
Franklin County Planning Commission
Agenda
May 12, 2020

- I. Call to Order
- II. Roll Call
- III. Consent Agenda
 - A) Approval of Minutes from March 10, 2020 meeting
- IV. Public Hearings:
 1. **APPLICATION for SPECIAL USE PERMIT-** Application of John Mathena, Applicant, and South Lake Motor Sports, LLC, Owners, requesting to amend condition #4 attached to an existing Special Use Permit that was granted by the Board of Supervisors on January 15, 2019. Specifically the applicant is requesting to (1) substitute a single welded wire fence for the approved split rail fence with wire mesh, and (2) to substitute Eastern Red Cedar trees with a height of two (2) feet to four (4) feet, for the previously approved six (6) foot tall Green Giant Arborvitae. The Eastern Red Cedar's would be planted in a single row twenty (20) feet on center along the property boundaries that already have existing mature vegetation. Eastern Red Cedars with a height of three (3) feet to five (5) feet would be planted in a staggered double row twenty (20) feet on center along the north/northwest property lines adjacent to Hampton Drive. The property is approximately 14.25 acres, currently zoned A-1, Agricultural, and B-2, General Business, and located at 2000 Old Salem School Road in the Union Hall District of Franklin County and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0520010302. The property has a future land use designation of Low Density Residential.
 - 1) Staff Presentation (Terry Harrington)
 - 2) Applicant Presentation
 - 3) Public Comment
 2. **APPLICATION for REZONE-** Application of Bowman Excavating, Inc, Applicants, and Brent E. Bowman and Cora Mae Bowman, Owners, requesting to rezone a property from A-1, Agricultural, to B-2, General Business, for the purpose of having a contractor's office and shop from which their business would operate. The property is approximately 9.64 acres, currently zoned A-1, Agricultural, and located at 540 Ikenberry Road in the Blackwater District of Franklin County, and further identified by Franklin County Real

Estate Records as Tax Map/Parcel # 0430002401D. The property has a future land use designation of Low Density Residential and Agriculture, Forestry/Rural Residential.

- 1) Staff Presentation (Terry Harrington)
- 2) Applicant Presentation
- 3) Public Comment

3. **APPLICATION for SPECIAL USE PERMIT** – Application of Smith Mountain Lake Volunteer Fire & Rescue Department, Applicants and Owners, requesting to amend condition #1 of an existing Special Use Permit that was granted by the Board of Supervisors on June 1, 2017 to allow the proposed optional storage building to be increased in size from 2,500 square feet to a maximum of 5,000 square feet. The property is approximately 6.13 acres, currently zoned R-1, Residential Suburban Subdivision District, and located at the end of Oak Grove Drive in the Gills Creek District of Franklin County, and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0150007301. The property has a future land use designation of Low Density Residential

- 1) Staff Presentation (Terry Harrington)
- 2) Applicant Presentation
- 3) Public Comment

4. **APPLICATION for SPECIAL USE PERMIT** – Application of Mohammad Alkhawaja, Applicant, and Kawaja Corporation, Owners, requesting a Special Use Permit with possible conditions, to allow for rental of moving equipment, located on an approximate 1.68 acre property. The property, currently zoned B-1, Limited Business, is located at 445 Doe Run Road in the Snow Creek District of Franklin County and is further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0720034301. The Zoning Administrator has determined that the rental of moving equipment is a permitted use by issuance of a Special Use Permit in B-1, Limited Business, zoning districts. The property has a future land use designation of Low Density Residential.

- 1) Staff Presentation (Terry Harrington)
- 2) Applicant Presentation
- 3) Public Comment

5. **APPLICATION for SPECIAL USE PERMIT-** Application of Karen S. Saunders, Applicant and Owner, requesting a Special Use Permit with possible conditions to allow for the short term tourist rental of a dwelling on an approximate 6.71 acre property. The property, currently zoned A-1, Agricultural, is located at 345 Hermitage Road in the Union Hall District of Franklin County and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0470007000. The short term rental of a tourist dwelling is a permitted use by issuance of a special use permit in A-1, Agricultural, zoning districts. The property has a future use designation of Low Density Residential.

- 1) Staff Presentation (Terry Harrington)
- 2) Applicant Presentation
- 3) Public Comment

6. **PETITION of the FRANKLIN COUNTY BOARD OF SUPERVISORS,** request to amend Chapter 25 of the Franklin County Code, "Zoning", to modify supplemental regulations for short-term rentals and penalties related to civil and criminal penalties. Amending Section 25-138, Short-term tourist rentals, to remove and cross-reference regulations found in Chapter 5.5-72 of the County Code. Amending Sections 25-800, Penalties, and 25-800.1, Civil Penalties, to remove fine amounts for criminal and civil penalties, respectively, and replace with reference to current Virginia Code fine allowances for both criminal and civil penalties.

V. Citizen Comment

VI. Adjourn

**** The Planning Commission's next site visits are scheduled for June 3, 2020

**Board of Supervisors and Planning Commission
Citizen Participation Information for Public Hearings
May 1, 2020**

Franklin County will continue to operate and conduct business including public hearings in the face of the current Coronavirus situation. Accordingly, the County is modifying the normal public hearing process to comply with the Commonwealth of Virginia's guidance and maintain proper social distancing.

Starting with the Planning Commission meeting on May 12, 2020, citizens will have a variety of options to participate in the public meetings/hearings on the matters to be heard by the Planning Commission and Board of Supervisors as follows.

Meetings will be broadcast live on YouTube. Here is the direct link
<https://www.youtube.com/channel/UCBTQvrOHCY5JmzDxjw5Oiw>

This medium will allow for citizens to view and listen to the public meeting and public hearing presentations. Although the meetings will provide limited opportunities for the physical presence of the public, several methods are being provided for public input before and during the public hearings.

The Public may comment until 5:00 p.m. on the day of the hearing by the following methods:

- Comments may be emailed to hannah.powell@franklincountyva.gov for Planning Commission hearings or madeline.sefcik@franklincountyva.gov for Board of Supervisors hearings
- Comments may be submitted using the Public Comment Submission Form that can be found at <https://www.franklincountyva.gov/FormCenter/Board-of-Supervisors-15/Public-Comment-Submission-Form-86>
- Written comments can be mailed to the Franklin County, 1255 Franklin Street, Suite 103, Rocky Mount, VA, 24151
- Comments may be directed to a planning staff member or by leaving a voicemail message for the Franklin County Planning Department at (540) 352-5720
- All of these comments received prior to 5 pm will be provided to the members prior to the meeting.

The Public may comment during the staff and applicant presentation period for each case on the agenda until Chairman closes the public hearing:

- Comments can be submitted during each public hearing using the Public Comment Submission Form that can be found at <https://www.franklincountyva.gov/FormCenter/Board-of-Supervisors-15/Public-Comment-Submission-Form-86>. These comments will be provided to all members prior to the vote, reflected in the minutes of the meeting, and included in the official zoning file records.
- Comments cannot exceed 3 minutes.

Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on March 10, 2020 in the Board of Supervisors meeting room located in the Franklin County Government Center.

THOSE PRESENT:

Earl Webb- Blackwater District
Jim Colby- Gills Creek District
Angie McGhee- Boone District
Debbie Crawford- Union Hall District
David Clements- Rocky Mount District
C.W. Doss, Jr.- Blue Ridge District
Sherrie Mitchell- Snow Creek District

THOSE ABSENT:

None

OTHERS PRESENT:

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

The meeting was called to order by Chairman Webb at 6:00 p.m. The first order of business was the roll call. The next order of business was the approval of the minutes from the February 11, 2020 meeting and February 18, 2020 joint work session with the Board of Supervisors. Chairman Webb asked of the Planning Commission if there were any comments or corrections to the minutes as written; there were none. Chairman Webb announced the minutes would stand as written.

Chairman Webb introduced the first item on the agenda and asked for the staff report.

APPLICATION for SPECIAL USE PERMIT – Application of Edward T. Carter Jr. and Heather E. Carter, Applicants and Owners, requesting a Special Use Permit with possible conditions, to allow for the short term tourist rental of a dwelling, located on an approximate 5.00 acre property. The property, currently zoned A-1, Agriculture, is located at 220 Ridgeway Road in the Boone District of Franklin County and is further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0050007901. Short term tourist rental of a dwelling is a permitted use by Special Use Permit in A-1 Agriculture zoning districts and subject to the supplemental regulations found in Section 25-138 of the Franklin County Code. The property has a future land use designation of Agriculture Forestry/Rural Residential.

Mr. Harrington began by explaining that the Carters are the owners of a 5.01 acre lot near the terminus of Ridgeway Road in the Boone District. Ridgeway Road is a private road with a variable right-of way. There is one single family home on this parcel. County tax records list the home as a one bedroom 1008 square foot two story home with basement.

Mr. Harrington went on to say that the Carters purchased this property in 2014 and undertook extensive renovations to the house on the property which had been vacant for eight years. In addition to the single family home on the property there is also a tobacco barn that the Carters renovated and converted into a carport. The Carter's principal

residence is on an adjacent property (0050007902) and is accessed by an easement that runs through the property that is the subject of this short term rental request.

Mr. Harrington stated that the staff expects minimal community impacts from the use of this house for short term rental. The one bedroom design of this house will limit the legal short term occupancy of the house to two adults. The five (5) acre lot size and the wooded setting of the house will minimize noise impacts on adjacent properties. The closest residence on adjacent property is approximately 350 feet from the proposed short term rental.

Mr. Harrington concluded that the staff recommends that the Planning Commission consider and recommend approval of this special use permit request with the following four (4) conditions:

- 1) This special use permit authorizing the short term rental dwelling on tax parcel # 0050007901 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 25-138 of the Franklin County Code
- 3) The County Building Official and Fire Marshal shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the 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, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

Mr. Harrington offered to answer any questions.

Chairman Webb asked if anyone had questions; No one did. Chairman Webb then asked to hear from the applicant.

Mr. and Mrs. Carter stated that they were available to answer questions.

Chairman Webb asked if anyone had questions for the applicants; No one did. Chairman Webb then opened the public hearing and asked if there was anyone present that would like to speak.

Mr. Andy Postel stated that he was an adjoining property owner and that he had no issues with the request.

Mr. Russell Seneff said that he agreed with short term rentals being allowed in the County and had no problem with the request.

With no more comments, Chairman Webb then closed the public hearing and the members had discussion among themselves.

Mrs. McGhee made a motion to approve, stating that she found that the approval of SPEC-0220-16500 authorizing the short term rental of a structure located at 220 Ridgeway Road in the Boone District with the conditions recommended by the staff, 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. This special use permit authorizing the short term rental dwelling on tax parcel # 0050007901 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 25-138 of the Franklin County Code.
3. The County Building Official and Fire Marshal shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the 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, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

Mrs. Crawford seconded the motion.

The motion to approve the request was approved.

Voting on the motion was as follows:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

APPLICATION for SPECIAL USE PERMIT – Application of Boyd K. Temple and LeAnn L. Temple, Applicants and Owners, requesting a Special Use Permit with possible conditions, to allow for the short term tourist rental of a dwelling, located on an approximate 3.29 acre property. The property, currently zoned A-1, Agriculture, is located at 601 Strawberry Banks Drive in the Gills Creek District of Franklin County and is further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0320005800. Short term tourist rentals of a dwelling is a permitted use by Special Use Permit in A-1 Agriculture zoning districts and subject to the supplemental regulations

found in Section 25-138 of the Franklin County Code. The property has a future land use designation of Low Density Residential.

Mr. Harrington began by explaining that the Temples are the owners of a 3.285 acre waterfront lot on Strawberry Banks Drive in the Gills Creek District. Strawberry Banks Drive is a state maintained road with a R/W width of 50 feet. There is one single family home on this parcel. County Tax records list the home as a one bedroom 1536 square foot single story home with basement.

Mr. Harrington went on to say that there is also a large garage (+1600) sq. ft. on the property. Use of the garage as a component of the short term rental request is not requested by the applicant. The site has both wooded and open space areas. Approximately one-third of the site is wooded, with the wooded areas being closest to the lake. The house is located within the wooded area, close to the lake.

Mr. Harrington said that staff expects minimal community impacts from the use of this house for short term rental. The one bedroom design of this house will limit the legal short term occupancy of the house to two adults. The 3.285 acre lot size and the wooded setting of the house will minimize noise impacts on adjacent properties. The closest residence on adjacent property is approximately 250 feet from the Temple home.

Mr. Harrington concluded that the staff recommends that the Planning Commission consider and recommend approval of this special use permit request with the following four (4) conditions:

- 1) This special use permit authorizing the short term rental dwelling on tax parcel # 0320005800 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 25-138 of the Franklin County Code.
- 3) The County Building Official and Fire Marshall shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the 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, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

Mr. Harrington offered to answer any questions.

Chairman Webb asked if anyone had questions for Mr. Harrington. No one did; therefore Chairman Webb asked to hear from the applicant.

Mr. Boyd Temple provided a slideshow of pictures showing the property, home, and surrounding areas in detail. Mr. Temple described how the property cannot be seen from the road at all. He mentioned that there is a mobile home

park which contains twenty-three (23) mobile homes. Mr. Temple also added that the septic tank on the property had been inspected the previous day. Mr. Boyd offered to answer any questions.

Mr. Colby asked how he planned to manage the property.

Mr. Temple answered he would use property agencies to manage the property when he is not there.

Mr. Colby asked how problems with the property would get solved.

Mr. Temple answered that he could be called, as well as the management company or sheriff's department.

