

At a public hearings meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on March 28, 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; Jordan Bowman, Legal Counsel; Chase Lenz, Zoning Administrator; Matt Wendling, Planning Director; and Emily Ciarrocchi, Deputy Clerk of the Board

### **Closed Session – Virginia Freedom of Information Act**

On a motion by Mrs. Cullers, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors entered into a closed meeting under the provisions of Section 2.2-3711(A)(3) of the Virginia Freedom of Information Act for discussion or consideration of the disposition of publicly held real property, such real property being located in the North River Magisterial District outside the limits of the Town of Front Royal, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

The Board also entered into a closed meeting under the provisions of Sections 2.2-3711(A)(7) and (A)(8) for consultation with legal counsel pertaining to actual or probable litigation and the provision of legal advice regarding the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia (the “EDA”), the Town of Front Royal, the *EDA vs. Jennifer McDonald, et al.*, the *Town of Front Royal vs. the EDA, et al.*, the *EDA vs. the Town of Front Royal*, other potential claims and litigation relating to other possible liabilities of the EDA, the recovery of EDA funds and assets, and the outstanding indebtedness of the EDA:

Mabe, Aye; Oates, Aye; Cook, Aye; Cullers, Aye; Butler, Aye

On a motion by Mrs. Cullers, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors certified to the best of each member’s knowledge only public business matters lawfully exempted from open meeting requirements under Sections 2.2-3711(A)(3), (A)(7), and (A)(8) of the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the public body:

Butler, Aye; Cullers, Aye; Cook, Aye; Oates, Aye; Mabe, Aye

There were no motions to come out of this closed meeting.

### **Call to Order**

### **Adoption of Agenda – Additions or Deletions**

On a motion by Mr. Mabe, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors adopted the agenda as presented:

Mabe, Aye; Oates, Aye; Cook, Aye; Cullers, Aye; Butler, Aye

**Public Hearing – Zoning Text Amendment 2023-03-02, Ordinance to Amend Warren County Code Sections 180-8 and 180-55.2 Regarding Rural Events Facilities – Chase Lenz**

Chase Lenz, Zoning Administrator, reported the Rural Events Facility use was originally adopted to the Zoning Ordinance on January 17, 2017 as a use permitted by conditional use permit in the Rural Residential (RR) zoning district with supplemental regulations. A zoning text amendment was adopted on November 17, 2020, which added Rural Events Facility as a use permitted by conditional use permit in the Agricultural (A) zoning district and amended the definition and supplemental regulations of Rural Events Facility to the current definition and supplemental regulations under the Zoning Ordinance. A total of three (3) properties in the County have been approved for a conditional use permit for a Rural Events Facility.

The existing definition of Rural Events Facility does not expressly include or imply the inclusion of lodging units for event guests. To this point, lodging for event guests has been addressed as a separate use for a Short-Term Tourist Rental to allow for one single-family dwelling to be rented out to guests. At this time, two properties approved for conditional use permits for Rural Events Facilities also have a conditional use permit for a Short-Term Tourist Rental on the same property or an adjacent property under the same ownership. The third property approved for a Rural Events Facility also has a conditional use permit application for a Short-Term Tourist Rental in processing for an adjacent residential property. Over the past few years, Planning staff has received multiple inquiries regarding lodging for event guests from prospective Rural Events Facility applicants. Planning staff has also received a proposal to construct cabins for event guests at an approved Rural Events Facility.

Planning staff recognizes lodging for event guests has become a common component to Rural Events Facilities. The proposed zoning text amendment expands the definition to expressly include lodging units for event guests as an accessory use to a Rural Events Facility and adds supplemental regulations which address public health and safety concerns while allowing for proper regulation of the use.

The proposed changes to the general requirements for rural event facilities under subsection §180-55.2A of the draft ordinance reorganize the existing supplemental regulations while clearing up confusing language and specifying when required items are to be submitted.

The proposed standards for density, proximity, and design under subsection §180-55.2B(1) of the draft ordinance were determined after consideration of the statement of intent and building setback requirements for the Agricultural zoning district and after consulting with the Building Official on typical building sizes for lodging units. The proposed general requirements

under subsection §180-55.2B(2) serve to regulate the use of the lodging units as accessory to the Rural Events Facility. These proposed requirements and standards differentiate this accessory use for lodging units for event guests from other principal uses related to lodging for compensation such as Short-Term Tourist Rentals, Commercial Campgrounds, Resorts, and Hotels/Motels/Inns.

