

# Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on January 12, 2021 in the Board of Supervisors meeting room located in the Franklin County Government Center.

## **THOSE PRESENT:**

Sherrie Mitchell- Snow Creek District  
Debbie Crawford- Union Hall District  
David Clements- Rocky Mount District  
C.W. Doss, Jr.- Blue Ridge District  
David Pendleton- Blackwater District  
James Colby- Gills Creek District  
Angie McGhee- Boone District (on phone)

## **OTHERS PRESENT:**

Steven Sandy- Director of Planning & Community Development  
Lisa Cooper- Principal Planner  
Hannah Powell- Clerk

The meeting was called to order by Chairwoman Mitchell at 6:00 p.m. The next order of business was the approval of the minutes from the December 8, 2020 meeting. Chairwoman Mitchell asked of the Planning Commission if there were any comments or corrections to the minutes as written; there were none. Chairwoman Mitchell announced the minutes would stand as written.

Chairwoman Mitchell introduced the next item on the agenda and asked for the staff report.

**APPLICATION for SPECIAL USE PERMIT** – Application of Don Lozo and Melissa Lozo, Applicants and Owners, requesting a Special Use Permit, with possible conditions, to allow for the short-term tourist rental of a dwelling, on an approximate 0.93-acre parcel. The property, currently zoned A-1, Agricultural, is located at 60 Cameron Circle in the Gills Creek District of Franklin County and is further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0330302400. The property has a future land use designation of Low Density Residential. The short-term tourist rental of a dwelling is a permitted use by issuance of a Special Use Permit by the Board of Supervisors in A-1 zoning districts.

Mrs. Cooper began by explaining that the applicant requests a Special Use Permit to allow for the “Short Term Tourist Rental of a Dwelling” on an approximate .93-acre property located at 60 Cameron Circle in the Gills Creek District and currently zoned A-1, Agricultural District. The residence is located on a modest lake front parcel that is notably open with a sparse amount of shrubbery and/or trees. It is closely situated between two other dwellings that are both approximately 100 feet away with predominantly unobstructed visibility.

Mrs. Cooper went on to say that this property is included within the Forest Shores Property Owner’s Association. Currently, the property owner’s association does not have any rules or covenants restricting short-term rentals.

Mrs. Cooper stated that the comprehensive plan states as an objective to promote and expand the tourism industry within Franklin County with a strategy to encourage development of infrastructure that supports tourism like lodging, restaurants, etc. The comprehensive plan would support the special use permit for this property to be used as short-term rental dwelling unit with conditions staff is requesting.

Mrs. Cooper concluded that staff recommends that the Planning Commission approve the request for a Special Use Permit to allow for the short-term tourist rental of a dwelling with the following five (5) conditions:

- 1) This special use permit authorizing the short-term rental dwelling on tax parcel # 0330302400 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.

- 2) The owner shall always comply with the supplementary regulations for short term rentals found in Section 5.5-72 and Section 25-138 of the Franklin County Code. The owner shall provide proof of liability insurance covering injury to a guest on the property of no less than \$300,000.
- 3) The County Building Official and Fire Marshall shall inspect the proposed short-term rental use. No short-term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
- 4) Prior to using the property as a short-term rental use, the property owner shall provide documentation from the Virginia Department of Health and Franklin County Building Official that the home and septic system is approved for the dwelling.
- 5) The use of a short-term rental shall require an evergreen buffer of shrubbery, such as but not limited to holly, rhododendrons, or azaleas, at a minimum height of 2 feet at the time of planting, along the adjoining property lines. It is intended that a sufficient vegetative buffer be provided between the short-term rental and the dwellings on adjacent parcel #s 0330302300 and 0330302500.

Mrs. Cooper offered to answer any questions; there were none.

Chairwoman Mitchell asked to hear from the applicant.

Mr. Lozo stated that being able to rent their home out short term will allow them to visit their families in New York and Florida. He went on to say that Long & Foster will be managing the rental property for them and that they had stringent rules for renters to follow and had indicated that they had never had any detrimental problems. Mr. Lozo said that they plan to be responsible with their home with regulations such as no pets allowed, no renters under 25 years old, and no parties allowed.