Chairman Webb asked if anyone else had questions for Mr. Temple; No one did. Chairman Webb then opened the public hearing and asked if there was anyone present that would like to speak.

Mr. Gary Fisher stated that he was the POA representative for Spinnaker Run. He said that property values in that area are between \$500,000 to \$1,000,000. He went on to say that there are currently nineteen (19) lot owners that are opposed to this request. He concluded that he was concerned with the additional amount of cars and boats and also setting a precedence for the area.

Mr. Chuck Heitzman stated that he was a resident of Montego Bay. He said that he was strongly opposed to the short term rental request and that he had concerns about safety on the lake with the additional traffic.

Mr. John Magri stated he was a resident of Spinnaker Run. He continued by saying that he was concerned about how issues and noise from rental properties could be controlled.

Mr. Tom Merriman said that the lake is very busy and crowded on the weekends. He went on to say that people do their skiing and recreational activities in coves like where he lives, not on the main channel. He does not think the short term rental request is appropriate for the area.

Mr. Russell Seneff stated that he thought short term rentals should be allowed unless there were deed restrictions. He said he would support his own neighbors to have short term rentals. He concluded that the lake is busy everywhere.

Mr. Scott Elliott and Mrs. Meredith Elliott said that the lake is noisy everywhere. They went on to say that short term rentals are good for the economy and should be allowed everywhere.

Chairman Webb then closed the public hearing and the members had discussion among themselves. Mr. Colby made a motion to deny, stating that he found that the approval of SPEC-02-20-16509 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.

The motion was not seconded.

The motion to deny the request failed.

Voting on the motion was as follows:

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

Mrs. Crawford made a motion to approve, stating that she found that the approval of SPEC-02-20-16509 authorizing the short term rental of a structure located at 601 Strawberry Banks Drive in the Gills Creek district with the conditions recommended by the staff, 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. This special use permit authorizing the short term rental dwelling on tax parcel # 320005800 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 25-138 of the Franklin County Code
3. The County Building Official and Fire Marshall shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the 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, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

Mrs. McGhee seconded the motion.

The motion to approve the request was approved.

Voting on the motion was as follows:

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

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

APPLICATION for SPECIAL USE PERMIT – Application of Bradley Ty Walker, Applicant, and William J. Walker Jr. and Bonnie Peters Walker, Owners, requesting a Special Use Permit with possible conditions, to allow

for the short term tourist rental of a dwelling, located on an approximate 131 acre property. The property, currently zoned A-1, Agriculture, is located at 1027 Ty Valley Lane in the Union Hall District of Franklin County and is further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0710005300. Short term tourist rentals of a dwelling is a permitted use by Special Use Permit in A-1 Agriculture zoning districts and subject to the supplemental regulations found in Section 25-138 of the Franklin County Code. The property has a future land use designation of Agriculture Forestry/Rural Residential.

Mr. Harrington began by stating that the proposed short term rental is located on a 131 acre parcel that it a component of a 300 acre farm owned by the Walkers. The proposed short term rental structure is a small one room dwelling with attached bathroom and is approximately 247 square feet in size.

Mr. Harrington explained that the proposed short term rental is accessed via Ty Valley Lane and Byrds Mill Lane. Ty Valley Lane is a private R/W located off Byrds Mill Lane in the Union Hall District.

Mr. Harrington said that the staff expects minimal community impacts from the use of this house for short term rental. The one room/bedroom design of this house will limit the legal short term occupancy of the house to two adults. The 131 acre lot size and the wooded setting of the house will minimize noise impacts on adjacent properties.

Mr. Harrington concluded that staff recommends that the Planning Commission consider and recommend approval of this special use permit request with four (4) conditions:

- 1) This special use permit authorizing the short term rental dwelling on tax parcel # 0710005300 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 25-138 of the Franklin County Code
- 3) The County Building Official and Fire Marshal shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the 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, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a one bedroom home.

Mr. Harrington offered to answer any questions. There were none. Chairman Webb asked to hear from the applicant.

Mr. Ty Walker explained that their proposed short term rental would be a more rustic stay and allowed people from the city to have a farm experience. Mr. Walker offered to answer any questions; there were none.

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

Mr. Russell Seneff stated that short term rentals should be allowed all over the County.

Mrs. Elliott said that she agreed with short term rentals being allowed.

Chairman Webb then closed the public hearing and discussion between the members ensued. Mrs. Crawford made a motion to approve, stating that she found that the approval of SPEC-02-20-16504 authorizing the short term rental of a structure located at 1027 Ty Valley Lane in the Glade Hill District with the conditions recommended by the staff, 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. This special use permit authorizing the short term rental dwelling on tax parcel # 0710005300 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 25-138 of the Franklin County Code.
3. The County Building Official and Fire Marshal shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the 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, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

Mr. Doss seconded the motion.

The motion to approve the request was approved.

Voting on the motion was as follows:

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

Chairman Webb announced the next item as new business discussing the 2020 Work Program.

Mr. Sandy explained the draft 2020 Work Program and detailed each of the project goals that were listed.

Chairman Webb announced the next items as old business; 2019 Annual Report and amendments to short term rental regulations.

Mr. Sandy asked about the 2019 Annual Report and if anyone had any changes, corrections, or additions to the report. No one did. Mr. Sandy said the report would then be given to the Board for their review.

Mr. Sandy discussed proposed amendments to the County Code pertaining to short term rental regulations that would be going before the Board of Supervisors. He detailed the development of a short term rental registry, improving safety, 3rd party vendors, increased fines, uniform regulations, and the transient occupancy tax.

The Planning Commission members were all in agreement that the proposed changes were necessary and a good start.

Chairman Webb stated that this needed to go to the Board of Supervisors to ensure they were in agreement with the changes before any fine tuning was done.

Mr. Sandy said he would take these items to the Board to obtain their input.

Chairman Webb announced the last item on the agenda as citizen comment and asked if there was anyone present that would like to speak.

Mr. and Mrs. Elliott reiterated that they agreed with short term rentals and thought they should be allowed in the County. They said that the rentals were good for the lake and good for the economy. They commented that they have considered to moving to another County were short term rentals are allowed.

With no other business, the meeting was adjourned at 8:08 p.m.

