

Warren County Planning Commission Meeting Minutes of August 11th, 2021

At a regular meeting of the Planning Commission of Warren County held in the Warren County Government Center on August 11th, 2021, 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); Caitlin Jordan, Assistant County Attorney also, present Joe Petty, Planning Director; Matt Wendling, Deputy Planning Director; and Chase Lenz, Zoning Officer

Adoption of Agenda:

On a motion by Mr. Kersjes, seconded by, Mr. Myers 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. Kersjes, seconded by Mr. Myers and by the following vote, the Planning Commission approved the minutes from July 14th, 2021, 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:

CUP2021-07-01 – Bruce and Betty Parady –

A request for a conditional use permit for private use camping when more than two major recreational vehicles are to be used. The property is located on T-Bird Drive and identified on tax map 36C, section 1, block, 2, lot 16. The property is zoned Agricultural (A) and located in the Fork Magisterial District.

Mr. Wendling stated the applicants are requesting a conditional use permit for Private Use Camping on a vacant lot in the Thunderbird Farms - Haynes-Anderson subdivision a portion of which is located in the Special Flood Hazard Area (SFHA). The applicants were notified that if they had more than 2 campers on the recreational lot in the Agricultural zoning district, they would be required to apply for a CUP since 2 or less campers are a use allowed by-right. The applicants have parked their campers on the lot.

Warren County Planning Commission Meeting Minutes of August 11th, 2021

for the most part of 2020 due to the COVID-19 isolation restrictions and they have been made aware that the campers can't be used for full-time use as a dwelling and can't remain in the Special Flood Hazard Area for more than 180 consecutive calendar days. They also have been and continue to use tent camping on their property during this time. There have also been reports of the use of ATVs on the property and private roads of the subdivision.

Mr. Wendling shared that this CUP application would be the first of its kind in both the County in the Agricultural district and for this subdivision for non-commercial private use camping.

Mr. Wendling also mentioned the Health Department had submitted their revised comments addressing the required for collection and disposal of sewage and wastewater and requirements for permitting of an on-site water supply and septic system. In his conversation today with the Environmental Health Specialist he mentioned that the State code defines 3 or more campers inclusive of tents as a campground.

Mr. Wendling shared that the Thunderbird Farms property owner's association was notified last week of the application, and staff have received their comments and a number from citizens of the subdivision, some of which were submitted to you today. Although both the Planning Commission, the POA and staff knows that we don't enforce their covenants they have submitted them to us for the record and have been provided to you.

Mr. Wendling stated that staff recommends that if the Planning Commission is going to approve of this request that the following conditions should be applied with an amendment to Condition #2 to state, *"The applicant shall be allowed up to 5 campers or tents to be on site for less than 180 consecutive calendar days in one year, the campers must be fully licensed and ready for use on both the private and state roads."*

1. The applicant shall comply with all Warren County Health Department regulations and requirements as stated in their comment letter.
2. ~~The applicant shall be allowed up to 5 campers to be on site for less than 180 consecutive calendar days in one year and they must be fully licensed and ready for use on both private and state roads.~~ *"The applicant shall be allowed up to 5 campers or tents to be on site for less than 180 consecutive calendar days in one year, the campers must be fully licensed and ready for use on both the private and state roads."*
3. No campers or recreational vehicles are to be used as full-time residences.
4. Materials associated with the campers are to be stored in a neat and orderly fashion during the time of use and are to be removed from the site when not in use.

Warren County Planning Commission Meeting Minutes of August 11th, 2021

5. The applicant shall post the property with a lot/parcel number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles and portable commode prior to a predicted flood event.

Chairman Myers asked if there were any questions; there were none he opened the public hearing and asked anyone wishing to speak for or against this matter to come forward.

