Department of Planning & Community Development

Franklin County
A Natural Setting for Opportunity

Franklin County Planning Commission
Agenda
February 11, 2020

I. Call to Order

II. Roll Call

III. Consent Agenda
A) Approval of Minutes from December 10, 2019 meeting

IV. Public Hearings:

1. **APPLICATION for SPECIAL USE PERMIT** – Application of George Coury and Patricia Coury, Applicants, and Poldark Properties, LLC, Owners, requesting a Special Use Permit with possible conditions, to allow for the short term tourist rental of a dwelling, located on an approximate 1.25 acre property. The property, currently zoned A-1, Agriculture, is located at 2729 Naff Road in the Boone District of Franklin County and is further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0200002800. Short term tourist rental of a dwelling is a permitted use by Special Use Permit in A-1 Agriculture zoning districts. The property has a future land use designation of Conservation Areas/Steep Slopes (>25%).

   a) Staff Presentation (Terry Harrington)
   b) Applicant Presentation
   c) Public Comment

V. New Business:
a. 2019 Annual Report

VI. Citizen Comment

VII. Recessed until February 18, 2020 at 6:15 p.m. for joint work session with Board of Supervisors

Department of Planning & Community Development

Franklin County
A Natural Setting for Opportunity

SPECIAL USE PERMIT STAFF REPORT

January 31, 2020

To: Franklin County Planning Commission

From: Terrance L. Harrington, AICP
Senior Planner

Tax Parcel # 020 000 2800

District: Boone

Applicants/
Owners: George & Patricia Coury/ DBA Poldark Properties LLC

Case No: SPEC-01-20-16480

RE: Petition of George and Patricia Coury for a special use permit (SUP) authorizing the use of an existing residential structure on their property at 2729 Naff Road for short term tourist rental.

BACKGROUND

The Coury property is zoned A-1 Agricultural. Per Section 25-179 of the County Code, short term tourist rentals, (for periods of less than 30 days), are permitted in A-1 zoning districts provided the Board of Supervisors issues a special use permit for the use. The Coury's purchased the home in 2017 and completed renovations to the home that had been started by several previous owners. The renovated home was initially occupied by a member of the Coury family who resided in the home for approximately one year. Since that time the home has been available to rent.

The Coury's have filed this special use permit (SUP) application in response to a notification from the Commissioner of Revenue office that short term rentals must register in A-1 zoning districts.

Approval of this special use permit request for short term rental will allow tourists, vacationers, etc. to legally stay on the property for periods of less than 30 days.

STAFF ANALYSIS OF CURRENT REQUEST

PROPERTY CHARACTERISTICS

The 1.25 acre property is located at 2729 Naff Road in the Boone District. The two bedroom, one bath structure is approximately 800 sq. ft. in size and is known in the community as the former Community School built in 1955. The structure is located at an elevation that is below this portion of Naff Road. Large deciduous trees are located along the front and along the southern side of the property. The County Code limits the occupancy of any approved short term rental to two adults per bedroom, thus limiting the short term legal occupancy of this structure to four (4) adults.

VEHICLE ACCESS AND TRAFFIC

VDOT reviewed this request and had no comments. Naff Road provides a "back-way" into Roanoke County connecting Route 220 South (in Franklin County) with the Merriman Community in Roanoke County. A single driveway/curb cut provides access to the property from Naff Road, which has significant horizontal and vertical curves. However, sight distance at the location of the existing driveway that will provide access to the short term rental appears to be good.

SURROUNDING ZONING AND LAND USES

The enclosed map shows that all of the property in the immediate area is zoned A-1 Agriculture. Most of the land in this rural area is vacant or used for large lot single family development. In addition to single family homes other land uses in the general area include the Naff Community Center, a church, several farmer markets, a wedding venue, and Metwood,a building materials supplier. The proposed short term rental is approximately seventy-five (75) feet from the Naff Community Center and appoximately one hundred fifty (150) feet from the closest single family home.

PUBLIC HEALTH AND SAFETY

The property is served by well and septic. The Health Department has reviewed this request and has advised that since the approval of a short term rental use would be considered a change in use, the design and capacity of the septic system must be evaluated prior to the use of the property for short term rental. Neither County nor Health Department records show any permits that address the septic system.

The Fire Marshall and Building Official reviewed this request and upon approval of the special use permit will each inspect the property to ensure the property is compliant with the fire code and building code for rental properties. These inspections will be undertaken prior to the structure being rented for short term use.

COMPREHENSIVE PLAN

The Future Land Use designates the property located at 2729 Naff Road as Conservation Areas/Steep Slopes (>25%) according to the 2007 Franklin County Comprehensive Plan adopted by the Board of Supervisors in May of 2007. The comprehensive plan would support this property as a short term rental dwelling due to the fact the property would not adversely impact properties along Naff Road or Wades Gap Road. There are parcels close to this property and in the vicinity that are commercial in nature.

PUBLIC COMMENTS AND INQUIRIES

The staff has received approximately six telephone inquiries from citizens who have seen the public notice sign posted on Naff Road. No concerns were expressed upon learning the purpose of the public hearing or the nature of the proposed use. One letter was also received from a citizen who stated generally that short term rentals were an inappropriate use in residential areas.

