

TO: Franklin County Planning Commission

FROM: Terrance L. Harrington, AICP  
Senior Planner

DATE December 1, 2016

RE: Public Hearing on proposed Amendments to the Franklin County Zoning Ordinance to allow Automobile Salvage and Demolition as Uses Accessory and Incidental to Approved Automobile Graveyards.

Background

In October 2006 Kenneth Bousman was issued a special use permit (SUP) authorizing the operation of an automobile graveyard on his A-1 Agricultural property located on Byrds Mill Road (State Route 876) in the Union Hall District. The SUP applies to +/- 7.00 acres of his 168 acre property.

The approved SUP has eleven (11) conditions. One of those conditions (#5) prohibits the salvage, rebuilding, demolishing, sales, service and/or repair of vehicles on the property. Late last year, Mr. Bousman requested a demolisher and salvage license from the Virginia DMV. DMV regulations require that a locality authorize the issuance of the license. Because Condition # 5 of the SUP prohibits demolishing and other related activities, Mr. Bousman was notified by the Franklin County Zoning Administrator on December 15, 2015 that the County could not authorize DMV's issuance of the demolisher license.

Mr. Bousman appealed the Zoning Administrators decision to the Board of Zoning Appeals (BZA) in March of 2016. The BZA upheld the Zoning Administrators decision and recommended that the applicant go to the Board of Supervisors to change the condition, and/or the zoning ordinance requirements for automobile graveyards in A-1 zoning districts.

Mr. Bousman has appeared before the Planning Commission on several occasions to discuss this issue.

In addition to Condition # 5 there are two other code provisions in the zoning ordinance that prohibit salvage, sales, demolishing, service or repair activities on the Bousman property since it is zoned A-1. First, although some of these activities were apparently taking place on the property prior to the issuance of the SUP in 2006, Section 25-161 (d) of the zoning ordinance states that when a non-conforming activity is replaced by a more restrictive permitted activity, the non-conforming activities are considered abandoned. Second, the County definition of automobile graveyard does not address/include demolition, or salvage activities, reserving these land use activities as special uses in the M-2 zoning district.

In summary, the County's zoning ordinance, only allows automobile graveyards in A-1 and M-2 zoning districts, and only by SUP. By code an automobile graveyard in an A-1 district cannot include related activities such as salvage or demolition, even by SUP. In this respect condition #5 was redundant and unnecessary at the time it was adopted. In the M-2 Industrial district the operator of an automobile graveyard would also need an SUP to authorize salvage and or demolition operations.

The net effect of our current zoning regulations is that any/all approved automobile graveyards in the A-1 zoning district are limited to that land use. Vehicles may be brought into the graveyard but our code does not allow the operator of the graveyard an economically viable option to reduce the number of vehicles. Legally graveyard

vehicles in A-1 zones cannot be demolished for the scrap metal or scrap fibers, nor can parts be removed for sale (salvage operations). Technically vehicles can only be towed in, stored, and towed out.

The Bousman initial request was to remove SUP condition #5 so that Mr. Bousman can demolish vehicles or salvage vehicles for parts (including the sale of those parts). The market for scrap metal at any given time would determine whether the vehicles in the graveyard would be crushed and sold for scrap (when scrap metal prices are high) or salvaged for parts (when scrap metal prices are low)

To accomplish this objective, Condition # 5 would need to be removed from the Bousman SUP approval, and;

The County's definition of automobile graveyard would need to be modified to include scrap, salvage and demolishing activities.

The staff proposes that the county's definition of an automobile graveyard be modified to include scrap, salvage and demolisher activities. Graveyards (as defined by the new definition) would continue to be allowed only by special use in A-1 and M-2 zoning districts. The use of the special use permit process will ensure that the Commission and Board of Supervisors will be able to review each proposal and evaluate the overall scale of the proposed graveyard activities, as well as the scale of any associated salvage or demolisher activities proposed for the property.

As directed by the Planning Commission at their October 11, 2016, meeting, staff has developed for the Commission's review, new ordinance language to accomplish these modifications.

**Proposed Revised Definition of Automobile Graveyard:**

*Amend and Readopt Section 25-40 of the Franklin County Zoning Ordinance (Principal Definitions of the Zoning Ordinance) as Follows:*

*Automobile Graveyard* Any lot or place which is exposed to the weather and upon which five (5) or more motor vehicles of any kind, which vehicles are either incapable of being operated and or which it would not be economically practical to make operative, or which for a period of 60 days or longer have been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle are placed, located or found. Demolishing and salvage operations are permitted as an accessory use to automobile graveyards provided these accessory uses are specifically approved by the Board of Supervisors as a part of a Special Use Permit approval.

**Proposed Supplementary Regulations for Automobile Graveyards**

*Add and Adopt Section 25-112.5 of the Franklin County Zoning Ordinance (Supplementary Regulations Automobile Graveyards) as Follows*

**Add:**

**Section 25-112.5 Automobile Graveyards**

- (a) A Special Use Permit shall be required for any new or expanded automobile graveyard.
- (b) Demolishing and salvage operations are permitted as an accessory use to automobile graveyards provided these accessory uses are specifically approved by the Board of Supervisors as a part of a Special Use Permit approval.

The staff recommends approval of these zoning ordinance changes. These proposed amendments to the zoning ordinance have been advertised for public hearing before the Planning Commission on December 13, 2016. A

public hearing before the Board of Supervisors will be scheduled if/when the Commission votes to recommend any changes related to this issue.

### **SUGGESTED MOTIONS**

The following suggested motions are sample motions that may be used.

**(APPROVE)** I find that the proposed text amendments related to Automobile Graveyards are consistent with the purpose and intent of the County's adopted comprehensive plan and good zoning practice and will not result in substantial detriment to the community. I therefore recommend approval of these amendments.

**OR**

**(DENY)** I find that the proposed text amendments related to Automobile Graveyards are inconsistent with the purpose and intent of the County's adopted comprehensive plan and good zoning practice and will result in substantial detriment to the community. I therefore recommend denial of these amendments.

**OR**

**(DELAY ACTION)** I find that the required information for the submitted proposal is incomplete. Therefore I move to delay action until additional necessary materials are submitted to the Planning Commission.