The following citizens signed up and spoke at the public hearing:

1. Lyle Henschell, Vice President of POA – 305 Stoney Bottom Rd., **Opposed**
 - a. Stated the proposed use opposes the covenants
 - b. Concerned with the accumulation of refuse as a result of the use
 - c. Noted they have observed garbage and derelict tents on the property
 - d. The proposed use would detract from the appeal of the community to future property owners
2. Eric D. Peterson, Secretary of POA – 1215 Stoney Bottom Rd, **Opposed**
 - a. Agreed with Mr. Henschell's comments
 - b. The proposed use does not fit in with the residential community
3. Donald Sachett, property owner – 103 T-Bird Dr., **Opposed**
 - a. Concerned with campers accessing narrow roads and general travel safety of property owners
 - b. Opposed to the added traffic on the community roads
4. Susan Utley, property owner – 1886 T-Bird Dr., **Opposed**
 - a. Expressed concerns that a campground would be illegal and opposed to the covenants
 - b. Stated the property has been used for storage for years
5. Robert Utley, property owner – 1886 T-Bird Dr., **Opposed**
 - a. Expressed concerns that there was no supporting evidence for no effect on the community and environment indicated in the CUP application
 - b. Believes there will be adverse effects on the community and environment
 - c. Concerned with equipment, supplies, and refuse unanchored in the floodplain
 - d. Indicated that E. Coli outbreak was a result of unregulated campgrounds
 - e. Concerned with visual impacts on the community
6. Rick Burkhart, property owner – 1266 T-Bird Dr., **Opposed**
 - a. Believes a campground would not fit in with residential subdivision
7. Jonathan Schwartz, property owner – 138 Windy Pines Rd, **Opposed**
 - a. Concerned approving a campground in a residential community will change the community in a negative way for the property owners
8. Kellea Walraven, property owner/neighbor – 1810 T-Bird Dr, **In Favor**

Warren County Planning Commission Meeting Minutes of August 11th, 2021

- a. Believes the applicant's family are great and the proposed use is fine.
 - b. Stated their family enjoys spending time with the applicant's family
 - c. Does not agree with concerns expressed by those opposed to the proposed use
9. Sherre Christiansen, property owner – 1518 T-Bird Dr, **Opposed**
- a. Believes the covenants should be upheld and stated the applicants were aware of the covenants when they purchased the property.
 - b. Concerned about setting a precedent for future camping use in the community if the CUP is approved.
 - c. Concerned about increased flooding as a result of the use and unanchored equipment in the floodplain.
 - d. Concerned the camping use would disturb the peace and quiet of the neighborhood.
 - e. Indicated a ravine on the property would restrict the proposed use to near the property boundaries.
10. Darlene Minor, property owner – 209 Windy Pines Rd., **Opposed**
- a. Reiterated the concerns presented by others in opposition.
 - b. Concerned with added wear and tear on the roads from campers.
 - c. Concerned with fire hazards from camping and river pollution.

The following citizens e-mailed their concerns:

11. Steven Artner, property owner - 929 T-Bird Dr., **Opposed**
- a. Concerned the use will hurt property values and quality of life in the community.
12. Greg Stockton, property owner – 411 Running Bear Ct, **Opposed**
13. Gene Arthur, **Against**
- a. Concerned about setting a precedent for future camping in the neighborhood.
14. Erica Shipley, property owner – 854 Stoney Bottom Rd, **Opposed**
- a. Requested the application be denied in order to preserve the serenity of the neighborhood.
15. Ron Cuneo, property owner – 1564 T-Bird Dr, **Opposed**
- a. Concerned with reduction in property values as a result of the proposed use.
 - b. Believes presence of camping goes against why people choose to live there.
16. Waltraud Hornick, property owner – 206 Foxfire Ct, **Opposed**
- a. Stated the proposed use would be a violation of the covenants.
 - b. Concerned proposed use would adversely impact property values.

Chairman Myers requested a last call before giving the applicant to speak:

17. Tammy Holcomb, property owner – 1487 T-Bird Dr, **Opposed**

Warren County Planning Commission Meeting Minutes of August 11th, 2021

- a. Believes camping causes an unhealthy environment.
- b. Concerned with noise pollution.

Applicant Rebuttal:

18. Bruce & Betty Parady, applicants – 5454 James Madison Hwy., The Plains, VA

- a. Clarified they did not want to open a campground and the property would only be used by the family, primarily on the weekends.
- b. Indicated they do not leave trash on the property, clean up every time they use the property, and dispose of any trash.
- c. Stated they purchased the property because they love the river.
- d. Stated they never use heavy equipment, and they are never loud
- e. Indicated they keep RVs and ATVs off the roads, kayaks are always secured.
- f. Stated there are stairs on the property leading to the river, but the stairs were there before they purchased the property.
- g. Explained they have a fire pit on the property, but they are always done by 8:30-9:30 PM.
- h. Indicated they do not leave tents up on the property and explained their grandchildren left tents up one time against their instruction and that it won't happen again.
- i. Explained how they handle excrement/toilet disposal.
- j. Stated they would never have 5 campers on the property as they were applying for, and they would rarely have more than 2 campers on the property and that the tents were used by their grandchildren when visiting and they were told to take them down before leaving.