STAFF ANALYSIS AND RECOMMENDATION

The staff recommends that the Planning Commission consider and recommend approval of this special use permit request for a short term rental use of the existing residential structure. We believe the approval of this request is justified based upon the following factors:

- The proposed short term rental is in a low density area characterized by larger lots and few single family homes.

- Access to the short term rental will be from Naff Road. Rental occupants will not need to use Wades Gap Road that provides access to most of the land uses in this area, including the single family homes, the Brethren Church and the Naff Community Center.

- The proposed short term rental is a small structure (800 sq. ft., with two (2) bedrooms. If used in compliance with the Code, noised and traffic impacts should be limited.

- The property owners reside in the area and thus can more closely monitor the use of the property.

-

Our recommendation of approval is with the following conditions:

1. The use of the property for short term rentals shall always comply with the performance standards for short term rentals contained in Section 25-138 of the Franklin County Code. The applicant/property owner shall also complete the Short Term Rental Certificate of Compliance Form prior to the structure being used for short term rental.

2. In accordance with Health Department regulations and procedures, the owner shall retain the services of a professional soil scientist to evaluate the design and capacity of the existing septic system ,and shall undertake any improvements necessary to ensure the septic system complies with department standards for the proposed use and expected demand. All necessary improvements shall be undertaken prior to the structure being used for short tern rental.

3. The Building Official and the Fire Marshall shall each inspect the short term rental dwelling for compliance with applicable codes prior to the structure being used for short term rental.

SAMPLE MOTIONS

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

(APPROVE) I move approval of SPEC 01-20-16480, authorizing the short term rental of the existing residential structure located at 2729 Naff Road in the Boone district, finding that with the conditions recommended by the staff, the proposed use is 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 this SUP with the following conditions:

1. The use of the property for short term rentals shall always comply with the performance standards for short term rentals contained in Section 25-138 of the Franklin County Code. The applicant/property owner shall also complete the Short Term Rental Certificate of Compliance Form prior to the structure being used for short term rental.

2. In accordance with Health Department regulations and procedures, the owner shall retain the services of a professional soil scientist to evaluate the design and capacity of the existing septic system ,and shall undertake any improvements necessary to ensure the septic system complies

with department standards for the proposed use and expected demand. All necessary improvements shall be undertaken prior to the structure being used for short tern rental.

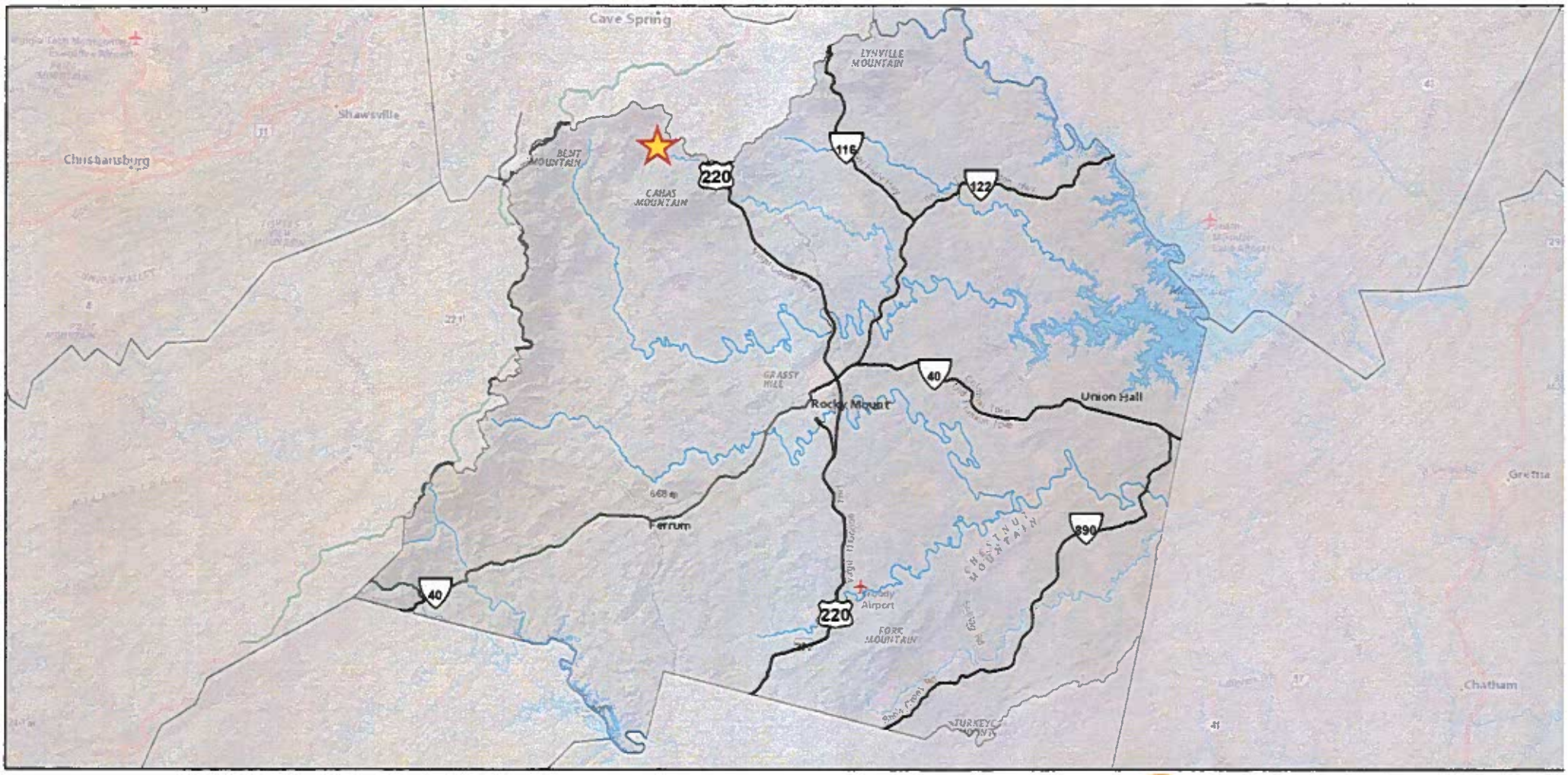
3. The Building Official and the Fire Marshall shall each inspect the short term rental dwelling for compliance with applicable codes prior to the structure being used for short term rental.

