

**TOWN OF WEST POINT  
PLANNING COMMISSION  
AUGUST 4, 2021**

**I. Call to Order**

The West Point Planning Commission held its regularly scheduled meeting on Wednesday, August 4, 2021. Chairman Brockwell called the meeting to order.

Members Present: James Brockwell, Chairman  
Britney Ball, Vice-Chairman  
James Hudson, III  
Stuart Daniel  
Mary Montague Sikes  
Teresa Glidewell

Members Absent: James Vadas

Staff Present: Holly N. McGowan, Director of Community Development  
Andrea Erard, Town Attorney  
Shari Carnell, Recording Aide

**II. Review of Agenda**

There were no changes to be made to the agenda.

**III. Citizens Address the Commission**

Chairman Brockwell opened the floor to any citizen to address the Planning Commission. There being none, the citizens address portion of the meeting was closed.

**IV. Public Hearing**

A. Public Hearing on Special Use Permit, Case # SUP2021-01, Virginia Vranian Trust, Homestay

The Community Development office received a Special Use Permit application submitted by Rafael Guroian for property owned by Virginia Vranian Trust. The applicant requests approval of a special use permit for the operation of a homestay located at 590 River Road, taxmap number 63A1-3-U in the R-1 Zoning District.

Chairman Brockwell opened the public hearing.

Chairman Brockwell invited the public to come forward to speak.

1.) Rafael Guroian, of Midlothian, VA, stated he was present with his wife, children and two of his cousins to speak for the homestay request. The application that was submitted included a narrative that involved childhood memories made at the Vranian home, and he spoke of fond memories he had there and in the Town of West Point. The Vranian home is a symbol of their history and their family.

Bobby, Mr. Guroian's cousin approached him about what they could do to keep the home in the family as the younger generations have moved out of the region and currently no one can use the house as a primary residence, but the family would like for the home to stay in the family.

Mr. Guroian stated he owns an Air BnB in Baltimore, MD that he purchased right out of college. He has a very good repour with the neighbors in that community. Mr. Guroian has spoken with extended family, a financial advisor and put together a business plan as a way for the family to keep the home and bring revenue to the town.

If they sell the propertieess individually then someone may build on the currently vacant lots. Mr. Guroian would like to keep everything the way it is and just do maintenance repairs. Mr. Guroian stated that there would be staff present to take care of the house and landscaping regularly, and that having a homestay listed in the area would increase the property value of the surrounding properties. Mr. Guroian stated that it would not be a high traffic place, and that all of the neighbors would be able to contact him if they needed to and that the property would be monitored with cameras as well as staff. Off-street parking will be provided on the property. No parking will impede any traffic on River Road. Guests will be directed to call 911 in the event of any police, medical or fire emergency and to notify the property manager.

Mr. Guroian read a letter to the commission that was submitted on his behalf from Jen Presswood. Ms. Presswood is the neighbor of the Air BnB that Mr. Guroian owns in Baltimore. The letter is of encouragement and support to let the adjoining property owners know that he will be involved with all matters when it comes to the property and homestay guest.

2.) Timothy Brown, 3800 Camelia Drive provided the Planning Commission members with some research so that they could follow along while he was speaking. Mr. Brown stated he is concerned about the intentions to convert the property at 590 River Road into a tourist home business. Mr. Brown stated he feels allowing this would exempt the residence from the R-1 zoning requirements. The zoning ordinance currently states "the purpose of the R-1 low density residential zone is to preserve the essential character of existing low density residential neighborhoods and to protect them from encroachment by potentially incompatible commercial land uses," and Mr. Brown believes this will not preserve the character of the R-1 zoning district. Mr. Brown refers to his hand out A3 showing in Town code, Tourist home is not listed as a permitted use in the R-1. Mr. Brown stated he believes this is a growing national issue, and not all business is beneficial to the Town of West Point.

