

Warren County Planning Commission Meeting Minutes of February 9th, 2022

At a regular meeting of the Planning Commission of Warren County held in the Warren County Government Center on February 9th, 2022, at 7:00 PM.

Present: Robert Myers, Chairman (Happy Creek District); Hugh Henry, Vice Chairman (Fork District); Scott Kersjes (North River District); Joseph Longo (Shenandoah District); Kaylee Richardson (South River District); also present Caitlin Jordan, Senior Assistant County Attorney; Joe Petty, Interim Planning Director; Matt Wendling, Deputy Planning Director; Chase Lenz, Zoning Administrator; and Chloe Phillips, Administrative Assistant

Adoption of Agenda:

On a motion by Mr. Henry, seconded by, Mrs. Richardson and by the following vote, the Planning Commission adopted the agenda as presented.

Ayes: Myers, Henry, Longo, Kersjes, Richardson

Approval of Minutes:

On a motion by Mr. Longo, seconded by Mr. Kersjes and by the following vote, the Planning Commission approved the minutes from January 12th, 2022, as presented:

Ayes: Myers, Henry, Longo, Kersjes, Richardson

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; no one came forward, so the public presentation was closed.

Public Hearings:

CUP2022-01-01 – Aaron Hike

A request for a conditional use permit for a short-term tourist rental. The property is located at 0 Pineview Drive and identified on tax map 21B, section 3, block 6, lot U. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.

Mr. Wendling stated that in their statement of justification, the applicant states he purchased this property in October 2019 and would like to construct a single-family dwelling to be used for a Short-Term Tourist Rental. The owner does intend to manage the rental himself since he is a general contractor who lives locally and owns a local

business. The property is adjacent to a river lot he owns and was issued a conditional use permit for private use camping and is located on Beckwith Drive. The applicant hopes to start construction this spring and open the rental by the fall of 2022 if this conditional use permit is approved.

Mr. Wendling stated staff is recommending the following conditions for this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors

The applicants shall comply with all Warren County Health Department regulations and requirements: as it is 270 feet to the nearest dwelling.

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department conditional/operational permit which needs to be issued for a three-bedroom 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.

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

Chairman Myers closed the public hearing.

Mr. Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Aaron Hike for Short-Term Tourist Rental.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2022-01-02 – Jana & Aaron Bricco

A request for a conditional use permit for a short-term tourist rental. The property is located at 179 Cliff Road and identified on tax map 24A, section 2, block 8A, lot 323. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.

Mr. Wendling stated the applicants are requesting a conditional use permit for a Short-term Tourist Rental for rental of the single-family dwelling for less than thirty days. The applicants recently purchased the property in September 2021 and would like to be able to offset the costs for maintenance, insurance and the mortgage by renting short term. In their statement of justification, the applicants state they plan to operate the rental part-time since their family will be using it for their own personal use as a second home and this allows for them to have flexibility in renting the property. The currently intend to manage the rental themselves since they reside 10 minutes away in Skyland Estates but will retain a management company if they move back to Northern Virginia to be closer to their jobs.

Mr. Wendling stated staff is recommending the following conditions for this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors

The applicants shall comply with all Warren County Health Department regulations and requirements: as it is 131 feet to the nearest dwelling.

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department operational permit for a three-bedroom 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.

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

Chairman Myers closed the public hearing.

Mr. Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Jana & Aaron Bricco for Short-Term Tourist Rental.

Mrs. Richardson seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2022-01-03 – Simon Booth & Rachel Ward

A request for a conditional use permit for a short-term tourist rental. The property is located at 627 Vesey Drive and identified on tax map 7A, section 1, lot 120A. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.

Mr. Wendling stated the applicants are requesting this conditional use permit for a Short-Term Tourist Rental for the property they recently purchased with the intent to use as a second home and to occasionally lease it on a short-term basis. The applicants would like to offset some of their expenses for the property by renting to people who are interested in visiting the area. They mention that since it's a one-bedroom dwelling that is somewhat isolated they don't anticipate any problems relating to intrusion of their neighbor's privacy and security. They mention their intent to manage the property themselves.

