

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

Present: Robert Myers, Chairman (Happy Creek District); Hugh Henry, Vice-Chairman (Fork District); Scott Kersjes (North River District); Brigitte Miller (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

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

Adoption of the Agenda

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

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

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 June 11th, 2025, as presented.

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

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 not aware of any procedure for removing a member of a Board and has questions about the formation of the Library Board.

Public Hearings:

Z2025-05-01 - Zoning Text Amendments for Accessory Dwelling Units - Warren County Planning Staff - An ordinance to amend Chapter 180 of the Warren County Code (Zoning Ordinance) to add a definition for accessory dwelling unit, to repeal the existing definition for guesthouse, to amend the Agricultural zoning districts to make "accessory dwelling unit, provided that it is accessory to an existing single-family dwelling, and attached to or located within the existing principal structure" permissible by right and "accessory dwelling unit, detached from an existing principal structure, provided that the accessory dwelling unit is accessory to an existing single-family dwelling" permissible only by conditional use permit in the Agricultural zoning district, and to enact

supplementary regulations for accessory dwelling units.

Mr. Lenz stated that the text amendment will include a definition listed uses and supplementary regulations. The new definition for Accessory Dwelling Unit: A subordinate dwelling unit located on the same lot as a principal single-family dwelling that includes permanent provisions for living, sleeping, eating, cooking, and sanitation. The accessory dwelling unit shall comply with the supplementary regulations set forth in § 180-30.2 of this chapter. The ordinance will also remove the existing definition for Guesthouse. The accessory dwelling unit land use will replace the existing guesthouse land use.

The ordinance would make changes to listed uses: By-Right accessory use would add "accessory dwelling unit, provided that it is accessory to an existing single-family dwelling, and attached to or located within the existing principal structure" Uses permissible only by conditional use permit would replace "guesthouse" with "accessory dwelling unit, detached from an existing principal structure, provided that the accessory dwelling unit is accessory to an existing single-family dwelling. Under this format, attached ADUs or ADUs located within an existing principal structure will be permitted by right while detached ADUs will be permitted by conditional use permit.

The supplementary regulations for §180-30.2 Accessory Dwelling Unit would be as follows:

- A. Statement of intent.
- B. Requires the applicant to modify existing or get new construction permits from the Health Department before applying for construction of an ADU and modified or new operation permits from the Health Department prior to issuance of a Certificate of Occupancy for the ADU. Requires a Certificate of Zoning and a passed final zoning inspection prior to issuance of a Certificate of Occupancy.
- C. Restricts the construction of more than one accessory dwelling unit on a single lot.
- D. 3.5-acre minimum lot area for construction of a detached ADU.
- E. Applies principal structure setback requirements to ADUs.
- F. Limits ADU size to a 750 to 1500 square feet floor area size window with a provision to allow for up to 3000 square feet in floor area if the ADU is principally below-grade or if the ADU is a conversion of space located within an existing structure. As a supplementary regulation, the Board of Supervisors may waive this requirement to allow for an ADU smaller than 750 square feet or larger than 1500 square feet in floor area if the Board finds the restriction is not necessary to promote the purposes of zoning.
- G. Requires 2.0 off-street parking spaces in addition to the spaces required for the principal dwelling.
- H. Limits the ADU occupancy to the maximum occupancy allowed under the operation permit issued by the Health Department for the sewage disposal system.
- I. Dictates that any ADU attached to the principal dwelling by means of a covered

breezeway 25 feet or greater in length shall be considered detached from the principal dwelling.

J. Restricts use of an ADU as a Short-Term Tourist Rental.

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

Mr. Myers stated that he has concerns with subsection I because a 25 foot breezeway is fairly long.

Mr. Lenz stated that he was trying to avoid extreme lengths, but would be willing to modify the length.

Mr. Gordon stated that he thought the distance was a fair one.

Mr. Henry stated that he had concerns about the housing density in some areas if the minimum acreage went down to two acres.

Mr. Wendling stated that the acreage decision was made to allow for a family subdivision after the ADU was constructed.

Mr. Gordon asked if the conditional use permit for the ADU was revoked, demolition would not always be the ultimate solution?

Mr. Lenz stated that there is a letter of understanding that the Planning Department uses already that could be modified to enforce the action that is determined when the revocation is issued.