Hannah L. Powell, Clerk
Franklin County Planning Commission

Date

Department of Planning & Community Development



May 5, 2020

To: Franklin County Planning Commission

From: Terrance L Harrington, AICP [↑]
Senior Planner

Tax Parcel: 0520010302

District: Union Hall

Petitioner: John Mathena

Owner: South Lake Motorsports LLC

Re: Request of John Mathena, representing South Lake Motorsports LLC, to modify conditions that were attached to a Special Use Permit (SUP) approved by the Board of Supervisors on February 19, 2019, authorizing the construction and operation of a 14.25 acre RV and tourist cabin campground to be located at 2000 Old Salem School Road in the Union Hall District

BACKGROUND

On February 19, 2019, the Board of Supervisors approved a special use permit request of Southlake Motorsports LLC to allow for a RV campground and tourist and resort facilities development on an approximate 14.25 acre parcel currently zoned A-1 Agriculture. (Tax Parcel # 0520010302)

The approval of the SUP was subject to the compliance with twelve (12) conditions contained in Resolution 04-02-2019. These conditions addressed:

- Development in compliance with the concept plan submitted as a part of the SUP application.
- Compliance with all development standards contained in Section 25-155 of the County Code
- Requirement that each phase of development have an approved land disturbing and stormwater management plan

1255 Franklin Street, Suite 103, Rocky Mount, Virginia 24151

- The required type and location of all fencing along all property lines
- The preservation of all existing vegetation along property lines and the planting of a new evergreen buffer along said property lines around proposed development
- Campground management and maintenance plan
- Campground lighting
- Compliance with Virginia health, transportation and environmental regulations
- Waste Management
- Recreational Facilities
- 911 Emergency Addresses
- Required vehicle access location
- Required parking
- Limitation on the use of ATV's on the property
- Signage

These conditions were attached by the Commission and Board of Supervisors to attempt to mitigate any negative impacts and address concerns raised by adjoining property owners during the public hearing process.

Subsequent to the approval of the SUP, the property owner submitted, and the staff reviewed, an initial draft site plan prepared by Pierson Engineering. Staff review comments advised/reminded the applicant that the approved SUP required compliance with multiple conditions including conditions pertaining to a specific type and size of evergreen tree to be used in the required perimeter buffer. Specifically, the required tree was a Green Giant Arborvitae or equivalent, with a minimum height of 6 feet at time of planting. A double staggered row of trees is required by the approved SUP, with trees planted a minimum of twelve (12) twelve feet on center.

The approved SUP also required a split rail fence with wire mesh along the bottom portion of the fence. This fence is to be located along the mutual property lines with tax parcels 0520010200 and 0520012408 with a 100 foot extension along the adjacent property line with Hampton Drive.

REQUEST TO MODIFY LANDSCAPING BUFFER AND FENCING CONDITIONS

The applicant has requested a modification of the SUP conditions as they relate to the required evergreen buffer and the required split rail fence with wire mesh. Information on the modifications proposed by the applicant is included with this application. The reason for the requested change is cost and availability of the trees and the cost of the split rail fence. The following table compares the SUP requirements, and the applicants requested modification.

IMPACTS FROM REQUESTED CHANGES

The main change resulting from the change in the SUP conditions is that the landscape buffer would be less effective for the first 3-4 years of the RV parks operation. As the buffer vegetation matured, the screening differences between the Arborvitae species and Eastern Red Cedar species would become less pronounced.

Evergreen Buffer

Requirements: Double row of Green Giant Arborvitae or equivalent; minimum height of 6 feet at planting; planted 12 feet on center; eight foot separation of rows; planted along property lines with parcels Requirements: 0520010200 and 0520012408 and along Hampton Drive R/W	Requested Modification: Substitute Eastern Red Cedar for Arborvitae, 2-4 feet at time of planting; single row 5 feet on center along 0520010200 and 0520012408; double row along Hampton Drive
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Split Rail/ Wire Mesh Fence

Requirements: Wood Split Rail Fence with wire mesh attached to bottom along parcels 0520010200 and 0520012408 extended 100 feet down Hampton Drive	Requested Modification: Eliminate Split Rail Fence; use welded wire fence as substitute
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PUBLIC COMMENTS

Forty-two (42) residents of the surrounding neighborhood have submitted a petition opposing the modification of the approved SUP conditions.

CONCLUSION AND RECOMMENDATION

The applicant has stated that cost and the limited availability of 6 foot trees is the reason this request to modify the conditions has been submitted. Considering the surrounding neighborhood's concern for the RV parks impact on their neighborhood, the staff believes that the proposed modification is not in keeping with the concerns expressed by the community and the purpose and intent of the original conditions required by the Board of Supervisors and should be DENIED.

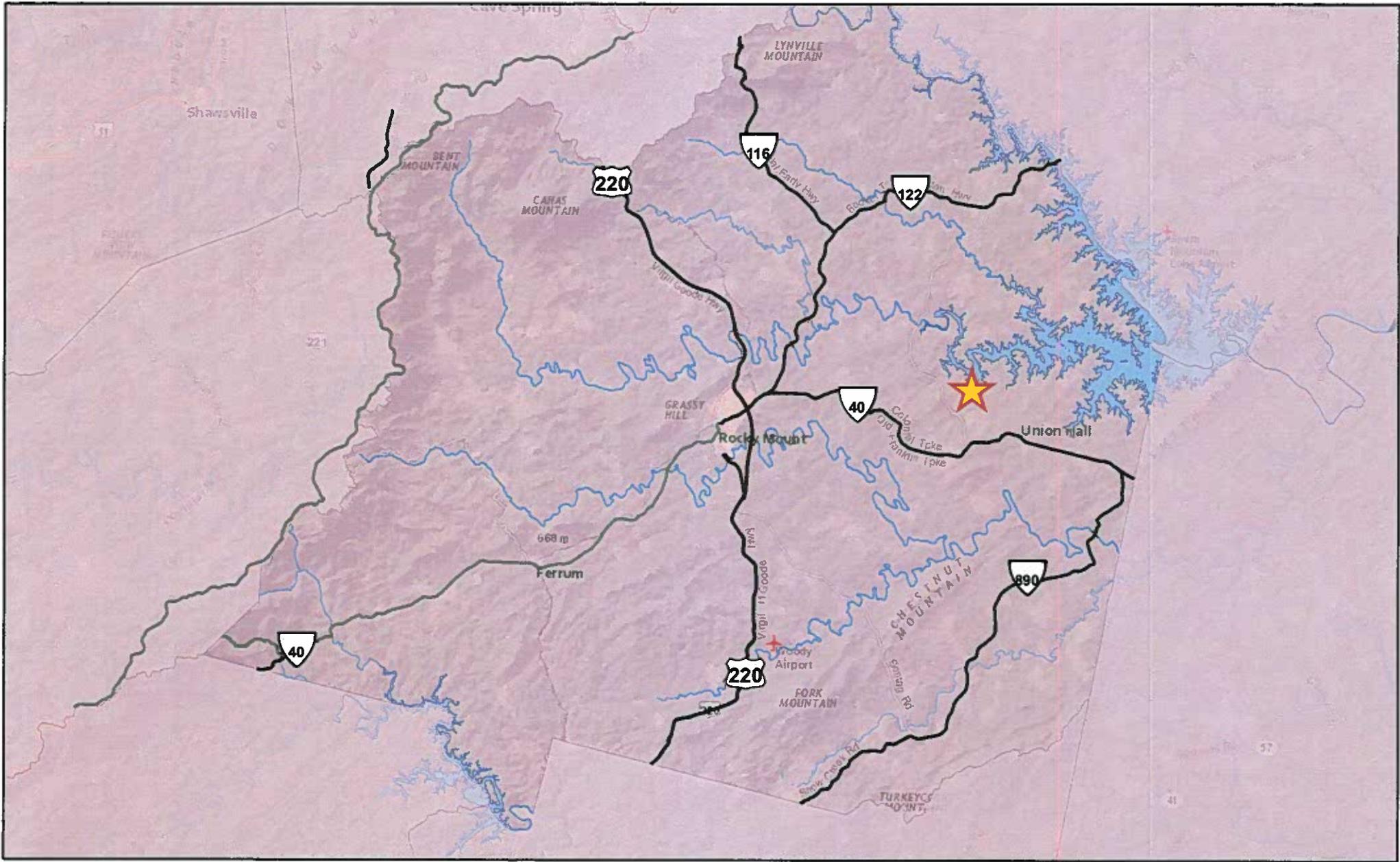
Staff does recognize that there may be other options to consider to reduce the tree costs without compromising the intent of the required buffering and fencing however the applicant has not proposed other options for consideration that may maintain the purpose and intent of the original conditions.