There were no questions for the applicants so Chairwoman Mitchell opened the public hearing and asked if there was anyone present that would like to speak; there was not. She then closed the public hearing and the members had discussion among themselves.

Mr. Colby made a motion to approve, stating that he found that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the County Code with the uses permitted by right in the zoning district, and with the public health, safety and general welfare to the community. Therefore, I move to recommend approval of the applicant's request for a Special Use Permit to allow for the short-term tourist rental of a dwelling in accordance with Sec. 25-179 of the Zoning Ordinance, with the five (5) conditions as recommended in the staff memorandum.

Mrs. Crawford seconded the motion.

The motion to approve was approved; voting on the motion was as follows:

AYES:	Doss, Colby, McGhee, Clements, Pendleton, Crawford, Mitchell
NAYES:	None
ABSENT:	None
ABSTAIN:	None

Chairwoman Mitchell announced the next item on the agenda and asked for the staff report.

**APPLICATION for SPECIAL USE PERMIT** – Application of Daniel M. Jeeves, Applicant, and Hyper Invested, LLC, Owners, requesting a Special Use Permit, with possible conditions, to allow for the short-term tourist rental of a dwelling on an approximate 4.83-acre parcel. The property, currently zoned A-1, Agricultural, is located at 389 Lakemount Drive in the Gills Creek District of Franklin County and further identified by Franklin County Real

Estate Records as Tax Map/Parcel # 0150005203. The property is located in the Designated Growth Area-Westlake-Hales Ford/Suburban Residential 2 unit per acre. The short-term tourist rental of a dwelling is a permitted use by issuance of a Special Use Permit by the Board of Supervisors in A-1 zoning districts.

Mr. Sandy began by explaining that the property was recently sold in October 2020 to four families that joined together as Hyper Invested, LLC, and purchased the property. The four families that make up Hyper Invested, LLC, intend to primarily use the property for their own personal interests and entertainment throughout the year. The owners would like to have the option to rent out the property on a short-term basis when it is not being utilized by one of the four families. The residence is situated on a spacious 4.83-acre parcel that is predominantly wooded on all sides. There is one other home located nearby at approximately one hundred twenty (120) feet away.

Mr. Sandy went on to say that the Comprehensive Plan along with the Westlake – Hales Ford Area Plan would support this property to be used as short-term rental dwelling due to the fact of the size of the lot, wooded area, and location of the home would not be substantial detrimental to the surrounding community. The comprehensive plan states as an objective to promote and expand the tourism industry within Franklin County with a strategy to encourage development of infrastructure that supports tourism like lodging, restaurants, etc.

Mr. Sandy concluded that staff recommends that the Planning Commission consider and approve the Special Use Permit to allow for the short-term tourist rental of a dwelling with the following four (4) conditions:

- 1) This special use permit authorizing the short-term rental dwelling on tax parcel # 0150017905CC shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.
- 2) The owner shall always comply with the supplementary regulations for short term rentals found in Section 5.5-72 and Section 25-138 of the Franklin County Code. The owner shall provide proof of liability insurance covering injury to a guest on the property of no less than \$300,000.
- 3) The County Building Official and Fire Marshall shall inspect the proposed short-term rental. No short-term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
- 4) Prior to using the property as a short-term rental use, the property owner shall provide documentation from the Virginia Department of Health and Franklin County Building Official that the home and septic system is approved for the dwelling.

Mr. Sandy offered to answer any questions.

There were no questions for Mr. Sandy, therefore, Chairwoman Mitchell asked to hear from the applicant.

The four (4) owners that make up Hyper Invested LLC were present. Mr. David Jones explained that they had purchased the home to give themselves a place to vacation. He went on to say that being able to rent short term when they are not using it will help them to pay the mortgage. They have spoken to the their closest neighbor whose property adjoins theirs and he has no concerns. Mr. Jones said that he agreed with most of the concerns of the other neighbors but that some are outlandish. They do not want to disrupt the community in anyway either. He concluded that they would like to work with their neighbors and come to some type of agreement.

Mrs. Crawford asked how long they have owned the property.

Mr. Jones answered that they bought it in November 2020.

There were no other questions for the applicants therefore Chairwoman Mitchell opened the public hearing and asked if there was anyone present that would like to speak.