Mr. Wendling stated staff is recommending the following conditions for this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors.

The applicants shall comply with all Warren County Health Department regulations and requirements: as it is 500 feet to the nearest dwelling.

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed two (2) as determined according to the Health Department operational permit for a one-bedroom 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.

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

Chairman Myers closed the public hearing.

Mr. Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Simon Booth & Rachel Ward for Short-Term Tourist Rental.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2022-01-04 – Karen Thomson

A request for a conditional use permit for a short-term tourist rental. The property is located at 535 Sunset Village Road and identified on tax map 27D, section 1, lot 53-3A. The property is zoned Residential-1 (R-1) and located in the Fork Magisterial District.

Mr. Petty stated the applicant is requesting a conditional use permit for a short-term tourist rental. The rental will be available for short-term visitations for individuals who will be visiting the Warren County area to enjoy the outdoor activities and local retail & dining establishments. The owner/applicant currently lives in Maryland and plans to have the property cleaned and maintained by a private company in between reservations.

Mr. Petty stated staff is recommending the following conditions for this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors

The applicants shall comply with all Warren County Health Department regulations and requirements:

1. The applicants shall comply with all Warren County Health Department and 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 operational permit for a four-bedroom dwelling.
3. The applicants shall have the well/drinking 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.

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

Chairman Myers closed the public hearing.

Mrs. Richardson moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Karen Thomson for Short-Term Tourist Rental.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2022-01-05 – Michael Ney

A request for a conditional use permit for a short-term tourist rental. The property is located at 207 Riverview Shores Drive and identified on tax map 13C, section 1, block S, lot 15A. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.

Mr. Lenz stated the applicant is requesting a conditional use permit for a short-term tourist rental. The rental will be available during the spring and summer seasons for short-term visitations for individuals visiting the Warren County area. The owner would like to use the property as a short-term tourist rental to supplement his income and he will manage the property personally. He is currently renting the property to long-term guests.

Mr. Lenz stated staff is recommending the following conditions for this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors

The applicants shall comply with all Warren County Health Department regulations and requirements: as it is 235 feet to the nearest dwelling.

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 provide documentation to County Staff for the maintenance of the sewage treatment system as recommended by the Warren County Health Department.
4. 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 by the end of the calendar year.

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.

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

Chairman Myers closed the public hearing.

Mr. Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Michael Ney for Short-Term Tourist Rental.

Mrs. Richardson seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2022-01-06 -Alvand Khoshgavar

A request for a conditional use permit for a short-term tourist rental. The property is located at 668 Old Dam Road and identified on tax map 13A, section 5, lot 6. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.

Mr. Petty stated the applicant is requesting a conditional use permit for a short-term tourist rental. The rental will be available for short-term visitations for individuals who will be visiting the Warren County area as the property is ideal for tourism given its access to the Shenandoah River. The owner/applicant currently lives outside Warren County and plans to have the property cleaned and maintained in between reservations.

The subject property does not meet the required setback of 100' from the neighboring dwelling which is approximately 75' away. After the initial adoption of the short-term tourist rental ordinance the Board of Supervisor granted very few waivers to the 100' setback, however most recently the Board has not approved any waivers to the setback regulation. The property owner has provided letters from adjoining property owners supporting the application and setback waiver.

Given the recent amount of short-term rental applications and approvals that are able to meet Warren County Code §180-56.4. requiring the 100' setback, Mr. Petty stated staff cannot support approval of this application given the Code as written and possible precedent that may be created.

Mr. Petty stated staff is recommending the following conditions for this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors

The applicants shall comply with all Warren County Health Department regulations and requirements:

1. The applicants shall comply with all Warren County Health Department and 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 operational permit for a two-bedroom dwelling.
3. The applicants shall have the well/drinking 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. A waiver to the required setback of 100' to the adjacent property dwelling shall be granted for the existing 75' setback to the dwelling east of the subject property.

