

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on October 8th, 2025.

Present: Robert Myers, Chairman (Happy Creek District); Hugh Henry (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; Kelly Wahl, Planner; Allison Mutter, Clerk to the Planning Commission

Absent: Chase Lenz, Zoning Administrator

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.

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 September 10th, 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.

Public Hearings:

Z2025-09-01 - Zoning Text Amendments for Backyard Beekeeping - An ordinance to amend Chapter 180 of the Warren County Code (zoning ordinance) to amend the district regulations for the Residential-One (R-1) zoning district to add "backyard beekeeping" as an accessory use permitted by right and to add supplementary regulations for "backyard beekeeping".

Ms. Wahl stated that a draft ordinance to enact subsection 180-22C(7) to make backyard beekeeping permissible by right as an accessory use in the Residential-One (R-1) zoning district and to enact section 180-35.3 to add supplementary regulations for backyard beekeeping. These text amendments were requested by Alexander Khmurets, who wishes to pursue this land use in conjunction with the principal dwelling for his property zoned Residential-One (R-1).

These amendments for backyard beekeeping follow the same format as the existing

backyard chickens land use and supplementary regulations. The proposed supplementary regulations include a statement of intent, a requirement for the acquisition of honeybees and beehive construction and maintenance in accordance with Title 3.2, Chapter 44 of the Code of VA as determined by the State Apiarist, a zoning permit requirement to be reviewed annually, and certain physical and management related requirements.

The proposed permit requirements include a limit of no more than three beehives per one half acre with a maximum of 12 beehives per lot or contiguous lots under the same ownership, written permission from the owner for rental properties, a minimum setback of 30 feet from all property lines for the beehives with a front yard restriction, a restriction on the sale of goods or services relating to the honeybees, a flyway barrier requirement for a solid fence or hedge at least six feet in height to be placed along the side of the beehive that contains the entrance to the hive with the barrier extending at least three feet past both sides of the hive, and a management plan to be reviewed and approved by the Virginia Cooperative Extension Office including a site sketch showing the location of the beehives in relation to the principal dwelling, setback distances from the beehive locations to property lines, and the locations and dimensions of flyway barriers, a plan for monitoring the health of the bees with an action plan for when the beekeeper becomes aware of diseased bees in his or her beehives, biosecurity measures, maintenance schedule for the beehives, and number of beehives.

Mr. Myers opened the public hearing.

Denise Vowell, 364 Lands Run Road

Ms. Vowell stated that she is the vice-president of The Beekeepers of the Northern Shenandoah and is in favor of adding beekeeping as an accessory use but finds the supplementary regulations to be overly restrictive and unnecessary. She also stated that not allowing for the sale of goods from the bees would cripple beekeepers.

Pam Wunderlich, 458 Lakeside Drive

Ms. Wunderlich stated that there are many things to consider when starting an apiary and there is much to consider for the care of bees.

John Wunderlich, 458 Lakeside Drive

Mr. Wunderlich stated that backyard beekeeping should be encouraged and this ordinance is too restrictive.

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

Mr. Kersjes stated that he has a concern for neighbors who might have allergies to bee stings.

Mr. Henry stated that he was in contact with a beekeeper in his district for further information and found the ordinance to be too restrictive. He stated that he thinks the restriction on selling products of the hives is too restrictive because the State Code has

limitations on the amounts that can be sold out of the home.

Mr. Kersjes stated that he interpreted the sale portion of the ordinance to mean that the sales could be made at outside locations but not out of the beekeeper's home.

Mr. Henry suggested that, based on what he had seen, it would not be unfair to require a reasonable setback for the hives and for a fence to be placed around them. He also suggested that the ordinance be tabled to give the Commissioners an opportunity to do more research and consideration of the operating procedure of an apiary.

Mr. Myers stated he doesn't agree with the prohibition on selling the products of the hives.

Mr. Gordon agreed with the removal of the restriction of the sale of goods and services and that there should be a limit on the number of hives, but more research should be done into that. He then agreed that the ordinance should be tabled.

Ms. Miller stated that she has been keeping bees for 10 years and that the biggest issue that she has had with her hives is bears and recommends the use of fencing for that purpose. She then stated that she agrees with the proposal for putting up a sign to make neighbors aware of the presence of bees and with the proposal of removing the prohibition of selling the wares of the bees. She would like to see some of the hard restrictions removed and the ordinance tabled to make those revisions.

Mr. Bowman suggested that the ordinance be brought back to the agenda on the following month as an item that is up for authorization to advertise because of the number of changes that are being requested.