There are two versions of the proposed draft ordinance: OPTION A and OPTION B. Option A includes express language under subsection §180-55.2B(2) of the draft ordinance requiring the rental of lodging units to be only in conjunction with an event, implementing a three-consecutive-day duration limit for rental contracts, and prohibiting the use of the lodging units as Short-Term Tourist Rentals. Planning staff recommends this option as these requirements are essential to the classification of the use as accessory to the Rural Events Facility and it distinguishes the use from a Short-Term Tourist Rental.

Option B excludes the requirement for the rental of lodging units to be only in conjunction with an event, increases the maximum duration limit for rental contracts to seven consecutive days, and removes the prohibition on the use of the lodging units as Short-Term Tourist Rentals. This option allows for the rental of the lodging units to be independent of the Rural Events Facility. It is the opinion of Planning staff that such rental of the lodging units independent of the Rural Events Facility should be classified as a separate principal use and not accessory to the Rural Events Facility.

Mrs. Cook opened the public hearing for the Board of Supervisors, and Mr. Myers opened the public hearing for the Planning Commission.

Shelly Cook, 65 Lee Burke Road, said she owns a property with a vineyard and was approved for a conditional use permit for a Rural Events Facility in 2017. She is in support of this proposed text amendment, specifically option B, as renting the cabins she plans to build on her property, in conjunction with the events center, will help sustain the vineyard financially.

Mr. Butler asked if Ms. Cook foresaw a situation where renting the cabins would interfere with a weekend event, and Ms. Cook said she would use an online calendar that shows the availability of the cabins for rental on any given day.

There being no further comments, Mr. Myers closed the public hearing for the Planning Commission Board of Supervisors, and Mrs. Cook closed the public hearing for the Board of Supervisors.

### **Discussion and Recommendation by the Warren County Planning Commission**

Mr. Kersjes asked what sort of events can be hosted at a Rural Events Facility; he was concerned that venues would be hosting outdoor concerts similar to Wolf Trap. Mr. Lenz read the following excerpt from the definition of Rural Events Facility as stated in Section 180-8 of the

Warren County Code: "...private parties, business meetings, educational seminars, wedding receptions, wedding ceremonies, class/family reunions, showers (i.e., baby, bridal), similar events and activities for nonprofit organizations, and similar events and activities as determined by the Zoning Administrator". This definition does not prevent the owner of the facility from putting up a stage. Mr. Kersjes commented that he could see this use running away from its intended purpose.

There was general discussion among Commission and Board members regarding specific conditions and restrictions that could be placed on a Rural Events Facility in order to minimize the impact to the surrounding homes and community. Mrs. Oates noted that this public hearing was specifically for the text amendment, which should be the focus of discussion, not the potential for future conditional use permit applications.

Mr. Lenz said when Planning staff first looked at this proposed amendment, they were considering having the lodging units be a separate principle use, like a short-term tourist rental resort or rural resort. However, Planning staff was asked to put the amendments together making the lodging units an accessory to the existing use of Rural Events Facility. This is not something the Planning Department recommends, nor do they think it is good zoning practice.

Prior to a motion being made, Mr. Henry noted his abstention from voting due to a potential conflict of interest because he is working on construction on Shelly Cook's property.

On a motion by Ms. Richardson, seconded by Mr. Kersjes, and by the following vote, finding that the proposed zoning ordinance amendments are appropriate for the public necessity, convenience, general welfare and good zoning practice, the Planning Commission forwarded the proposed amendments to the Board of Supervisors with the recommendation to approve the proposed Option B amendment:

Richardson, Aye; Myers, Aye; Kersjes, Aye; Huson, No

Henry, Abstain

The Planning Commission adjourned its meeting at 6:51 PM.

### **Discussion and Motion by the Warren County Board of Supervisors**

There was no additional discussion by the Board.

On a motion by Mrs. Oates, seconded by Mr. Butler, and by the following vote, finding that the proposed zoning ordinance amendment identified as Option B is appropriate for the public necessity, convenience, general welfare and good zoning practice, the Board of Supervisors approved the proposed Option B Ordinance to Amend and Re-Ordain Sections 180-8 and 180-55.2 of the Warren County Code regarding Rural Events Facilities:

Butler, Aye; Cullers, Aye; Cook, Aye; Oates, Aye; Mabe, Aye

ORDINANCE TO AMEND CHAPTER 180 OF THE WARREN COUNTY CODE (ZONING ORDINANCE)  
TO AMEND THE DEFINITION OF "RURAL EVENTS FACILITY" AND TO AMEND THE  
SUPPLEMENTARY REGULATIONS FOR RURAL EVENTS FACILITY

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Section 180-8 of the Warren County Code (the "Zoning Ordinance") be amended and re-ordained to amend the definition of "Rural Events Facility" and to add the definition of "Lodging Unit", leaving all other definitions unchanged, and that Section 180-55.2 of the Zoning Ordinance be amended and re-ordained as follows:

Chapter 180. Zoning  
Article II. Application  
§180-8. Definitions.