SAMPLE MOTIONS

(DENY) I find that the proposal to modify condition #4 of Resolution 04-02-2019 to reduce the perimeter evergreen buffer and fencing conditions proposed by the applicant is not consistent with the purpose and intent of the Comprehensive Plan and good zoning practice and will result in a substantial detriment to the surrounding community. I therefore recommend DENIAL of the request to modify the previously approved conditions of the special use permit.

(APPROVE) I find that the modification of the perimeter evergreen buffer and fencing conditions adopted as condition #4 on Resolution 04-02-2019 to be consistent with the purpose and intent of the Comprehensive Plan and good zoning practice and will not be of substantial detriment to the community. I therefore recommend approval of the SUP request

(TABLE) I move to table this request to allow for the applicant and staff to develop other possible modifications for consideration by the Commission.

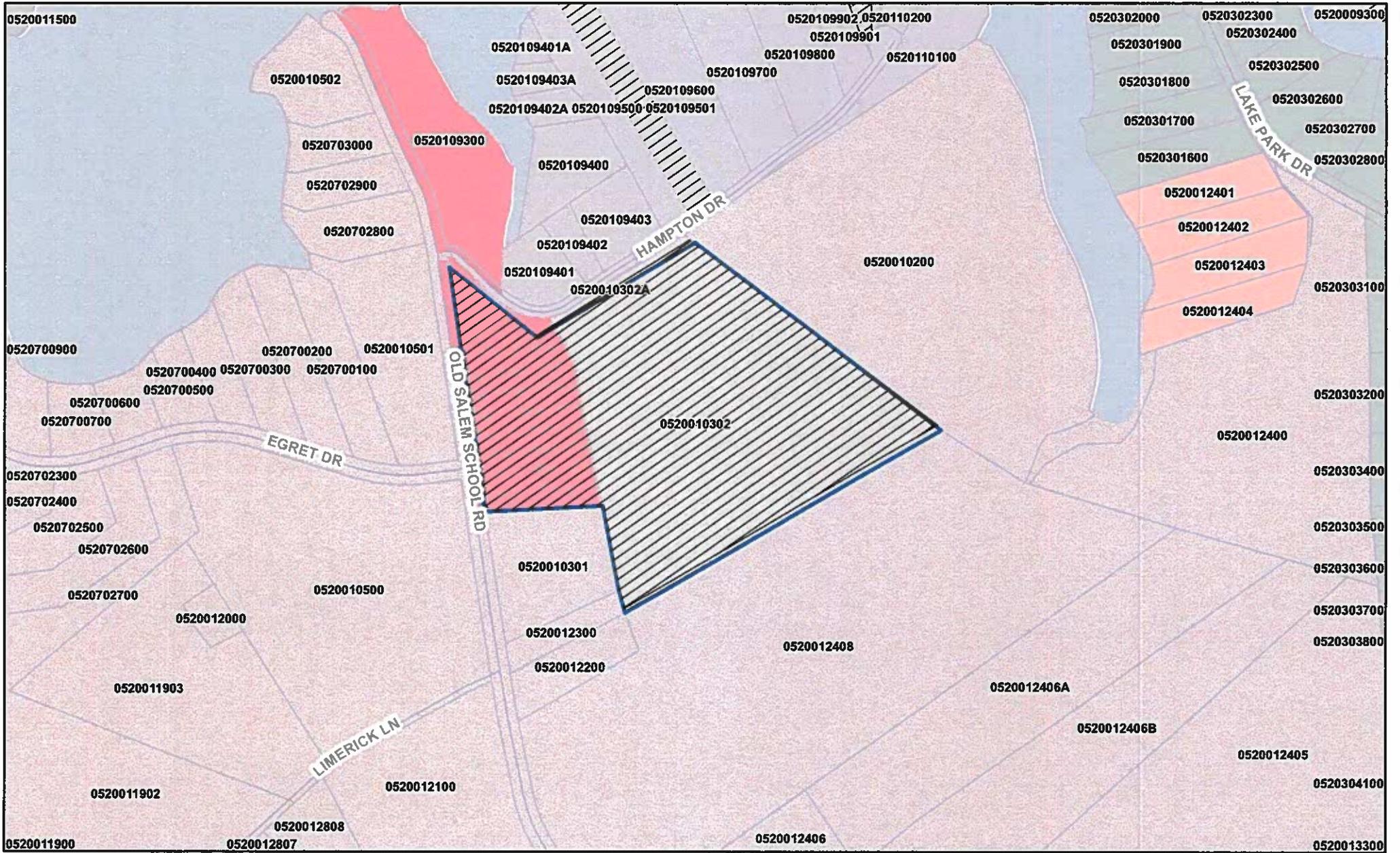


Tax Map # 0520010302
SPEC-02-20-16531
John Mathena

 Subject Property Location

0 2.5 5 10 15 20





- Parcels
- Special Use Permit
- Zoning Classifications**
- A1 - Agricultural

- R1 - Residential Suburban Subdivision
- R2 - Residential Suburban Subdivision
- RC1 - Residential Combined Subdivision
- Smith Mountain Lake