Mr. Gordon asked if there is a time limit for how long they have to respond, as this is an applicant driven request.

Mr. Bowman stated that the Planning Commission has 100 days from the first time that the item is presented to the Planning Commission, leaving about 70 days for the Planning Commission to make an action on the item. If that is not enough time, then the applicant can make a request for an extension.

On a motion made by Mr. Henry, seconded by Mr. Kersjes, and by the following vote, the Planning Commission moved to table the zoning text amendment for backyard beekeeping until the November 13th, 2025 meeting where it will be placed on the agenda for authorization to advertise.

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

CUP2025-09-02 - Private Use Camping- 1020 Misty Meadow Lane - A request for a conditional use permit for private use camping. The property is located at 1020 Misty Meadow Lane and is identified on tax map 41A as lot 5. The property is zoned Residential-One (R-1) and is located in the Massanutten View subdivision in the South River

Magisterial District.

Ms. Wahl stated the applicant is requesting a conditional use permit for Private Use Camping on his lot in the Massanutten View subdivision which is located in the Special Flood Hazard Area (SFHA). The applicant purchased the property in April of 1999 and lives there as a full-time resident. In addition to his home, the applicant would like to use the property for intermittent camping for himself and his family.

This property has not had any previous Conditional Use Permits issued for uses in the Residential One (R-1) zoning district. There are no active zoning violations on file for the subject property. There is currently one other active conditional use permit for private use camping on Misty Meadow Lane. (9 parcels down from Mr. Ellis)

Private Use Camping (non-commercial) is defined by the Warren County Zoning Ordinance as, *"No more than two major recreational vehicles used for living, sleeping or other occupancy on any lot or combination of lots under one ownership, provided that such use is limited to the owner, family members or guests, and no fee is charged for camping."*

Staff received an anonymous complaint which has been provided to you in your agenda packet.

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 regulations and requirements.
2. Materials associated with the campers are to be stored in a neat and orderly fashion during the time of use and are to be removed from the site when not in use.
3. Any development, structure or fencing within the Special Flood Hazard Area shall require a building and zoning permit.
4. The applicant shall post the property with a lot/parcel number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles and portable commode prior to a predicted flood event.

Mr. Myers invited the applicant to speak.

John Ellis, 21723 Oatlands Road, Aldie

Mr. Ellis stated that he does not live at the property currently.

Mr. Myers opened the public hearing.

Nikki Ellis, 21723 Oatlands Road, Aldie

Ms. Ellis stated that there is no fence in the floodplain, the house number is marked on the street, and the complaints about neatness have been addressed.

With no one else coming forward, Mr. Myers 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, Miller

CUP2025-09-03 - Short-term Tourist Rental - 138 Wooded Lane - A request for a conditional use permit for a short-term tourist rental. The property is located at 138 Wooded Lane and is identified on tax map 22J, section 2, block 2, as lot G. The property is zoned Agricultural (A) and is located in the Morgan's Ridge Subdivision in the Happy Creek Magisterial District.

Ms. Wahl stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property constructed in 2024. The applicant wishes to establish a short-term tourist rental consistent with the zoning ordinance and will manage the property in a way that preserves the character of their home and surrounding neighborhood. The applicant is in the process of conducting interviews with local property managers.

The dwelling was constructed in 2024 and there is currently one active zoning violation issued for the property for advertising/ operating a Short-Term Tourist Rental without a Conditional Use Permit. The current applicant was unaware of the required permit and applied for a conditional use permit shortly after receiving their notice of violation.

There is a Health Department operation permit approving a maximum of ten (10) occupants for the five-bedroom dwelling. The applicant is currently in the process of interviewing local property managers. The property is located within a subdivision not governed by an HOA/ POA. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 483' to the west.

Planning staff recommends the following conditions be placed on this conditional use permit should the Planning Commission choose to recommend approval 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. Myers opened the public hearing.

Caroline Tomechko, 270 Wooded Lane

Ms. Tomechko stated that there are restrictive covenants that prohibit commercial activities in the subdivision. She also has concerns about the housing supply being used by transient occupants and also the noise, trash, and increased traffic that would be generated by a short term rental.

Ms. Tomechko's statements were concurred by **David Boles, 271 Wooded Lane**.

David York, 6 Wooded Lane

Mr. York stated that he doesn't want the additional traffic in the area.

Ron Tomechko, 270 Wooded Lane

Mr. Tomechko stated that he too has concerns about the amount of traffic that the rental would generate and what kind of activities might be occurring.