**RURAL EVENTS FACILITY:**

A facility, located on a parcel of land 20 acres or larger in size, utilized for events ~~typically conducted on a single day~~, for which attendance is permitted by invitation or reservation. Facilities may host usual and customary activities, including, but not limited to, private parties, business meetings, educational seminars, wedding receptions, wedding ceremonies, class/family reunions, showers (i.e., baby, bridal), similar events and activities for nonprofit organizations, and similar events and activities as determined by the Zoning Administrator. **Lodging units for event guests are permitted as an accessory use to the rural events facility unless otherwise disallowed or limited in the conditional use permit, and shall comply with the supplementary regulations in §180-55.2 of this chapter.**

[Added 1-17-2017; amended 11-17-2020; **amended 3-28-2023**]

**LODGING UNIT:**

**A permanent structure used for temporary living quarters that is rented in exchange for compensation and does not include permanent kitchen or laundry facilities.**

Chapter 180. Zoning  
Article V. Supplementary Regulations  
§180-55.2. Rural Events Facility

~~A. Rural events facilities shall be located on a lot or parcel adjacent to and have access to a state-maintained road, and the access to and from the property shall have VDOT approval for this type of use.~~

~~B. <sup>[1]</sup>There shall be adequate restroom facilities provided at the events center as approved by the Warren County Health Department.~~

~~<sup>[1]</sup>Editor's Note: Former Subsection B, regarding exterior lighting, was repealed 11-17-2020. This ordinance also redesignated former Subsections C through H as Subsections B through G, respectively.~~

~~C. On-site parking shall be provided in an amount equal to one parking space per three guests.~~

- ~~D. The facilities used for the rural events shall meet the requirements and approval of the Warren County Building Inspections Department.~~
- ~~E. A plan must be submitted to the Planning Department that includes information regarding adequate parking, traffic control into and around the site, emergency ingress and egress, directional signage, outdoor lighting, restroom facilities, etc. This plan shall also be approved by the Warren County Sheriff's Office and Warren County Fire and Rescue.  
[Amended 11-17-2020]~~
- ~~F. The maximum number of guests will be specified in the conditions for the conditional use permit.  
[Amended 11-17-2020]~~
- ~~G. The hours of operation shall be specified in the conditional use permit and in no case shall activities continue past 11:00 p.m.<sup>[2]</sup>  
[<sup>2</sup>]Editor's Note: Former Subsections H and I, regarding noise and a point of contact, respectively, were repealed 11-17-2020.~~

**A. General requirements for rural events facilities.**

- (1) Rural events facilities shall be located on a parcel that fronts upon and has access to a state-maintained road, and the entrance to the property shall have VDOT approval for this type of use.**
- (2) A full-capacity event plan must be submitted to the Planning Department prior to issuance of a Certificate of Zoning. The event plan shall include information regarding adequate parking, traffic control into and around the site, emergency ingress and egress, directional signage, etc. This plan shall also be approved by the Warren County Sheriff's Office and Warren County Fire and Rescue.**
- (3) An illustrative development plan must be submitted to the Planning Department as part of the application for a conditional use permit. The development plan shall include details on proposed building locations, setbacks from buildings to nearest adjacent property lines, restroom facility locations, ingress/egress, internal access roads, outdoor lighting, parking areas, landscaping, screening, and signage.**
- (4) The facilities used for the rural events shall meet the requirements and approval of Warren County Building Inspections, Warren County Health Department, and Virginia Department of Health – Office of Drinking Water.**
- (5) Any buildings constructed on the property for the rural events facility shall have a minimum setback of 100 feet from any adjacent property line.**
- (6) On-site parking shall be provided in an amount equal to one parking space per three guests and shall comply with the Americans with Disabilities Act and Uniform Statewide Building Code requirements. The parking area for the events shall be in a location approved by the Planning Department.**

- (7) The maximum number of guests will be specified in the conditions for the conditional use permit and shall not exceed the maximum occupancy approved by the Health Department and the Warren County Fire Marshal.
- (8) The hours of operation shall be specified in the conditional use permit and in no case shall event activities continue past 11:00 p.m.
- (9) The permit shall be reviewed by Planning staff on an annual basis to ensure compliance with the performance standards of this section, along with all conditions placed on the conditional use permit.