On a motion made by Mr. Henry, seconded by Mr. Kersjes, and by the following vote, the Planning Commission moved to forward the zoning text amendments to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Kersjes, Gordon, Miller

CUP2025-06-01 - Short-Term Tourist Rental - 2026 Drummer Hill Road - A request for a conditional use permit for a short-term tourist rental. The property is located at 2026 Drummer Hill Road and is identified on tax map 15E, section 4, block 4, as lot 414A. 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 November of 2024. The applicants would like to make the property available for short-term lodging for visitors of Warren

County while creating job flexibility for themselves. Residing permanently only a half mile away from the property, the property owners will manage the property themselves, overseeing all aspects of the rental property including maintenance, cleaning, and the booking of rental requests. The dwelling was constructed in 1970 and the applicants began advertisement/ operation of the dwelling as a short-term tourist rental without a conditional use permit at the beginning of May 2025 but have ceased since the submission of their application.

There is a Health Department operation permit approving a maximum of four (4) occupants for the two-bedroom dwelling for a conventional septic. A request for comments was submitted to the Property Owners of Shenandoah Farms who stated they have no objections to this Conditional Use Permit but advise all owners and guests of the property to have 4wd during inclement weather.

Staff recommend the following conditions be added to this conditional use permit if the Board of Supervisors choose to approve this request.

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 applicants 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, the public hearing was closed.

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, Miller

CUP2025-06-02 - Short-Term Tourist Rental - 145 Indian Pipes Rd - A request for a conditional use permit for a short-term tourist rental. The property is located at 145 Indian Pipes Road and is identified on tax map 24B, block 116, as lot 546. The property is zoned Residential-One (R-1) and is located in the Blue Mountain subdivision in the

Shenandoah Magisterial District. This property has not had any previous Conditional Use Permits issued for uses in the Residential-One (R-1) zoning 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 January of this year. The owner would like to make the property available for short-term lodging for couples seeking a quiet, nature-oriented getaway. The applicant will manage the property personally with assistance from a local property manager.

No previous conditional use permits have been issued for the subject property for land uses in the Residential-One zoning district. The dwelling is currently under construction and there are no records of any active zoning violations for this property. The foundation location survey for the dwelling's foundation has been approved and the address certificate has been issued. Comments were received from the Blue Mountain Property Owners Association stating they are withholding their concurrence with the application until the dwelling has finished construction and they have verified compliance with all POA by-laws and covenants.

There is a Health Department operation permit approving a maximum of four (4) occupants for the two-bedroom dwelling. The dwelling on the subject property meets the 100' setback requirement from all neighboring dwellings. The nearest residence is located approximately 250' to the southeast. The foundation location survey submitted for the construction permits for the dwelling has been approved by Planning staff, allowing for staff to determine compliance with the 100' setback requirement.

Staff is recommending the standard conditions, as stated previously.

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

Mr. Kersjes asked where in the process the applicant was?

Mr. Lenz stated the applicant's next inspection would be framing and that they would be in compliance with the Building Code.

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, Miller

Planning and Zoning Department Fees - A request to amend the Planning and Zoning Department fee schedule in accordance with recent amendments to the subdivision

ordinance and to improve organization.

Mr. Lenz stated that due to recent changes to the Code of VA regarding subdivision plat submittals, reviews and approvals necessitated text amendments to the Warren County subdivision ordinance. The text amendments remove all references to the Planning Commission and Board of Supervisors as reviewers and approving authorities for subdivisions throughout the subdivision ordinance and assigns such authority to the Administrator. The amendments also eliminate the subdivision class system currently in the subdivision ordinance which break down plat submittal requirements and approving authority based on the number of new lots created or creation of a public right-of-way.

The current Planning Department fee schedule breakdown for subdivision application fees is based on the subdivision class system to be eliminated by the required subdivision ordinance amendments. With the subdivision class system struck from the subdivision ordinance, it is necessary to revise the Planning Department fee schedule to align the subdivision application fees with the format of the amended subdivision ordinance. Planning staff are also proposing additional fees for new applications and some items with matching fees have been consolidated as follows:

New Fee Schedule Items:

- Non-Exempt Subdivision: \$1,500 + \$150 per lot
- Cluster Subdivision: \$2,000 + \$150 per lot
- Minor Site Plan Review: \$200 (not introducing a new use)
- CUP Name Change: \$50
- Conservation Easement Review: \$250
- Bond Fees: Establishment \$200, Reduction/Release \$300, Replacement \$200
- Ag/Forestral District: New District \$1,000, Addition/Withdrawal \$750