With no one else coming forward, Mr. Myers closed the public hearing. He then stated that the County is not responsible for enforcing the restrictive covenants and that the state of Virginia does not consider a short-term tourist rental is not considered to be commercial activity. He then stated that a long-term renter would generate more traffic.

Mr. Henry stated that he has noted the complaints about people ending up in the wrong place and asked how the house was addressed?

Ms. Wahl stated that she was not sure what kind of indicators were on the property and that Staff could go out and investigate.

Mr. Henry asked if this was the application where the applicant was still in search of a property manager?

Ms. Wahl stated the applicant was still in search of a property manager.

Mr. Myers stated he would like for the applicant to have a property manager hired before the application was presented to the Board of Supervisors.

Mr. Kersjes stated, to the community members, both Planning Staff and the Sheriff's Office need to be notified of any violations that may have occurred.

Mr. Gordon noted the property management plan had larger uses listed and asked if those kinds of events were allowed at a short-term rental?

Ms. Wahl stated they are not allowed.

Mr. Gordon stated portion of the property management plan should be revised.

On a motion made by Mr. Kersjes, seconded by Mr. Henry, and by the following vote, the Planning Commission moved to table the conditional use permit until the property management plan is updated and a property manager is provided.

Ayes: Myers, Henry, Kersjes, Gordon, Miller

Z2025-09-02 - Subdivision Text Amendments for Family Subdivision Variances - An ordinance to amend Chapter 155 of the Warren County Code (Subdivision Ordinance) to amend the definition of subdivision to add a provision to relax specific criteria of substantial injustice or hardship for family subdivision variances.

Ms. Wahl stated that this a draft ordinance proposing to amend Subsection 155-3B of the Warren County Code to add a provision that will relax the criteria listed in Subsection 155-18B (1), (2), and (5) that outlines "substantial injustice or hardship" for requests for subdivision variances from the family subdivision requirement . This amendment would allow the Subdivision Administrator to grant variances based on hardships that are personal in nature.

The proposed provision states: *"Upon the granting of a variance in accordance with the provisions of § 155-18 of this chapter; provided, however, that § 155-18B(1), (2) and (5) need not be shown, and provided further that the property owner requesting the variance produces proof that because of the particular conditions pertaining to the property owner, which conditions have arisen since the property owner acquired the property to be conveyed, a particular hardship to the owner would result, as distinguished from a mere inconvenience."*

This amendment follows the adoption of a full set of amendments to Chapter 155 of the subdivision ordinance earlier this year necessitated by recent changes to the Code of Virginia which eliminated Planning Commissions and Boards of Supervisors as the approving authorities for subdivision plats (including variances). Historically, these types of variances were granted by the Board of Supervisors after recommendation from the

Planning Commission for personal or family reasons – typically with the condition that any unfulfilled portion of the five-year ownership period be added to the five-year restriction before a parcel can be transferred outside the family. The ordinance does not currently reflect that long-standing practice and now that the ordinance has changed, Planning Staff is seeking guidance.

This amendment would restore consistency with that historic intent and allow the Subdivision Administrator to continue granting these limited variances while maintaining safeguards.

This change would align administrative authority with past Board practices, provides a fair mechanism for genuine family hardship cases, and keeps protections in place to prevent misuse or premature parcel transfers.

Mr. Myers opened the public hearing.

Roland Barr, 488 Shenandoah Heights Road

Mr. Barr stated that he has a personal hardship for the variance. He stated that he held his application until after the subdivision ordinance changed and he hopes that this ordinance will provide clarification.

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

Mr. Kersjes asked why one subsection is for 15 years and a different subsection is for 5 years.

Mr. Gordon stated that the 15 years is for if the property is held in a trust and the 5 years is for voluntary transfer for to a non-immediate family member.

Mr. Bowman stated that the sections in question were part of the existing code, not part of the code that is being amended.

Mr. Gordon stated that an alternative route for family subdivisions would be to construct an accessory dwelling unit.

Mr. Henry asked what were the checks and balance for this ordinance, should a staff member become too restrictive in the future?

Mr. Bowman stated there isn't an intermittent appellate body.

Mr. Henry asked if an appeal mechanism could be added?

Mr. Bowman stated that it could be investigated, but it would delay action on the ordinance.

Mr. Kersjes asked what would be the checks and balances for a rogue administrator?

Mr. Bowman stated that the Board of Supervisors has appointment authority over the subdivision agent and the County Administrator, so they would have the ability to remove them if so needed.

Mr. Gordon asked if the ordinance allows for the addition of years onto the end of the possession of the property, as they have done in the past?

