

Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on March 9, 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

OTHERS PRESENT:

Steven Sandy- Assistant County Administrator (on phone)
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 February 9, 2021 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 Lakewood Capital Group, Applicant, and The Boardwalk Property Owners Association and The Farm Property Owners Association, Owners, requesting a Special Use Permit, with possible conditions, to allow for a boat storage yard for subdivision residents on an approximate 0.7 acre portion of a 7.53 acre property currently zoned A-1, Agricultural District, and located on Scruggs Road in the Gills Creek District of Franklin County and further identified as Tax Map/Parcel # 0480001500. This property has a future land use designation of Low Density Residential. Storage yards are a permitted use by issuance of a Special Use Permit by the Board of Supervisors in A-1 zoning districts (Case # SPEC-12-20-16777).

Mrs. Cooper began by explaining On July 25, 2006 a Special Use Permit to allow for a boat storage yard on this property was granted by the Board of Supervisors. No commencement of the requested use on this property ever began, therefore the Special Use Permit expired after eighteen (18) months per Section 25-641 of the Franklin County Code. Lakewood Capital Group has purchased the property and again proposed to develop a boat and trailer storage facility that can be utilized by residents of The Farm subdivision.

Mrs. Cooper stated that the prospective storage yard is planned to be smaller in size than previously requested, using only 0.7 acres of the 7.53-acre parcel. The property is currently wooded and vacant as are most of the surrounding parcels. The applicants plan to leave the existing wooded areas as part of a landscape buffer.

Mrs. Cooper went on to say that It is not unusual for subdivisions at Smith Mountain Lake to have a boat storage yard for its residents of the community. The Comprehensive Plan would support the special use permit for the boat storage yard as long as there are conditions attached to the special use permit to protect the surrounding area and community. The wooded lot and concept plan helps supports this request.

Mrs. Cooper concluded that Staff recommends that the Planning Commission consider and approve the Special Use Permit for a “Boat Storage Yard” with the following four (4) conditions:

1. The property shall be developed in substantial conformance with the concept plan titled "Private Recreation Facility Boat Storage Area", prepared by Lumsden Associates, P.C. and dated November 30, 2020. Expansion will require the issuance of a new special use permit by the Board of Supervisors.
2. Storage on the property shall be limited to only boats, personal watercraft, and trailers and all boats/personal watercraft/trailers stored on the property are to be in operable condition. No maintenance or repairs shall be allowed on the property. Storage area shall be fenced and gated. Access shall be provided to Franklin County Public Safety. The use shall be limited to that of The Farm subdivision.
3. No storage shall be allowed within yards or setback areas required by the Zoning Ordinance.
4. A minor site plan and landscape plan of the boat storage yard must be submitted to Franklin County Zoning Administrator for review and approval within sixty (60) days of approval of the special use permit.

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

Chairwoman Mitchell asked to hear from the applicant.

Matt Logue reiterated that this Special Use Permit had been approved previously to a different developer. He asked for the blessing of the Planning Commission to go forward with their project.

Chairwoman Mitchell asked if anyone had questions for the applicant.

Mr. Colby asked if there were any plans to expand in the future.

Mr. Logue answered that there were no plans for expansion.

Mrs. Crawford clarified that only boats and trailers would be allowed on the property and Mr. Logue answered affirmatively.

Mrs. Crawford asked what kind of lock would be on the gate.

Mr. Logue answered that it would be a basic combination lock.

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

Gary Flora said that adjoining properties visibility was not shielded currently. He asked that the applicants provide a buffer for visibility.

Mr. Logue answered that they had no problem with providing shielding between surrounding properties.

With no other speakers, Chairwoman Mitchell closed the public hearing and the members had discussion amongst themselves.

Mr. Colby made a motion to APPROVE, stating that he found that 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 "Boat Storage Yard" in accordance with Sec. 25-179 of the Zoning Ordinance, with the five (5) conditions as recommended in the staff report.

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

APPLICATION for SPECIAL USE PERMIT – Application of Scott Fischell, Applicant, and Scott JS Fischell and Melanie L. Adkins, Owners, requesting a Special Use Permit, with possible conditions, to bring an existing detached second dwelling into conformance with the Franklin County Code, on an approximate 1.57 acre parcel currently zoned R-1, Residential Suburban Subdivision District, and located at 392 Deerpath Drive in the Gills Creek District of Franklin County and further identified as Tax Map/Parcel # 0130103700. This parcel has a future land use designation of Low Density Residential. A detached second dwelling is a permitted use in the R-1, Residential Suburban Subdivision District by issuance of a Special Use Permit by the Board of Supervisors.

