

Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on March 10, 2015, in the Franklin County Board of Supervisors meeting room located in the Franklin County Government Center.

THOSE PRESENT:

C. W. Doss, Jr. – Blue Ridge District
Edmund “Doc” Law – Rocky Mount District
Sherrie Mitchell – Snow Creek District
James Colby – Gills Creek District
Earl Webb – Blackwater District

THOSE ABSENT:

Wendy Ralph – Union Hall District
Angie McGhee – Boone District

OTHERS PRESENT:

Neil Holthouser, Director of Planning & Community Development
Susannah Smith, Senior Planner, Current Planning Manager
Lori Crouch, Clerk

The meeting was called to order by Chairman Earl Webb at 6:00 PM in Conference Room B-75, where Chairman Webb recessed the meeting to the Board of Supervisors Meeting Room. The first order of business was the approval of the minutes from the February 10, 2015 meeting. Mrs. Sherrie Mitchell, representative of Snow Creek district stated that she did not have any comments or additions in regards to the minutes but that the Planning Commission had received an email from the applicant from the last public hearing. He has some concerns about some of the statements that were in them. Mr. Webb, representative of Blackwater district stated that he had received the email as well, but that he did not have any information on the changes the applicant would like to make. Mrs. Sherrie Mitchell stated that she did not have any of the changes either. Mr. Webb stated that he had read the minutes and he was unsure what the applicant was referring to, unless he was referring to the informal meeting during the recess which should not be in the minutes anyway. Mrs. Mitchell asked if that was the part regarding Mr. Holthouser's comments to the Planning Commission. Mr. Webb answered that he was uncertain. Mrs. Mitchell agreed that she was uncertain as well. Mrs. Mitchell stated that the minutes seem sufficient from what they have had in the past as far as minutes; they are in fact more detailed. Mr. Webb stated he thought the Planning Commission could postpone the approval of the minutes until the next meeting. Mrs. Mitchell agreed and stated that the Planning Commission has done that before. Mrs. Sherrie Mitchell, representative of the Snow Creek district made a motion to defer a decision on the approval of the minutes as written until the next public hearing. Mr. Jim Colby, representative of the Gills Creek district, asked what the reason was for the deferment of the approval. Mrs. Mitchell explained that an applicant from the last month's meeting who felt some pertinent information was left out and he was not able to get the edits to the Planning Commission prior to this evenings meeting. Mrs. Mitchell thought it was good to at least look at the edits to make sure nothing important was left out. The motion was seconded by Mr. C. W. Doss, representative of Blue Ridge district. Chairman Webb noted we have a motion and second for the deferment all in favor say aye. Those opposed say nay.

(RESOLUTION 03-15-1):

BE IT THEREFORE resolved as intended to promote the health, safety and general welfare of the public and to implement the adopted Comprehensive Plan for the orderly and controlled development of the county by the Franklin County Planning Commission to defer the approval of the February 10, 2015 minutes as written and presented.

MOTION: Mitchell
SECONDED: Doss

Voting on the motion was as follows:

AYES: Doss, Webb, Mitchell, Law
NAYES: Colby
ABSENT: Ralph, McGhee
ABSTAIN:

Mr. Neil Holthouser, Director of Planning & Community development asked the Planning Commission if he could clarify that the motion of deferring the minutes is to be until our April meeting, stating "we do not have any petitions on the agenda for April for public hearing. We do intend to schedule a work session for the Planning Commission we will have an opportunity to approve and accept the minutes at the April meeting. But not necessarily an evening where we will have public hearings".

PETITION FOR REZONE – Petition of **Optima Properties - Smith Mountain Lake, LLC; Ferry Land Holdings, LLC; North State Investments, LLC; Crumpler Investment, LP; Annette H. Iverson; John and Elizabeth Merritt; Daniel and Kristin Muehlfelder; Louis and Catherine Richardson; Jeffrey A. Denis; A. Dale and Trula Byington; John and Felicia Merritt and Doris and Robert Ruffner, Petitioners/Owners** requesting a rezone from RPD, Residential Planned Unit Development, with proffers, to RPD, Residential Planned Unit Development, with amended proffers, for a +/- 38.916-acre area within The Coves subdivision, located along Coves Road and Cliffs Drive, off of SR 1440, in the Union Hall District of Franklin County, including Lots 1 through 4, inclusive; Lots 6 through 32, inclusive; Tract A-1; Tract B; and Tract C; further identified as the following Franklin County Tax Map/Parcel numbers: 0521000100, 0521000200, 0521000300, 0521000400, 0521000600, 0521000700, 0521000800, 0521000900, 0521001000, 0521001100, 0521001200, 0521001300, 0521001400, 0521001500, 0521001600, 0521001700, 0521001800, 0521001900, 0521002000, 0521002100, 0521002200, 0521002300, 0521002400, 0521002500, 0521002600, 0521002700, 0521002800, 0521002900, 0521003000, 0521003100, 052003200, 0520000201, 0520000202, and 0520000203. (Case # REZO-10-14-13452)