OR

(DENY) I move denial of SPEC-01-20-16480 finding that the approval of this request is 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 the special use permit.

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.



Subject Property Location

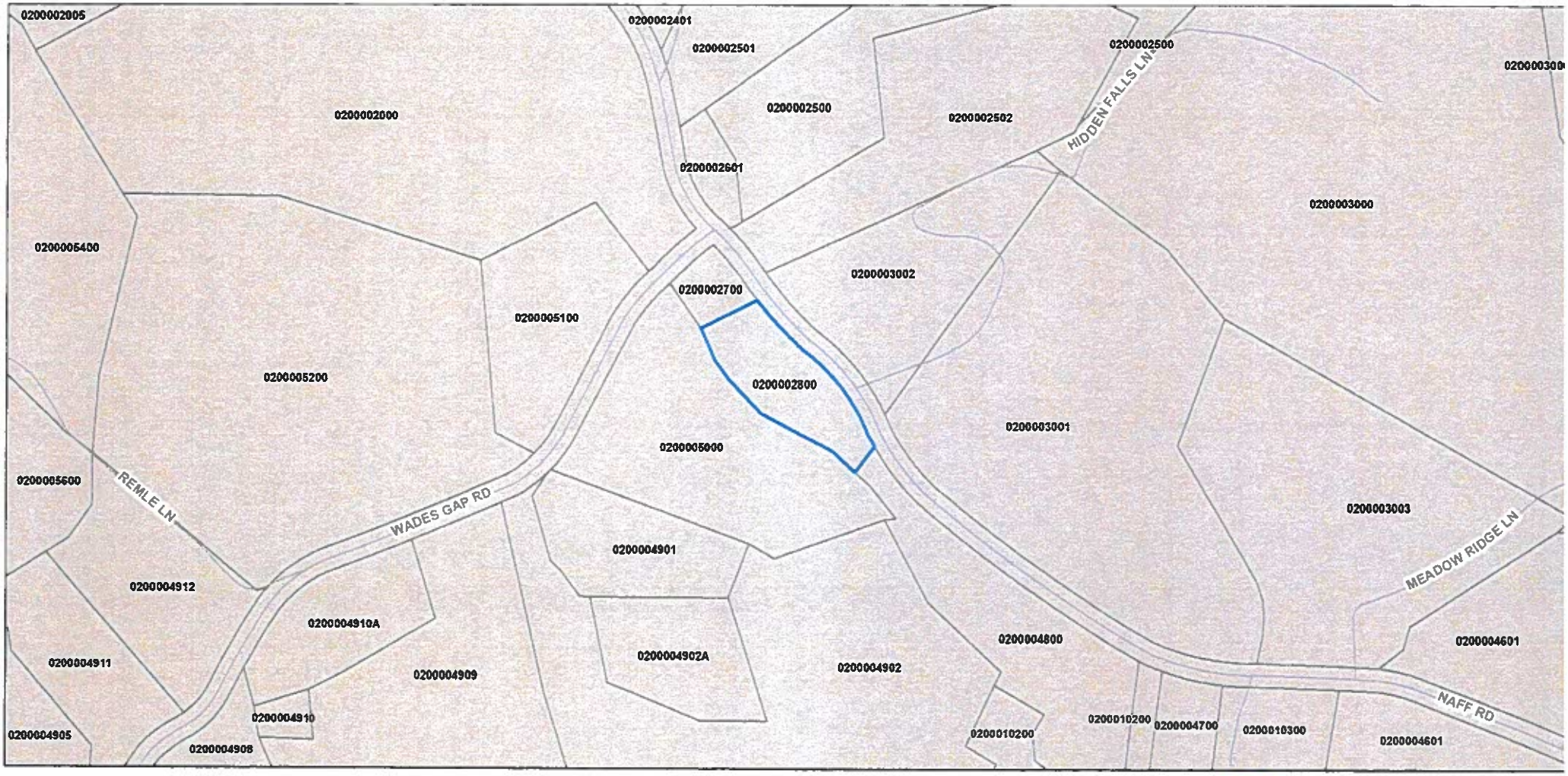
0 1.25 2.5 5 7.5 10 Mi

Tax Map #0200002800
SPEC-01-20-16480
George & Patricia Coury

Franklin Co GIS

Date: 1/22/2020

The data layers provided herein were compiled from various sources within a geographic information system (GIS) for the primary use of Franklin County. The data provided herein are believed to be accurate but are provided for reference purposes only. These GIS data are in no way meant as a replacement for a legal survey, legal description or standard due diligence. No guarantee, expressed or implied, is made regarding their accuracy, currency, adequacy, usefulness, or reliability. These data are provided "as is" and neither Franklin County nor its employees shall be held responsible for their inappropriate use.