** Waiver has been requested by the applicant*

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

Mr. Khoshgavar, **Applicant**

Mr. Khoshgavar thanked the Planning Commission for their time and the Planning staff for guidance through the process. He stated the support from the neighbors, and that the neighbor in the setback is the property manager.

Chairman Myers closed the public hearing.

Mr. Henry stated he was comfortable approving with the support of the neighbor.

Mr. Kersjes asked if the neighbor can be required to remain Property Manager.

Mr. Petty said no.

Mrs. Richardson moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Alvand Khoshgavar for Short-Term Tourist Rental.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2022-01-05 – Jennifer Anderson & Christopher Olszewski

A request for a conditional use permit for a short-term tourist rental. The property is located at 1240 Downing Farm Road and identified on tax map 36C, section 2, block 4, lot 48. The property is zoned Agricultural (A) and located in the Fork Magisterial District.

Mr. Wendling stated that in their statement of justification, the applicants state they purchased this property in March 2021 and are using the home as a second residence and would like to also rent it as a Short-Term Tourist Rental. The dwelling is unique in that the guest suite is attached via a covered and enclosed breezeway that was permitted by the County. The applicants state that this bedroom/guest suite will be used as the primary rental unit of the dwelling. They state they do plan to stay in the principal area of the dwelling while guests stay in the addition. They do plan to manage the rental themselves including the maintenance but are currently researching local property management companies and will retain one in case of emergencies during their guests stay and to assist in the cleaning and managing of the rental.

Mr. Wendling stated staff is recommending the following conditions for this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors

The applicants shall comply with all Warren County Health Department regulations and requirements: as it is 351 feet to the nearest dwelling.

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department conditional/operational permit which needs to be issued for a three-bedroom 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. The property shall be used only as a single-family dwelling and shall only be rented to one set of guests at any one time.

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

Jennifer Anderson, **Applicant**

Jennifer Anderson stated they did present to the POA at last month's meeting and answered questions of concern.

Lyle Henschell, 305 Stoney Bottom Rd- **Against**

Mr. Henschell stated he was the former POA president. He is concerned the rules will not be adhered to; by-laws oppose non-residential uses.

Rebuttal

Mr. Olszewski stated they will ensure that guests abide by the rules of the POA.

Chairman Myers closed the public hearing.

Mr. Henry stated the property shall be used as a single-family dwelling. The property shall only be occupied by one party at a time.

Mr. Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Jennifer Anderson & Christopher Olszewski for Short-Term Tourist Rental with the

added condition that the property be used as a single-family dwelling and shall only be rented to one party at a time.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

Z2022-01-01 – Dawn Sullivan

An Ordinance to amend sections 180-8 Definitions, 180-21 Agricultural District, 180-22 Residential-1 District, 180-23 Residential-2 District, 180-24 Rural Residential District, 180-25 Village Residential District, 180-26 Suburban Residential District, and add section 180-46.1 Family Day Home of the Warren County Code.

The applicant, Dawn Sullivan has requested to amend the County Code to add Family Day Home as a land-use. This would allow her to expand her existing day-care service in which she cares for five or fewer children to allow for her to care for up to twelve children under the age of 13. The applicant has stated she has earned a number of Virginia State Department of Social Services certifications and license for operating a Family Day Home. The Warren County Code doesn't currently list this as a land-use for any of the zoning districts and it is not defined or included in the supplemental regulations, the approval of this text amendment would add and identify the standards for this land-use.

Dawn Sullivan, **Applicant**

Ms. Sullivan stated there are no other state licensed Family Day Homes in Warren County. She stated Warren County needs more available to the community.

Jamie Morris, **For**

She stated the benefits of a Family Day Home and supports the proposed requirements for state licensing.

Mr. Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the text amendment request of Dawn Sullivan for Family Day Home.