Mr. Earl Webb stated that the petition was opened two (2) months ago; they asked for a continuance and have now asked for a withdrawal of their petition. Mr. Webb asked if there was anyone here that would like to speak to the question of a withdrawal or not to withdraw; he stated that they may come to the podium to speak. Mr. Dale Quinn, Union Hall, stated that he supports the idea of the withdrawal of the petition. There were no other public comments. Mr. Webb moved the petition into regular session. Mr. Jim Colby, Gills Creek district motioned to accept the request to withdraw the rezone case of REZO-1-15-13717. The motion was seconded by Mrs. Sherrie Mitchell, Snow Creek district.

(RESOLUTION 03-15-2):

BE IT THEREFORE resolved as intended to promote the health, safety and general welfare of the public and to implement the adopted Comprehensive Plan for the orderly and controlled development of the county by the Franklin County Planning Commission to approve the withdrawal of the petition for rezone (REZO-1-15-13717).

Voting on the motion was as follows:

MOTION: Colby
SECONDED: Mitchell

Voting on the motion was as follows:

AYES: Colby, Doss, Law, Mitchell, Webb
NAYES:
ABSENT: Ralph, McGhee
ABSTAIN:

PETITION FOR SPECIAL USE – Petition of **Linda A. Glover, Petitioner/Owner** requesting a Special Use Permit for "Home Occupation, Class A" on a +/- 0.5904 acre parcel of land, located at 277 Bull Run Drive in the Union Hall District of Franklin County, and further identified by Franklin County Real Estate records as Tax Map/Parcel # 0510403106. (Case # SPEC-1-15-13791)

Chairman Webb opened the session for the petition of special use permit for "Home Occupation, Class A".

Ms. Susannah Smith thanked the Chairman and the Planning Commission. She stated that this application is a petition from Ms. Linda Glover, who is the property owner and applicant; where she resides at 277 Bull Run Drive in the Union Hall district. The Future Land Use map shows this area to be low density residential, it is zoned R-1, it is listed as part of the Bull Run Acres subdivision. The property is a little over half an acre in size. Ms. Smith stated that Ms. Glover is present. The location of the property is North of Penhook. The property is situated on a cove. Ms. Smith stated the surrounding zoning is R-1, there is an area that is A-1 and a few RPD areas to the North and South of the property. Ms. Smith stated that the area around the property is single family homes and large undeveloped tracts of land. Ms. Smith stated the applicant's property is landscaped and sloped gently toward the back of the property; there are mature trees. Ms. Smith stated that the applicant has a gravel driveway that is straight onto Bull Run Drive she owns the access to. The applicant does not have to go through anyone else's property to get to her property and she has a parking apron where others may park. Ms. Smith gave the floor plan of the basement where the applicant would have her business. The applicant has stated that she would be willing to make some necessary improvements such as a walkway and additional steps to the rear of the home, if this application is approved. Ms. Smith stated that the applicant does have a restroom available for her clients to use. Ms. Smith stated that the applicant is planning to only have one (1) client at a time. The applicant would like to offer this as an alternative for the services she provides her clients in their homes as well as other commercial locations. Ms. Smith commented that there was some interest in the petition. There were some neighbors who asked questions and some others had concerns about the petitioners request. There were also neighbors who called with no concerns. Ms. Smith stated that with a use of this type the staff does feel it to be reasonable to limit the use. That is why we worded the recommendation like this. We do recommend that you consider and approve the following:

The Planning Commission recommends that the Board of Supervisors approve the request for Special Use permit for "Home Occupations, Class A", with the following conditions:

1. Limitation of Use: The Special Use permit for "Home Occupations, Class A", shall be limited to the requested use of esthetician.
2. Parking: Off-Street parking shall be provided to accommodate no more than one (1) client vehicle at a time. At no time shall more than one (1) client vehicle be parked at the residence.

