

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on April 9th, 2025.

Present: Hugh Henry, Vice-Chairman (Fork District); Scott Kersjes (North River District); Kaylee Richardson (South River District); William Gordon (Shenandoah District); also, present; Jordan Bowman, 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

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 Mrs. Richardson, and by the following vote, the Planning Commission approved the Adoption of the Agenda with the modification of placing item G, Request for Withdrawal from Rockland Ag-Forestal District - Milldale Farm LLC to the first item on the agenda.

Ayes: Henry, Kersjes, Richardson, Gordon.

Adoption of Regular Meeting Minutes

On a motion made by Mr. Kersjes, seconded by Mr. Gordon, and by the following vote, the Planning Commission approved the minutes from, 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.

Request for Withdrawal from Rockland Ag-Forestal District - Milldale Farm, LLC - A

request for withdrawal from the Rockland Agricultural - Forestal district. The properties are located at 959 Milldale Farm Rd. and is identified on tax map 7, as lots 1A and 2. The properties are zoned Agricultural (A) and are located in the Milldale Farm - John W. Warner - Catherine Conover land in the Shenandoah Magisterial District.

Mr. Wendling stated that the applicants are requesting on behalf of their client Milldale Farm LLC to remove the properties identified on Tax Map 7, parcel 1A and Tax Map 7 parcel 2 from the Rockland Agricultural-Forestal District. Virginia State Code §15.2-4314 allows for the Withdrawal of land in the Agricultural and Forestal districts under; § 15.2-4314. Withdrawal of land from a district; termination of a district.

County Planning staff has been working with the applicants since October 2024 to get the Ag/Forestral District Advisory Committee together from the last time they met for the renewal of the Rockland District in 2020. The committee has lost a number of members since that time staff has worked with the Board to search for reappointments. The applicants are requesting this removal because the owner is putting the property in a conservation easement to be held by the Old Dominion Land Conservancy and is being done for tax purposes and valuation reasons. They may request to have the properties put back in the Rockland Ag/Forestral District during the 2030 renewal period depending on many factors relating to the conservation easement and any other potential restrictions.

The committee met and voted to approve the removal of the property from the Rockland Ag/Forestral District. State code does not mention if an additional public hearing is necessary for the legislative body so this would be placed on the Board of Supervisors agenda as a consent agenda item unless a work session was desired by the Board.

These properties are some of the original ones that have been in the Rockland Agricultural-Forestral district since its adoption on May 16, 1978, the first in the state of Virginia. At the time they were owned by John W. Warner Life Estate (TM7---2) and Catherine M. Conover 1718 Investments (TM7---1A). They are now under the ownership of Milldale Farm, LLC.

Mr. Henry offered the applicant the opportunity to speak.

Kate Crawford, Slater Law Firm, Upperville, VA

Ms. Crawford stated that the removal from the Agricultural/Forestral district was to put the property into a conservation easement for purposes of tax valuation and appraisal. They are making this request for removal at this time but that they have the intent of revisiting re-entering the district in 2030.

Mr. Henry opened the public hearing.

David Brotman, 938 Shangri-la Road, Bentonville

Mr. Brotman stated that the conservation easement would provide stronger protections of County interests in a conservation easement and, without significant concerns or consequences, it would be a good idea to remove the property from the Ag/Forestral district.

Mr. Brotman's statement was concurred with by the following:

Susan Bowen, 2732 Rockland Road, Front Royal.

With no one else coming forward, Mr. Henry closed the public hearing.

On a motion made by Mr. Gordon, seconded by Mr. Kersjes, and by the following vote, the Planning Commission moved to forward the removal of the property owned by Milldale LLC from the Rockland Ag/Forestral district to the Board of Supervisors with the recommendation of approval.

Ayes: Henry, Kersjes, Gordon, Richardson

CUP2025-02-02 - Campground - Carl & Jennifer Ey - A request for a conditional use permit for a campground. The properties are located at 1406 Panhandle Road, (0) Panhandle Road, (0) Panhandle Road, 1408 Panhandle Road and 1090 Panhandle Road and are identified on tax map 35 as lots 5-1, 5-2, 5-3, 5B-1, and 10A. The properties are zoned Agricultural (A) and are located in the South River Magisterial District.

Mr. Lenz stated that the applicants are requesting a conditional use permit for a campground for five parcels totaling approximately 132 acres of contiguous land accessed by Panhandle Road. The owners would like to establish a campground in conjunction with the previously approved rural events facility to help promote tourism, enhance outdoor recreation opportunities, support local businesses, and to preserve the natural landscape. With over 130 contiguous acres of land and approximately 3,000 feet of river frontage along the South Fork of the Shenandoah River, the applicants are proposing 200 primitive tent and recreational vehicle camping units along the floodplain area. The owners will minimize construction of permanent structures within the Special Flood Hazard Area (SFHA), but any development within the SFHA shall comply with the Floodplain Overlay District regulations and requirements set forth under Warren County Code §180-16.