Mr. Kersjes seconded the motion which passed by the following vote:

Ayes: Myers, Henry, Kersjes, Longo, Richardson

Consent Agenda (Authorization to Advertise):

- A. CUP2022-02-01 - Emilia Simeonova & Sergei Kulaev** - A request for a conditional use permit for a short-term tourist rental. The property is located at 5462 Browntown Road and identified on tax map 28, lot 76. The property is zoned Agricultural (A) and located in the South River Magisterial District.
- B. CUP2022-02-02 - Jerry Lang Jr.** - A request for a conditional use permit for a short-term tourist rental. The property is located at 468 Lands Run Road and identified on tax map 45, lot 4. The property is zoned Agricultural (A) and located in the South River Magisterial District.
- C. CUP2022-02-03 - Nicolas Webster & Morgan McCabe** - A request for a conditional use permit for a short-term tourist rental. The property is located at 203 Mossy Rock Way and identified on tax map 24B, section 1, block 21, lot 625. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.
- D. CUP2022-02-04 - Pratick Patel** - A request for a conditional use permit for a short-term tourist rental. The property is located at 368 Freeze Road and identified on tax map 23C, section 2, block 2, lot 193. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.
- E. CUP2022-02-05 - Michael & Judith Albarelli** - A request for a conditional use permit for a short-term tourist rental. The property is located at 740 Broad Run Road and identified on tax map 44, lot 38D. The property is zoned Agricultural (A) and located in the South River Magisterial District.
- F. SV2022-02-01 - Robert & Crystal Dolan** - A request for a variance to Warren County Code §155-3.B(1)(b)[2] of the Subdivision Ordinance to allow the voluntary transfer of a proposed subdivided lot to an immediate family member within the required five (5) years of having held fee simple title to the property. The property is located on Gruver Grade Drive and identified on tax map 11, lot 24E. The property is zoned Agricultural (A) and located in the North River Magisterial District.

On a motion by Mr. Henry, seconded by, Mr. Longo and by the following vote, Planning Commission authorized Items A - E, the proposed condition use permit requests, for advertisement for their public hearing as presented:

Ayes: Myers, Henry, Longo, Kersjes, Richardson

F. SV2022-02-01 - Robert & Crystal Dolan -

Mr. Petty stated the applicants are requesting a variance to Warren County Code §155-3.B(1)(b)[2] of the Subdivision Ordinance to allow the voluntary transfer of a proposed

subdivided lot to an immediate family member within the required five (5) years of having held fee simple title to the property. The applicants purchased the property on June 3, 2019. They would like to convey the proposed lot to their sister and her husband to be closer to family. If the variance is approved, they will then request a variance from the Board of Zoning Appeals for a reduction of lot size from the required 10 acre minimum.

Staff would recommend that, if the Planning Commission recommended and the Board approved the request, the condition be placed on the subdivision plat that the lot may not be voluntarily transferred to a non-immediate family member for at least seven years after approval of the family division plat in lieu of the required five years. This would make the timeframe approximately ten years and concurrent with the ordinance requirement of five years to subdivide and five years to transfer outside the family.

On a motion by Mr. Henry, seconded by, Mr. Kersjes and by the following vote, Planning Commission authorize the proposed subdivision variance request for advertisement for a public hearing.

Ayes: Myers, Henry, Longo, Kersjes, Richardson

Commission Matters:

Mr. Petty stated that Comprehensive Plan Review will pause for next month and will resume in April.

Mr. Myers said everyone enjoy the Superbowl game.

Mr. Henry touched on the recent deaths the community has faced over the last few months.

Mrs. Richardson stated the Farmers Market will be opening soon.

Mr. Petty informed them on the Annual Report.

Mr. Wendling noted there are 47 active Short-Term Tourist Rentals.

Mr. Lenz stated he is grateful for the opportunity to become Zoning Administrator.

Ms. Phillips stated that the local FFA chapters have many fundraisers coming up.

Adjournment:

Warren County Planning Commission Meeting Minutes of February 9th, 2022

Chairman Myers moved a motion to adjourn; unanimously approved. The meeting was adjourned at 8:10 PM.

Warren County Planning Commission
Chairman