Chairman Myers closed the public hearing.

Mr. Wendling explained the by-right uses of the property and presented an overview of the site visit which included photos of the property. He then clarified the Health Department definition of a campground and noted the proposed use is strictly non-commercial.

Mr. Henry stated the neighborhood and property have a Residential-One zoning feel but was designated Agricultural by default.

Mr. Wendling concurred and commented the neighborhood seems more of a Rural Residential zoning with larger lots than Residential One.

Robert Myers indicated if the applicants are permitted 2 RVs/camping units on the property by-right and they rarely have more than 2 RVs on the property, it may make more sense to stick with the by-right use.

Warren County Planning Commission Meeting Minutes of August 11th, 2021

Mr. Henry shared that he is a proponent of property rights and understood the concerns of the neighbors and since the applicant could still camp on the lot with two campers as a by-right use it was not completely limiting it for recreational uses. He further mentioned that with the additional campers his concerns that it may be too congested with that many campers on the lot. He also noted that since the community was established with primarily single-family homes this additional conditional use would not fit with the existing development and felt he couldn't support the application.

Mr. Henry moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to deny the conditional use permit request of Bruce and Betty Parady for Private Use Camping in the Agricultural district for the reasons identified in his statement.

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

Ayes: Myers, Henry, Kersjes, Richardson

Nay: Longo

CUP2021-07-02 – Hilda Dorothea Keister-

A request for a conditional use permit for a short-term tourist rental. The property is located at 7610 Strasburg Road and identified on tax map 9, as lot 52A. The property is zoned Agricultural (A) and located in the North River Magisterial District.

Mr. Wendling stated this retreat center was established in the early 1980's on the Keister family farm for use by the Evangelical Lutheran Church in America and leased to the Caroline Furnace Lutheran Camp and Retreat Center until 2020. The property has 10 bedrooms and six and one-half baths which allows for up to 20 persons at any one time. Mr. Wendling further mentioned the applicants are requesting that they be allowed the maximum occupancy of 10 persons as per the supplemental regulations and Health Department approval for that number of guests. The use as a retreat center was grandfathered and would no longer be utilized for that use if the conditional use permit is approved. The applicants would like to establish this land-use as a secondary use to their working farm in order to provide additional income in lieu of renting the property full-time. Mr. Dennis Baker, a relative of Mrs. Keister lives across the road (Rt.55W) and would be the acting property manager since that is his permanent residence. Mr. Wendling also stated This dwelling meets the setback requirements to adjacent single-family dwellings which is 431' to the closest dwelling located to the south.

Mr. Wendling stated that, if the Planning Commission recommends approval of this application, the following conditions should be applied:

Warren County Planning Commission Meeting Minutes of August 11th, 2021

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 10 as determined according to the supplemental regulations and Health Department operational permit.
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.

The Planning Commission all agreed the proposed use makes sense given the property was formerly a religious retreat and Mr. Kersjes asked staff what the occupancy would be for the use to be considered a hotel/motel. Mr. Wendling stated he is not sure, but the occupancy is determined by the Health Department, and he would follow up with them regarding that question.

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 Hilda Dorothea Keister for a Short-Term Tourist Rental with the conditions as recommended by staff.

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

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2021-07-03 – 2 Mexico, LLC & B. Allen Richards LLC-

A request for a conditional use permit for a short-term tourist rental. The property is located at 1115 Riverview Shores Drive and identified on tax map 13C, Section 4, block 4, lot 612. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.

Warren County Planning Commission Meeting Minutes of August 11th, 2021

Mr. Petty shared that the applicant is requesting a conditional use permit for a short-term tourist rental and the rental will be available for short-term visitations for individuals who will be visiting the Warren County area. The owners currently live in Winchester, VA and will have the home professionally cleaned and maintained in between reservations. They have years of experience owning /operating short-term rentals in the Shenandoah Valley area. He also stated this short-term tourist dwelling does meet the setback requirement to adjacent single-family dwellings since the closest dwelling is 110' to the northwest. Mr. Petty also shared that Planning Staff did receive a letter from the Shenandoah Shores POA stating that this use is against their covenants and covenants cannot be enforced by the county.