Subject Property
Parcels
Special Use Permit

Zoning Classifications
A1 - Agricultural

0 75 150 300 450 600 Ft

Tax Map #0200002800
SPEC-01-20-16480
George & Patricia Coury

Franklin Co GIS
Date: 1/22/2020

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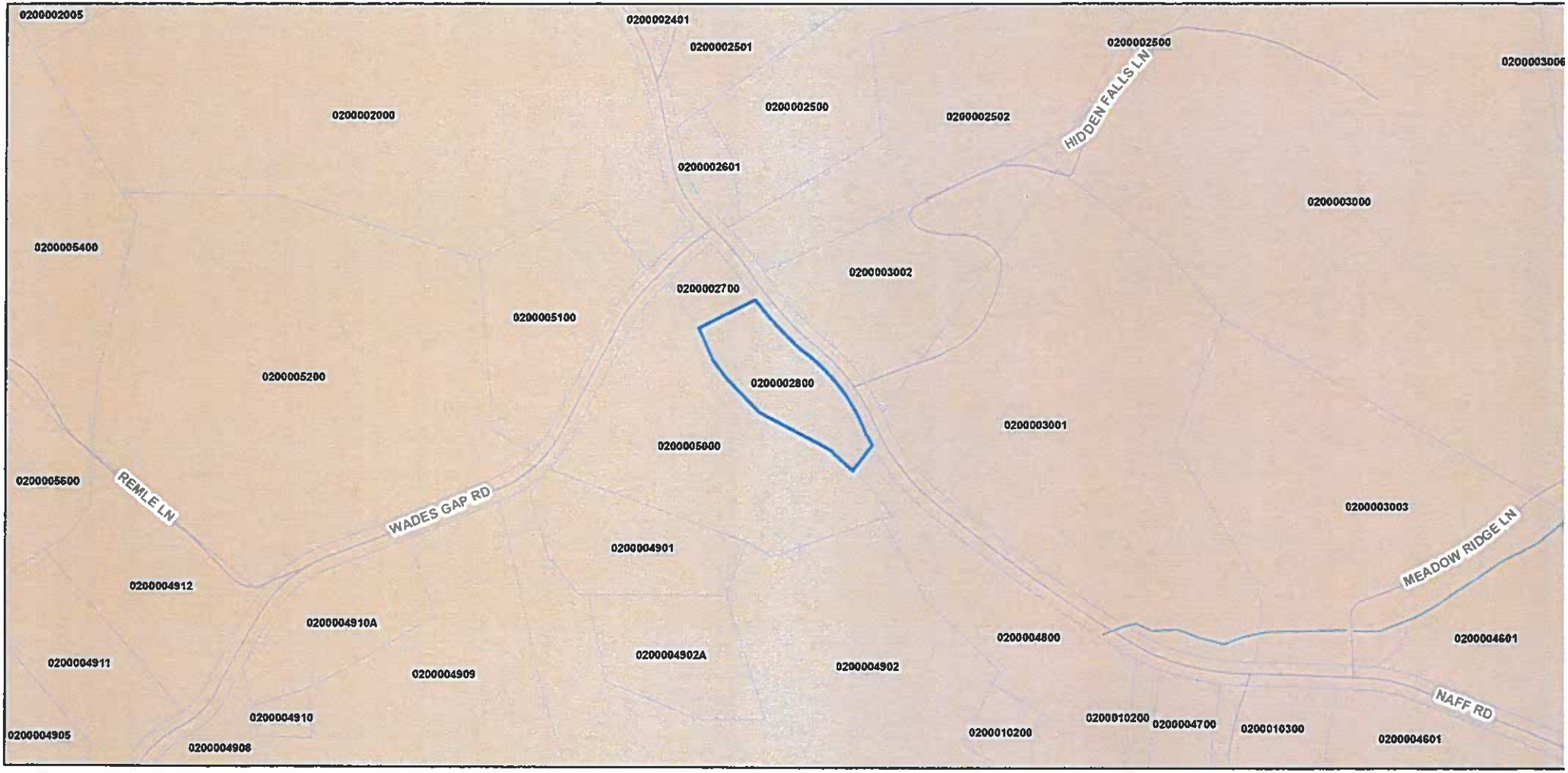

Legend

- Subject Parcel
- Parcels
- Conservation Areas/Steep Slopes(>25%)