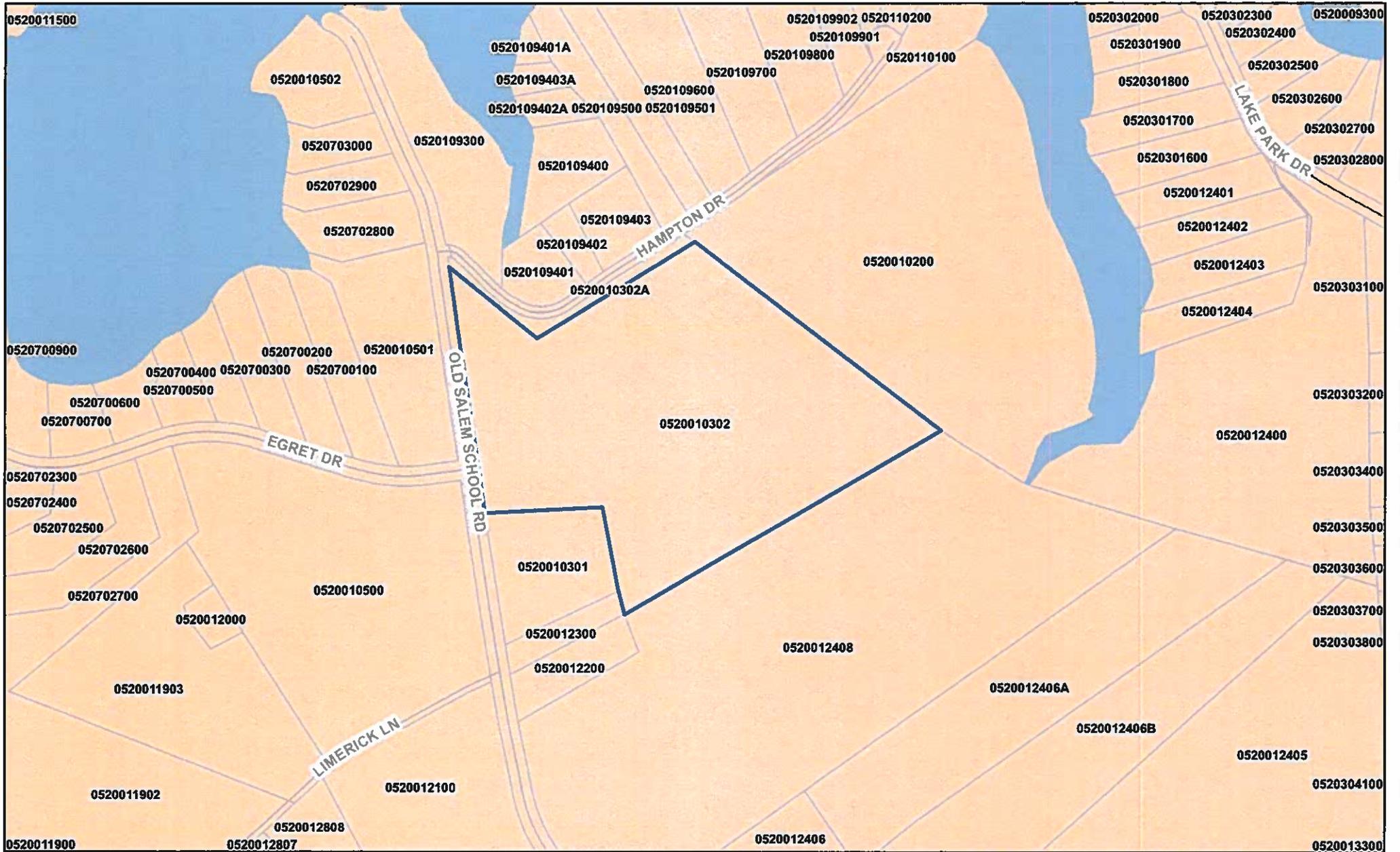
Tax Map # 0520010302
 SPEC-02-20-16531
 John Mathena

0 105 210 420 630 840



Date: 3/16/2020





Legend

-  Subject Parcel
-  Low Density Residential

Tax Map # 0520010302
 SPEC-02-20-16531
 John Mathena

0 335 670



Date: 3/16/2020





Legend

- Subject Parcel
- Parcels

2017 Pictometry Imagery

Tax Map # 0520010302
 SPEC-02-20-16531
 John Mathena

0 325 670



TO: Members of the Franklin County Planning Commission

DATE: April 1, 2020

SUBJECT: REQUEST FOR AMENDMENT TO CONDITIONS FOR SUP FOR CAMP REEL SIMPLE

This letter is to express our **opposition** to the request to amend the approved conditions for the Special Use Permit for Camp Reel Simple. We would like to point out that the application to amend the conditions submitted by the applicant shows that the zoning on the 14.25 acre parcel where the Campground is to be located includes R-2 zoned property. That is incorrect—there is no R-2 zoning on that parcel of land and the application should be corrected to reflect that.

First of all, we are very disturbed about the timing of this request for amending the SUP. The applicant has known about the conditions since they were adopted by the Board in February of 2019. Yet, they have waited a year to express any concern about a hardship with compliance. It was not and never has been our intent to create a financial hardship for the applicant. We had valid, well researched reasons for the conditions that we fought so hard to have adopted and those reasons have not changed.

Special Use Permits are discretionary legislative actions authorized by the Code of Virginia. Conditions can be attached to a special use permit to mitigate against the impact of the proposed SUP on the surrounding property so that it is **no more intrusive than a use of right**. Therefore, the FC Zoning Code requires a special use permit for campgrounds to mitigate the impact on surrounding property. It is not a use allowed by right. The Special Use Permit was approved based on these conditions and by amending them, you negate the basis for the approval of the Campground. Not to mention the trust of the citizens who have relied on these conditions to insure that their property and their way of life would not be adversely impacted by the operation of the Campground.

We would now like to address each item included in the proposed amendments and why we strongly **oppose** their approval.

A. Substitution of 2 foot to 4 foot Eastern Red Cedar for 6 foot Arborvitae

The condition concerning the Arborvitae trees as approved by the Board on February 19, 2019 reads as follows. *"In addition to the existing vegetation, a NEW evergreen buffer shall be established along the perimeter of the CAMPGROUND area to provide a VISUAL buffer from ADJOINING PROPERTIES. The established buffer shall consist of Green Giant, or equivalent, Arborvitae trees with a minimum height of six (6) feet AT TIME OF PLANTING. This evergreen buffer shall consist of two staggered rows of trees planted twelve (12) feet on center with the rows planted eight (8) feet apart. The vegetative buffer shall be maintained by the property owner for the entire period that the use approved by this special permit is conducted. This buffer and fencing shall be in place PRIOR TO THE CAMPGROUND OPENING."* In fact, the motion recommending approval by the Planning Commission on January 8, 2019 included the same two staggered rows of Arborvitae trees. The applicant would have had sufficient time before the case went to the Board of Supervisors to determine the cost of the trees; however, no objection was raised at that time.

We do not feel the Eastern Red Cedar is an "equivalent substitution" or would qualify as an "adequate visual buffer" as required in the conditions because:

- The ERC is a SLOW GROWING tree and a 2 foot tree would take 5 years to even reach 4 feet in height (stated by Nursery Owner/Landscape Designer). This would not provide an adequate

visual buffer as required by the SUP. Therefore, it doesn't matter what the industry standard size is (as stated by the applicant) of 2' to 4' at time of planting.