Fee Increases:

- Exempt Subdivision: \$1,000 + \$150 per lot (currently \$500 + \$150 per lot); fee amount matches current Class A Subdivision fee
- Board of Zoning Appeals Variance/Appeal: \$1,000 (currently \$750); proposing increase to reflect County Attorney and staff time because a variance application only applies if there is no other solution.
- Zoning Text Amendment: \$1,000 (currently \$500); proposing increase due to the staff and County Attorney time involved in drafting and reviewing a text amendment.
- Right-of-Way Vacation: \$750 (currently \$250); proposing increase because they necessitate an ordinance be drafted by the County Attorney's office.

Organizational Changes:

- Boundary Line Adjustments: \$100 for up to 3 lots, \$500 for 4 or more lots (currently \$100 for up to 4 lots, \$500 for 5 lots or more; change is to match

the fee by number of lots format as lot consolidations).

- Commercial/Industrial Rezoning: matching fee amounts combined into a single fee schedule item; remains \$2,500 base + \$100 per acre.
- Commercial/Industrial Site Plan: matching fee amounts combined into a single fee schedule item; remains \$1,500 base + \$100 per unit.
- Board of Zoning Appeals Variance/Appeal: matching fee amounts combined into a single fee schedule item.
- Certificate of Zoning: change for clarity, currently only listed as home occupation, but the fee is for all.
- Certificates of Zoning, including home occupations, by-right uses, non-conforming uses, and conditional use; remains \$100.
- Conditional Use Permit Non-Profit - 501(c)(3): adding 501(c)(3) to clarify the non-profit fee is only available to 501(c)(3) registered non-profit applicants and not for noncommercial land uses such as a guesthouse or private use camping; remains \$750.
- Floodplain/Zoning Determination: matching fee amounts combined into a single fee schedule item; remains \$100.

The Code of Virginia requires the Planning Commission to hold a public hearing and approve the proposal for any fee schedule changes relating to the zoning and subdivision ordinances prior to them being forwarded to the Board of Supervisors for a final public hearing and decision.

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

Mr. Gordon stated that we are the only County that charges for shape files and wanted to know if we needed to charge for it?

Mr. Lenz stated that most of that cost was due to Staff time.

Mr. Gordon stated that there are other Counties provide that data for free.

Mr. Lenz stated that he would speak with Mr. Griffith, the GIS Coordinator, for confirmation, but believed the reason we did not was because of technical limitations.

Mr. Gordon asked if we should have a fee for karst review?

Mr. Lenz stated that he would contact Clarke County about the usage.

Mr. Henry stated that it is more of an issue in Clarke County than we do here.

On a motion made by Mr. Kersjes, seconded by Mr. Henry, and by the following vote,

the Planning Commission moved to forward the fee schedule to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Kersjes, Gordon, Miller

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 moved to move Z2025-07-01 - Zoning Text Amendments for Building Service Establishment to New Business, add an Item K, Z2025-07-02 Zoning Text Amendment for Short-Term Tourist Rentals, and authorization to advertise.

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

New Business:

Mr. Lenz stated that Attached you will find a draft ordinance to amend Chapter 180 of the Warren County Code to add a new definition for building service establishment, to add building service establishment as a use permitted by conditional use permit in the Agricultural zoning district, and to add new supplementary regulations for building service establishment. These text amendments are being requested by Ray Bramble of Bramble Enterprises, LLC, a local HVAC and plumbing company located on Commerce Avenue in Front Royal. The applicant is interested in establishing a secondary support facility for his business at 3812 Guard Hill Road primarily for the storage of residential HVAC and plumbing supplies, equipment, and materials and for the staging of units to be hauled offsite for installations. Upon review of this request, staff identified "Home Service Establishment such as exterminator, plumber, decorator or appliance service" as a currently undefined land use permitted by right only in the Commercial zoning district. Since the property in question is zoned Agricultural (A), text amendments are necessary for home/building service establishments to be permissible in the Agricultural zoning district. Staff is recommending the building service establishment land use be permissible only by conditional use permit in the Agricultural zoning district with supplementary regulations to reduce the impact on adjacent properties in the Agricultural zoning district. This text amendment application was filed concurrently with a conditional use permit application for a building service establishment at 3812 Guard Hill Road.

