

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on November 9th, 2023.

Present: Hugh Henry, Vice-Chairman (Fork District); Scott Kersjes (North River District); Kaylee Richardson (South River District); William Gordon (Shenandoah District); and Jordan Bowman, of Litten & Sipe LLP, attorney for the County; also present, Matt Wendling, Planning Director; Chase Lenz, Zoning Administrator; Allison Mutter, Clerk to the Planning Commission

Absent: Robert Myers, Chairman (Happy Creek District)

Call to order and Pledge of Allegiance of the United States of America

Adoption of the Agenda

On a motion made by Mr. Kersjes, seconded by Ms. Richardson, and by the following vote, the Planning Commission approved the Adoption of the Agenda.

Ayes: Henry, Kersjes, Richardson, Gordon.

Adoption of Regular Meeting Minutes

On a motion made by Mr. Kersjes, seconded by Ms. Richardson, and by the following vote, the Planning Commission approved the minutes from October 11th, 2023, as presented.

Ayes: Henry, Kersjes, Richardson, Gordon.

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.

Public Hearings:

CUP2023-10-01 - Jordan & Michelle Scheutzow - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 1296 Reliance Road and identified on tax map 2, parcel 15. The property is zoned Agricultural (A) and located in the North River Magisterial District.

Mr. Lenz stated that the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in January of this year. The owners would like to make the property available for short-term lodging for visitors seeking a comfortable and peaceful place to stay while enjoying the mountain views. Primarily

residing less than 750 feet east of the subject property on Reliance Road, the owners will manage the property personally.

In 2022, the property was approved for a variance to allow a well to be located 50 feet from an adjacent drainfield in lieu of the required minimum of 100 feet of separation.

The applicants are requesting a waiver to this supplementary regulation as the dwelling does not meet the required 100-foot setback to neighboring dwellings. The dwelling on the property to the east is located 80 feet from the dwelling on the subject property.

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors.

1. The applicants 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 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 state and county roads shall be prohibited.
7. Outdoor burning and use of fireworks by guests shall be prohibited.
8. A waiver to the required setback of 100' to neighboring dwellings shall be granted for the existing 80' setback to the dwelling east of the subject property.

Mr. Henry opened the public hearing, no one came forward, and the public hearing was closed.

Mr. Kersjes asked Mr. Lenz if the owners of the property are the ones who live 750 feet away from the property?

Mr. Lenz stated that the owners of the property live less than 1000 feet away. He stated they are not the adjacent property owners but primarily reside further down Reliance Road toward the Reliance village.

Mr. Kersjes stated that the Commission did not have any communication from the property owner to the east, where the setback variance is being requested.

Mr. Henry requested the applicant to come forward to speak.

Michelle Scheutzow – Applicant – 1452 Reliance Road

Ms. Scheutzow stated that, historically, there has been nothing but grass between the two properties and that a full fence would be installed on the following Monday. The neighbors, the O'Haras, are in favor of the property being used as a short-term tourist rental.

Mr. Kersjes reiterated that the neighbors were not present, nor did they provide a letter of support.

Ms. Scheutzow stated that she was not aware that people could come to speak in support of the application.

Mr. Henry stated that the Planning Commission preferred to have the input of the neighbor who would be affected by the waiver of the setback.

Mr. Gordon stated that would be beneficial to provide a letter of support to the Board of Supervisors.

On a motion from Mr. Gordon, seconded by Mr. Kersjes, and by the following vote, the Planning Commission moved to forward the conditional use permit, with the condition as recommended by staff, to the Board of Supervisors with the recommendation of approval.

Ayes: Henry, Kersjes, Gordon, Richardson.

CUP2023-10-02 - Oleg Li - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 116 Mossy Rock Lane and identified on tax

map 24B, section 1, block 20, lot 615. The property is zoned Residential-One (R-1) and located in the Blue Mountain Subdivision and in the Shenandoah Magisterial District.

The applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in September of 2022. The owner would like to make the property available for short-term lodging for visitors of the Warren County area seeking peace in nature. Primarily residing in Falls Church, VA, the applicant will manage the property personally, with assistance from a local property manager. The property is located in the Blue Mountain subdivision and comments were received from the Blue Mountain Property Owner's Association Board of Directors recommending disapproval of the application. There were also letters of opposition provided to the Planning Commission. The dwelling on the subject property meets the 100' setback from neighboring dwellings with the nearest dwelling located 230' to the south. Staff is recommending the standard conditions for the application.

Mr. Henry opened the public hearing.

Donna Grey - 349 Rocky Spring Lane, Linden VA

Ms. Grey stated that the police have been called to the property a couple of times. She is concerned that the activities would continue.

With no one else coming forward, Mr. Henry closed the public hearing and offered for the applicant to come forward to respond.

Oleg Li - Applicant - 7423 Bethune Street, Falls Church VA

Mr. Li stated that he wanted to apologize for the noise that was created by the guest that the police were called on. Since then, he has installed cameras and noise sensors to prevent it from happening again. He also stated that they would not be renting to large parties either to prevent issues going forward.

Mr. Kersjes asked if there was an alarm that would be set off if the noise got above a certain decibel level?

Mr. Li stated that a Ring system that would send a notification to his cell phone when the noise level is exceeded and he will contact the renters to remedy the issue.

Mr. Kersjes asked if the applicant would accept the additional condition of no music outside.

Mr. Li said that he would.

Mr. Henry asked what the current noise policy was for short-term tourist rentals?

Mr. Lenz stated that the noise ordinance is enforced by the Sheriff's Office, but repeated violations would be a violation of a local code which is grounds for the revocation of the conditional use permit.

Mr. Kersjes stated that the ordinance is 64 decibels.

Mr. Henry asked if the current ordinance is enough as is or did an additional condition need to be added?

Mr. Kersjes stated that he requested the additional condition because the comments provided in the packet, it sounded like there were more than one renter causing noise problems and that he had no regard for the code of the county.

Mr. Gordon stated he is hesitant to agree to the condition because there is not an easy way to regulate it. He also stated that the applicant heard the concerns and is working to mitigate them.

Ms. Richardson stated that it is hard to pinpoint where noise is coming from and there is no reason to over-burden the Sheriff's Office.

On a motion from Mr. Kersjes, seconded by Ms. Richardson, and by the following vote, the Planning Commission moved to forward the conditional use permit to the Board of Supervisors with the recommendation of approval.

Ayes: Henry, Kersjes, Gordon, Richardson.

CUP2023-10-03 - Benjamin Huhn - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 489 Vaught Dr. and identified on tax map 15E, section 1, block 1, lot 453. The property is zoned Residential-One (R-1) and located in the Mountain Lake section of the Shenandoah Farms subdivision and the Shenandoah Magisterial District.

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in July of this year. The owner would like to make their property available for short-term lodging for visitors seeking to explore the beauty of Warren County and the Shenandoah National Park when he is not using the property personally. Primarily residing in Washington, DC, the applicant will

manage the property personally with assistance from a local property manager. The dwelling on the subject property meets the minimum setback required from all neighboring residences with the nearest dwelling located approximately 130 feet to the east and staff is recommending the standard conditions.

Mr. Henry opened the public hearing, no one came forward, and the public hearing was closed.

On a motion from Ms. Richardson, seconded by Mr. Gordon, and by the following vote, the Planning Commission moved to forward the conditional use permit to the Board of Supervisors with the recommendation of approval.

Ayes: Henry, Kersjes, Gordon, Richardson.

CUP2023-10-05 - Vesta Property Management - Charlotte Ross & John Mahoney - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 115 Greystone Drive and identified on tax map 29A, section 1, lot 30A1B. The property is zoned Residential-One (R-1) and located in the Belmont - Shenandoah Valley Land Management subdivision and in the South River Magisterial District.