Jay Murray said that the request should be denied to protect the character of the Overlook subdivision. He added that surrounding zoning prohibits short term rentals or the areas have POAs in place to prevent short term rentals.

Mr. Colby asked Mr. Murray if the applicants had reached out and had a conversation with him.

Mr. Murray answered no.

Tony Werner discussed the covenants and restrictions of the Overlook subdivision. He added that short term renter values are different than those of permanent residents. He added that he was also concerned about the wear and tear of the road.

Mr. Colby asked Mr. Werner if the applicants had reached out and had a conversation with him.

Mr. Werner answered no.

Linda Sullivan stated that short term rentals would set a precedence for the area and impact their property values. She added that short term rentals pose a public safety concern since there is not a no wake zone in that cove.

Mr. Colby asked Ms. Sullivan if the applicants had reached out and had a conversation with her.

Ms. Sullivan answered no.

Scott McCulley stated that his biggest concern was that once approved, this special use permit would stay with the property. He went on to say that short term rentals would be detrimental to the area and he was very unsettled by this. Also, he did not have any conversations with the applicants.

The applicant, David Jones, reiterated that they were more than willing to work with their neighbors to address their concerns. He said they were open to prohibiting their renters from using boats at all. He added that he did not understand how the roads would be affected more by renters than if they lived there full time.

With no one else to speak, Chairwoman Mitchell closed the public hearing and discussion among the members ensued.

Mr. Colby had a prepared statement as follows:

It appears that approval of this special use permit by Franklin County would be establishing a permanent adversarial relationship. We know that is the case because we have just heard and read abundant testimony to that effect.

Let's look at the adversaries. On the one hand are a set of Franklin Countians whose residences are adjacent to or nearby 389 Lakemount. On the other hand, is a Limited Liability Corporation which is not a Franklin County corporation; not even a Virginia Corporation. So, what is before us is: Franklin Countians vs a North Carolina corporation.

The Franklin Countians, who are likely to be affected by this outcome are deeply invested in Franklin County. Many have poured their life savings into their permanent home. They exemplify the heart and soul of Franklin County. And they are also invested in this community. Many have spent countless hours in various volunteer activities that have benefitted others. I have witnessed some of these volunteer community activities.

This request is to allow a commercial activity to intrude into an established residential area. Approval of this permit would allow unlimited commercial transactions with unlimited customers indefinitely. We know that commercial activity was the intent of these new owners because subsequent to the purchase they formed a corporation.

The A-1 zoning on this parcel enables this application. But let's take a look at the adjacent and surrounding zoning. See zoning map. All property owners in the RPD and R-1 zoned areas would be affected. Notice that the subject parcel not only adjoins the Residential Planned Development but also faces several of the RPD lots across a very narrow slip of water.

Further, access to the subject parcel by boat or other watercraft must pass close by almost all the Village Lane and Aspen Way lots. Dangerous.

Adjacent and vicinity property owners have enacted protective measures to preclude short-term rentals. They have taken actions to protective themselves, including safety measures. They now ask for our help.

The proposal cannot meet any of the findings for a special use permit that are required by our ordinance.

Mr. Colby made a motion to deny, stating that he found that such use will be of substantial detriment to adjacent property, that the character of the zoning district will be changed thereby, and that such use will not be in harmony with the purpose and intent of the County Code with the uses permitted by right in the zoning district, and with the public health, safety and general welfare to the community. Therefore, I move to recommend to deny the request for the Special Use Permit.

Mr. Clements seconded the motion.

The motion to deny was approved; voting on the motion was as follows:

AYES:	Doss, Colby, Clements, Mitchell
NAYES:	McGhee, Pendleton, Crawford
ABSENT:	None
ABSTAIN:	None

Chairwoman Mitchell determined that a break was needed and the meeting would reconvene in five (5) minutes.

After the break, Chairwoman Mitchell announced the next item on the agenda and asked for the staff report.

