

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on May 14th, 2025.

Present: Robert Myers, Chairman (Happy Creek District); Hugh Henry, Vice-Chairman (Fork District); Scott Kersjes (North 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; Allison Mutter, Clerk to the Planning Commission

Absent: Kelly Wahl, Planner

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

Adoption of the Agenda

On a motion made by Mr. Gordon, seconded by Mr. Henry, and by the following vote, the Planning Commission approved the Adoption of the Agenda with the modification of removing Z2025-05-01, Z2025-05-02, Z2025-05-03, Z2025-05-04, and Z2025-05-05 from the consent agenda and placing them after Old Business and to strike CUP2025-05-01 from the consent agenda entirely.

Ayes: Myers, Henry, Kersjes, Gordon.

Closed Session

Mr. Henry moved that the Planning Commission enter into a closed meeting for the purpose of the provision of legal advice regarding specific legal matters requiring such advice. The subject matters are multiple text amendments on the regular meeting agenda. The motion was seconded by Mr. Kersjes and approved by the following vote.

Ayes: Myers, Henry, Kersjes, Gordon.

After the completion of the closed session, Mr. Henry moved move that the members of the planning commission certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting. The motion was seconded by Mr. Kersjes and approved by the following vote by a roll call.

Ayes: Myers, Henry, Kersjes, 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 April 9, 2025, as presented.

Ayes: Myers, Henry, Kersjes, 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.

John Jenkins, 241 Gimlet Ridge Road

Mr. Jenkins stated that he is deeply concerned about the report generated by the Virginia Department of Environmental Quality about the illegal dumping by Christendom College and called for the County to take its own enforcement action.

Public Hearings

CUP2025-04-01 - Short-Term Tourist Rental - Gustavo Rosales - A request for a conditional use permit for a short-term tourist rental. The property is located at 311 Golden Russet Dr and is identified on tax map 22B, block T, as lot 32. The property is zoned Residential-One (R-1) and is located in the Apple Mountain Lake subdivision in the Happy Creek Magisterial District.

Mr. Wendling 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 applicant would like to make the basement of the property available for short-term lodging for visitors seeking to experience the beauty of Warren County. Residing on the property, the applicant will serve as the property manager. There is a Health Department operation permit approving a maximum of eight (8) occupants for the four-bedroom dwelling. A request for comments was submitted to the Apple Mountain Lake Property Owners Association but no comments have been received at this time. 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, 343 Golden Russet Dr, is located approximately 89' to the east of the 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 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. A waiver to the required setback of 100' to neighboring dwellings shall be granted for the existing 89' setback to the dwelling east of the subject property.

Mr. Myers invited the applicant to speak.

Gustavo Rosales, 311 Golden Russet Drive

Mr. Rosales stated that he runs a short-term tourist rental in North Carolina and he wants to operate his rental above board and legally.

Mr. Myers opened the public hearing.

John Jenkins, 241 Gimlet Ridge Road

Mr. Jenkins stated that in his opinion tourism and short-term tourist rentals will not be able to fill the funding short falls that the County currently has and that it does not improve the quality of life of the neighbors.

Jerrod Hill, 1109 Panhandle Road

Mr. Hill stated that he has a vested interest in the balance between tourism and conservation.

Mr. Myers closed the public hearing.

Mr. Kersjes asked how the letter from the neighbor was received.

Mr. Wendling stated that he was not aware of how it was received.

On a motion made by Mr. Henry, 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: Myers, Henry, Kersjes, Gordon

CUP2025-04-02 - Short-Term Tourist Rental - Chris King-Archer - A request for a conditional use permit for a short-term tourist rental. The property is located at 471 Shady

Tree Lane and is identified on tax map 16A, section 1, block 2, as lot 59A. The property is zoned Residential-One (R-1) and is located 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 July of 2024. The owner would like to make the property available for short-term lodging for visitors seeking to enjoy the natural beauty, recreational opportunities, and historical charm of the Warren County area. Primarily residing in the Town of Front Royal, the applicant will manage the property personally with assistance from local professional services for cleaning, maintenance and landscaping. There is a Health Department operation permit approving a maximum of eight (8) occupants for the four-bedroom dwelling. Comments were received from the Blue Mountain Property Owners Association indicating they do not object to the proposed land use provided the occupancy is limited to six (6) occupants.