- The Landscape Designer also stated the Green Giant arborvitae should be as available as the ERC in this area.
- The ERC is native to the area and can be found in most woods, open fields, and roadside areas. It is described as invasive, and therefore, needs to be properly managed.
- The ERC does not provide denseness all the way to the bottom of the tree. There is a question as to how much of the trunk will show versus the green branches. (Stated by a Horticulturist and Landscape Designer). The bark is reddish brown and, fibrous, and peels off in narrow strips. As it ages it loses its lower branches and becomes more tree-like. Again, this does not make it an adequate visual buffer.
- The applicant has not presented any supporting information or provided any proof that the Eastern Red Cedar would be an adequate substitute for the 6 foot Green Giant Arborvitae.

B. Reducing the Trees Along the Areas That Have an "Existing Mature Vegetative Buffer"

The approved condition concerning the existing buffer as approved by the Board on February 19, 2019 reads as follows: *"An existing vegetative buffer consisting of a minimum width of twenty (20) feet shall be maintained around the entire perimeter of the PARCEL."* (We understand that to mean no existing trees within that 20 feet are to be removed).

- The applicant submitted a copy of the site plan for the campground with hand drawn notations showing the area where the new evergreen buffer would be reduced. A significant number of new evergreen trees have been covered with an "X", meaning they would not be planted. The handwritten note calls for "2 foot to 4 foot Eastern Red Cedar to be planted in a single row 20 foot on center along property boundaries that already have an "existing mature vegetated buffer". This is a substantial reduction in the size and number of trees. This would completely eliminate a VISUAL BUFFER at time of planting and for many years to come, if ever.
- We believe there is very little area surrounding the campground parcel that would qualify as "existing mature vegetative buffer". It is mostly scrubby pine and would not provide the evergreen visual buffer as required in the SUP. Refer to Exhibit A (Hampton Drive), Exhibit B (Ball property) and Exhibit C (Armstrong property) which show pictures of the "existing vegetative buffer". Exhibit A picture is the view from Hampton Drive near the intersection of Old Salem School Rd (Rt.662). From that vantage point, any existing vegetative buffer would be well below the line of sight and provide no visual buffer for Hampton Drive. Exhibit B1 was taken from the Ball's property line which adjoins the Campground parcel to the South. And it makes up a significant portion of the area where the applicant is proposing to reduce the number of new evergreen buffer trees. It shows the property line identified by the pink flagging tape which clearly proves there is no "existing mature vegetative buffer" on the campground parcel (where school buses are located). Exhibits B2 and B3 show the same property line adjacent to the Ball property. The boats shown are on the campground property, again showing there is no "existing mature vegetative buffer". Exhibits C1 and C2 provide a view of the campground parcel, this time, from the Armstrong property which also adjoins the campground to the East. Assuming the property line is close to the clearing, again there is no "existing mature vegetative buffer" on the campground parcel alone.
- Where a "mature vegetative buffer" may exist, a good portion is on land owned by one or more of these adjacent property owners and, therefore, would not be available or qualify for use as an existing buffer by the applicant. This is especially true if the adjacent property owner wanted to remove their trees for any reason.

C. Substitute of Welded Wire Fence for Split Rail Fence

The approved condition concerning the split rail fence as approved by the Board on February 19, 2019 reads as follows: "A split-rail (2 rail) fence with wire mesh similar to that depicted in Attachment A dated February 7, 2019 shall be installed along the common property line with tax parcels 0520012408 and 0520010200....."Let us begin by clarifying that the applicant offered the Split Rail Fence with the wire mesh similar to that depicted in Attachment A, dated February 7, 2019—that did not come from the neighbors. The whole purpose of the fence and the specific parameters of the fence was to provide a barrier between the campground and the adjacent properties to prevent trespassing and provide security for the adjacent residents.

There is no description of what will be used to replace the split-rail fence. There are no pictures to show what the proposed fence will look like. What type of structure will be used to attach the welded wire together? How can we be assured it will be an attractive structure of substantial quality and strength to prevent trespassing and provide the security that was promised to the adjacent property owners when the Special Use Permit for the Campground was approved?

Once again, we as citizens, have in good faith relied on the action of the Planning Commission and Board of Supervisors to put in place the necessary framework to protect our investment in our properties as well as our peaceful way of life. The legislative process should not allow the applicant to gain approval based on certain conditions, and then be able to arbitrarily revise those conditions based exclusively on a request—a request that, at best, does not provide the information to perform a comprehensive review. Please prove to us that we can rely on the action taken by our governing bodies by denying this request for amendment to the conditions which provided the basis for the approval of the Special Use Permit for Camp Reel Simple.

Respectfully,

Printed Name	Signature	Address
<u>Nancy S. Ball</u>	<u>Nancy S. Ball</u>	<u>1812 OLD SALEM SCHOOL ROAD</u>
<u>ROBERT E. BALL</u>	<u>Robert E. Ball</u>	<u>1812 OLD SALEM SCHOOL RD.</u>
<u>Margie F. McGuire</u>	<u>Margie F. McGuire</u>	<u>195 Hampton Dr, Union Hall, Va. 24176</u>
<u>Sheila F. Drobot</u>	<u>Sheila F. Drobot</u>	<u>235 Hampton Dr, Union Hall, Va. 24176</u>
<u>Francis J. Gally</u>	<u>Francis J. Gally</u>	<u>235 Hampton Dr, Union Hall, Va. 24176</u>
<u>MARGARET E. CLUTE</u>	<u>Margaret E. Clute</u>	<u>2143 OLD SALEM SCHOOL, UNION HALL, VA 24176</u>
<u>WILLIAM H. CLUTE</u>	<u>William H. Clute</u>	<u>2143 OLD SALEM SCHOOL, UNION HALL, VA 24176</u>
<u>Caleb Taylor</u>	<u>Caleb Taylor</u>	<u>275 Hampton Dr, Union Hall, VA 24176</u>
<u>William H Taylor III</u>	<u>William H Taylor III</u>	<u>275 Hampton Dr, Union Hall, VA 24176</u>

LETTER IN OPPOSITION (Cont'd)

REQUEST FOR AMENDMENT TO CONDITIONS FOR SUP FOR CAMP REEL SIMPLE

Printed Name

Signature

Address

Roger Peck

Roger Peck

335 Hampton Dr.
Union Hall, Va. 24176

Wendy Ralph

Wendy Ralph

265 Hampton Dr.
Union Hall, Va 24176

Kendrick W. Ralph Jr

KWR

365 Hampton Dr
Union Hall, VA 24176

Boyd W. Long

Boyd W. Long

2055 Old Salem School Rd.
Union Hall, VA 24176

Kim Long

Kim Long

2055 Old Salem School Rd
Union Hall, VA 24176

Cathy McDonald

Cathy McDonald

2153 Old Salem School Rd
Union Hall VA 24176

Robert McDonald

Robert McDonald

2153 Old Salem School Rd Union Hall
24176

C. Substitute of Welded Wire Fence for Split Rail Fence

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Respectfully,

Printed Name	Signature	Address
Linda Firebaugh	<i>Linda Firebaugh</i>	70 Egret Dr. Union Hall
RATSY BROWN	<i>Ratzy Brown</i>	185 Egret Dr. Union H
Linda Threlkel	<i>Linda Threlkel</i>	185 Egret Dr. Union Hall
DM Threlkel	<i>DM THRELKEL</i>	185 EGRET DR. UNION HALL
_____	_____	_____
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Di Jarrard	<i>Di Jarrard</i>	259 Egret DR. Union Hall VA
William Timmins	<i>William Timmins</i>	130 Egret Dr. Union Hall VA.
SUSAN TIMMINS	<i>Susan Timmins</i>	130 EGRET DR. UNION HALL, VA.

