

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

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

Present: Robert Myers, Chairman (Happy Creek District); Hugh Henry, Vice Chairman (Fork 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

Absent: Scott Kersjes (North River District)

Adoption of Agenda:

On a motion by Mr. Longo, seconded by, Mrs. Richardson and by the following vote, the Planning Commission adopted the agenda removing Item A. BR2022-03-01 – ViaSat.

Ayes: Myers, Henry, Longo, Richardson

Approval of Minutes:

On a motion by Mr. Longo, seconded by Mr. Henry and by the following vote, the Planning Commission approved the minutes from February 9th, 2022, as presented:

Ayes: Myers, Henry, Longo, 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:

CUP2022-02-01 – 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.

Mr. Wendling stated they purchased the property in December 2020 and the applicants have lived in it part-time. They would like to offset costs of the mortgage, maintenance,

and insurance as a second home. In their statement of justification, the applicants state they are requesting to use the property as a short-term tourist rental but will reside at the property part-time during the year. They have contracted a property manager from Winchester to be available on an emergency basis and a local trash collection company for garbage removal. This property backs up to the Shenandoah National Park and is not located in a subdivision with a POA/HOA. The property dwelling meets the required setback of 100 feet from dwelling to dwelling as it is 220 feet to the nearest dwelling.

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:

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.

Mr. Petty stated there was an error with the APO Letters, he suggested leave the public hearing open until the April Planning Commission Meeting.

Chairman Myers closed the public hearing.

Mr. Henry moved that the Planning Commission continue the public hearing until April for the conditional use permit request of Emilia Simeonova & Sergei Kulaev for a Short-Term Tourist Rental.

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

Ayes: Myers, Henry, Longo, Richardson

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.

Mr. Wendling stated the applicant was willed this property in 2020 by the late Robert W. Colton and he has requested to be granted this permit to operate a Short-Term Tourist Rental in order to supplement his income to pay taxes and insurance on the property. He would like to rent it to mature adults and families in order to transient lodging to people who want to visit Warren County and the Village of Browntown. He hopes that this will contribute to the commerce of the local area and showcase the County's many tourist destinations and natural resource amenities that it offers. The property dwelling meets the required setback of 100 feet from dwelling to dwelling as it is 681 feet to the nearest dwelling.

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:

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 (4) as determined according to the Health Department conditional/operational permit which needs to be issued for a two-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 on the State, road 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.

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 Jerry Lang Jr. for a Short-Term Tourist Rental.

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

Ayes: Myers, Henry, Longo, Richardson

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.

Mr. Wendling stated the applicants are requesting a conditional use permit for a Short-term Tourist Rental for the property they purchased in March 2021. According to the applicants the home had been unoccupied for a number of years, and they have in the past year spent quite a bit of time and funds in making improvements to the dwelling. They state they are only able to utilize the property for their own use six months out of the year and would like to rent it short term to recoup their costs for improvements, general maintenance, taxes, and insurance. They currently live in Washington, D.C. and

have contracted Evolve and Generations Clean, both local property management and cleaning companies to manage the property. The property dwelling meets the required setback of 100 feet from dwelling to dwelling as it is 350 feet to the nearest dwelling.

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:

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 (4) as determined according to the Health Department operational permit for a two-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.

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

Harry Mahon, 4465 Blue Mountain Road

Mr. Mahon stated he has concerns for the traffic on the roads, cell service, and trash.

Applicant Rebuttal:

Mr. Webster stated the trash will be taken care of by the property management company and they will have a land line in the house as a secondary phone service for guests.

Chairman Myers closed the public hearing.

Chairman Myers stated long term rentals create more traffic.

Mr. Henry stated property management plan addresses disposal of trash, there have not been any complaints. Citizens or neighbors can call and complain if there are issues, the conditional use permit can be reviewed.

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 Nicolas Webster & Morgan McCabe for a Short-Term Tourist Rental.

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

Ayes: Myers, Henry, Longo, Richardson

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.

Mr. Wendling stated the applicant is requesting a conditional use permit for a Short-term Tourist Rental for the property they purchased in November 2021. The applicant states he will be primarily using the property as a vacation home for his family, extended family, and friends for weekend visits. In order to have the flexibility to rent he hopes to rent short term which will also help him with the ability to maintain the property, and with the cost of insurance and taxes. The property owner plans to retain a local handyman and property manager to be available for any emergencies. The property dwelling meets the required setback of 100 feet from dwelling to dwelling as it is 235 feet to the nearest dwelling.

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:

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 (4) 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.

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 Pratick Patel for a Short-Term Tourist Rental.

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

Ayes: Myers, Henry, Longo, Richardson

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.