Mr. Brown stated River Road is a narrow road that cannot accommodate a traffic increase, and the owner or property manager would not be able to control the size of a gathering and there would not be enough parking available to accommodate a large gathering. Having cameras on the property will not stop this from happening.

Mr. Brown stated, as was written in the handout, the special use permit should be disapproved. He believes allowing a special use such as that contemplated at 590 River Road will reduce existing property values in the area. Accordingly, the Town of West Point and County of King William will lose net real estate tax revenue resulting from these property value reductions. This loss will certainly not be offset by revenue from any lodging/business tax receipts from 590 River Road.

3.) Charles T. Redd, III, 690 River Road, stated he was speaking on behalf of a group.

Mr. Redd stated the Homestay is a business and should not be in the R-1. High end Vacation Manor, Event Center, or Retreat are all considered to be types of business. Anyone who buys or builds in the R-1 district does so because they want to be protected from having a business next door or across the street. "During my thirty years of working for local government I have dealt with many conditional use permits and special use permits and I have learned over time how to spot ones that misrepresent the intended purpose, and this is one of those requested applications. The applicant tried to convince me that this was not a business. In the application it states 'as a new West Point business we will join the West Point Chamber of Commerce,' it is a business. You heard the applicant state that this request is about the family remaining stewards of the home and continuing to use the property as a family business. If this is the applicant's true intention then he should purchase the property, live there, keep it residential, and invite a family to visit. This is not what this application is about. He wants to put a business in the middle of a single-family residential neighborhood. Once the applicant heard there was widespread opposition to his plans, he dropped some of the words that got people's attention like wedding receptions, showers, and corporate retreats. Those words are no longer included but does not mean the venue will not be used to host those events once a special use permit is obtained."

The updated application states there will be no additional guests on the property beyond those listed on the reservation and the owner will not permit the gathering of guests not staying at the property. Mr. Redd stated the applicant lives sixty miles away and it would prohibit any neighborly interaction if they were to have a cookout, because it's against the rules. Mr. Redd stated it is a situation impossible to control by cameras. "There is no way to control that the only visitors that stay will be the visitors that are on the reservation with cameras."

Mr. Redd stated the applicant had originally told him he would not close on the property unless he received approval for the special use permit. The applicant is only concerned with having the property as a business, if he can not have it as a business then he does not want the property.

Mr. Redd stated he thinks this homestay will reduce property value of surrounding property. "The area streets cannot handle the traffic that one of these establishments will attract. There is not ample off-street parking. If you approve this application, you will be destroying a neighborhood, but you will also be setting a precedence that will allow for a business in the R-1 or residential zones that Ms. McGowan will have to approve because of this application. There are people looking to own property in town that are looking at what your decision will be. This is a business, and it's in the middle of a residential area. I ask you and I urge you to deny this application. Thank you."

4.) Brent Bohannon, 710 River Road, stated he was opposed to the application, the way it's stated and would like for it to be amended. As mentioned previously by Mr. Redd if the special use permit is granted then it can be rented as a corporate retreat with many guests.

"This road is small. Incidents have occurred on this road that indicate that high traffic would make it more strenuous for the current residents. One incident would be when they were having a tree removed at 590 River Road. There was a work truck that was parked on the side of the road as far over as it could. When my wife and I went to go to work we had to go around this work truck parked on the side of the road, both vehicles had trouble going around the parked vehicle without going off the road. Anything parked on River Road makes it difficult to go around because the road is so narrow." Mr. Bohannon stated he has a young son and an elderly mother and if he had to call an ambulance or the fire department during a time an event or party was being hosted at 590 River Road the ambulance or fire truck would not be able to make it down the road because someone may be parked in the street.

Mr. Bohannon stated people do not pay five hundred dollars or more for rent for a vacation house to just sit there and do nothing, people are going to want to enjoy themselves and I understand that. Mr. Bohannon stated he would be ok if it was a permanent residence that was only rented out one week out of the year, but this was a business to make a profit to be able to pay for the house. "Our neighborhood is not a place for a business it is a place for living." Mr. Bohannon stated he would like for his son to have the same memories and opportunities the applicant experienced growing up on River Road, not to have to worry about someone they do not know driving fast down that road because they are only there temporarily.