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

On a motion made by Mr. Henry, 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: Myers, Henry, Kersjes, Gordon

CUP2025-04-03 - Short-Term Tourist Rental - Gillian Greenfield & Richard Butcher DBA 2MEXICO, LLC/B Allen Richards, LLC - A request for a conditional use permit for a Short-Term Tourist Rental. The property is located at 209 Luchase Road and is identified on tax map 23A, section 4, block 10, as lot 7A. The property is zoned Residential-One (R-1) and is located in the Happy Creek Magisterial District.

Mr. Wendling stated that the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in August of 2024. The applicants would like to make their property available for short-term lodging for visitors seeking to experience Warren County. Residing in Winchester, VA, the applicants have four years of experience operating three other short-term tourist rentals in Warren County. They plan on managing the property themselves with assistance from local professional services for trash disposal, cleaning, and maintenance.

The applicants previously applied for a conditional use permit for a short-term tourist rental for the subject property and were denied by the Board of Supervisors on February 18, 2025, and are now reapplying with changes made to their property management plan to reduce maximum occupancy and parking, additional screening including a fence, and additional security management. There is a Health Department operation permit approving a maximum of six (6) occupants for the three-bedroom dwelling for a conventional septic, however, the property management plan states a maximum occupancy of four (4) occupants. A request for comments was submitted to Skyland Community Corporation and they stated they would not endorse this application. 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, 189 Luchase Rd, is located approximately 46' to the west of the dwelling on the subject property and the second neighboring property at 233 Luchase Rd, is located approximately 95' to the east of the dwelling on the subject property.

Mr. Myers invited the applicant to speak.

Gillian Greenfield, 14 East Picadilly Street, Winchester

Ms. Greenfield stated that they had spoken to members for the Board of Supervisors, the Homeowner's Association, and community members and made modifications to the management plan to reduce occupancy, reduce parking, address noise and trash concerns, and have approval of the neighbor with the setback that requires a larger waiver.

Mr. Myers opened the public hearing.

Terry Hartson, 426 Sugar Maple Road

Mr. Hartson stated that he has never had issues with living next to one of the applicant's short-term tourist rentals.

Aaron Mills, 1085 Riverview Shores Road - Mr. Hartson's statement was concurred with by this citizen.

Thomas Devoe, 233 Luchase Road

Mr. Devoe stated that he believes that the waiver should be denied and that they do not wish to live next to a short-term tourist rental. He is also concerned about the renters being able to get out of the driveway safely.

Barbara Devoe, 233 Luchase Road - Mr. Devoe's statement was concurred with by his wife.

Gary Smullen, 537 Bifrost Way - Mr. Smullen stated that the application does not meet the restrictions set by the homeowner's association.

Josephine Metcalf, 260 Brodcannleigh Drive - Ms. Metcalf stated that not all AirBnB guests are there to disrupt the peace when they rent.

Anna Wilt, 305 West Whitlock Avenue - Ms. Metcalf's statement was concurred with by Ms. Wilt.

Kyler Cornwell, 189 Luchase Road

Mr. Cornwell stated that he has no issue with the application, even with the requested waiver.

Richard Butcher, 1423 Greystone Terrace, Winchester

Mr. Butcher stated that their intent is to be good neighbors and is willing to make modifications to their property to no longer need the variance on one side.

Mr. Myers closed the public hearing.

Mr. Kersjes stated that he felt the neighbor who is in opposition of the variance does not have the right to deny the approval of said variance because they had also been issued a conditional use permit with a variance as well.

On a motion made by Mr. Kersjes, seconded by Mr. Henry, 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: Myers, Henry, Kersjes, Gordon

Old Business:

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 public hearing for the item had been held at the April 9th, 2025 Planning Commission meeting and the item was tabled to give the applicant time to provide clarification from VDOT for the entrance requirements and to lower the number of camping units. The Applicant submitted an entrance plan to VDOT and has made a request to strike the request for a waiver to the 100-campsite limit.

Carl Ey, 1406, 1408, and 1090 Panhandle Road

Mr. Ey gave a presentation about their efforts to contact the surrounding neighbors and homeowner's association, what he intends to keep on the campground, and the improvements he is going to make based on VDOT's comments.

Mr. Henry asked if there were a more specific number for the campsites that they wanted to have?

Mr. Ey stated that the first ten sites would have six primitive sites and four tiny homes that are cabin campers.

Mr. Kersjes asked what the evacuation plan for the location was?

Mr. Ey stated that they have the equipment for moving the tiny homes and everything else is either portable by the occupants or stationery.

