

Warren County Planning Commission Meeting Minutes of September 8, 2021

At a regular meeting of the Planning Commission of Warren County held in the Warren County Government Center on September 8th, 2021, at 7:00 PM.

Present: 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; and Chloe Phillips, Administrative Assistant

Absent: Robert Myers, Chairman (Happy Creek District)

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. Kersjes, seconded by Mr. Longo and by the following vote, the Planning Commission approved the minutes from September 8th, 2021, as presented:

Ayes: 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:

CUP2021-08-01 - Charles & Lou Ann Dotson-

A request for a conditional use permit for private use camping. The property is located on Burma Road and identified on tax map 19H, section 1, lots 7 & 8. The property is zoned Residential-One (R-1) and located in the North River Magisterial District.

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). The applicants purchased these lots 17 years ago and have

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used them for family picnics and river recreational activities during that time. The applicants recently purchased a 5th-wheel RV camper and would like to use it on their lots for camping during throughout the year. The applicant's intent is to continue to use the property for outdoor recreation and family gatherings. 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. The applicants plan to utilize a port-o-john for seasonal use while staying on the property.

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. 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.
2. 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.

Vice Chairman Henry 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.

Vice Chairman Henry closed the public hearing. There was no discussion by the Planning Commission.

Mr. Longo moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Charles and Lou Ann Dotson for Private Use Camping.

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

Ayes: Henry, Kersjes, Richardson, Longo

CUP2021-08-02 - Jacob Lott & Sandra Kiepfer -

A request for a conditional use permit for a short-term tourist rental. The property is located at 50 Little Indian Road and identified on tax map 16A, section 1, block 2, lot 43A. The property is zoned Residential-One (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 to rent the single-family dwelling for less than thirty days in order to generate investment income for their retirement. They live across the street from the property and will be the acting property managers for the Short-Term Tourist Rental. They stated that they have 10 years' experience with managing short-term tourist rentals that are located in Warren County operating as Hot Tub Heaven

Mr. Wendling noted that the Health Department approved the dwelling for a four-person occupancy with two bedrooms, the applicant is requested that for maximum occupancy. Also, the property meets the 100 feet required setback as it is 191 feet to nearest dwelling.

Mr. Wendling 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 four 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.

Vice Chairman Henry 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.

Vice Chairman Henry closed the public hearing. There was no discussion by the Planning Commission.

Mr. Longo moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Jacob Lott and Sandra Kiepfer 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: 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, lot 3A. The property is zoned Residential-One (R-1) and located in the Fork Magisterial District.

Mr. Wendling shared that 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.

Mr. Wendling also stated the property meets the 100 feet required setback, as it is 348 feet to the nearest dwelling.

Mr. Wendling 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 four as determined according to the Health Department conditional 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.

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

Vice Chairman Henry thanked Mr. Wendling and opened the public hearing.

Mr. Henry stated we should add the shooting of firearm restrictions to the ordinance, since this seems to apply to these types of permits but didn't request the amendment.

Nicole and Sean McMinn, 277 Sagar Drive property owners spoke on additional information. Mrs. McMinn stated that they love Front Royal for the nature and family community. They spend a lot of time at the property with their family and friends. Regarding the request they have also reached out to the HOA president, and all residents in the neighborhood. Some of the neighbors did express concerns they had with the Short-term Tourist Rental. Road and river access being one concern, property owners stated in their property management plan it is a private neighborhood with private roads, they would be posting and expressing to renters that river access is not available as well as posting no trespassing signs along the property. Additional concerns were firearms, property owners stated that all renters would be informed that firearms are often used in the neighborhood, this would be addressed so incidents would not occur, prohibited for renters on the property. Information regarding the short-term tourist rental would be included in the pre-arrival email, as well as on the site posting for the rental, and in their Property Management Plan.

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

Chelsey Hackney, 2455 Panhandle Road, **Against**

Ms. Hackney stated she has used Airbnb before and would not suggest either website for the neighborhood. She stated it could bring in the wrong crowd of people and could generate trespassing issues to other property owners, which ultimately brings concern for her safety.