5.) Robert Vranian, 216 Lakeshore Dr. Fredricksburg, VA, stated that he grew up at 590 River Road and he sympathized with all the neighbors. Mr. Vranian stated he has full confidence in his cousin Mr. Guroian and when Mr. Guroian is older that he will reside at 590 River Road. The house is a special house and the family members do not want to sell it. Currently this is the best option for all the family members involved. There are three buildable lots plus the lot the house sits on, and we have not placed these properties on the market. Mr. Vranian provided the Planning Commission with a picture of what a past family reunion parking look like at 590 River Road.

There is plenty of room for parking. Parking has never been an issue.

6.) Dan Sanders, 670 River Road, stated he supports the application request. Mr. Sanders stated he does not want to see the three lots that accompany 590 River Road fully developed as he is a direct adjacent property owner. Mr. Sanders stated he believes the properties would sell quickly if they are placed on the market to purchase. If the applicant remains the owner of the property, then the property will remain as it is. "If the rules are followed, everything will be fine."

7.) Dale Bateman, 570 Pine Lane, stated he shares a lot of the same concerns as the other adjacent property owners that are present, with concerns to the lots being developed and the increase in traffic on River Road. He also believes Mr. Guroian is sincere in what he says. Mr. Bateman stated he has known the Vranian family and if they say they will take care of something they will.

8.) Samantha Bohannon, 710 River Road, stated she is in opposition of the application. Mrs. Bohannon stated one of her main concerns is during tonight's meeting the applicant has changed his mind because of the people who are in opposition, and she wonders what will stop him from changing his mind again. Mrs. Bohannon stated Mr. Guroian's statement addressing the board sounded to her like if the board did not approve the application, then they would not buy the property and would sell it and the adjoining lots which would potentially lead to more traffic as well. Mrs. Bohannon stated one adjoining property owner had offered to buy the adjoining lots and have them remain undeveloped and also stated if the lots were to be sold for the purpose of a single-family dwelling those houses would have their own driveways, parking, and would not block the street.

Mrs. Bohannon stated the additional traffic does concern her whether it is a new family every week or weekend, however it is more about the people who will be parking on the street. There is not enough room for conducting activities outside of what a resident would do. "The parking area of the driveway is small unless they created a parking lot on one of the vacant lots. The house is a large house with lots of bedrooms and for the price there will be families looking to rent the property as a vacation home with five to six vehicles and the current parking lot will not accommodate that many vehicles."

9.) Eleanor & John Harper, 510 W. Euclid Blvd., submitted a handwritten letter to the Planning Commission members as they could not be present at the meeting. The letter stated they are not interested in having this property available to strangers in their area who are not familiar with their family members and adults and children that walk the neighborhood roads. They understand the potential owner has provided a list of criteria that would be used to evaluate renters, he would not be on site to enforce them. The Harpers are also concerned if the application were approved then the property is sold in the future what assurances would be available. They do not want to alter the environment of the R-1 zoning district.

Mr. Guroian asked Chairman Brockwell if he could address the Planning Commission once more. Mr. Guroian stated the driveway you see is not the only driveway, there is a second driveway that will provide plenty of off-street parking. Regarding property values Mr. Guroian stated he did some research on this because he was curious for the neighborhood and encouraged everyone to google forbes bnb property values. There are two articles that go in depth on air bnb's problems. "The problems are they drive the surrounding property values up, people see air bnb's when they are shopping for houses, and it is indicative of a desirable place to live. The problem is disadvantage people are unable to afford to live in the neighborhoods they want to live in. That's the controversy right now. The purpose of the special use permit is because you have the ability to approve this as an approved use in the R-1 zoning district despite what it says in the town code, and is why we are here today, we would not be here if the code didn't allow for it to be approved through the approval of a special use permit."