Mr. Bowman stated that the ordinance does not state that expressly, but it does allow for the granting of conditional waivers which would allow for the addition of time at the end, if the agent so chose. He then stated that, if that provision is important, then the Planning Commission could add it to the ordinance.

Mr. Gordon asked for clarification between a hardship and an inconvenience?

Mr. Bowman stated it is an issue of magnitude based on the nature of the variance being requested.

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

Ayes: Myers, Henry, Kersjes, Gordon, Miller

New Business:

SP2025-03-01 - Preliminary Site Plan for Toray Property - Manufacturing/Warehousing/Distribution Facility - A request for final site plan approval for a manufacturing/warehousing/distribution facility. Identified on tax map 12G, section 1, block 2, as lot 5A1, the subject property is zoned Industrial (I) and is located in the North River Magisterial District.

Ms. Wahl stated attached is the preliminary site plan for Toray Property submitted on behalf of TC Midatlantic Development V, Inc. with agency approvals from County Zoning, VDOT, VA DEQ, Building Inspections, and Front Royal Public Works. The site plan includes the development of the property identified on tax map 12G--1-2--5A1 with a manufacturing/warehousing/distribution facility approximately 230,200 square feet in size. The property is zoned Industrial (I). The proposed warehousing and distribution facility land use is permitted by right in the Industrial district. Certain manufacturing uses are permitted by right (see Warren County Code §180-28B(3)) in the Industrial (I) district while other manufacturing uses are permissible only upon issuance of a conditional use permit (see Code §180-28D(7) and §180-28D(13)). The cover sheet includes a note that the site plan is intended for uses permitted by right and any future use of the facility requiring a conditional use permit would follow the proper procedures.

The zoning administrator determined the proposed site plan is compliant with Chapter 180 of the Warren County Code (zoning ordinance) and that all necessary agency

approvals have been obtained as of September 15, 2025.

Per Warren County Code Section 180-64A(5)(C)[4]: *"The Planning Commission shall act on any preliminary site plan within 60 days after it has been officially submitted for approval to the Planning Commission. If the Planning Commission does not approve the preliminary site plan, the Planning Commission shall set forth in writing the reasons for such denial and shall state what corrections or modifications will permit approval by the Planning Commission. After the plan has been modified, the Planning Commission shall act on the plan that it previously disapproved within 45 days."*

Mr. Kersjes stated that, based on the location of the building and it's proximity to 522, there would be no view impact.

Mr. Myers stated that he has concerns about the effects of the construction on the water table.

On a motion made by Mr. Henry, seconded by Mr. Kersjes, and by the following vote, the Planning Commission moved to approve the "Toray Property" site plan.

Ayes: Myers, Henry, Kersjes, Gordon, Miller

Consent Agenda – Authorization to Advertise for Public Hearing:

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

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

Commission Matters:

Attorney for the County:

Mr. Bowman stated that all comments on the bee ordinance should be communicated to staff so they could be incorporated and that it has been a pleasure working with Mr. Henry.

Commission Members:

Mr. Kersjes asked when the November meeting is taking place.

Ms. Mutter stated that the November meeting is on Thursday the 13th because the Board of Supervisors Meeting is being held on Wednesday because the County Offices are closed on Tuesday for Veterans Day.

Mr. Kersjes asked if the hotel was up for advertisement for the site-plan.

Ms. Mutter stated that he would need to speak to Mr. Lenz about that.

Mr. Myers wished everyone a happy Halloween and reminded everyone to vote on election day.

Mr. Henry stated that he believed that he would be appointed to the Board of Supervisors. He wanted to thank all the Staff he has worked with over the years and appreciated all the experience they offered to him.

Mr. Myers stated it was a pleasure and wished Mr. Henry good luck.

Planner:

Ms. Wahl reminded the Planning Commission to get back to her with what was discussed at the work session.

Clerk to the Planning Commission:

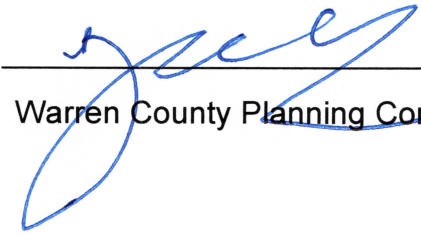
Ms. Mutter asked Mr. Bowman if an election was going to be necessary to fill the vice-chairman spot that Mr. Henry was leaving?

Mr. Bowman stated an election isn't necessary; the remaining members could appoint a temporary officer for the meeting, should it come up.

Adjournment:

On a motion made by Mr. Kersjes and the following vote, the meeting was adjourned at 8:30PM.

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



Warren County Planning Commission Chairman