

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on March 12, 2025.

Present: Robert Myers, Chairman (Happy Creek District); Hugh Henry, Vice-Chairman (Fork District); Scott Kersjes (North River District); Kaylee Richardson (South River District); William Gordon (Shenandoah District); also, present: Daniel Rose, of Litten & Sipe LLP, attorney for the County; Matt Wendling, Planning Director; Chase Lenz, Zoning Administrator; Kelly Wahl, Planner; Allison Mutter, Clerk to the Planning Commission

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 Mr. Henry, and by the following vote, the Planning Commission approved the Adoption of the Agenda with the modification of removing item D, CUP2025-03-03 - Short-Term Tourist Rental - Braden Bowman, from the consent agenda.

Ayes: Myers, Henry, Kersjes, Richardson, Gordon.

Adoption of Regular Meeting Minutes

On a motion made by Mr. Kersjes, seconded by Mr. Henry, and by the following vote, the Planning Commission approved the minutes from February 12, 2025, as presented.

Ayes: Myers, 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:

CUP2025-02-01 - Short-Term Tourist Rental - Vesta Properties (W. Properties LLC) - A request for a conditional use permit for a Short-Term Tourist Rental. The property is located at 422 Timberline Ridge Road and is identified on tax map 15H, section 2, as lot 6. The property is zoned Residential-One (R-1) and is located in the Shenandoah Magisterial District.

Mr. Myers asked if the public hearing had been postponed?

Mr. Lenz stated that the dwelling was constructed in the wrong location on the lot and the applicants are pursuing a zoning variance because the house was constructed within the front setback. He stated that the Planning Commission should consider tabling the

item, given the potential impact that a setback variance could have on neighboring properties.

Mr. Henry stated that he is in favor of tabling the item.

Mr. Myers invited the applicant to speak.

Mandy Plum, Vesta Property Management, 20 East Main Street, Front Royal

Ms. Plum stated that she was informed that the hearing could go forward as scheduled, but that her application would be tabled at the Board of Supervisors until the Board of Zoning Appeals had made a decision.

Mr. Henry stated that he would follow the applicant's wishes.

Mr. Gordon asked if the application was tabled, would another public hearing need to be held?

Mr. Rose stated that if the public hearing was completed, then another one would not need to be held but that it would be advisable to have another hearing based on a change of circumstances to the application.

Mr. Kesjes asked if the foundation was already in?

Mr. Lenz stated that the building permit showed that the foundation would be in a compliant location, but that the foundation was not built in that location, causing him to deny the foundation location survey.

Mr. Henry asked how far does the foundation encroach into the setback?

Mr. Lenz stated 25 feet.

Mr. Gordon asked if they are allowed to allow an approval that is conditional on the approval of the variance?

Mr. Rose stated that the safer choice would be to table the item and bring it forward again once the variance request has been determined.

Mr. Gordon asked that if since the hearing has been advertised for this meeting, does it need to be held?

Mr. Wendling stated that the closing of the public hearing could be postponed until more information is provided.

Mrs. Wahl stated that the applicant, Vesta Property Management is requesting a conditional use permit for a short-term tourist rental on behalf of the owner, W Properties LLC, who purchased the property in December of 2023 and are set to complete its construction soon. The applicants would like to make the property available for short-term lodging for visitors of the Warren County area. As a local property management company serving the Warren County area, the applicant will manage the property on behalf of the owner. There is a Health Department construction permit approving a maximum of six (6) occupants for the three-bedroom dwelling.

This property has not had any previous Conditional Use Permits issued for uses in the Residential-One (R-1) zoning district. The dwelling is currently under construction. Upon submission of the required foundation location survey as part of the construction permit process, Planning staff identified the dwelling foundation has been constructed within the required fifty-foot (50') front yard setback. The owner has applied for a zoning variance to reduce the front yard setback requirement for the principal structure on subject property. The public hearing before the Board of Zoning Appeals for the variance request is tentatively scheduled to be held on Friday, April 4, 2025. Planning staff recommends the Planning Commission table their decision for this conditional use permit request until after the Board of Zoning Appeals has rendered a decision on the variance application so that considerations of potential impacts on surrounding properties can be properly assessed based on where the dwelling to be used as a short-term tourist rental is situated on the 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. Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed the system capacity as determined by the Health Department permit per Warren County Code §180-56.4B. The Certificate of Zoning shall only be issued with approved Health Department records.
3. The applicant 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 applicant shall have the septic system maintained annually by a licensed operator as required for an alternative onsite sewage disposal system. The

applicant shall also have the septic system pumped every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

Mr. Myers opened the public hearing. No one came forward.

On a motion made by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 5-0, the Planning Commission moved to postpone the closing of the public hearing.

Ayes: Myers, Henry, Kersjes, Gordon, Richardson

CUP2025-02-03 - Short-Term Tourist Rental - Paul Bell - A request for a conditional use permit for a Short-Term Tourist Rental. The property is located at 551 Jonathan Rd and is identified on tax map 22B, block U, as lot 9A. The property is zoned Residential-One (R-1) and is located in the Happy Creek Magisterial District.