Mr. Redd asked Chairman Brockwell if he could ask a question.

Mr. Redd asked, "can we respond to his comment?" Chairman Brockwell replied, "No."

Ms. Erard the Town Attorney stated to Mr. Redd there would be another public hearing before Town Council he could address any questions or comments then.

Chairman Brockwell closed the public hearing.

Chairman Brockwell stated it was time for discussion and wanted to know if there was anyone who was going to abstain from the discussion and voting.

Teresa Glidewell, Stuart Daniel, and James Hudson, III all abstained from discussion and voting.

Chairman Brockwell opened the discussion between himself, Mary M. Sikes, and Britney Ball.

Ms. McGowan stated new documentation was provided to each of the Planning Commission members, an amended narrative from the applicant, an amended staff report, an email that was sent by Jen Presswood and the letter submitted by John & Eleanor Harper.

Mrs. Sikes stated she was concerned that there was only three members able to discuss the matter.

Ms. Ball asked if this was something to be decided today.

Ms. Erard stated they could continue the discussion and decision until the next Planning Commission meeting.

Chairman Brockwell stated he understood their reservations. Chairman Brockwell continued the discussion stating the adjacent property owners all made valid points, and the applicant presented a good plan with his application, but the West Point code definition of homestay under Homestay Regulations section 70-413 states: Homestay means the accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended for short term (twenty-nine days or less) transient rental purposes in exchange for a charge for the occupancy. The primary use of the homestay unit shall remain residential. For each booking transaction, all applicable taxes must be collected and remitted to the town as required by chapter\_\_ by either the host or the associated hosting platform. Such accessory or secondary use shall not create a landlord/ tenant relationship. Below that Chairman Brockwell mentions it defines what a Residential Dwelling Unit is defined as, which is a residence where one or more persons maintain a household. Chairman Brockwell stated as he understands the application is not a residential dwelling unit, no one will be living at the home full time, it is just meant to be used as a business, and due to those reasons, he has an issue with the application. Chairman Brockwell stated, "It does not follow the code and if the Planning Commission allows this then we either need to change the code or not follow the code when presented with this type of application." Chairman Brockwell stated he understands that the Planning Commission is only responsible for making a recommendation to Town Council, and Town Council will make the final decision, but Chairman Brockwell is having a difficult time making a recommendation to support this.

Mrs. Sikes stated Chairman Brockwell made a good point.

Ms. Ball agreed.

Chairman Brockwell addressed everyone present stating he wanted to be honest with all parties concerned. "The applicant presented a very nice detailed application with good history and intent for the future. I believe he would take care of the place and be a good neighbor." He continued, "I also think that the adjoining property owners made valid points as well in terms and concerns for why they did not want the application to be approved." Chairman Brockwell stated he could not support the application because it is not a residence.

Mrs. Sikes stated that was a very important point.

Chairman Brockwell stated the Planning Commission could recommend approval of the application and let council decide, but he cannot support the decision either unless Ms. Ball or Ms. Sikes can give him a good reason to move forward in that direction.

Ms. Ball stated when Chairman Brockwell read the definition the definition was clear.

Mr. Vranian stated there are air bnbs owned by individuals put up for rent at times but are still considered residence. Mr. Vranian stated, "Rafi Guroian and his family do plan to live there at some point and do intend to use it as most air bnbs are used in the U.S. for rental but also as a residence at times." Mr. Varaian stated it was not a residence is not correct in his opinion and believes that the intent could be argued.

Chairman Brockwell asked Mr. Varaian if there was anyone currently living in the house.

Mr. Varaian stated there are people living in the house several days a month in order to maintain the insurance on the house and the maintenance of the house.

Mrs. Sikes stated to Ms. Ball she was concerned it was just the two of them and the chairperson making the decision.