Mrs. Cooper began by explaining in 2020, the Planning and Community Development department received a complaint that the dwelling addressed 392 Deerpath Drive was being rented for short-term rentals. The property owner was informed of the complaint by a letter of notice of violation and subsequently stopped the short-term rental use on the property. Staff informed Mr. Fischell he would have to obtain a special use permit if he intended to use the “cabana” as a second dwelling on the property for immediate family members only to come into compliance with the zoning ordinance and the R-1; Residential Suburban District regulations.

Mrs. Cooper went on to say that the Building Official met Mr. Fischell on the property to conduct an inspection on the cabana structure that was found to be a second dwelling. It was determined that a Certificate of Occupancy could be issued if : (1) Bed removed from the loft, (according to building code the loft could not be used as a bedroom due to no egress), (2) hand railings need to be installed per building code, and (3) smoke detectors need to be installed.

Mrs. Cooper stated that Low Density Residential can support a second dwelling on R-1 property as long as the second dwelling is for immediate family only and not used for other purposes such as short-term rentals, housing friends, or family members. The Comprehensive Plan would support the special use permit for a second dwelling on the property with the conditions suggested by staff. Using the second family dwelling for immediate family members only would not be substantial detriment to the surrounding properties.

Mrs. Cooper discussed that staff had originally recommended that the Planning Commission delay action until additional information can be provided to the Planning Commission and staff particularly regarding the septic system and use of building.

Mrs. Cooper explained that after the Planning Commission site visit, staff has determined that the structure is an accessory structure and not a second dwelling. Therefore, staff is requesting that the applicant withdraw the application since a special use permit is no longer required.

Mrs. Cooper offered to answer any questions.

Mrs. Crawford asked if the second dwelling would be changed by the Commissioner of Revenue.

Mrs. Cooper answered that the Commissioner had been instructed that this is an accessory structure and not a second dwelling, but the taxation would be up to the Commissioner.

Chairwoman Mitchell asked to hear from the applicant.

Mr. Fischell offered to answer any questions.

Mr. Colby asked if he was withdrawing his request.

Mr. Fischell stated that he was withdrawing his application.

Chairwoman Mitchell opened the public hearing and asked if there was anyone present that would like to speak.

Mr. Howard Webster said that he was there from the beginning and the cabana was originally built as a house by the original owner. He said that they were in objection but if the application was withdrawn they had no other issues.

With no other speakers, the public hearing was closed.

Mr. Colby made a motion to accept the withdrawal of the application.

Mr. Clements seconded the motion.

The motion to accept the withdrawal was approved. Voting on the motion was as follows:

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

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

APPLICATION for SPECIAL USE PERMIT - Application of C. Holland Perdue, III., Applicant, and Red Barn Developers, LLC., Owners, requesting a Special Use Permit, with possible conditions, to allow for a community dock, on an approximate 0.843 acre parcel, currently zoned A-1, Agricultural District, and located on Red Barn Lane in the Union Hall District of Franklin County and further identified as Tax Map/Parcel # 0460002601. This parcel has a future land use designation of Low Density Residential. Community docks are a permitted use in the A-1, Agricultural District, by issuance of a Special Use Permit by the Board of Supervisors.

Mrs. Cooper began by explaining that Red Barn Developers, LLC developed approximately 214.49 acres, 76-lots in Phase 1; Phase II is 29.508 acres and Phase III is 17.717 acres for future lots. Red Barn Developers, LLC are requesting a special use permit for an existing boat structure and building to be used as a community dock “public boat dock” and bath house facilities. The existing dock structure “community dock” is constructed on the lake associated with open space lot 2 and bath house will be located on open space lot 2.

Mrs. Cooper continued by saying that in addition, the common area has a beach area and building located on the open space lot. Open space areas will be maintained by the Homeowners Association for Lakeside Farms and/or the owners of the lots in the subdivision of Lakeside Farms.

Mrs. Cooper stated that it is not unusual for subdivisions at Smith Mountain Lake to have a community docks and bath house facilities for residents of a subdivision to use as part of their amenities of purchasing into a subdivision.. The request is consistent with policies, goals, and objectives of the Comprehensive Plan. The Comprehensive Plan would support the special use permit for the existing community dock and bath house facilities with the conditions suggested by staff as part of the special use permit to protect the surrounding area and community.