The single-family dwellings located at 1406 and 1408 Panhandle Road were approved by the Board of Supervisors on March 16, 2021 for conditional use permits for short-term tourist rentals (CUP2021-01-03 & CUP2021-01-04). The four parcels identified on tax map 35 as lots 5-1, 5-2, 5-3, and 5B-1 were approved by the Board of Supervisors on January 11, 2022 for a conditional use permit for a rural events facility (CUP2021-10-01). The property owners have been working toward establishing the rural events facility land use on the subject properties since approval in 2022. The Board of Supervisors approved an extension of the conditional use permit for a rural events facility on October 1, 2024. The applicants are requesting a waiver to the supplementary regulation, which places a 100 camping unit limit as a maximum to request 200 camping units based on the total contiguous acreage of the proposed campground.

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 Virginia Department of Transportation, Virginia Department of Health - Office of Drinking Water, Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The applicants shall submit a site plan including sufficient detail for the Zoning Administrator to determine that the supplementary regulations for campgrounds set forth in Warren County Code §180-41 will be satisfied. The site plan shall comply with Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.

3. The applicants shall be approved for the required campground application, onsite sewage disposal system permit applications, and public water supply permit applications through the Virginia Department of Health prior to issuance of a Certificate of Zoning.
4. The applicants shall obtain a land use permit through the Virginia Department of Transportation for the required improvements to the entrance to the campground. All required entrance improvements shall be completed prior to issuance of a Certificate of Zoning.
5. Any development within the Special Flood Hazard Area shall require the issuance of building and zoning permits and shall conform with the Floodplain Overlay District regulations and requirements set forth in Warren County Code §180-16.
6. 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.
7. The maximum length of stay for campground guests shall not exceed 14 consecutive days in duration.
8. The parking areas for campground guests shall be in locations approved by Planning staff during the site plan review process and shall have a dust-free surface.
9. All outdoor lighting fixtures shall comply with Warren County Code §180-49.2.
10. The parking areas and entrance to the campground shall meet the landscaping requirements of Warren County Code § 180-49.1.
11. The applicants shall submit a fire safety plan and the plan shall be approved by the Warren County Building Official prior to issuance of a Certificate of Zoning. A copy of the approved fire safety plan and Chapter 123 of the Warren County Code (noise ordinance) shall be posted at each camping unit.
12. The campground shall have at least one fire extinguisher for every five camping units available for use by campground guests.
13. Signs shall be posted throughout the campground promoting litter control and recycling. Trash receptacles sufficient to accommodate all campsite trash shall be placed throughout the campground and shall be shown on the site plan. Dog waste receptacles shall be strategically placed in proximity to walking paths and common areas and shall be shown on the site plan.

14. Planning staff shall inspect the campground to verify compliance with Warren County Code §180-41 and all conditions placed on this conditional use permit prior to issuance of a Certificate of Zoning.

15. A waiver to Warren County Code §180-41C(1)(a) shall be granted to allow for no more than **200** camping units within the campground.

Mr. Henry invited the applicant to speak.

Jennifer Ey, 8100 McKittrick Rd, Ohio.

Mrs. Ey stated that their intent is to preserve the beauty, solitude, and quiet of the area. Their intent is to have temporary structures and tiny homes on the land.

Mrs. Richardson asked if the map is reflective of the number of primitive campsites that they are intending to have at the campground?

Mrs. Ey stated that their intent was not to limit their long-term plans, but their immediate plans are to only have two or three mini homes on trailers, primitive camp sites, and a couple of platforms.

Mr. Kersjes asked what the maximum length of a vehicle that would be allowed?

Mrs. Ey stated that their intent was not to have large vehicles on the site.

Mr. Henry opened the public hearing.

Michael Olmstead, 329 Twin Oaks Drive, Bentonville

Mr. Olmstead stated that he is the president of the River Oak HOA and stated that they are concerned about the fact that there is no on-site management on the property. There had been issues with previous owners not maintaining the property and controlling the guests and they are concerned about that occurring again. And they are also concerned about the limitations of the road to be able to handle the increased traffic volume.

