

The Board of Zoning Appeals regular meeting of the Town of Front Royal, Virginia was held on September 21, 2021, at 7 pm.

CALL TO ORDER:

Chairman Sealock called the meeting to order at 7:00 pm.

ROLL CALL – DETERMINATION OF QUORUM

Present: Wayne Sealock, Chairman
David Gedney, Vice Chairman
Ronald Flores

Staff: Lauren Kopishke, Director of Planning / Zoning Administrator
Douglas Napier, Town Attorney
Connie L. Potter, Executive Assistant

APPROVAL OF MINUTES

- January 7, 2021

Vice Chairman Gedney moved, seconded by Mr. Flores to approve the meeting minutes as written.

VOTE: Yes – Gedney, Flores, Sealock

No – N/A

Absent – N/A

Abstain – N/A

VOICE VOTE

Ms. Kopishke stated that Ms. Cook needed to waive her 30-day appeal for the determination Ms. Kopishke made yesterday (*September 20, 2021*). Ms. Cook waived her appeal. Ms. Kopishke explained that Steven Hicks was not the Zoning Administrator between Tim Wilson leaving and Ms. Kopishke starting so Mr. Hicks did not have the authority to issue a determination.

PUBLIC HEARINGS.

- **Appeal Case #FRBZA 002842-2021** – Shelly Cook (Servants Hand Construction LLC) requesting an appeal to the zoning determination dated (September 20, 2021) to disapprove the zoning permit (FRZMINOR-2799-2021) requesting to renovate and add additions to five existing cottages at 1121 John Marshall Highway and T.M. #20A10-3-9.

Shelly Cook discussed her reasons for the appeal and testified to the hardship she has endured for renovations/restoration and construction of additions to the five (5) existing cottages as well as usage of the property with a main house and five (5) cottages as rental units. She also discussed

previous usage of the cottages and that they had been used as rentals over the years and the use should be grandfathered.

Ms. Kopishke addressed the Board explaining the determination was based on the fact that short-term rentals are not permitted in Town. She also explained the allowed and unallowed use of the property based on the structures being located on 2 separate lots.

Chairman Sealock opened the public hearing.

Mr. Flores asked if anyone in the past had mentioned this was an illegal use of the property.

Ms. Kopishke responded she didn't know the answer to that. Currently short-term rentals are not allowed in Town Code.

Vice Chairman Gedney asked staff if previous owners just never asked permission for the use and just did it anyway.

Ms. Kopishke responded that was correct. Are you going to grandfather an illegal use? No.

Ms. Cook commented it was a motor coach for years and should be carried on.

Vice Chairman Gedney said his understanding was that the last two (2) uses of the property were not this which was part of the determination.

Chairman Sealock closed the public hearing.

Vice Chairman Gedney discussed previous uses and existing use.

Ms. Kopishke commented that this does not fit the definition of bed and breakfast.

Vice Chairman Gedney referred to the Woodward House which is a bed and breakfast and has cabins on site.

Ms. Kopishke mentioned that the care takers live on site. The Main house would have to be Ms. Cook's primary residence. Ms. Kopishke read a portion of the Town Code addressing this comment. She asked if something is owned by a business, how would it be owner occupied.

Town Attorney, Doug Napier made comments that a member of the business is required to live on site.

Ms. Kopishke asked for confirmation that owner occupied dwelling means someone who is on the deed is required to live there.

Mr. Napier responded yes. He offered the opinion that this may be something for an ordinance amendment.

Ms. Cook offered concern with that process. She commented on which cottages were being used as rentals and were metered.

Ms. Kopishke made comments regarding non-conformity and the need to look at any legal use that was in operation and when Ms. Cook purchased the property her proposed use was not a legal use.

Chairman Sealock could not recall when the property was last open for this use and asked Mr. Napier if he knew.

Mr. Napier responded that it was a motor lodge many years ago.

Ms. Cook commented that Mr. Hall had it open in the early 2000s and continued several of the buildings as rentals.

Mr. Napier made comments regarding Town Council wanting to clean up blighted properties and this could possibly be something for her to address by changing the ordinance.

Ms. Cook mentioned there were Airbnb's all over town.

Ms. Kopishke said they were operating illegally. This will be addressed in the Comprehensive Plan, noting that the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance will be rewritten in the next 18 months. She commented that at that time short-term rentals might become a legal use.

Ms. Cook expressed her frustration while trying to do the right thing for the community and restore this property to what it was.

Both Ms. Kopishke and Mr. Napier commented that a text amendment may be a route for her to take.

Ms. Cook asked if the Board could recognize that it was a past use and approve it.

Ms. Kopishke answered no because the use was discontinued over 2 years ago. She commented that staff had looked for a legal way according to Town Code that would allow the use and there was nothing in the code to legally approve the use.

Ms. Cook explained all she had already done to clean up the buildings.

Vice Chairman Gedney spoke about Shenandoah Commons across from Ms. Cooks property asking if they were the same zoning district.

Ms. Kopishke commented those were apartments.

Ms. Cook explained she cannot live at the property.

Vice Chairman Gedney asked about meters on the buildings.

Ms. Cook addressed his question.

Vice Chairman Gedney continued to discuss the use.

Ms. Kopishke talked about not being able to take away the requirements for the caretaker to live on site if used as a bed and breakfast.

Vice Chairman Gedney discussed uses in the past.

Ms. Cook asked about the use description in the taxes and that they acknowledge them as cabins.

Ms. Kopishke said that does not mean the use is legal.

Mr. Napier commented that taxation and zoning are two separate entities.

Ms. Kopishke advised Ms. Cook that in the future before she purchased property in town to meet with staff on allowable uses for the property. Due diligence needs to be done.

Based on the information provided and there was no proven hardship, Mr. Flores moved, to deny the request, seconded by Vice Chairman Gedney.

VOTE: Yes – Flores, Gedney, Sealock

No – N/A

Absent – N/A

Abstain – N/A

VOICE VOTE

There were no additional comments.

ADJOURNMENT

Mr. Flores moved, seconded by Vice Chairman Gedney to adjourn the meeting.

VOTE: Yes – Gedney, Flores, Sealock

No – N/A

Absent – N/A

Abstain – N/A

VOICE VOTE

The meeting adjourned at 7:43 pm.

Connie L. Potter

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Executive Assistant

Clerk Board of Zoning Appeals