Mrs. Cooper concluded that staff recommends that the Planning Commission recommend approval of the request for a special use permit for a community dock, in the A-1, zoning district subject to the following conditions:

1. Marina Permit needs to be obtained by the Virginia Department of Health and the bath house is limited use to Marina patrons only, not the entire Lakeside Farm at Smith Mountain Lake subdivision.

2. Any permits for building construction or repairs to the community dock or bath house facilities shall be discussed and approved by the Franklin County Building Official and Planning and Community Development.
3. Appalachian Power will need to be consulted on any permits from their agency and approved before use of community dock. Any permits after approval shall be submitted to the Zoning Administrator.
4. Franklin County Public Safety request storage access roads to allow for ingress/egress of emergency apparatus and approved by the Fire Marshall Official before use of the community dock.
5. Lakeside Farm at Smith Mountain Lake homeowners association and/or owners of the lots in the subdivision shall adhere to all septic pump out regulations in Section 17-8 of the Franklin County Code.

Mrs. Cooper offered to answer any questions.

Chairwoman Mitchell asked about the subdivisions that are shown on the map nearby; Mrs. Cooper said she did not know right off but could research it.

Mr. Holland Perdue, attorney and representative for Red Barn Developers, said that his client did not have any issues with any of the conditions recommended by staff. Mr. Perdue offered to answer questions.

Mrs. Crawford asked about egress using Plybon Lane.

Mr. Perdue answered that ingress and egress would be in using the main entrance and they would be deterring people from using the private road of Plybon Lane.

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

With no one present to speak, Chairwoman Mitchell closed the public hearing and the Planning Commission had discussion among themselves.

Mrs. Crawford made a motion to APPROVE, stating that she found that

Mrs. McGhee seconded the motion.

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

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

NAYES: None

ABSENT: None

ABSTAIN: Pendleton

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

APPLICATION for REZONE – Application of Blankenship & Associates, Inc., dba Rocky Mount Tractor, Applicants, and Richard Wayne Blankenship and Leverne P. Blankenship, Owners, requesting a Rezone from A-1, Agricultural District, to B-2, General Business District, on an approximate 2.98 acre parcel located at 21289 Virgil H. Goode Highway in the Boone District of Franklin County and further identified as Tax Map/Parcel # 0360020201. The parcel is located in the 220-North Corridor Plan and has a future land use designation of Commercial Mixed Use. The purpose of this rezone is to allow the applicants to also apply for a Special Use Permit to allow for outdoor display on business property.

Mrs. Cooper began by explaining that the owner's business has been at the location for over thirty (30) years. The property owners would like to expand the use of outdoor display of equipment for their business. Outdoor displays are not allowed on properties zoned A-1, Agricultural, however, outdoor displays on business property is a permitted use in the B-2, General Business District, by issuance of a Special Use Permit by the Board of Supervisors.

Mrs. Cooper said that the owners have submitted a petition requesting to have the zoning of this parcel changed from A-1 to B-2 to allow for the outdoor display of equipment on their business property. The owners have also submitted an application for a Special Use Permit to allow for the outdoor display on business property. That application being considered is contingent upon the approval of the rezone request.

Mrs. Cooper went on to say that by rezoning the property to B-2, General Business it would be keeping with the character of this corridor and allowing a business to expand their outdoor display and come into compliance with zoning. The Comprehensive Plan supports the rezoning of this property and allowing the property to be in conformance with zoning regulations. The rezoning meets the intent and character of the Comprehensive Plan and would not be a substantial detriment to surrounding properties.

Mrs. Cooper concluded that staff recommends that the Planning Commission recommend APPROVAL of the rezone request from A-1, Agricultural, to B-2, General Business District with the four (4) proffers as submitted by the applicant:

1. Rocky Mount Tractor will use the property for "Sales, service and repair" as defined by Section 25-335 of the Zoning Ordinance of Franklin County.
2. Rocky Mount Tractor will use the property for "Outdoor displays on business property" as defined by Section 25-336 of the Zoning Ordinance of Franklin County.
3. Rocky Mount Tractor will use the property in substantial conformity with the revised concept plan prepared and submitted with the application.
4. Any other use of the property which is not conditional zoning permit and a special use permit proffered conditions will be the subject of a separate application.

Mrs. Cooper offered to answer any questions.

With no questions, Chairwoman Mitchell asked to hear from the applicant.

John Boitnott, attorney and representative for the property owner

Hannah L. Powell, Clerk
Franklin County Planning Commission

February 9, 2021
Date

