, were they close enough to where they could easily meet. Mr. Lenz stated that they do not live there full time, but a reviewed property management plan has been submitted.

Mrs. Cook opened the public hearing but there were no citizens who spoke.

On a motion by Mrs. Oates, seconded by Mr. Butler, and the following vote, the Board approved the conditional use permit of Benjamin and Dana Straub for a short-term tourist rental with the conditions as recommended by the planning commission and staff.

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

I. Public Hearing - Conditional Use Permit 2023-04-04, Kemandri Govender 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 2022. The property will be managed by her personally when she is available, however when she is not available, she will have a local property manager in charge. Comments were requested from the Skyland Community Corporation, and the board of directors also voted to not endorse this application as it does not meet their condition regarding operation by absentee owners.

The Applicant spoke and stated that it is her primary residence and will only have it listed when she travels for work approximately 4-6 days a month.

Mrs. Cook opened the public hearing, but no citizens spoke on this matter and the hearing was closed.

On a motion made by Mr. Butler, seconded by Mrs. Oates, and the following vote, the Board approved the conditional use permit for Kemandari Govender 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

J. Public Hearing - Conditional Use Permit 2023-04-05, Roberto Rodriguez & Gretchen Wagner 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 2023. The applicant would like to make the property available for short-term lodging for visitors of the Warren County area, primarily residing in Alexandria, Virginia, and with several years of experience managing both short and long-term rentals in Delaware and Middleburg, Virginia, the applicants will manage their property personally.

Mrs. Cook opened the public hearing but there were no citizens who spoke.

On a motion made by Mr. Butler, seconded by Mr. Mabe, and the following vote, the Board approved the conditional use permit request of Roberto Rodriguez and Gretchen Wagner for a short-term tourist rental with the conditions as recommended by the planning commission and staff.

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

K. Public Hearing - Z2023-05-01 Zoning Text Amendment - An ordinance to amend Warren County Code Section 180-63G Modification of conditions and permitted uses to amend the language identifying the application fee for a conditional use permit modification from "...of \$75" to "...in accordance with the current fee schedule as adopted by the Board of Supervisors."

Mr. Lenz explained that planning Staff went through all code sections and identified anywhere where a specific fee was listed and proposing is to be reverted to a generic language.

Mrs. Cook opened the Public Hearing but there were no citizens who spoke.

On a motion made by Mr. Butler, seconded by Mrs. Cullers, and the following vote, the board approved the proposed amendment to Warren County code section 180-63G.

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

L. Public Hearing- Conditional Use Permit 2023-04-06, Barbara J. Hessler for a Short-Term Tourist Rental

Mr. Wendling discussed the terms and conditions of the Conditional use permit for the property that the applicants purchased in 2022. In lieu of having a long-term tenant, she is looking to rent this property short term. Her request is being made to offset some of the expenses for the property and she would be residing at the property during rentals of additional rooms. Furthermore, she has previously been involved with Airbnb as a host in northern Virginia, where she lived previously and it has been a positive experience for her. She would also be the property manager on site. A property management plan has yet to be submitted, however templates have been sent to the applicant and will need to be submitted prior to the certificate of zoning being issued.

Mrs. Cook opened the Public Hearing but there were no citizens who spoke.

On a motion made by Mrs. Oates, seconded by Mr. Mabe, and the following vote, the board approved the conditional use permit request of Barbara J. Hessler for a short-term tourist rental with the conditions as recommended by the planning commission and staff.

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

M. Public Hearing- Conditional Use Permit 2023-04-07, Frank O'Reilly for a Short-Term Tourist Rental

Mr. Wendling discussed the terms and conditions of the Conditional use permit for the property that the applicants purchased in 2022. The applicant and his family own approximately 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.

Mrs. Cook opened the Public Hearing but there were no citizens who spoke.

On a motion made by Mr. Mabe, seconded by Mr. Butler, and the following vote, the board approved the conditional use permit request of Frank O'Reilly for a short term tourist rental with the conditions as recommended by planning commission and staff.

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

N. Public Hearing - Conditional Use Permit 2023-04-08- Yesl Cho for a Short-Term Tourist Rental

Mr. Wendling discussed the terms and conditions of the Conditional use permit for the property that the applicants purchased in 2015. The applicant would like to make the property available for short term lodging for visitors while they live in the lower level of the home and rent out the upper level to offset some of those costs of home ownership. The applicant will manage the property personally on behalf of her parents, and a property management plan will be provided prior to issuing the certificate of zoning.

Mrs. Cook opened the public hearing and the applicant spoke on behalf of her CUP stating that she will be responsible for all property management and plans on being present when her parents are not there.

John Krell spoke broadly on behalf of all CUP applications stating that there are rules and a strict standard to have a management plan, and any CUP should be tabled until it can be provided.

On a motion by Mr. Mabe, seconded by Mr. Butler, and the following vote, the Board tabled this item until a property management plan is submitted.

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

O. Public Hearing - Conditional Use Permit 2023-04-09 - Shelly Cook for a Short-Term Tourist Rental

Mr. Wendling discussed the terms and conditions of the Conditional use permit for the property located at 137 Lee Burke Road in the J&T Smith Subdivision of the Fork Magisterial District, identified on Tax Map 13, Parcel 21, and zoned Agricultural (A). This dwelling would be used as a short-term tourist rental as defined by County code for rental up to 30 days at a time. The applicant spoke and expressed her concern that it was her understanding that the property management plan did not have to be submitted prior to the meeting.

Mrs. Cook opened the Public Hearing but there were no citizens who spoke.

On a motion made by Mr. Butler, seconded by Mrs. Oates, and the following vote, the board approved the conditional use permit request by Shelly Cook for a short-term tourist rental with the conditions as recommended by planning commission and staff.

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

P. Public Hearing - Planning, Zoning and GIS Department 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). These fees changes will include fees for Board of Supervisor planning and GIS related fees.

Mr. Wendling stated that the board of supervisors had tasked the planning department to review the fees in 2022 prior to the upcoming budget, and after research by County staff, planning is submitting the request for those fee changes. On the June 14th meeting, the planning commission forwarded this with a recommendation of approval. Furthermore, in terms of GIS specifically, one of the primary things is the E-911 and the emergency dispatch services, our software that we use for permitting in the building inspections and zoning permits, it's all GIS oriented.

Mrs. Cook opened the Public Hearing but there were no citizens who spoke.

On a motion made by Mrs. Cullers, seconded by Mr. Butler, and the following vote, the board approved the adoption of an ordinance adopting the revised schedule for planning, zoning, and GIS fees.

Q. Additional New Business

There was no new business.

R. Adjournment

On a motion made by Mr. Mabe, seconded by Mr. Butler, and the following vote, the meeting was adjourned at 7:35 PM

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