Mr. Henry asked if VDOT has provided approval?

Mr. Lenz stated that VDOT had provided comments but had not given full approval yet.

On a motion made by Mr. Kersjes, seconded by Mr. Henry, 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 with the modification for a request for 100 campsites.

Ayes: Myers, Henry, Kersjes, Gordon

New Business:

Z2025-05-01 - Zoning Text Amendments for Accessory Dwelling Units

Mr. Lenz stated that the amendment is for a new definition for accessory dwelling units and replacing the guesthouse use either by right or by conditional use permit.

Mr. Kersjes stated that he has an issue with the acreage for the detached units. He stated that many other counties have a limit of one and a half to three acres, but since the unit cannot be used as a short-term tourist rental, why would the acreage be set at five acres?

Mr. Gordon stated that there wasn't an acreage set in the Comprehensive Plan and that he understands the concerns of constituents about seeing a small acreage on a detached use.

Mr. Henry stated he only has concerns about the lot size for the detached structures and that three and a half acres would be as small as he is willing to go. He then asked what kind of septic system the accessory dwelling units would be working off of?

Mr. Wendling stated that would be a determination that the Health Department would have to make.

Mr. Henry asked if there was a square foot percentage limitation for the attached units?

Mr. Lenz stated that some counties have a limitation on how large the units could be and that a size threshold of 750 to 1,500 square feet had been proposed.

Mr. Gordon stated that he has concerns about that threshold being applied to attached units and how it would be disadvantageous for people with large footprint houses to have to minimize their square footage.

Mr. Lenz noted that not putting a restriction on the size could result in large spaces attached to a house by a breezeway.

Mr. Gordon stated that the Commission would like Staff to remove the acreage limitations on attached, make detached three and a half acre, and place the proposed limitation on size of the unit for detached and attached accessory dwelling units only.

Mr. Bowman suggested that text amendment be placed on the June agenda for authorization to advertise, with a public hearing to be held in July.

On a motion made by Mr. Kersjes, seconded by Mr. Henry, and by the following vote, the Planning Commission moved to table the item until the June 11th, 2025 meeting for authorization to advertise.

Ayes: Myers, Henry, Kersjes, Gordon

Z2025-05-02 - Zoning Text Amendments for Agritourism Activities and Z2025-05-05 - Zoning Text Amendments for Application Requirements

None of the Planning Commissioners had comments.

Z2025-05-03 - Zoning Text Amendments for Agricultural Pursuits in the Commercial and Industrial Districts

Mr. Bowman stated that it relates to when properties are in the land use program and are rezoned from agriculture to another district that there are mechanics that a locality can implement through ordinances that allow for the use of a property in an agricultural manner after a rezoning. And the conditional use permit allows for flexibility in the agricultural use. He stated that he will make modifications to the language for clarity purposes.

Z2025-05-04 - Subdivision Ordinance Text Amendments

Mr. Kersjes asked where the public would be allowed to comment on subdivisions?

Mr. Bowman stated that the public would not be allowed to comment.

Mr. Wendling stated that state and county agencies would be the driving force for comments.

Consent Agenda - Authorization to Advertise for Public Hearing:

On a motion made by Mr. Gordon, seconded by Mr. Henry, and by the following vote, the Planning Commission approved the Authorization to Advertise where Z2025-05-02 - Zoning Text Amendments for Agritourism Activities, Z2025-05-03 - Zoning Text Amendments for Agricultural Pursuits in the Commercial and Industrial Districts, Z2025-05-04 - Subdivision Ordinance Text Amendments, and Z2025-05-05 - Zoning Text Amendments for Application Requirements are authorized for advertised.

Ayes: Myers, Henry, Kersjes, Gordon.

Commission Matters:

Planning Director:

Mr. Wendling stated that he will be retiring August 1st and that Mrs. Cullers has found a replacement for Ms. Richardson.

Attorney for the County:

Mr. Bowman had nothing to add.

Commission Members:

The Commissioners had nothing to add.

Zoning Administrator:

Mr. Lenz stated that the Board of Zoning appeals had tabled their decision about 422 Timberline Ridge and there was an application received for the Fork District member.

Clerk to the Planning Commission:

Ms. Mutter had nothing to add.

Adjournment:

On a motion made by Mr. Henry and the following vote, the meeting was adjourned at 9:06PM.

Ayes: Myers, Henry, Kersjes, Gordon.



Warren County Planning Commission Chairman