Mr. Olmstead's statement was concurred with by the following:

Christopher Weiler, 744 Oakview Drive, Bentonville

Victoria Weiler, 744 Oakview Drive, Bentonville

Jeff Deem, 588 Oakview Drive, Bentonville

Jeannine Purdy, 588 Oakview Drive, Bentonville

David Brotman, 938 Shangri-la Road, Bentonville

Amanda Deem, 13120 Hazel River Road, Rixeyville

Joel Deem, 3701 Midland Road, Midland

With no one else coming forward, Mr. Henry closed the public hearing.

Mr. Henry stated that he cannot support the 200 sites.

Mr. Kersjes stated that the application is nowhere near what the applicant stated and he is also concerned about the lack of on-site management.

Mr. Henry invited the applicant to speak again.

Mrs. Ey stated that the intent is to have more permanent structures in the future, but they are looking for more cost effective solution for now. She stated that further expansion would require more on-site management, but that they currently have a manager that is close to the property. She stated that there have been discussions with VDOT about the entrance, the state of the road, and the kind of vehicle that would be allowed on the property.

Mr. Henry asked if the campground would need a commercial entrance?

Mr. Wendling stated that, according to VDOT's provided comments, a moderate volume commercial entrance would need to be installed.

Mr. Henry suggested that the item be tabled until clarifications were made (from outside agencies).

Mrs. Ey asked what they needed to clarify?

Mr. Henry stated that he wanted clarity for the entrance from VDOT and the Health Department depending on what it is that they intend to install.

Mrs. Richardson stated that she would like to see on-site management addressed as well.

Mr. Wendling stated that he would also like to see an emergency egress plan for the tiny homes.

On a motion made by Mr. Kersjes, seconded by Mr. Gordon, and by the following vote, the Planning Commission moved to table the application until the May 14th, 2025 meeting.

Ayes: Henry, Kersjes, Gordon, Richardson

CUP2025-03-01 - Short-Term Tourist Rental - Christopher Phair - A request for a conditional use permit for a short-term tourist rental. The property is located at 295 Donna Court and is identified on tax map 15D, section 2, block 5, as lot 278. The property is zoned Residential-One (R-1) and is located in the Shenandoah Farms - River View subdivision in 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 November of 2024. The owner would like to make the property available for short-term lodging for individuals, families, and couples seeking to experience everything Front Royal and Warren County have to offer. The applicant will retain a local property management company to help oversee maintenance, cleaning, and the booking of rental requests. There is a Health Department operation permit approving a maximum of six (6) occupants for the four-bedroom dwelling.

The applicant is requesting a waiver to this supplementary regulation as the dwelling does not meet the 100' setback requirement from neighboring residences. The neighboring residence, 307 Donna Court, is located approximately 46' to the east of the dwelling on the subject property and the other neighboring residence, 291 Donna Court, is located approximately 33' to the west. Planning staff advised the applicant to request letters of support from the neighboring property owners.

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 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.
5. A waiver to the required setback of 100' to neighboring dwellings shall be granted for the existing 46' setback to dwelling east of the subject property and for the existing 33' setback to the dwelling west of the subject property.

Mr. Henry opened the public hearing.

Joséphine Suprenant, 295 Donna Court, Front Royal

Ms. Suprenant stated that she is the property manager for the location in question and for two other properties on the same road. She has spoken with the neighbors about their concerns and they have agreed to turn on their motion sensors for the lights.

Mr. Henry closed the public hearing.

On a motion made by Mr. Kersjes, seconded by Mrs. 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

CUP2025-03-02 - Short-Term Tourist Rental - Garrett McNamara - A request for a conditional use permit for a short-term tourist rental. The property is located at 16 Trillium Trail Road and is identified on tax map 24B, section 2, block 6, as lot 269. The property is zoned Residential-One (R-1) and is located in the Blue Mountain subdivision in the Shenandoah 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 December of 2024. The applicant would like to make the property available for short-term lodging for visitors seeking to experience mountain living in Warren County. Located just two minutes from the property, the property managers, Morgan Fox and Brian Elder will assist with the management of the property. The dwelling was constructed in 1962 and there are currently no active zoning violations for this property. A request for comments was submitted to the Blue Mountain Property Homeowners Association and they stated they recommend approval of this Conditional Use Permit.

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

On a motion made by 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, Kersjes, Gordon, Richardson

CUP2025-03-05 - Short-Term Tourist Rental - Vesta Properties (Theophilos Perperidis) - A request for a conditional use permit for a short-term tourist rental. The property is located at 101 Crowfoot Ct and is identified on tax map 26A, block 7A, as lot 35. The property is zoned Residential-One (R-1) and is located in the Thunderbird Ranch subdivision in the Fork Magisterial District.

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, Theophilos Perperidis, who purchased the property in November of 2024. 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 four (4) occupants for the two-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.

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

Mr. Kersjes expressed his concern about people possibly trespassing to get to the river.