The proposed definition for building service establishment is, "A facility providing services for residential, commercial, institutional, or light industrial structures such as exterminator, plumber, decorator, electrician or heating, ventilation and air conditioning (HVAC) or other appliance service and related equipment storage, staging and repairs. This use shall comply with the supplementary regulations set forth in § 180-36.1 of this chapter."

The proposed supplementary regulations are intended for building service establishments

in the Agricultural zoning district only. Staff believes many of the proposed supplementary regulations would not be applicable or may not be as necessary in the Commercial District. The proposed supplementary regulations include a requirement for the establishment to front upon and have direct access to a state-maintained road with VDOT approval for the entrance, an illustrative development plan requirement, a restriction on the total number of employees and customers exceeding the maximum occupancy approved by the Certificate of Occupancy or Operation Permit (for septic system), whichever is lesser, a full screen and 25' setback requirement for outdoor storage and staging area from property lines, off-street parking, landscaping and lighting requirements, a requirement for the hours of operation to be set by condition placed on the conditional use permit, and a restriction on the use of the property for commercial auto repairs (unless approved separately by conditional use permit), for auto salvage, and as a junkyard.

Mr. Kersjes stated that his primary concerns are that the size of the lot is not noted and that agricultural land should be used for production of agricultural goods. He stated that he wants to protect the agricultural use for farmers and he feels that this use is an industrial use.

Mr. Henry disagreed, on the basis of his own business, that there is this kind of storage in agricultural areas already.

Mr. Wendling stated that the property in question has had many conditional use permits on the property and has always kept it in good shape.

Mr. Kersjes stated that his concern is not with the application at hand, but the next person who wished to do, what he viewed as an industrial use, in an agriculturally zoned area.

Mr. Henry asked if the permit would allow for walk-in customers?

Mr. Lenz stated that the permit neither approved of nor denied the allowance for customers.

Mr. Henry stated that agricultural is the default zoning.

Mr. Gordon stated that the statement of intent for agricultural is the district is intended for areas with general agricultural pursuits or practice low density residential developments may be situated along may be situated without degrading the environment, where expanses of open spaces best exist for parks, playgrounds, game reserves and similar uses and that this use does not fall into that.

Mr. Henry agreed that the presence of customers would make it more commercial/industrial.

Mr. Gordon stated that the Comprehensive Plan states the desire to preserve the rural nature of the county and that adding more storage yards would affect that.

Mr. Henry stated that he sees no difference in the storage of farming equipment and the storage of other equipment.

Mr. Gordon stated that his concern is making this a by-right use would allow for more extreme storage in the zoning district.

Mr. Wendling stated that the intent was to aim more at light industrial uses.

Mr. Gordon stated that there is still the option of either having the applicant buy property in the commercial district or to add a use in the industrial district.

Mr. Henry asked if the property could be rezoned?

Mr. Lenz stated that, as a part of the initial discussion, a rezoning had been suggested, but that it would ultimately be a spot-zoning and wasn't recommended.

Mr. Henry asked how long the building had been there?

Mr. Lenz stated it was constructed in 1953.

Mr. Henry stated that there had been this kind of use there for this long already. He then asked if the property should have been grandfathered?

Mr. Bowman stated in order for a use to be when we use the term grandfathered a zoning ordinance is adopted or changed to make the use not allowed under the zoning ordinance and the use is allowed to continue, but it can't stop for more than two years. The use has changed over the years in connection to conditional use permits and what is being proposed is not connected to those uses, therefore, it would not be able to be grandfathered in.

Mr. Kersjes asked if the text amendment is denied, would the conditional use permit be allowed to continue?

Mr. Bowman stated that it is not allowed under the current ordinance, so the permit would not be allowed.

Mr. Gordon stated that the introduction of a text amendment would allow the use to be anywhere in the agricultural district.

Mr. Henry stated that it would still require a conditional use permit and could be denied

and that it would be a good use for the property in question. There would be minimal impact on the neighborhood, but he does understand Mr. Gordon's concern.

Mr. Wendling stated that flex spaces would be beneficial, but that is not currently available and that this location currently exists.

Mr. Gordon stated that he would like to be present for the public hearing and asked if the text amendment and associated conditional use permit could be placed on the August agenda for authorization to advertise?