Mr. Petty stated that, if the Planning Commission recommends approval of this application, the following conditions should be applied:

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 three-bedroom dwelling.
3. The applicants shall have the well water tested annually for e-coil 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 services invoice shall be provided to the Planning Department.

Mr. Petty also shared that he would be happy to answer any questions and the applicant is present as well to answer any questions.

Chairman Myers thanked Mr. Petty and opened the public hearing.

The following citizens signed up and spoke at the public hearing:

Eileen Corbin, Vice President of POA, 3500 Shenandoah Shores Rd, **Opposed**

Ms. Corbin stated that the POA was concerned with strangers in their community, indicating the property owners want to know their neighbors and that the community is opposed to short-term tourist rentals.

Warren County Planning Commission Meeting Minutes of August 11th, 2021

The applicants were given an additional chance to speak by Chairman Myers and they pointed out that of the 352 Shenandoah Shores property owners, only one expressed opposition, citing Ms. Corbin's comments.

No other persons came forward therefore the public hearing was closed.

Chairman Myers asked if there were any questions or discussion.

Mr. Henry stated AirBnB's are very successful and generate less traffic than full-time residents on the road network and clarified the County cannot consider or enforce the covenants of the POA when approving or denying an application.

Mr. Myers presented statistics to support Mr. Henry's claim that a short-term tourist rental would generate less traffic than a full-time resident and agreed with his position.

Mr. Longo moved that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request for 2 Mexico, LLC & B. Allen Richards LLC for a Short-Term Tourist Rental with the conditions as recommended by staff.

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

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2021-07-04 - Rachelle Hill & Don Beavers -

A request for a conditional use permit for a short-term tourist rental. The property is located at 185 Rocky Spring Lane and identified on tax map 24B, Section 1, block 22, lot 636. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.

Mr. Petty stated that the applicant is requesting a conditional use permit for a short-term tourist rental. He also noted the rental will be available for short-term visitations for individuals who will be visiting the Warren County area and the owners currently live in Reston, VA and plan to clean and maintain the property in between reservations. He also mentioned they also currently own the adjoining property to the west located 153 Rocky Spring Lane. He also shared that this short-term tourist dwelling does meet the setback requirement to adjacent single-family dwellings and the closest dwelling is 175' to the west.

Mr. Petty stated that Planning Staff is recommending the following conditions if approved:

Warren County Planning Commission Meeting Minutes of August 11th, 2021

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.

Mr. Petty shared that he would be happy to answer any questions and the applicant is present as well to answer any questions.

Chairman Myers thanked Mr. Petty and asked Mr. Beavers if he had anything to add and he said he had nothing to add.

Chairman Myers opened the public hearing; no one came forward therefore the public hearing was closed.

Mr. Henry moved that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Rachelle Hill and Don Beavers for the Short-Term Tourist Rental with the conditions as recommended by staff.

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

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2021-07-05 – George & Michele Kopcsak –

A request for a conditional use permit for a short-term tourist rental. The property is located at 3609 Buck Mountain Road and identified on tax map 37, lot 66A. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Wendling shared that the applicant is requesting a conditional use permit for a short-term tourist rental for rental of an accessory studio apartment for less than thirty days. The applicants renovated a barn on their property into a one-bedroom studio apartment after they experienced a devastating fire to the main dwelling on the property in February of 2018. They lived in the dwelling during the restoration for sixteen months which was

Warren County Planning Commission Meeting Minutes of August 11th, 2021

approved by Zoning and Building inspections through the permitting process. The applicant's initial intent was not to use it for a short-term tourist rental but after moving back into the principal dwelling thought it would be something that they could do to recoup their costs and generate supplemental income for the maintenance of their property. The owner's live in the principal structure full-time and will be the property managers. Mr. Wendling stated this dwelling meets the setback requirements to adjacent single-family dwellings which is 483' to the closest neighboring dwelling located to the south.

Mr. Wendling stated that Planning Staff is recommending the following conditions should be applied if approved:

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 as determined according to the Health Department operational permit for a one bedroom for the studio dwelling unit.
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 asked if there were any questions; there were none.

Chairman Myers opened the public hearing.