Ms. Smith brought to the attention of the Planning Commission the overall requirements to the "Home Occupation, Class A" that they take place within the confines of a dwelling, not to take place outside that dwelling or in an accessory building. Additionally, they not employ anyone outside the home. Ms. Smith concluded her presentation and asked for questions from the Planning Commission members. Mr. Colby asked the question, that in this type of business occasionally there may be an overlap of clients that come earlier while another client is currently at the home. Mr. Colby wondered would the staff recommendation be able to accommodate that overlap, if that were to occur. Mr. Colby thought the recommendations seemed pretty extreme. Ms. Smith commented that she thought we were clear, that the driveway is just a residential drive and not a parking lot at her home. Ms. Smith stated that the normal residential driveway can accommodate two (2) to three (3) vehicles. Ms. Smith spoke that Ms. Glover has every intention to space her clients out so there would be enough time that this should not be an issue. Ms. Smith stated we would not be able to monitor the overlap of clients. Ms. Smith thanked the Planning Commission and introduced Ms. Glover.

Ms. Glover introduced herself to the Planning Commission as a new resident of Franklin County having moved here from Colorado. She stated that she is a licensed esthetician in both Virginia and Colorado. Ms. Glover would like to respectfully submit an idea, a dream, an option and most of all a sanctuary. Ms. Glover stated that she has been in the service industry most of her life in one form or another. Ms. Glover stated that she is happiest when serving someone else. Ms. Glover gave the Planning Commission an idea

of the services she would like to offer, with at "SMART" acronym. "S" would be for Skincare (Oxygen Treatments), "M" would be for Micro-current and Men's custom treatments, "A" would be Aroma Therapy, "R" would be for Reiki (Japanese relaxation therapy) and "T" for Therapy with sound. Ms. Glover stated that she does airbrush make-up and also does some body waxing. Ms. Glover stated she understood some of the concerns that the neighbors may have. But she feels that this has to be one of the quietest and most serene types of business. Ms. Glover stated she did not want to be part of a machine, in a spa or other type businesses, where she would be under a time constraint. Ms. Glover stated that here she has the control to make her schedule. Ms. Glover assured the Planning Commission that she is very detail oriented and is very much able to schedule within the recommended conditions being set forth. Ms. Glover also stated that she could advise her clients that this is a privilege and she would like to comply to the conditions. Ms. Glover stated that she plans on being a part of this community and a contributing member here. Ms. Glover brought up the issue of safety for the neighbors as well as for herself, she stated that she is especially careful of whom she would invite into her home for a treatment. Ms. Glover also commented she does not have any plans of posting a sign for her business, to keep a very low profile. She stated that most of her clients would know where she lives. Ms. Glover also made the Planning Commission aware that she has finished off the basement to accommodate her business. She told the Planning Commission that the entrance to the lower level (basement) is through a French door that faces the wooded area, it would be very quiet. Ms. Glover asked the Planning Commission if they had any questions for her. Mrs. Sherrie Mitchell asked Ms. Glover what her hours would be. Ms. Glover stated that she would probably stay towards the afternoon. She has other things that are scheduled, so it would just depend. She would not have anyone come in the evening. Ms. Glover stated that the other good thing about owning a business, you can control the hours. She stated that if client was not available during afternoon hours, she is free to go to their home. Ms. Glover also commented that she is trying to bring this business in to keep our residents and visitors here in Franklin County. She stated that she had been in tourism before and is trying to keep the residents here, thus the revenue for our township.

The Planning Commission thanked Ms. Glover and moved into public hearing, at which time, the Clerk asked Mrs. Susan Torella to come forward.