0 75 150 300 450 600 Ft

Tax Map #0200002800
SPEC-01-20-16480
George & Patricia Coury

Franklin Co GIS
Date: 1/22/2020

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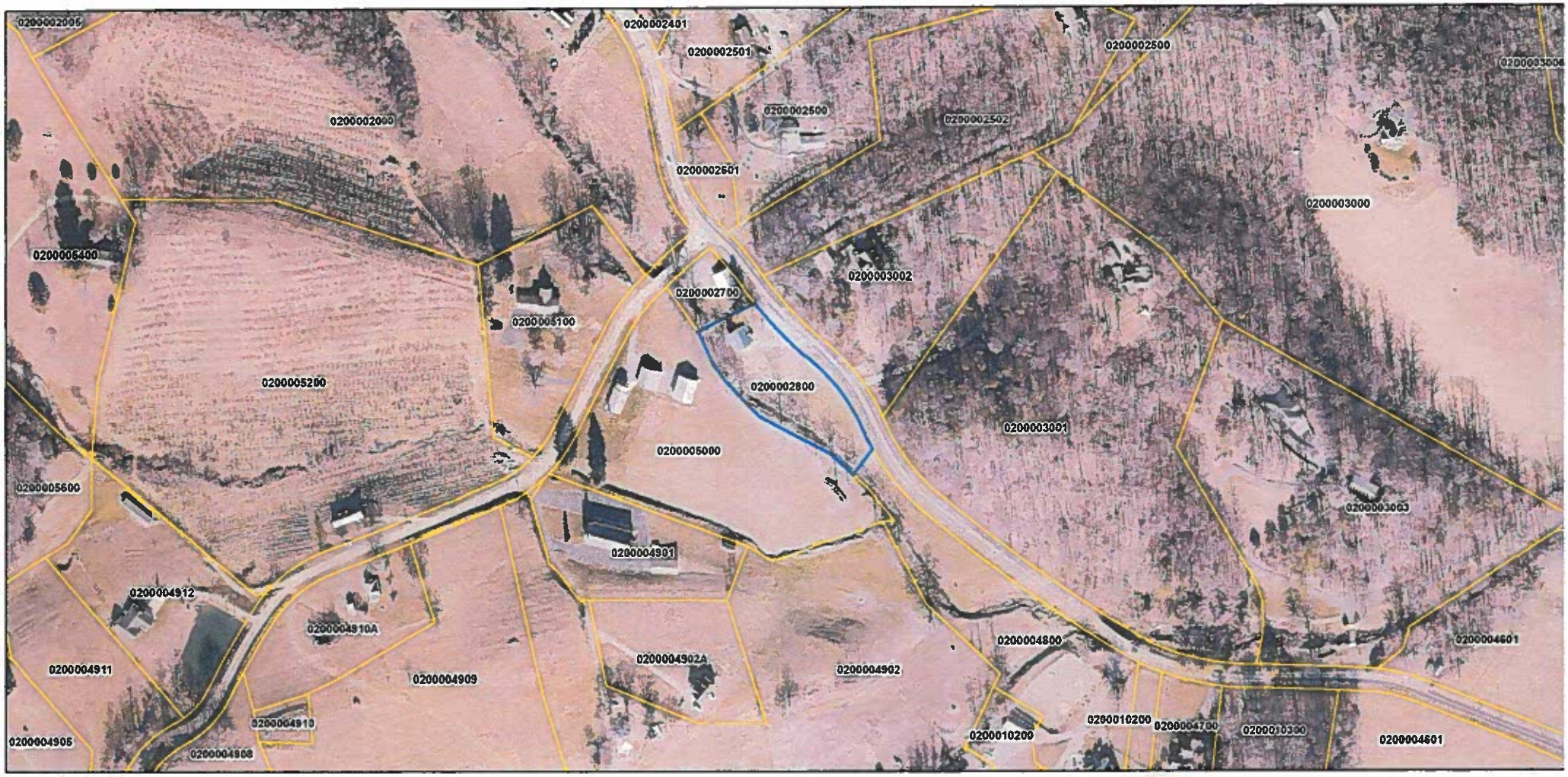

Legend

- Subject Parcel
- Parcels

2017 Pictometry Imagery

0 75 150 300 450 600 Ft

Tax Map #0200002800
SPEC-01-20-16480
George & Patricia Coury

Franklin Co GIS
Date: 1/22/2020

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Powell, Hannah

From: Lewis, Lisa <lisa.lewis@vdot.virginia.gov>
Sent: Wednesday, January 8, 2020 12:08 PM
To: Powell, Hannah
Cc: Brian Casella
Subject: Re: DRT Meeting

==== CAUTION: This email is from outside Franklin County Government. Total security is not guaranteed. Remember to use safe practices when using email and other technologies. ====

Due to the nature of the application, we do not offer any comments for the application.

On Wed, Jan 8, 2020 at 10:06 AM Powell, Hannah <Hannah.Powell@franklincountyva.gov> wrote:

The DRT meeting is scheduled for next Wednesday, January 15th beginning at 2:00 in the B-23 conference room of the Franklin County Government Center. Attached is the application for your review. If you are unable to attend the meeting please feel free to email me your comments. Comments will need to be received no later than 01/17/20. Thanks!!

Hannah L. Powell

Administrative Assistant II

Franklin County Planning & Community Development

1255 Franklin Street, Suite 103

Rocky Mount, VA, 24151

540 483 3027 Ext: 2304

hannah.powell@franklincountyva.gov

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Powell, Hannah

From: Williams, Brent <brent.williams@vdh.virginia.gov>
Sent: Tuesday, January 21, 2020 9:46 AM
To: Powell, Hannah
Subject: Fwd: DRT Meeting
Attachments: 16480_Coury_Application.pdf

==== CAUTION: This email is from outside Franklin County Government. Total security is not guaranteed. Remember to use safe practices when using email and other technologies. ====

Hannah,

I sent the below to Terry. I assume the owners had to have the drainfield information to do the renovation in 2017/2018, so it should be on file already. if not they will need to come look it up here. if we can not find it they will need to get a SAP done by a soils consultant.

call me if you have any questions.