Mr. Lenz stated the applicants are requesting a conditional use permit for a short-term tourist rental for a restored 18th-century log cabin they purchased in 2018. The dwelling will be available seasonally from April to November for short-term rentals for individuals visiting the Warren County area. The owners would like to use the property to serve visitors of the Shenandoah Valley as a quiet respite from hiking, canoeing, cycling, or other activities. The applicants currently live on Broad Run Road and will be managing the property personally. They have been operating a short-term tourist rental on a separate property on Broad Run Road since it was approved in 2019. The property dwelling meets the required setback of 100 feet from dwelling to dwelling as it is 740 feet to the nearest dwelling.

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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:

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 permit for a two-bedroom dwelling.
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 on the state road 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.

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 Michael & Judith Albarelli for a Short-Term Tourist Rental.

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

Ayes: Myers, Henry, Longo, Richardson

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.

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.

Robert & Crystal Dolan, Applicant

Mr. & Mrs. Dolan stated they have owned the three parcels for 7 years; they have no intent of breaking the parcels off. They want to family subdivide which would complete their road.

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.

Mr. Henry asked about the time.

Mr. Henry made a motion finding that the variance request meets the criteria required by Section 155-18, I move that the Planning Commission recommended approval of the applicant's request for a variance to Section 155-3. B(1)(b)[2] of the Subdivision Ordinance.

Mr. Henry so moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Robert & Crystal Dolan for a variance. (List conditions, if any)

1. The lot shall not be voluntarily transferred to a non-immediate family member for seven years after approval of the family subdivision plat. This would be in lieu of the required five years and make the timeframe approximately ten years.

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

Ayes: Myers, Henry, Longo, Richardson

VI. Consent Agenda (Authorization to Advertise):

- A. Z2022-03-01 – Rivermont Baptist Church - An ordinance to amend Section 180-8 Definitions to add Correct State Code Section for Licensing, and amend Section 180-21 Agricultural District to add Day- or Child-Care Center (Nursery) as a use allowed by Conditional Use Permit.
- B. CUP2022-03-01 – Rivermont Baptist Church – A request for a conditional use permit for a Day-Child Care Center/Nursery. The property is located at 575 Catlett Mountain Road and identified on tax map 19, lot 88. The property is zoned Agricultural (A) and located in the Fork Magisterial District.
- C. CUP2022-03-02 – Solomon A. Stavis – A request for a conditional use permit for a short-term tourist rental. The property is located at 9 Oak Hill Drive and identified on tax map 28P, section 2, lot 6. The property is zoned Agricultural (A) and located in the South River Magisterial District.
- D. CUP2022-03-03 – Jared Smith – A request for a conditional use permit for a short-term tourist rental. The property is located at 31 Henry Way and identified on tax map 24A, section 2, block 7, lot 313. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.
- E. CUP2022-03-04 – James & Jeonghe Lal – A request for a conditional use permit for a short-term tourist rental. The property is located at 280 Overbrook Lane and identified on tax map 13C, section 3, block 3, lot 568. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.
- F. CUP2022-03-05 – Rocky Quach – A request for a conditional use permit for a short-term tourist rental. The property is located at 524 Freezeland Road and identified on tax map 23F, lot 2. The property is zoned Agricultural (A) and located in the Happy Creek Magisterial District.
- G. CUP2022-03-06 – Patricia A. Brown – A request for a conditional use permit for private use camping. The property is located at 0 Misty Meadow Lane

and identified on tax map 41A, lot 14. The property is zoned Residential-1 (R-1) and located in the South River Magisterial District.

- H.** CUP2022-03-07 – Richard W. Durkee II – A request for a conditional use permit for private use camping. The property is located at 0 Farms River Road and identified on tax map 15B, section 1, block 1, lots 33 & 34. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.

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

Ayes: Myers, Henry, Longo, Richardson

Commission Matters:

Mr. Petty stated there are no prospects for Planning Director. He also stated that he is working with the town on the Comprehensive Plan through overlapping parts.

Chairman Myers stated best wishes to Mr. Kersjes.

Mr. Henry asked about the Building Inspections.

Mr. Petty stated it is still in the air.

Mr. Petty stated a Short-Term Tourist Rental was approved at the Board of Supervisors that did not meet the setbacks. We may begin to review the setback ordinance.

Mr. Wendling stated sixty-four active Short-Term Tourist Rentals, fourteen were grandfathered.

Mr. Lenz stated he is working through the Repair Garage permits.

2021 Annual Report

Mr. Myers recommended correcting one typo.

Mr. Henry so moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the 2021 Annual Report.

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

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Ayes: Myers, Henry, Longo, Richardson

Adjournment:

Chairman Myers moved a motion to adjourn; unanimously approved. The meeting was adjourned at 7:53 PM.

Warren County Planning Commission
Chairman