Mrs. Torella introduced herself and stated that she lives at 176 Bull Run Drive, just down the street from the applicant. Mrs. Torella stated that she is also an esthetician, and works at Westlake Salon and Spa. She stated that she has her own business there. Mrs. Torella commented that as she listened Ms. Glover had stated that she wanted to be in control of her schedule and her clients; Mrs. Torella stated that she is very able to do that as a sole proprietor in the Westlake Salon and Spa. It is a business, we all pay our taxes and a contributing member to Franklin County as well. Mrs. Torella commented that her main concern was the traffic in the neighborhood. She stated that there are times that a client says they have to get in and because they are your client you get them in. It happens. Mrs. Torella stated that you can have as much as four (4) brow waxes an hour. That is four (4) cars, that is eight (8) times someone is driving on that road. Mrs. Torella stated that she too is a recent resident, having moved to Franklin County in May, 2014. She moved to this area because she wanted to be in the country and a place that is quiet. Mrs. Torella stated that there is enough traffic in the summer with all the "Lake folk" coming and going. As the area develops, since there are lots for sale, they will have more and more people. She stated she is just concerned that the peace and quiet that she had moved here for might be compromised. Mrs. Torella stated that they are the first house on the road and can see the cars from her deck. She stated that there are children in the neighborhood that are used to being free and that they will have to be more watchful. Mrs. Torella stated that some of the parents have commented to her, that their children will have to be more watchful and they are concerned with strangers in the area. Mrs. Torella stated that she is very uncomfortable because of the additional traffic, noise and the fact that Ms. Glover works outside the home, she has other options like at Westlake Salon and Spa where you can have your business there. She could go to people's home. Mrs. Torella stated that she had sent a letter to the Planning Commission for their consideration. She stated that in North Carolina she also had a home business and had several complaints from the neighbors about how many people are coming to your house. Mrs. Torella does not want this to happen to her neighborhood. She thanked the Planning Commission for their time.

Mr. Perry Hamrick, next door neighbor to Ms. Glover. He stated that he and his wife, Laurel, plan to start their family in this neighborhood. It's very quiet and there are two (2) entrances into the neighborhood

there is Bull Run Drive and Regatta. Most of the people coming into the neighborhood would most likely be coming down Regatta. Mr. Hamrick stated that he feels Ms. Glover has all intentions to be part of this community and neighborhood. She has done a great job getting her basement completed. Mr. Hamrick stated that he doesn't feel that five (5) to eight (8) more cars coming through the neighborhood each day would be an issue in the neighborhood. He stated that there is a boat dock at the end of the neighborhood that is supposed to be for residents only, but that people have slipped by and the residents have had to ask them to leave, since it is a private boat dock. Mr. Hamrick stated that he would be for Ms. Glover's home occupation. He thanked the Planning Commission for their time.

There were no further comments.

Mr. Webb called the hearing into regular session.

Mr. Law asked about the special use permit, whether it would it go away if the home were sold and had new owners. Mr. Holthouser explained that the special use permit, if granted, would be with the property and not the owner. Mr. Law asked If the property should change hands, there would still be a special use permit on the property. Mr. Holthouser commented that the conditions that the staff has recommended will not leave it open to any home occupation. It would be limited to an esthetician business. If the house were sold to another esthetician they would be able to run a home occupation. Mr. Law asked what if the new home owner wanted to do something else. Mr. Holthouser said that would be different and the new home owner would have to come forward and the Planning Commission would have to decide that case on its own merits.

There were no further questions.

Mr. Webb asked for a motion of recommendation in regards to SPEC-1-15-13791. Mr. Jim Colby, Gills Creek district representative, made a motion to approve the recommendation for approval to the Board of Supervisors. The motion was seconded by Mrs. Sherrie Mitchell, Snow Creek district representative.

(RESOLUTION 03-15-3):

BE IT THEREFORE resolved that I find that the proposal will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare. Therefore a motion to recommend approval of the petitioner's request for a Special Use Permit for "Home occupations, Class A," in accordance with Sec. 25-223 of the Zoning Ordinance, with conditions as recommended in the staff memorandum:

1. Limitation of use. *This Special Use Permit for "Home occupations, Class A," shall be limited to the requested use of esthetician.*
2. Parking. *Off-street parking shall be provided to accommodate no more than one (1) client vehicle at a time. At no time shall more than one (1) client vehicle be parked at the residence.*

MOTION: Colby

SECONDED: Mitchell

Voting on the motion was as follows:

AYES: Law, Mitchell, Doss, Colby, Webb

NAYES:

ABSENT: Ralph, McGhee

ABSTAIN:

With no other business, the meeting was adjourned.

Clerk

Date