Brent Williams
Environmental Health Supervisor
West Piedmont Health District
(o)540-484-0292 ext. 209
(f) 540-483-1483

---------- Forwarded message ---------
From: **Williams, Brent** <brent.williams@vdh.virginia.gov>
Date: Wed, Jan 15, 2020 at 3:14 PM
Subject: Fwd: DRT Meeting
To: Harrington, Terry <Terry.Harrington@franklincountyva.gov>

Terry,

I can not find anything on this property. they have only owned it since 2017 and said they remodeled it since then. I assume the building office has the septic work for that remodel permit . If not, they need to do a SAP with a private soils consultant for a change in use. sorry to take so long getting this to you.

Brent Williams
Environmental Health Supervisor
West Piedmont Health District
(o)540-484-0292 ext. 209
(f) 540-483-1483

---------- Forwarded message ---------
From: **Powell, Hannah** <Hannah.Powell@franklincountyva.gov>
Date: Wed, Jan 8, 2020 at 10:06 AM
Subject: DRT Meeting
To: aaron.shearer@westernvawater.org <aaron.shearer@westernvawater.org>, Burnette, Michael

Powell, Hannah

From: Ferguson, William
Sent: Friday, January 10, 2020 2:59 PM
To: Powell, Hannah
Cc: Mason, Jay; Pendleton, Andy
Subject: RE: DRT Meeting

Hannah:

Good Afternoon!!!

I see no concerns from Public Safety provided the FMO also approves.

Thanks

Billy

William Ferguson
Director
Franklin County Public Safety
1488 Franklin Street
Rocky Mount, VA 24151
540-483-3091

From: Powell, Hannah <Hannah.Powell@franklincountyva.gov>
Sent: Wednesday, January 8, 2020 10:07 AM
To: aaron.shearer@westernvawater.org; Burnette, Michael <Michael.Burnette@franklincountyva.gov>; Catlett, Charles <Charles.Catlett@franklincountyva.gov>; Cooper, Lisa <Lisa.Cooper@franklincountyva.gov>; darrin.doss@vdh.virginia.gov; Ferguson, William <William.Ferguson@franklincountyva.gov>; Harrington, Terry <Terry.Harrington@franklincountyva.gov>; Mason, Jay <Jay.Mason@franklincountyva.gov>; lisa.lewis@vdot.virginia.gov; nholthouser@aep.com; Pat Regan <pat.regan@franklincountyva.gov>; Phillips, Jessica <jessica.phillips@vdh.virginia.gov>; Sandy, Steve <Steve.Sandy@franklincountyva.gov>; Schmidt, Eric <Eric.Schmidt@franklincountyva.gov>; simon.leray@vdh.virginia.gov; Smith, Don <don.smith@franklincountyva.gov>; Whitlow, Christopher <Christopher.Whitlow@franklincountyva.gov>; brent.williams@vdh.virginia.gov; Wilson, Ronald <Ronald.Wilson@franklincountyva.gov>
Subject: DRT Meeting

The DRT meeting is scheduled for next Wednesday, January 15th beginning at 2:00 in the B-23 conference room of the Franklin County Government Center. Attached is the application for your review. If you are unable to attend the meeting please feel free to email me your comments. Comments will need to be received no later than 01/17/20. Thanks!!

Hannah L. Powell
Administrative Assistant II
Franklin County Planning & Community Development
1255 Franklin Street, Suite 103

Powell, Hannah

From: Mason, Jay
Sent: Thursday, January 16, 2020 12:29 PM
To: Powell, Hannah
Subject: RE: DRT Meeting

Thanks Hannah,

The only thing that I would add is that the property be compliant with fire code with smoke alarms for the rental property.

Thanks,

Jay

From: Powell, Hannah <Hannah.Powell@franklincountyva.gov>
Sent: Thursday, January 16, 2020 9:48 AM
To: Mason, Jay <Jay.Mason@franklincountyva.gov>
Subject: RE: DRT Meeting

Sorry you could not make the meeting. Do you have any comments you would like to provide on the application?

From: Mason, Jay <Jay.Mason@franklincountyva.gov>
Sent: Wednesday, January 15, 2020 1:59 PM
To: Powell, Hannah <Hannah.Powell@franklincountyva.gov>
Subject: RE: DRT Meeting

Hannah,

I am still tied up at a previous meeting. I'm not going to make the meeting at 2.

Thanks,

Jay Mason

Sent from my Verizon, Samsung Galaxy Smartphone

-------- Original message --------
From: "Powell, Hannah" <Hannah.Powell@franklincountyva.gov>
Date: 1/8/20 10:06 AM (GMT-05:00)
To: aaron.shearer@westernvawater.org, "Burnette, Michael" <Michael.Burnette@franklincountyva.gov>, "Catlett, Charles" <Charles.Catlett@franklincountyva.gov>, "Cooper, Lisa" <Lisa.Cooper@franklincountyva.gov>, barrin.doss@vdh.virginia.gov, "Ferguson, William" <William.Ferguson@franklincountyva.gov>, "Harrington, Terry" <Terry.Harrington@franklincountyva.gov>, "Mason, Jay" <Jay.Mason@franklincountyva.gov>, lisa.lewis@vdot.virginia.gov, nholthouser@aep.com, Pat Regan <pat.regan@franklincountyva.gov>, "Phillips, Jessica"

Franklin County, VA

Special Use Permit, Letter of Application 1/3/2020

Proposed use of property located at 2729 Naff Road, Boones Mill, VA 24065:

To be able to use the existing home for short term rentals (less than 30 days) in addition to longer term rentals.