Bernard Steed, 3455 Panhandle Road, **Against**

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Mr. Steed stated his property, and the neighborhood is private property and trespassing is a wide concern for property owners. He stated that it would be considered a business and he does not want that in the neighborhood.

Kenneth Rorer, 229 Pala Drive, **Against**

Mr. Rorer stated he considers the short-term tourist rental a business, he wants to keep businesses out of the private neighborhood. Also stated that he is concerned about the enforcement, that the property owners will not be there to meet the renters. Mr. Rorer also has concerns for trespassing.

Tammy and Steve Sagar, 565 Sagar Drive, **Against**

Property owners stated that the property has been in the family for years and they have concerns for privacy and river access from their property. Mr. Sagar stated it does not strike him right. Mrs. Sagar stated she works from home and there have been numerous times people wonder on to the property trespassing due to the river frontage and access. Stated homeowners' insurance is expensive and have concerns of strangers entering the property and getting hurt.

Walter Wetzel, 217 Massey Drive, Winchester, VA **Against**

Mr. Wetzel stated he owns lots number 3 and 4, for over 30 years. He stated his lots have a cable across entrances and people still enter the property. Concerns about trespassing.

Giovanni Naranjo, 54 Sagar Drive **Against**

Property owner stated he has concerns with people coming to the area that are not aware of there surroundings. He stated he shoots guns and has concerns about people being where they should not be. He stated he also has a pool and does not want anyone coming over and partying in the pool in the middle of the night. Then stated the main reason he bought in this neighborhood is because of privacy, with strangers' privacy would not be there.

Robert Greenbacker, 3884 Panhandle Road, **Against**

Mr. Greenbacker stated he farms on his property just across from the applicants. He has concerns of trespassing, that previous Airbnb's in the area say no river access and the renters still trespass on the neighbor's property. He then stated he ran 6 people off from property's including his just this summer. They mentioned the price point for the rental of the property of \$200 per night and they will be marketing to families and not college.

Mr. Greenbacker presented a list of people that opposed, there were 14 on the list.

Applicant's Rebuttal:

Nicole and Sean McMinn

The applicants thanked the neighbors for coming out this evening and speaking on their concerns. They stated it shows the character on the neighborhood which was the reason they had bought the property. They addressed the concern for trespassing, stated they will include multiple times no river access and promise due diligence. They are not scared to evict short term renters and have two primary contacts in the area that will handle situations if they arise.

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

Vice Chairman Henry asked if there were any questions or discussion.

Mr. Kersjes asked how many houses were in the community.

Mr. Wendling stated 9 houses were accessible from Pala Dr., Sagar Dr., and Stiles Dr.

Mr. Henry stated legally a short-term tourist rental is not a business. There are property rights to consider, there are obvious trespassing issues that have nothing to do with the property owner and if conditions and regulations are not upheld the Board can revoke the Conditional Use Permit.

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 Nicole and Sean McMinn for a Short-Term Tourist Rental with the conditions as recommended by staff.

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

Ayes: Henry, Kersjes, Longo, Richardson

Request for Authorization to Advertise

CUP2021-09-01 – Terra Site Constructors, LLC –

A request for a conditional use permit for Contractor's Storage Yard. The property is located at 6986 Winchester Road and identified on tax map 4, lot 43B. The property is zoned Industrial (I) and located in the North River Magisterial District.

Mr. Petty stated that the applicant is requesting a conditional use permit for a Contractor's Storage Yard. The applicants currently have a location at 900 Shenandoah Shores Road within the Town of Front Royal, though the business has grown considerably since 2014 and more space is needed. The business operates year-round and will be open Monday through Friday, 8:00 AM to 5:00 PM. The existing single-family

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dwelling will be used an office and/or housing for the full-time staff. A warehouse storage building is planned to be constructed on the north side of the property.