**B. Lodging for event guests.**

**(1) Standards.**

- (a) Density standards. Lodging units for overnight accommodations for event guests may be erected on properties approved for a rural events facility through the conditional use permit process, subject to the following:
  - [1] On lots equal to or greater than 20 acres up to 30 acres, no more than 10 lodging units for event guests.
  - [2] On lots equal to or greater than 30 acres up to 40 acres, no more than 15 lodging units for event guests.
  - [3] On lots greater than 40 acres, no more than 20 lodging units for event guests.
- (b) Proximity standards. Buildings for lodging units shall be separated from each other and from other buildings by a minimum of at least 30 feet. Buildings for lodging units shall have a minimum setback of 100 feet from any adjacent property line.
- (c) Design standards. Buildings for lodging units shall be a minimum of 250 square feet and shall not exceed 800 square feet in size unless the conditional use permit expressly provides for a larger size.

**(2) General requirements.**

- (a) Lodging units shall not be used for permanent living quarters. Rental contracts shall not exceed seven (7) consecutive days in duration.
- (b) Commercial camping and use of major recreational vehicles by event guests for camping on the property shall be prohibited unless the property is approved for a commercial campground through the conditional use permit process.
- (c) The number of occupants per lodging unit shall not exceed the maximum occupancy approved by the Health Department for each lodging unit.
- (d) Parking for lodging units shall be provided in an amount equal to one parking space per lodging unit and shall comply with the Americans with Disabilities Act and Uniform Statewide Building Code requirements.

- (e) **The owner shall register with the Commissioner of the Revenue for a business license and for transient occupancy tax collection.**

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

Language proposed to be deleted is lined through. ~~Example~~

Language proposed to be added is bolded and underlined. **Example**

**Public Hearing – Conditional Use Permit 2023-01-01, Dominik Golczewski for a Short-Term Tourist Rental located at 398 Briar Lane and identified on Tax Map 15E, Section 5, Block 5, Parcel 443 – Chase Lenz**

Mr. Lenz reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in October 2017. Due to recent circumstances and his career as an Active-Duty Service Member, the property owner is unable to occupy the dwelling year-round and he would like to make his property available for short-term lodging for visitors of the Warren County area to help offset the cost of ownership and maintenance. The applicant will hire a local professional property management company to manage the operation of the short-term tourist rental and for maintenance of the property.

The applicant is requesting a waiver to the setback requirement supplementary regulation as the dwelling does not meet the required 100-foot setback to neighboring dwellings. The dwelling on the adjacent property to the west is 98 feet from the dwelling on the subject property.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Mrs. Cook opened the public hearing. There being no comments from the public, Mrs. Cook closed the public hearing.

Mrs. Cullers asked if the Planning Department had received any communications from the nearby property owner within the 100' setback, and Mr. Lenz replied they had not.

On a motion by Mr. Mabe, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the conditional use permit request of Dominik Golczewski for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff and listed below:

Mabe, Aye; Oates, Aye; Cook, Aye; Cullers, Aye; Butler, Aye

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 five as determined according to the Health Department operation permit for a three-bedroom dwelling.
3. The applicant shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.
8. A waiver to the required setback of 100' to neighboring dwellings shall be granted for the existing 98' setback to the dwelling west of the subject property.
9. The applicant shall plant evergreen trees no less than five feet in height along the property boundary shared with 388 Briar Lane (Lot 444A) as a buffer for noise.

**Public Hearing – Conditional Use Permit 2023-01-03 Vitaliy Hayda and Oleksandr Mokrohuz for a Short-Term Tourist Rental located on 540 Bragg Drive and identified on Tax Map 23C, Section 8, Block 4, as Parcel 16 – Matt Wendling**

Matt Wendling, Planning Director, reported the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in March 2022. The applicants would like to make the property available for short-term visitations for guests seeking to enjoy all the Warren County area has to offer when their family is not enjoying the property themselves. They state they are apartment dwellers in Tysons Corner and want to share their unique “circular” home and the rural atmosphere with family and friends and potentially guests when not using it themselves. The dwelling is currently under construction. The property meets the setback requirements, the nearest property being 303 feet to the northwest.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Mrs. Cook opened the public hearing. There being no comments from the public, Mrs. Cook closed the public hearing.