**APPLICATION for REZONE** – Application of Laura Turner, Applicant, and Willard Construction of Smith Mountain Lake, LLC, Owners, requesting approval of a concept plan for a distillery store and tasting room. The property, currently zoned PCD, is located at 96 Builders Pride Drive in the Gills Creek District and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0300005201. This property is located in the Designated Growth Area-Westlake-Hales Ford/Commercial Mixed Use. The purpose of this request is to comply with Section 25-402- *Effect of approval of the concept plan*, of the Franklin County Code to ensure that such use will be keeping with the purpose and design guidelines of the PCD District and Comprehensive Plan.

Mr. Sandy began by explaining that the Planned Commercial Development (PCD) District was originally approved by the Board of Supervisors in 2002. The purpose of the PCD District is to promote a wide variety of land uses including residential, offices, and retail while still maintaining a scenic community. The approved concept plan has been modified by the County on multiple occasions as development opportunities have emerged, with the most recent being for Runk & Pratt in May of 2016.

Mr. Sandy went on to say that the applicant is requesting the addition of a distillery store and tasting room as a permitted use on an approximate 3.02 acre parcel located at 96 Builders Pride Drive in Hardy. This proposed use is not specifically listed in the PCD district nor on the approved concept plan. Section 25-402 of the County's Zoning Ordinance does allow flexibility to uses within the PCD.

Mr. Sandy stated that Section 25-402 of the Franklin County Zoning Ordinance to ensure that the tasting room/distillery store is a use in keeping with purpose and design guidelines of the PCD District and the County's Comprehensive Plan. The property consists of existing commercial businesses located in the building where the

tasting room/distillery store is to be located. The tasting room/distillery store would be in keeping with the character and the purpose of the PDC district as another commercial use to enhance the Towne Center.

Mr. Sandy concluded that staff recommends that the Planning Commission recommend approval of the requested rezoning for the purpose of modifying the approved concept plan prepared by Lumsden Associates P.C., dated March 3, 2016 (sheets 1 and 2 of 3) to allow a distillery store and tasting room to the allowable uses on this parcel within the Planned Commercial Development (PCD) District.

Mr. Sandy offered to answer any questions; there were none.

Chairwoman Mitchell asked to hear from the applicant.

Laura Turner reiterated her plans for the tasting room, clarifying the process of flavoring before bottling and how the tasting room would operate.

There were no questions so Chairwoman Mitchell opened the public hearing and asked if there was anyone present that would like to speak.

Scott McCaulley said he was pleased to see something like this coming to the area.

With no one else to speak, the public hearing was closed and the members had discussion among themselves.

Mr. Colby made a motion to approve, stating that he found that such use and modification to the approved concept plan is in keeping with the purpose of the PCD district, the intent of the County's Zoning Ordinance, the County's Comprehensive Plan, and the design guidelines of the PCD District. Therefore, I move to recommend approval of the applicant's request to modify the approved concept plan and to add a distillery store and tasting room as a permitted use in the PCD District.

Mr. Doss seconded the motion.

The motion to approve was approved; voting on the motion was as follows:

AYES:	Doss, Colby, McGhee, Clements, Pendleton, Crawford, Mitchell
NAYES:	None
ABSENT:	None
ABSTAIN:	None

**APPLICATION for SPECIAL USE PERMIT** – Application of Jeffery Dupier and Lori Dupier, Applicants, and The Farm at Cedar Ridge, LLC, Owners, requesting a Special Use Permit, with possible conditions, to allow for the operation of a club, private, for recreational and educational programs, on an approximate 32.07 acre property currently zoned R-1, Residential Suburban Subdivision District, and located at 112 Cedar Ridge Road in the Union Hall District of Franklin County and further identified as Tax Map/Parcel # 0520007000. Clubs, private, are a permitted use by issuance of a Special Use Permit by the Board of Supervisors in R-1 zoning districts. This property has a future land use designation of Low Density Residential.

Mrs. Cooper began by explaining that public hearings were held in December on requests to rezone the property from R-1 to A-1 and to obtain a special use permit for private recreational facilities. There were citizens to speak in opposition to the rezoning. The citizens expressed no concerns over the special use permit activities. The applicants would like to add educational classes and workshops, such as apple cider pressing demo, art classes, lavender crafts, wreath making classes, and beekeeper talks to name a few. The applicant has proposed that these club, private activities would be located in the barn, lavender fields, parking, and proposed greenhouse.