Reason for request:

History: This home is the renovated former Naff Community School which was originally built in 1955. It has subsequently been sold and renovated several times and used as a residence. We purchased the home on August 24, 2017 after initial renovation had begun. It was in a horrid state of disrepair, and was considered a community eyesore. It was completely renovated inside and out to be an attractive, eye appealing property.

Initially, we purchased it for our youngest daughter to use and she resided there for approximately a year. We considered that we would eventually use it for a rental home once our daughter no longer had use for it. We began getting unsolicited requests from neighbors and fellow church members and rented the home for intermediate term use (longer than 30 days). The two-bedroom, one bath home is very small, approximately 800 square feet and has very little storage space which hampers its use as a long-term rental. It does appear to be popular for short term rental, especially those desiring a home which includes a kitchen and outdoor porch enjoyment with gorgeous views of Cahas mountain and the countryside and easy access to the Blue Ridge Parkway. This is a unique commodity for our area.

Community Impact:

We believe the granting of our request for short term rental use of the home would have no negative impact on our community. Of note, we live just a few parcels away from the subject property and our goal has always been to enhance the community. We have received uniform approval and many compliments from our neighbors on the completed renovation of the subject property. The home is bordered on one side by the Naff Community center and the other side by Treybrook farm which is a commercial establishment. Across Wades Gap Road is the Woods Farm market, and further down Naff Rd is Metwood, Healing Strides and Sundara Wedding Venue, so there is plenty of commercial use of parcels near us. We have found that renters who have used the property have brought money into Franklin county by visiting local establishments in Boones Mill and beyond and we provide literature and discounts from local merchants in Franklin county encouraging our renters to visit. This provides a positive economic impact for our community.

Respectfully Submitted by George and Patricia Coury, DBA Poldark Properties, LLC

George D Coury Patricia A Coury

FRANKLIN COUNTY
SPECIAL USE PERMIT APPLICATION

(Type or Print)

I/We, GEORGE & PATRICIA COURY as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors for a special use permit on the property as described below:

Petitioner's Name: GEORGE & PATRICIA COURY

Petitioner's Address: 219 MEADOW RIDGE LN

Petitioner's Phone Number: 540-334-5312

Petitioner's E-mail: GSCOURY@YAHOO.COM

Property Owner's Name: GEORGE & PATRICIA COURY DBA POLDARK Properties LLC

Property Owner's Address: SAME AS ABOVE

Property Owner's Phone Number: _____

Property Owner's E-mail: _____

Directions to Property from Rocky Mount: 220 N to Left onto NAFF RD 2729 NAFF RD, Boones Mill VA 24065

Tax Map and Parcel Number: 0200000 2800

Magisterial District: Boone

Property Information:

A. Size of Property: 1.25 acres

B. Existing Zoning: A1

C. Existing Land Use: Renovated home and small pasture

D. Is property located within any of the following overlay zoning districts:

___Corridor District ___Westlake Overlay District ___Smith Mountain Lake Surface District

E. Is any land submerged under water or part of a lake? Yes (No) If yes, explain.

_____

Proposed Special Use Permit Information:

A. Proposed Land Use: Renovated home and small pasture

B. Size of Proposed Use: 1.25 acre

C. Other Details of Proposed Use: To allow for short-term as well as long team rental of the home

Checklist for completed items:

✓ Application Form

✓ Letter of Application

✓ Concept Plan

✓ Application Fee

****I certify that this application for a special use permit and the information submitted herein is correct and accurate.**

Petitioner's Name (Print): Patricia Coury & George Coury

Signature of Petitioner: Patricia G Coury George S Coury

Date: January 6, 2020

Mailing Address: 219 Meadow Ridge Ln
Boones Mill, VA 24065

Telephone: 540 334-5312

Email Address: gscoury@yahoo.com

Owner's consent, if petitioner is not property owner:

Owner's Name (Print): _____

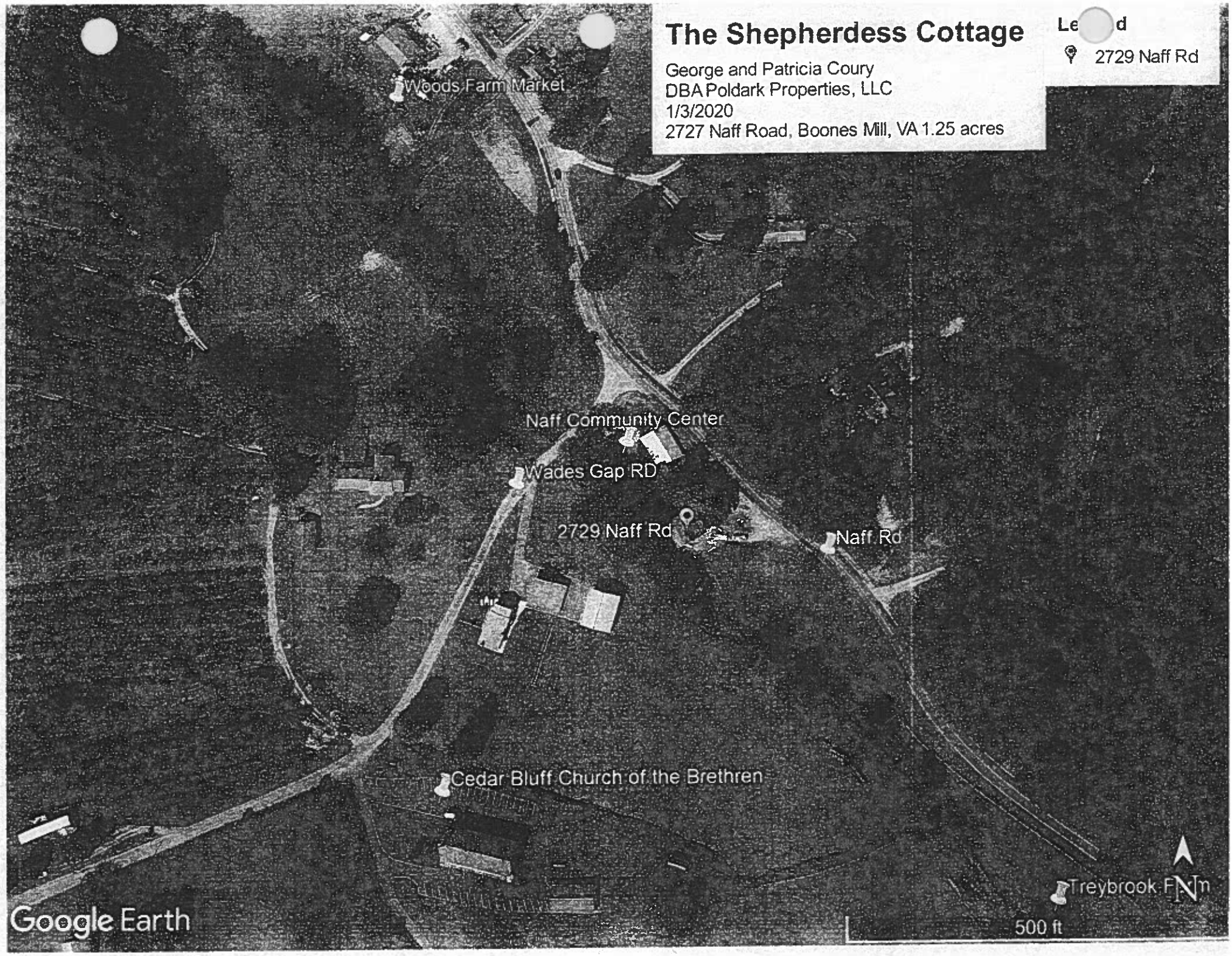
Signature of Owner: _____

Date: _____

Date Received by Planning Staff _____

Clerk's Initials: _____

CHECK #: _____
RECPT. #: _____
AMOUNT: _____


The Shepherdess Cottage
George and Patricia Coury
DBA Poldark Properties, LLC
1/3/2020
2727 Naff Road, Boones Mill, VA 1.25 acres
2729 Naff Rd
Woods Farm Market
Naff Community Center
Wades Gap RD
2729 Naff Rd
Naff Rd
Cedar Bluff Church of the Brethren
Treybrook F
500 ft
Google Earth

OFFICE OF
COMMISSIONER OF THE REVENUE
FRANKLIN COUNTY
1255 Franklin Street, Suite 102
Rocky Mount, Virginia 24151

garet S. Torrence
Commissioner of the Revenue

TELEPHONE
State Taxes (540) 483-3083
Personal Property Tax (540) 483-3083
Real Estate (540) 483-3085
Land Use (540) 483-3084
Fax (540) 483-3089

December 27, 2019

George S. Coury
Poldark Properties LLC
219 Meadow Ridge Ln
Boones Mill, VA 24065

Re: Transient/Occupancy Application

Dear Mr. Coury,

The Commissioner of Revenue office has been informed that the property at 2729 Naff Rd, Boones Mill (Tax Map# 020 00-028 00) is being offered for rent on a short-term basis (less than thirty (30) days). The purpose of this letter is to inform you that property owners renting short-term in Franklin County must register with our office and collect & report transient occupancy tax in accordance with the Code of Franklin County, VA §20-243 and §20-244.

Enclosed please find a Transient/Occupancy Application to complete and return to our office **no later than January 7, 2020**. When completing the form, indicate the start date (first day the property was rented short-term). For your convenience, you may submit the form in the envelope provided, via fax: (540) 352-5140, e-mail: madherleyn.torres@franklincountyva.gov, or online at: www.franklincountyva.gov/commissioner-of-revenue.

Additionally, in accordance with the Code of Virginia §58.1-3515, Franklin County does assess personal property tax on furniture, fixtures, and appliances located within the rental property as of January 1st of each year.

Thank you in advance for your prompt attention to this matter. If you have any questions, do not hesitate to contact our office at (540) 483-3083, option 2.

Sincerely,

Madherleyn Torres
Deputy Clerk - Business Tax & Licenses

Enclosures: Transient/Occupancy Application
Code of Franklin County, Virginia; Division 7 – Transient Occupancy Tax