Mr. Lenz stated that on behalf of the current owners, the applicant is requesting a conditional use permit for a short-term tourist rental for the property they purchased in June of this year. The owner would like to make their property available for short-term lodging for visitors of the Warren County area. With the owners primarily residing in West Springfield, VA, the property will be managed by a local property management company. The dwelling on the subject property meets the minimum setback required from all neighboring residences with the nearest dwelling located approximately 295 feet to the north. There were letters of opposition and support that arrived late and were provided to the Planning Commission at the meeting.

Mr. Henry opened the public hearing.

Roger Wright - President of Belmont POA - 249 Greystone Dr., Front Royal VA

Mr. Wright stated that the property is not located within the Belmont POA but that all traffic has to go through the private road, Greystone Drive. He is concerned about the safety of the vehicle traffic in Belmont.

Gregory Olmstead - 107 Greystone Dr., Front Royal VA

Mr. Olmstead stated that he is concerned about the elevation of the driveway and having people not being aware of the slope of the hill. And he is concerned about the house attracting bears.

Mandy Plumb – Property Manager - 28 E. 8th St., Front Royal VA.

Ms. Plumb stated that the property is not a part of the HOA. They are also requiring 4 wheel drive vehicles for all renters of the property and have a 24 hour maintenance service to remove any stuck vehicles.

Mr. Henry closed the public hearing.

Charlotte Ross and John Mahoney – Owners - 7741 Carly Parkway, Springfield VA.

Ms. Ross stated that they are eventually going to retire into the house, but wanted to rent it out until they are ready to move in. They hired a property manager to manage the house and the renters' issues specifically. They have cameras and have seen bears, but they are requiring people to keep the trash in the garage to keep the bears away.

Mr. Henry asked if this was the Boies property because that road is very steep.

Mr. Mahoney stated that the Boies property is above their property.

Mr. Henry asked if the driveway was paved.

Mr. Mahoney confirmed that it was.

Mr. Henry stated that the land is steep, but would be more concerned if it were the Boyce property. Also that there will be less traffic because the house would not be occupied full time.

Mr. Kersjes asked Mr. Wright if the POA is responsible for the road?

Mr. Wright stated that the 13 people who live on Greystone are responsible for the upkeep of the road. He also requested a stipulation that required the Mahoneys to help with the upkeep of Greystone.

Mr. Henry stated that the County cannot enforce the POA covenants or add conditions that would be governed by the POA.

On a motion from Mr. Kersjes, seconded by Mr. Gordon, and by the following vote, the Planning Commission moved to forward the conditional use permit to the Board of Supervisors with the recommendation of approval.

Ayes: Henry, Richardson, Gordon, Kersjes

Consent Agenda – Authorization to Advertise for Public Hearing

On a motion from Mr. Kersjes, seconded by Mr. Gordon, and by the following vote, the Planning Commission moved to accept the consent agenda as presented.

Ayes: Henry, Richardson, Gordon, Kersjes

Commission Matters:

Mr. Wendling stated that the Planning Staff has been busy with serving the public. He is also gathering comments for the Comprehensive Plan to refine the impact of the land uses. The family subdivision ordinance is now on the Board of Supervisors agenda.

Mr. Lenz stated that he will be attending the Virginia Floodplain Management Conference and that the short-term tourist rental ordinance would be taken to the Board of Supervisors for their work session and it might be showing up on the agenda for the next meeting.

Mr. Jordan stated that he can be asked any legal questions during the meeting if necessary.

Mr. Gordon and Ms. Richardson wished everyone a happy Thanksgiving.

Mr. Henry congratulated all the victors in the election.

Adjournment:

On a motion made by Mr. Kersjes, seconded by Ms. Richardson, and the following vote, the meeting was adjourned at 8:00 PM

Ayes: Henry, Richardson, Gordon, Kersjes



Warren County Planning Commission
Chairman