Mr. Henry stated his main concern was with whether or not the applicant would agree to the delay.

Mr. Bowman stated that the text amendment must be voted on by the Planning Commission within 100 days from the first meeting in which the matter is referred to, which he interprets as the first instance being the current meeting, and that there would be time to complete the process with a delay.

Mr. Wendling suggested that the public hearing could be held, but could remain open until Mr. Gordon returned.

Mr. Gordon stated that the authorization to advertise the conditional use permit had been completed and asked if there would be some way to remove it to have the permit and text amendment move as one unit?

Mr. Bowman stated that he would be able to walk the Planning Commission through the procedure once they had made a decision on what action they wished to take.

Mr. Kersjes asked if the County had ever considered a light-industrial zoning district and could be taxed at a lesser rate?

Mr. Bowman stated that the suggested use is not currently in the ordinance and would require a rewrite of the ordinance to add it as a use.

Mr. Wendling stated that a light-industrial ordinance was drafted but did not pass at the Board of Supervisors.

Mr. Bowman stated that, in an effort to bring the issue before them back up, that the Planning Commission has a custom of voting on the items that are before them immediately after the public hearing and that the custom should be followed for the text amendment item when the public hearing is held.

Mr. Gordon asked if the use should be added to the industrial zoned area?

Mr. Henry agreed that it would be a good idea and then asked how this use would be different than a single person company that would be working out of their home?

Mr. Wendling stated that as long as there is no visible sign of the business from the outside of the house, the operator would still be able to run their business under a certificate of zoning.

Mr. Gordon asked, if passed, what would prevent people from moving their businesses out of the commercial districts and into agriculture?

Mr. Henry stated that he sees no problem with it because it could be unseen and would minimally impact the agricultural areas and it would be prohibitive to business growth if owners were forced to work out of the more expensive commercial and industrial areas.

Mr. Gordon suggested to send the text amendment back to staff to rework the language to remove the retail space.

Mr. Lenz stated that prohibiting the commercial aspects of the use creates overlap with the existing contractor storage yard use listed in the Industrial district regulations.

Mr. Bowman stated that the text amendment should hew towards the applicant's request and asked if the applicant was looking to do retail in the location?

Mr. Lenz stated that the intent was to be for storage and staging, but the applicant did not indicate his intent to not have a retail space in the future.

Mr. Wendling stated that the statement of justification in the conditional use permit was to use the site for storage and staging.

Mr. Bowman stated that Mr. Gordon's request seemed to be in line with what the applicant was intending, so the modifications could be made.

Mr. Lenz stated that the authorization to advertise should be delayed to give Staff and the County Attorney time to draft a new ordinance.

Mr. Bowman stated that to reconsider the accompanying conditional use permit, someone would have to move to reconsider Item G from the consent agenda.

On a motion made by Mr. Gordon, seconded by Mr. Henry, and by the following vote, the Planning Commission moved to reconsider Item G from the consent agenda.

Ayes: Myers, Henry, Kersjes, Gordon, Miller

Mr. Bowman stated that now a motion to add the item to the consent agenda in August. Mr. Bowman suggested to make a motion to place Items F and G on the Consent Agenda for the August 13th, 2025 meeting.

On a motion made by Mr. Kersjes, seconded by Mr. Henry, and by the following vote, the Planning Commission moved to add Z2025-07-01 - Zoning Text Amendments for Building Service Establishment and CUP2025-07-06 - Building Service Establishment - 3812 Guard Hill Road to the consent agenda of the August 13th, 2025.

Ayes: Myers, Henry, Kersjes, Gordon, Miller

Commission Matters:

Planning Director:

Mr. Wendling stated that this would be his last Planning Commission meeting and would be retiring at the end of July and had enjoyed working with the Planning Commissioners.

Attorney for the County:

Mr. Bowman wished Mr. Wendling a happy retirement.

Commission Members:

Mr. Gordon, Mr. Kersjes, Mr. Henry, Mr. Myers, and Mrs. Miller all wished Mr. Wendling a happy retirement.

Zoning Administrator:

Mr. Lenz stated that the short-term tourist rental applicant that had the variance request had the variance fail at the BZA so the applicant is looking into solutions and once one is found, the application will be on the agenda.

Planner:

Mrs. Wahl had nothing to add.

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 8:35PM.

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



Warren County Planning Commission Chairman