Mrs. Wahl stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in May of 2023. The applicant would like to make the property available for short-term lodging for visitors seeking to experience the beauty of Warren County. The local property manager, Michele Simmons, will assist with maintenance and cleaning. There is a Health Department operation permit approving a maximum of six (6) occupants for the three-bedroom dwelling.

This property has not had any previous Conditional Use Permits issued for uses in the Residential-One (R-1) zoning district. The dwelling was constructed in 1981 and there is currently one active zoning violation for this property for the advertisement/ operation of a short-term tourist rental without a conditional use permit dated November 1, 2024.

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. Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed the system capacity as determined by the Health Department permit per Warren County Code §180-56.4B. The Certificate of Zoning shall only be issued with approved Health Department records.
3. The applicant 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 applicant shall have the septic system maintained annually by a licensed operator as required for an alternative onsite sewage disposal system. The applicant shall also have the septic system pumped every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

Mr. Myers opened the public hearing and, with no one coming forward, closed the public hearing.

Mr. Kersjes asked how the applicant was advertising the rental?

Mrs. Wahl stated that the applicant emailed to state that he had spoken with the neighbor who had concerns and would be changing the size of the numbers on the mailbox and updating the instructions for the guests.

On a motion made by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 5-0, the Planning Commission moved to forward the conditional use permit to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Kersjes, Gordon, Richardson

CUP2025-02-04 - Short-Term Tourist Rental - Elizabeth Baxter and Saurabh Prakash -

A request for a conditional use permit for a Short-Term Tourist Rental. The property is located at 168 Riley Court and is identified on tax map 15E, section 4, block 4, as lot 74A. The property is zoned Residential-One (R-1) and is located in the Shenandoah Magisterial District.

Mrs. Wahl stated that the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in December of 2024. The applicants would like to make the property available for short-term lodging for visitors of Warren County when they are not using it personally as an escape from the city life in Washington, DC. The local property manager, Tammy Roberts, will assist with maintenance and cleaning. This property has not had any previous Conditional Use Permits issued for uses in the Residential-One (R-1) zoning district. The dwelling was constructed in 2024 and there are no records of any active zoning violations for this property. There is a Health Department operation permit approving a maximum of eight (8) occupants for the four-bedroom dwelling.

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. Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed the system capacity as determined by the Health Department permit per Warren County Code §180-56.4B. The Certificate of Zoning shall only be issued with approved Health Department records.
3. The applicant 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 applicant shall have the septic system maintained annually by a licensed operator as required for an alternative onsite sewage disposal system. The applicant shall also have the septic system pumped every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

Mr. Myers opened the public hearing and, with no one coming forward, closed the public hearing.

On a motion made by Mr. Henry, seconded by Ms. Richardson, and by the following vote of 5-0, the Planning Commission moved to forward the conditional use permit to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Kersjes, Gordon, Richardson

Consent Agenda - Authorization to Advertise for Public Hearing:

On a motion made by Mr. Gordon, seconded by Mr. Kersjes, and by the following vote, the Planning Commission approved the Authorization to Advertise as modified during the Adoption of the Agenda.

Ayes: Myers, Henry, Kersjes, Richardson, Gordon.

Commission Matters:

Planning Director:

Mr. Wendling introduced Mr. David Brotman, who is representing the South River District for the Agriculture-Forestal Advisory Committee and that members were still needed for the Happy Creek and the Fork district. He then stated that site plans are coming in for review. The final site plan for Plien-Smith has been approved and the Stafford One application is being revised before going to the Town Council.

Attorney for the County:

Mr. Rose had nothing to report.

Commission Members:

Mr. Kersjes stated that a traffic study was being conducted on 522 and would hopefully see results from that soon.

Mr. Henry stated that he would not be taking comments or questions about his campaign at the meetings.

Zoning Administrator:

Mr. Lenz stated that a representative from the Fork district for the Board of Zoning Appeals was needed.

Planner:

Mrs. Wahl stated that the recommended revisions to the Comprehensive Plan were completed at the Board of Supervisors work session and they would be putting in a request for authorization to advertise at the March 18th meeting, with the hopes that the public hearing will be held on April 1st.

Mr. Gordon asked what changes were made to the Future Land Use map?

Mrs. Wahl stated that the agricultural buffer from the Slate Run Farm LLC-owned properties were removed and revised to entirely Industrial, added Tax Map 4, lot 41 owned by Slate Run Farms LLC as FLU Industrial, corrected the FLU Commercial property owned by Slate Run Farms from Agricultural to FLU Commercial, changed Tax Map 4, lot 44B, owned by 522 Properties LLC from FLU Commercial to FLU Industrial, amend Tax Map 4, lot 44 from FLU Commercial to FLU Industrial, and added Highway Corridor Overlay District Boundary Adjustment to include Tax Map 4, lot 38.

Clerk to the Planning Commission:

Ms. Mutter had nothing to add.

Adjournment:

On a motion made by and the following vote, the meeting was adjourned at 7:30PM.

Ayes: Myers, Kersjes, Richardson, Gordon.

A handwritten signature in purple ink, consisting of stylized initials and a long horizontal flourish.

Warren County Planning Commission
Chairman