Mrs. Cooper went on to say that Low Density Residential is mainly subdivisions and housing units; however, a private club with limited activities could enhance the residential community and support the exiting Spa business on David Lane. Low-density residential usually has recreational activities and other amenities located close to housing

areas and commercial centers. The comprehensive plan would support this request for a special use permit for a private club with the conditions staff is requesting for the special use permit.

Mrs. Cooper concluded that Staff recommends that the Planning Commission recommend approval of the request for a special use permit for a club, private, in the R-1 zoning district subject to the following conditions:

- 1) The club activities shall be limited to activities of a recreational and educational nature such as, but not limited to, yoga and/or meditation classes, nature walks, lectures, workshops, and other activities.
- 2) Activities shall not include overnight lodging or short-term rental use.
- 3) Typical club hours will be daily from 10a.m. to 5p.m.
- 4) Class group sizes shall typically be limited to less than fifteen (15) people. Special seasonal workshops/events shall be allowed for up to fifty (50) people no more than five (5) times a year.
- 5) All workshop and bathroom facilities shall be approved by the VA Department of Health (VDH) and Franklin County Building Official.
- 6) Club activities shall not be accessed from Cedar Bay Road.

Mrs. Cooper offered to answer any questions; there were none.

Chairwoman Mitchell asked to hear from the applicant.

Mrs. Dupier stated that the main change from the previous month was that this request would not require rezoning the property but the uses would remain the same.

With no questions for the applicant, Chairwoman Mitchell opened the public hearing and asked if there was anyone present that would like to speak.

David Sherman said this is about more than just yoga classes. He went on to say that the uses being requested have changed a lot since last month. He thought this was setting a bad precedence and was opening a door for future activities.

Jay Shoffner stated that he did not agree with selling a product and/or services in a residential area. He continued by saying that he had yet to hear about their plans for parking. He said that they should use the other A-1 land they own on David Lane for these uses.

Michelle White agreed that the land on David Lane should be used instead. She said that there are a lot of walkers and the road is not engineered for this much traffic. She thought that "special events" should be more clearly defined.

Pat Van Dyke said she was glad the rezone request was withdrawn. She was also concerned with the number of walkers and the amount of traffic this could generate.

Gregory Biggs stated that he was concerned with who was going to regulate the condition of less than 50 people on the property. He said the Planning Commission needed to consider this very carefully.

Paula Shoffner said she had a fear of the unknown and lack of details with this request. She added that she felt sure if this request was approved the County would be getting steady complaints. She asked that the request be denied.

With no one else to speak, the public hearing was closed and the members had discussion among themselves.

Mrs. Crawford made a motion to approve, stating that she found that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the County Code with the uses permitted by right in the zoning district, and with the public health, safety and general welfare to the community. Therefore, I move to recommend approval of the petitioner's request for a Special Use Permit for a "recreational facility, private," in accordance with Sec. 25-268 of the Zoning Ordinance, modifying the six (6) conditions and with the addition of condition #7 as follows:

- 1) The club activities shall be limited to activities of a recreational and educational nature (yoga and/or meditation classes, nature walks, lectures, workshops).
- 2) Activities shall not include overnight lodging or short-term rental use.
- 3) Typical club hours will be daily from 10a.m. to 5p.m.
- 4) Class group sizes shall be limited to no more than twenty (20) people.
- 5) All workshop and bathroom facilities shall be approved by the VA Department of Health (VDH) and Franklin County Building Official.
- 6) Club activities shall not be accessed from Cedar Bay Road.
- 7) Club activities shall be limited to the front portion (approximately 10 acres) of the property as shown on the attached map prepared by Franklin County GIS dated 1/14/2021.

Mr. Clements seconded the motion.

The motion to approve was approved; Voting on the motion was as follows:

AYES: Doss, Colby, McGhee, Clements, Pendleton, Crawford, Mitchell

NAYES: None

ABSENT: None

ABSTAIN: None

Chairwoman Mitchell announced the next item on the agenda as citizen comment and asked if there was anyone present that would like to speak on any topic; there was not.

With no other business, the meeting was adjourned at 8:48 p.m.

Hannah L. Powell, Clerk  
Franklin County Planning Commission

January 25, 2021  
Date