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

1. The applicant shall comply with all Virginia Department of Transportation (VDOT), Warren County Building Inspections, Warren County Health Department, Town of Front Royal and applicable environmental regulations and requirements.
2. A site plan shall be prepared and approved by the Warren County Planning Department prior to the issuance of a building permit, showing the building, parking, outdoor lighting, trash receptacle, signage, and other applicable zoning requirements.
3. The exterior façade of the building shall meet the County's Highway Corridor Overlay District requirements.
4. The permanent color of building materials shall be earthen tones in compliance with the County's Highway Corridor Overlay District ordinance, and all building facades visible from Route 340/522 shall be constructed of a combination of stone and DriVit/EFIS or similar material as approved by the Warren County Planning Department.
5. All mechanical equipment shall be shielded and screened from the public view and designed to be perceived as an integral part of the building.
6. All light fixtures shall be full cut-off fixtures and comply with the Zoning Ordinance requirements.
7. The outdoor storage yard shall be totally screened from view with a full screen, pursuant to Warren County Code § 180-18.
8. No inoperable vehicles/equipment shall be located on the site.

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

Vice Chairman Henry thanked Mr. Petty and asked applicant if he had anything to add and Mr. Josselyn said he had nothing to add.

Mr. Kersjes asked if they planned on clearing the wooded area.

Mr. Josselyn the applicant stated the area for the contractor yard has already been cleared. They do not plan on clearing out any more trees.

Mr. Kersjes asked what will be parked or stored there.

The applicant stated it would be heavy equipment and there would be no trucks or vehicles parked there overnight.

There was no further discussion or questions by the Planning Commission.

Mr. Longo moved that the Planning Commission authorize the advertisement for a public hearing of the conditional use permit request of Terra Site Constructors, LLC for the Contractors Storge Yard.

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

Ayes: Henry, Kersjes, Longo, Richardson

CUP2021-09-02 – Gordon Lee Birkhimer –

A request for a conditional use permit for a short-term tourist rental. The property is located at 52 Forest View Drive and identified on tax map 18G, section 2, lot 15. The property is zoned Agricultural (A)) and located in the Fork Magisterial District.

Mr. Wendling shared the applicant is requesting a conditional use permit for a Short-term Tourist Rental for rental of the single-family dwelling for less than thirty days. In the statement of justification, the applicant states he will be circumnavigating the world in a sailboat which will take at least two years. The applicant would like to rent it on a short-term basis for the two-year period and will have a professional property management and vacation rental company manage the property. A local resident will be maintaining the grounds and security of the property. The property is located off a private road and in a subdivision, Massanutten Farms, which does have a POA/HOA which maintains the roads. The applicant has contacted the current POA manager and provided the County with his contact information to who we have requested comments.

Mr. Wendling also stated that Planning Staff is recommending the following conditions should be applied if approved: 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 eight (8) as determined according to the Health Department operational permit for a four-bedroom dwelling.

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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.

Vice Chairman Henry asked if there were any questions; there were none.

The applicant Mr. Birkhimer provided further details regarding his reasons for this request stating he would be on a sailboat for two years. He also stated there is an annual inspection on the septic system, and that he recently updated the water system in the dwelling.

Mr. Wendling stated the dwelling had 4 bedrooms with an occupancy of 8 persons.

There was no further discussion by the Planning Commission regarding the application, only the applicants seafaring journey.

Mr. Kersjes moved that the Planning Commission authorize the advertisement for the public hearing of the conditional use permit request of Gordon Lee Birkhimer for the Short-Term Tourist Rental.

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

Ayes: Henry, Kersjes, Longo, Richardson

Commission Matters:

Mr. Petty informed the Planning Commission of CIP a work session planned for September 23rd at 6 PM. Mr. Petty also stated Ms. Jordan and himself recommended amending the zoning ordinance. To add the discharge of firearms by guess shall be prohibited, to the supplement regulations.

Ms. Jordan had nothing to share.

Joe Petty introduced the new Administrative Assistant Chloe Phillips, who all welcomed her aboard.

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Mr. Wendling mentioned that the Planning Commission would see an amendment request to the floodplain overlay ordinance next month. Mr. Wendling stated compliance with FEMA and modifications.

Adjournment:

Mr. Longo moved, and Mr. Kersjes seconded a motion to adjourn; unanimously approved. The meeting was adjourned at 8:15PM.



Warren County Planning Commission
Chairman