Mr. Mabe asked how they planned on keeping the noise to a minimum at the rental, and Vitaliy Hayda, one of the applicants, responded he and his partner have another rental property in Stanley, Virginia. They do not anticipate any noise issues, and they have included a 10:00 PM quiet time in their property management plan.

On a motion by Mr. Butler, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the conditional use permit request of Vitaliy Hayda and Oleksandr Mokrohuz for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff and listed below:

Butler, Aye; Cullers, Aye; Cook, Aye; Oates, Aye; Mabe, Aye

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed eight (8) person occupancy as determined according to the Health Department operational permit for the conventional septic system for a four-bedroom single-family dwelling.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.
7. Outdoor burning and the use of fireworks by guests shall be prohibited.

**Public Hearing – Conditional Use Permit 2023-01-04, Thomas Ryan for a Short-Term Tourist Rental located at 944 Wilderness Road and identified on Tax Map 23A, Section 8, Block 45, Parcel 17A – Chase Lenz**

Mr. Lenz reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in September 2020. Due to a recent recall to active duty, the owner's plan to permanently move to the subject property has been delayed and he would like to make the property available for short-term lodging for visitors of the Warren County area to help offset the costs of his mortgage and maintenance of the property. The applicant will employ a primary property manager, a local property management company, and local

professional services for trash disposal, cleaning, and property maintenance. The property meets the setback requirements, the nearest property being 348 feet to the southwest.

The Skyland Community Corporation submitted comments recommending disapproval of the application due to the Corporation's requirement that the property must be the owner's primary residence in an effort to prevent absentee property owners from operating a short-term rental in the community.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Mrs. Cook opened the public hearing. There being no comments from the public, Mrs. Cook closed the public hearing.

On a motion by Mr. Butler, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors approved the conditional use permit request of Thomas Ryan for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff and listed below:

Mabe, Aye; Oates, Aye; Cook, Aye; Cullers, Aye; Butler, Aye

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

**Public Hearing – Conditional Use Permit 2023-01-05, David Bediz for a Short-term Tourist Rental located at 303 Marino Lane and identified on Tax Map 15D, Section 2, Block 5, Parcel 95 – Matt Wendling**

Mr. Wendling reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in February 2021. The applicant had been operating the Short-Term Tourist Rental since purchasing the property and was unaware of the rules, regulations, and requirement for the conditional use permit. He does have a neighbor who has been his handyman and trash hauler and would be the local emergency property manager if the use is approved. He will need to provide the Planning Department with a draft of the property management plan with contact information for his manager. In his Statement of Justification, he stated that he has not had any complaints from neighbors in the time he has been operating the short-term tourist rental. The property meets the setback requirements, the nearest property being 425 feet to the southeast.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Mrs. Cook opened the public hearing. There being no comments from the public, Mrs. Cook closed the public hearing.

Mr. Mabe asked if the applicant had filed a copy of his Property Management Plan with the Planning Department, and Mr. Wendling replied that none has yet been submitted. However, the applicant is required to submit one prior to the Certificate of Zoning being issued for establishing the use as a short-term tourist rental.

Mrs. Cullers wondered if the applicant was operating the rental without a business license prior to receiving the Notice of Violation from the Planning Department. Mr. Wendling said he was not aware of a business license being applied for or received by the applicant and further noted the Commissioner of the Revenue can go back up to three years to collect unpaid transient occupancy taxes resulting from operating a short-term rental without a conditional use permit.

On a motion by Mr. Mabe, seconded by Mr. Butler, and by the following vote, the Board of Supervisors approved the conditional use permit request of David Bediz for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff and listed below with the addition of a condition #8:

Butler, Aye; Cullers, Aye; Cook, Aye; Oates, Aye; Mabe, Aye

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) person occupancy as determined according to the Health Department operational permit for the conventional septic system for a three-bedroom single-family dwelling.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.

4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.
7. Outdoor burning and the use of fireworks by guests shall be prohibited.
8. County staff will notify the Commissioner of the Revenue of the prior use as a short-term tourist rental beginning in February 2021.

**Public Hearing – Conditional Use Permit 2023-01-06, Nathan L. Phenicie for a Short-Term Tourist Rental located at 1264 Freezeland Road and identified on Tax Map 23I, Parcel 3 – Chase Lenz**

Mr. Lenz reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in March 2020. The owner would like to make property available for short-term lodging to visitors of the Warren County area. With experience running professional and well-organized short-term rentals, the applicant will manage the property personally with assistance from local professional services for trash removal, cleaning, landscaping, and maintenance. The property meets the setback requirements, the nearest property being 453 feet to the southwest.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Mrs. Cook opened the public hearing. There being no comments from the public, Mrs. Cook closed the public hearing.

