

At a Regular Meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on October 24, 2023, at 6:00 PM.

Present: Victoria L. Cook, Chair (Fork District); Cheryl L. Cullers, Vice Chair (South River District); Walter J. Mabe (Shenandoah District); Jerome K. Butler (Happy Creek District); also, Dr. Edwin Daley, County Administrator; Jordan Bowman, County Attorney's Office; Jane Meadows, Deputy County Administrator; Matt Wendling, Planning Director; Chase Lenz, Zoning Administrator; Zach Henderson, Deputy Clerk of the Board

Absent: Delores R. Oates (North River District)

Call to Order:

Ms. Cook called the meeting to order at 6:00 PM with a moment of silence and stated that Ms. Oates is not present for the meeting due to illness.

Adoption of Agenda:

On a motion by Ms. Cullers, seconded by Mr. Mabe, and the following vote, the Board approved the agenda as presented:

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

Public Hearing - Conditional Use Permit 2023-08-01 - Renee Grebe & Matthew Iden/Kyrrheim LLC for a Short-Term Tourist Rental:

Mr. Lenz went over the terms and conditions for a short-term tourist rental for a property purchased in April 2023. The owners would like to share their second home with visitors of the Warren County area by making the property available for short-term lodging when they're not occupying the property for personal use, primarily residing in Alexandria, Virginia. The applicants will partner with the manager of the nearby Blue Mountain Lodge and a local property management company to manage the property. Comments were requested from the blue mountain, POA Board of Directors but did not receive a response. The dwelling does not meet the 100-foot setback to neighboring dwellings, however the applicants have indicated in their statement of justification, the area in between the dwellings is heavily wooded and this will minimize the impact on the neighboring property by limiting the areas their guests will have access to and by strongly enforcing property rules.

Ms. Cook opened the public hearing and the applicants, Renee Grebe & Matthew Iden, spoke in support of their CUP and plans to manage it. There were no comments from the Board or public, and Ms. Cook closed the public hearing.

On a motion by Mr. Mabe, seconded by Mr. Butler, and the following vote, the Board approved the conditional use permit request for Renee Grebe and Matthew Iden for short-term tourist rental with the conditions as recommended by the planning commission and staff.

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

Public Hearing - Zoning Text Amendment Z2023-08-03 – Lighting:

Mr. Lenz stated that this began with a complaint received by the Planning Department claiming that a neighbor had a bright light that was pointed directly at the neighbor's house and was causing issues for the occupants. After researching the complaint, Mr. Lenz discovered that in the County Code there is a definition for glare but there is no mechanism for enforcement and the Ordinance itself is dated. Moving forward, the Ordinance will become more standardized and based on foot candle and will address photometric concerns and parking lots etc.

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

On a motion by Ms. Cullers, seconded by Mr. Mabe, and the following vote, the Board found that the proposed zoning ordinance amendment appropriate for the public necessity, convenience, and general welfare and is good zoning practice and approved the proposed amendment.

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

Public Hearing - CUP2013-09-01 - Commercial Auto Repair Garage - William (Bill) Long Modification to remove condition #10 and Dissolve the Agreement to Provide an Easement to VDOT:

Mr. Wendling stated that on October 3rd Duberry Engineers submitted a response to the Board's work session questions and are included in the Board's packet. Furthermore, County staff have included VDOT's comments from the Slate Run Rezoning application regarding the initial proposed secondary entrance. The Board held a work session and had a discussion to dissolve this agreement between the County and Mr. Long, for future access entrance to property identified on tax map# 4, parcel 41b-1, located at 6768 Winchester Road and tax map 12 parcel 6 to the West of the property. The modification request is to remove condition number 10 to allow the agreement for the easement to be dissolved. The county should determine feasibility to main access point across the long property due to objections from the owner.

Ms. Cook opened the public hearing and the applicant, Mr. Bill Long, thanked the Board members who visited his property to get a better understanding of his request. There were no comments from the Board or public and Ms. Cook then closed the hearing.

On a motion by Ms. Cullers, seconded by Mr. Mabe, and the following vote, the Board approved the conditional use permit modification request for removal of contention number 10 and dissolving the agreement to provide a 60 foot right of way to VDOT.

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

Public Hearing - Z2023-08-04 - Family Subdivisions - Code Section 180-21. E:

Mr. Wendling stated that this request comes from Planning Staff in order to meet the need for additional options for housing for families who live and work in Warren County, as well as the goal of the Comprehensive plan. This request provides a solution to property owners who have owned their properties longer than 5 years to have an additional two lots for family members who plan to stay in the County for 5 or more years. Furthermore, it allows for parents to remain in their homes or build smaller homes on a new lot and allow their immediate family members to purchase.

Ms. Cook opened the public hearing and asked for clarification between the State Code and the County Code's differences. The State Code reads that the property had to be owned for 15 years, and the County Ordinance states that's only 5. Mr. Wendling stated that the only item in the County Code that requires a 15-year ownership is a trust or LLC. Ms. Cook then asked is Legal has looked at the ordinance and approved the changes, and Mr. Wendling stated that they had.

Ms. Cook stated that, per the state code, a locality may include, in the subdivision of ordinance provisions, permitting a single division of a lot of parcels for the purpose of a gift to a member of the immediate family. If the property has been owned for at least 15 consecutive years by the current owner or member of the immediate family, and the property owner agrees to place a restrictive covenant on the subdivided property, that would prohibit the transfer of the property to a non-member of the immediate family. Ms. Cook then suggested having legal clarify and define that difference etc.

Joe Brogan spoke to the Board in support of the amendment stating that as a surveyor, he has seen an increase of family subdivision lot requests. There were no more individuals who spoke, and Ms. Cook closed the public hearing.

Mr. Mabe motioned to approve the amendment, however there was no second, and the motion died.

On a new motion by Mr. Butler, seconded by Mr. Mabe, and the following vote, the item was tabled until the question of the differences between County and State Codes is answered.

Mr. Mabe, Aye; Mrs. Cook; Aye, Ms. Cullers, Abstain; Mr. Butler, Aye

Public Hearing - 2023-08-05 - Definition of Family Subdivision - Warren County Code Section 155- 3(B)(1)(b):

Mr. Wendling stated that this text amendment is proposed due to limitations in the residential subdivisions and existing density. The proposed ordinance for additional two-family subdivisions in the agricultural zoning district would provide County residents the option for additional lots on larger agricultural properties and not contribute to higher density in the residential subdivisions. The ordinance would allow County staff to only accept family subdivision requests for agricultural lots, which meet the subdivision and zoning requirements and regulations.

Ms. Cook opened the public hearing and Mr. Butler asked what happens to the subdivisions after 20+ years from now when family members move or pass etc. and if the remaining family members are stuck with the property or if they can sell outside of the family. Mr. Wendling stated that the requirement in the Code reads there is only a 5-year requirement for family ownership.

There were no comments from the public and the public hearing was then closed.

On a motion by Mr. Mabe, seconded by Mr. Butler, and the following vote, the item was tabled until the question of the differences between County and State Codes is answered.

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

Adjournment:

On a motion by Mr. Mabe, seconded by Mr. Butler, and the following vote, the meeting was adjourned at 7:11 PM

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