Mandy Plumb, 28 East 8th Street, Front Royal

Ms. Plumb stated that as a part of their guest instructions, the boundaries are clearly delineated and that there are cameras monitoring the property.

Mr. Wendling stated that he was contacted by the owners of the roads in the area and suggested that guests need an appropriate vehicle due to the lack of maintenance to the road in the subdivision.

Ms. Plumb stated that she had spoken with Ms. Llewellyn as well and they, along with the property owner, were going to look into getting into a Sanitary District for road maintenance and that all of their instructions recommend all wheel or four wheel drive cars.

Mr. Gordon asked about whether the encroachment of the garage was a zoning violation.

Mr. Bowman stated that the status of the encroachment would have to be tracked, but it would not effect the decision that was being made.

On a motion made by Mrs. Richardson, seconded by Mr. Kersjes, 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

CUP2025-03-06 - Short-Term Tourist Rental - Rufino Maltez - A request for a conditional use permit for a short-term tourist rental. The property is located at 283 Sunset Village Road and is identified on tax map 27D, section 3, as lot J1. The property is zoned Residential-One (R-1) and is located in the Junewood Estates subdivision in the Fork 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 October of 2024. The owner would like to make the property available for short-term lodging for families, business travelers, and tourists. The applicant will manage the property directly with assistance from a local cleaner. There is a

Health Department operation permit approving a maximum of six (6) occupants for the four-bedroom dwelling. The applicant submitted a signed letter of support from the Sunset Village and Junewood Estates HOA.

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

On a motion made by Mr. Kersjes, seconded by Mrs. 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

SV2025-03-01 - Subdivision Variance - Michael and Tina Litwin - A request for a variance from Warren County Code §155-3.B(1)(b) of the Subdivision Ordinance to allow the voluntary transfer of a proposed family subdivision 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 at (0) Bordentown Lane and identified on tax map 35, as lot 33. The property is zoned Agricultural (A) and located in the John F. Payne Properties subdivision adjacent to the railroad in the South River Magisterial District.

Mr. Wendling stated that 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 58.658-acre property in October 2023 with the intent of farming the property and possibly subdividing it for a family subdivision.

The applicant's daughter works for the Warren Count Public School systems and her family currently lives in Shenandoah Shores. Mrs. Litwin provides childcare for her grandchildren while their parents are at work. She also assists as while being a chauffeur/taxi driver for the grandkids to various appointments and social activities. Being able to subdivide the property now would allow the family to reside adjacent to them and save a significant amount of time and travel to her daughter's current residence. The applicants would like to be able to subdivide the property this year in order to deed the lot to their daughter and son-in-law so they can build a home next to them in the near future.

The Litwin's have stated that they are willing to except the condition to keep the family lot within the family for 9 years as part of the subdivision variance approval and are willing to have the additional time placed on the family subdivision plats to compensate for the full 10-year window of ownership. Since the Litwin's will have owned the property for over 8 ½ years at end of the subdivision variance process we are recommending a condition for that amount of time be placed on the subdivision variance if it is approved.

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 eight and a half (8 ½) 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.

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

Mr. Gordon stated that he didn't think that the application met the criteria variance for a family subdivision because it is not a substantial hardship and that, because this isn't the first time that it has happened, it warranted a change in the code.

On a motion made by Mrs. Richardson, seconded by Mr. Kersjes, and by the following vote, the Planning Commission moved to forward the subdivision variance to the Board of Supervisors with the recommendation of approval.

Ayes: Henry, Kersjes, Richardson
Nay: Gordon

Consent Agenda – Authorization to Advertise for Public Hearing:

On a motion made by Mr. Kersjes, seconded by Mrs. Richardson, and by the following vote, the Planning Commission approved the Authorization to Advertise.

Ayes: Henry, Kersjes, Richardson, Gordon.

Commission Matters:

Planning Director:

Mr. Wendling congratulated Staff for getting the Comprehensive Plan approved.

Attorney for the County:

Mr. Bowman had nothing to add.

Commission Members:

Mr. Gordon congratulated Staff on a job well done and noted that he would not be at the next meeting.

Mrs. Richardson stated that she will be stepping down from the Planning Commission.

Zoning Administrator:

Mr. Lenz requested applicants for the vacant position on the Board of Zoning appeals.

Planner:

Mrs. Wahl had nothing to add.

Clerk to the Planning Commission:

Ms. Mutter had nothing to add.

Adjournment:

On a motion made by Mr. Gordon and by the following vote, the meeting was adjourned at 8:52PM.

Ayes: Myers, Kersjes, Richardson, Gordon.



Warren County Planning Commission
Chairman