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the conditional use permit request of Nathan Phenicie for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff and listed below:

Mabe, Aye; Oates, Aye; Cook, Aye; Cullers, Aye; Butler, Aye

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.

2. The maximum number of occupants shall not exceed eight as determined according to the Health Department operation permit for a five-bedroom dwelling.
3. The applicant shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and on state and county roads shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

**Public Hearing – Conditional Use Permit 2023-01-07, Kari Meyer for a Short-Term Tourist Rental located at 121 Cheyenne Lane and identified on Tax Map 26A, Section 7A, Parcel 18A1 – Chase Lenz**

Mr. Lenz reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property she is in the process of purchasing. The owner, Bobcat Builders, LLC, is nearing the final stages of the construction of the single-family dwelling on the property. The applicant intends to use the property as a second home away from the hustle and bustle of Washington, D.C., where she primarily resides. She would like to make the property available for short-term lodging to visitors of the Warren County area. As an experienced short-term rental host, she will manage the property personally with assistance from local professional services for trash removal, cleaning, landscaping, and maintenance. The property meets the setback requirements, the nearest property being 169 feet to the northwest.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Kari Meyer, applicant, reported she has finalized the purchase of the property.

Mrs. Cook opened the public hearing. There being no comments from the public, Mrs. Cook closed the public hearing.

On a motion by Mrs. Cullers, seconded by Mr. Butler, and by the following vote, the Board of Supervisors approved the conditional use permit request of Kari Meyer for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff and listed below:

Butler, Aye; Cullers, Aye; Cook, Aye; Oates, Aye; Mabe, Aye

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six as determined according to the Health Department operation permit for a three-bedroom dwelling.
3. The applicant shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

**Public Hearing – Conditional Use Permit 2023-01-08, Matthew Williams & Jay Gilbert for a Short-Term Tourist Rental located at 12 Far View Lane and identified on Tax Map 15A, Section 1, Block 3, Parcel 103A1 – Matt Wendling**

Mr. Wendling reported the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in December 2022. The owners would like to make their property available for short-term lodging to visitors of the Warren County area seeking to experience the local attractions, restaurants, and hiking trails. The applicants plan to manage the property personally with assistance from local professional services for cleaning and landscaping. The owners have four separate properties in Warren County with approved conditional use permits for short-term tourist rentals and no complaints have been received for the properties. The property meets the setback requirements, the nearest property being 210 feet to the south.

The Blue Mountain Property Owners Association (BMPOA) submitted comments recommending disapproval of the application due to concerns among some members about the number of short-term rentals operating within the subdivision already as well as the rentals being operated by corporations rather than residents with a vested interest in the community.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Matthew Williams, applicant, noted he had personally reached out to Mike Veasey, Chair of the BMPOA, after receiving the email with the POA's concerns and was able to assuage them,

confirming he and his partner would not be distant managers of the rental and that they would make every effort to minimize the impacts of the rental on the community.

Mrs. Cook opened the public hearing. There being no comments from the public, Mrs. Cook closed the public hearing.

On a motion by Mrs. Cullers, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the conditional use permit request of Matthew Williams and Jay Gilbert for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff and listed below:

Mabe, Aye; Oates, Aye; Cook, Aye; Cullers, Aye; Butler, Aye

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 use of fireworks by guests shall be prohibited.

**~~Public Hearing — CP2022-10-01, Rushmark Rockland Road LLC, Request to Amend the Comprehensive Plan Future Land Use Map from Commercial and Residential One to Industrial —Matt Wendling~~** *Withdrawn by the Applicant Prior to the Meeting*

**~~Public Hearing — R2022-10-01, Rushmark Rockland Road LLC, Request to Rezone Certain Parcels from Commercial and Residential One to Industrial~~** *Withdrawn by the Applicant Prior to the Meeting*

~~Public Hearing — Conditional Use Permit 2022-10-01, Rushmark Rockland Road LLC for a Building in Excess of 50,000 sq. ft. Located in the Route 340/522 Highway Corridor Overlay District — Matt Wendling~~ *Withdrawn by the Applicant Prior to the Meeting*

## **Adjournment**

Mrs. Cook adjourned the meeting at 7:34 PM.