Chairman Brockwell explained the other Planning Commission members had to abstain because of conflicts it is ok to proceed.

Ms. Ball asked if there was anyone else on the Planning Commission that could participate in the discussion and vote.

Ms. Erard stated Planning Commission member Mr. Vadas is currently out of town but would be able to participate in the discussion and vote.

Mrs. Sikes stated she would prefer to wait until Mr. Vadas is present to participate in the discussion and vote. Mrs. Sikes asked if the decision could be deferred until next month's Planning Commission meeting.

Mrs. Sikes made a motion to postpone consideration of the special use permit application until next month's Planning Commission meeting. Chairman Brockwell seconded the motion. Upon roll call vote, Chairman Brockwell, Mrs. Sikes and Ms. Ball all voted "Aye". Mr. Hudson, Mr. Daniel, Ms. Glidewell abstained, the motion carried.

Mr. Hudson stated the Planning Commission will make a recommendation to Town Council and the Town Council will hold a public hearing to make the final decision. "Everyone on both sides of the application is encouraged to attend the public hearing. If there are any additional documentation you wish to submit prior to the public hearing please submit it to Holly McGowan so Town Council members can receive a copy."

There was a five-minute recess.

Chairman Brockwell addressed Ms. McGowan about the Homestay Regulations stating the definition of host states, "the person who is the owner or primary resident" and then below is the definition of primary resident is defined as "the owner of the homestay unit." Chairman Brockwell asked if the Planning Commission could change the language to "the person who occupies the property."

Ms. Erard responded any change would need to have a public hearing.

Ms. McGowan stated she would have to check the audio and minutes from the previous Planning Commission meetings to verify, but believes it was the intent of the ordinance that the person did not have to live in the home.

Chairman Brockwell stated he thought that there was some discussion leaning towards the homeowner not having to live on the property but that he was not present at the meeting where it was decided on.

Ms. Erard stated it would be a good idea for Ms. McGowan to pull the audio for that meeting to help the Planning Commission members get some clarity on the decision.

Chairman Brockwell stated the way the definitions for host and primary resident are written do not match and can cause confusion.

Ms. McGowan stated if the Planning Commission would like to change the language, they will have to have a public hearing for a text amendment.

Chairman Brockwell stated he understood he was leaning towards they did not have to live on the property, but he missed the meeting where it was discussed.

Ms. Ball stated it is not how it reads; "it reads that they do have to live on the property."

Chairman Brockwell stated they do, or someone does. "A primary resident. It doesn't have to be the owner, but it can't be a vacant house because then its more of a hotel." Chairman Brockwell asked Ms. McGowan if she found anything to provide it to the Planning Commission members before next month's meeting.

## **V. Committee Reports**

Mr. Daniel stated the Wetlands Board met on July 20, 2021. The case before the Wetlands Board was an extension request for the Lawrence Cartwright project located at 3030 Southern



Avenue. "Mr. Cartwright's existing wetlands permit was due to expire on August 18, 2021, and the project is incomplete and will require an additional 3 years to complete. The Wetlands Board granted the three-year extension."


Mr. Hudson stated Town Council has adopted a budget since the Planning Commission last met. "Things are going well for the town financially. Old Castle is probably not coming to West Point. The project was proposed and approved in the Industrial Park was planning to manufacture bagged mulch, stone, lawn, and garden materials. This week all employees have been asked to remark while you are in the building unless you are in your own office due to the Coronavirus."

**VI. Adoption of Minutes**

Mr. Hudson made a motion to adopt the minutes from the March 03, 2021, Planning Commission meeting. Mr. Daniel seconded the motion. All in favor responded, "Aye." No one opposed. Motion Carried.

**VII. Motion to Adjourn**

Mrs. Glidewell made a motion to adjourn the meeting. Mr. Daniel seconded the motion. All in favor responded, "Aye." No one opposed. Motion carried.

  
Chairman James Brockwell  
West Point Planning Commission

Commissioner's Terms

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