The following citizens signed up and spoke at the public hearing:

1. William Delaney, neighbor/property owner - 3523 Buck Mountain Rd, **In Favor**, he expressed support of the requested use and the applicants adding that they are pillars of the community.
2. Mr. Kopcsak provided further details regarding his reasons for this request relating to being able to provide a modest income for his wife in the event of his passing. He also mentioned the decision to rebuild the dwelling in lieu of tearing it completely

Warren County Planning Commission Meeting Minutes of August 11th, 2021

down and that extended the time it took for restoration and why they chose to reside in the barn studio for 16 months.

Chairman Myers then asked if anyone else wanted to speak, being none, the public hearing was then closed. He then asked for discussion from the Planning Commission, and everyone was of the consensus this was a good fit for the community.

Ms. Richardson moved that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of George and Michele Kopcsak for the Short-Term Tourist Rental with the conditions as recommended by staff.

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

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2021-07-06 – Jesse and Damian McClain –

A request for a conditional use permit for a short-term tourist rental. The property is located at 894 Blue Mountain Road and identified on tax map 15, lot 35A1. The property is zoned Agricultural (A) and located in the Shenandoah Magisterial District.

Mr. Wendling shared that the applicant is requesting a conditional use permit for a short-term tourist rental to promote and market Warren County and the Northern Shenandoah Valley's natural resources to visitors to the area. He stated that in their statement of justification they mention they would like to create an oasis for people to enjoy the outdoors and environmental assets of their property and hope to provide an alternative to the traditional hotel-motel lodging experience. They also hope to offset costs for their principle dwelling and possibly purchase adjacent lots for conservation and open space preservation. He then stated this dwelling meets the setback requirements to adjacent single-family dwellings which is 201' to the closest dwelling located to the northeast.

Mr. Wendling stated Planning Staff recommends that, if the Planning Commission recommends approval of this application, the following conditions should be applied:

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 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.

Warren County Planning Commission Meeting Minutes of August 11th, 2021

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.

Mr. Wendling shared that he would be happy to answer any questions and the applicants are present as well to answer any questions.

Chairman Myers opened the public hearing.

The following citizens signed up and spoke at the public hearing:

1. Victor Beasley, neighbor/property owner - 846 Blue Mountain Rd, **In Favor**, Mr. Beasley stated that as neighbor to the applicant, he approves the use of the property for a bed and breakfast (Short-Term Tourist Rental).
2. Fred Schwartz, neighbor/property owner - 959 Blue Mountain Rd, **Opposed**, Mr. Schwartz expressed concerns of excessive gunfire, stating there is a berm on the property has been used as a shooting range, stated the property is being advertised as a campground, indicated renters are guaranteed by property owners they can fire guns and drive quad bikes, added the weapons are heavy caliber with Tannerite being used, causing explosions, he had concerns about the safety of the community and noise because of the gunfire and added he has been unable to sell his property due to the gunfire. He did not cite the sources with exception that the gunfire was coming from the direction of the McClain property.
3. Thomas Shamblin, property owner - 955 Blue Mountain Rd, **Opposed**, Mr. Shamblin also expressed concerns over the gunfire and stated there is no way to enjoy the peace and quiet with that going on.
4. Jeanne O'Donnell, property owner - Markham Farm Rd, **In Favor**, Mrs. O'Donnell expressed support for the requested use by the applicants and stated the property and area are beautiful and that this use would be welcomed.
5. Denny O'Donnell, property owner - Markham Farm Rd., **In Favor**, Mr. O'Donnell explained the gunfire is not on the subject property but further up the hill and expressed annoyance over Mr. Schwartz's accusations. He had no issues with the McClain's request.

Chairman Myers asked if there were any additional requests to speak and being none, he closed the public and asked the applicants if they wanted to add anything.

Mr. and Mrs. McClain, the applicants confirmed the campgrounds advertisements have been deleted and there are no campground operations on the subject property and that the ad was just a test run of what they may want to use but it wasn't completed. Mrs. McClain added they are only trying to rent out one bedroom in the house and with be

Warren County Planning Commission Meeting Minutes of August 11th, 2021

residing on the premises when guests are visiting. In reference to the concerns about shooting and firearms Mr. McClain explained they only own one gun and they do not fire it for recreation but it's only for self-defense.

Mr. Wendling stated during his site visit to the property he observed no evidence to suggest a shooting range or shooting activities, adding he does not believe the gunfire is coming from the properties located over the hill in the adjacent subdivision of Howellsville Heights.

Mr. Henry suggested adding a condition disallowing the discharge of firearms by guests and this would not apply to the property owners personal use of the firearms.

The Planning Commission all agreed on adding Condition #5: The discharge of firearms by guests shall be prohibited. Chairman Myers asked for a motion after all discussion was completed.

Mr. Henry moved that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Damian and Jesse McClain for the Short-Term Tourist Rental with the conditions as recommended by staff and amended by the Planning Commission for condition #5: The discharge of firearms by guests shall be prohibited.

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

Ayes: Myers, Henry, Kersjes, Longo, Richardson

Request for Authorization to Advertise

CUP2021-08-01 Charles & Lou Ann Dotson

Mr. Wendling stated the applicant is requesting a conditional use permit for Private Use Camping on vacant lot in the Man-Da-Lay subdivision which is located in the Special Flood Hazard Area (SFHA). He mentioned the applicants purchased these lots 17 years ago and have used them for family picnics and river recreational activities during that time. The applicants have noted in their statement of justification they recently purchased a 5th-wheel RV camper and would like to use it on their lots for camping during throughout the year and their intent is to continue to use the property for outdoor recreation and family gatherings. Mr. Wendling shared the CUP would also allow them to erect a single accessory structure up to 160 sq. ft. for storage of recreational and property maintenance equipment with the issuance of a building permit and the applicants plan to utilize a port-o-john for seasonal use while staying on the property.

Mr. Henry motioned the Planning Commission authorize the proposed conditional use permit request for advertisement for a public hearing.

Warren County Planning Commission Meeting Minutes of August 11th, 2021

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

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2021-08-02 Jacob Lott & Sandra Kieper

Mr. Wendling shared the applicants are requesting a conditional use permit for a Short-term Tourist Rental to rent the single-family dwelling for less than thirty days in order to generate investment income for their retirement. He mentioned they live across the street from the property and will be the acting property managers for the Short-Term Tourist Rental. In their statement of justification, they stated having 10 years' experience with managing short-term tourist rentals that are located in Warren County operating as Hot Tub Heaven. Mr. Wendling stated this dwelling meets the setback requirements to adjacent single-family dwellings which is 191' to the closest dwelling located to the northeast.

Mr. Henry motioned the Planning Commission authorize the proposed conditional use permit request for advertisement for a public hearing.

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

Ayes: Myers, Henry, Kersjes, Longo, Richardson

CUP2021-08-03 Nicole & Sean McMinn

A request for a conditional use permit for a short-term tourist rental. The property is located at 277 Sagar Drive and identified on tax map 26A, section 1, block 5A as lot 3A. The property is zoned Residential One (R-1) and located in the Fork Magisterial District. Mr. Wendling stated the applicants are requesting a conditional use permit for a Short-term Tourist Rental to rent the single-family dwelling for less than thirty days in order to offset the costs of the second home. They plan to use the home for part-time use and would like to rent it out short term in order to give them flexibility to schedule their time at the property. They intend to have a local contractor manage the property and will be available for any additional issues or questions relating to the rental of the property. He stated this dwelling meets the setback requirements to adjacent single-family dwellings which is 348' to the closest dwelling located to the northeast.

Mr. Henry motioned the Planning Commission authorize the proposed conditional use permit request for advertisement for a public hearing.

Warren County Planning Commission Meeting Minutes of August 11th, 2021

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

Ayes: Myers, Henry, Kersjes, Longo, Richardson

Commission Matters:

Hugh Henry informed the Planning Commission of his intention to present his concerns and a petition regarding the road surface of Rt. 619/ Rivermont Rd. to the Board of Supervisors at the next Board Meeting. The Planning Commission all concurred with Mr. Henry with the need to address this matter to the Board.

Mr. Longo mentioned the current Perseids Meteor Shower taking place that evening.

Mr. Kersjes, Ms. Richardson, and Ms. Jordan had nothing to share.

Joe Petty introduced the new County Zoning Officer, Chase Lenz, to the Planning Commission, who all welcomed him aboard.

Adjournment:

Mr. Henry moved, and Mr. Kersjes seconded a motion to adjourn; unanimously approved. The meeting was adjourned at 9:07PM.



Warren County Planning Commission
Chairman