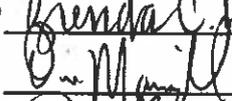
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Respectfully,

Printed Name	Signature	Address
SCOTT HILLYARD		285 EGRET BLVD, UNION HALL
BRENDA C. HILLYARD	Brenda C. Hillyard	285 EGRET BLVD, UNION HALL
Dennis Massengill		190 Egret Dr. Union Hall, VA
Donna Massengill	Donna Massengill	190 Egret Dr. Union Hall, VA
Colton Massengill	Colton Massengill	190 Egret Dr Union Hall, VA
_____	_____	_____
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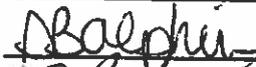
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Respectfully,

Printed Name	Signature	Address
Kelly Kuykenell		223 Egret Drive Unit 11
Stephanie Alphin		270 Egret Drive
Robert Alphin		11
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Respectfully,

Printed Name

Signature

Address

John Veith
Janet Veith

[Signature]
Janet Veith

Lot 27, Egret Drive
Lot 27, Egret Drive

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Respectfully,

Printed Name

Signature

Address

Michael Lemmas

Michael Lemmas

343 Egret Dr

Christine Lemmas

Christine Lemmas

343 Egret Drive

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Respectfully,

Printed Name	Signature	Address
<i>Melissa Bora</i>	<i>Melissa Bora</i>	318 E. D. ... VA 24176
_____	_____	_____
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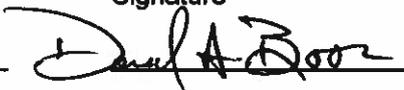
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Respectfully,

Printed Name	Signature	Address
DAVID A BOOR		318 Egret DRIVE UMON HALL, VA 24176
_____	_____	_____
_____	_____	_____
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C. Substitute of Welded Wire Fence for Split Rail Fence

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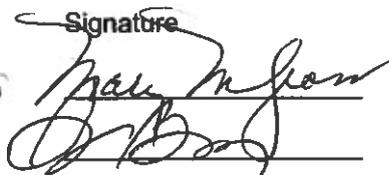
Respectfully,

Printed Name

Signature

Address

Mary M Gross
GAR 5 P 62051



340 Egret Dr. Union Hall, VA
340 Egret Dr Union Hall, VA 241

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
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Exhibits: A; B1, 2 & 3; C1 & 2



Exhibit A
View from Hampton Dr near the intersection
of Old Salem School Rd (Rt 662)

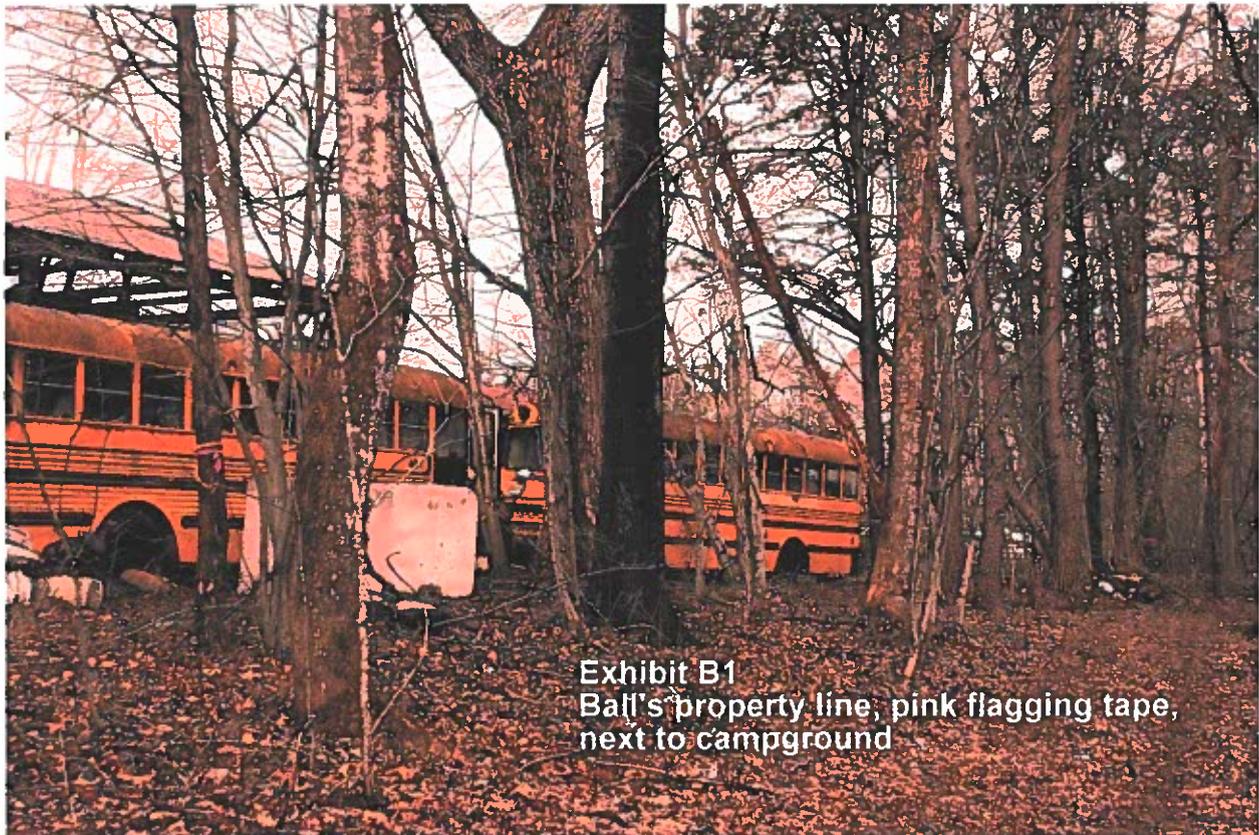


Exhibit B1
Ball's property line, pink flagging tape,
next to campground

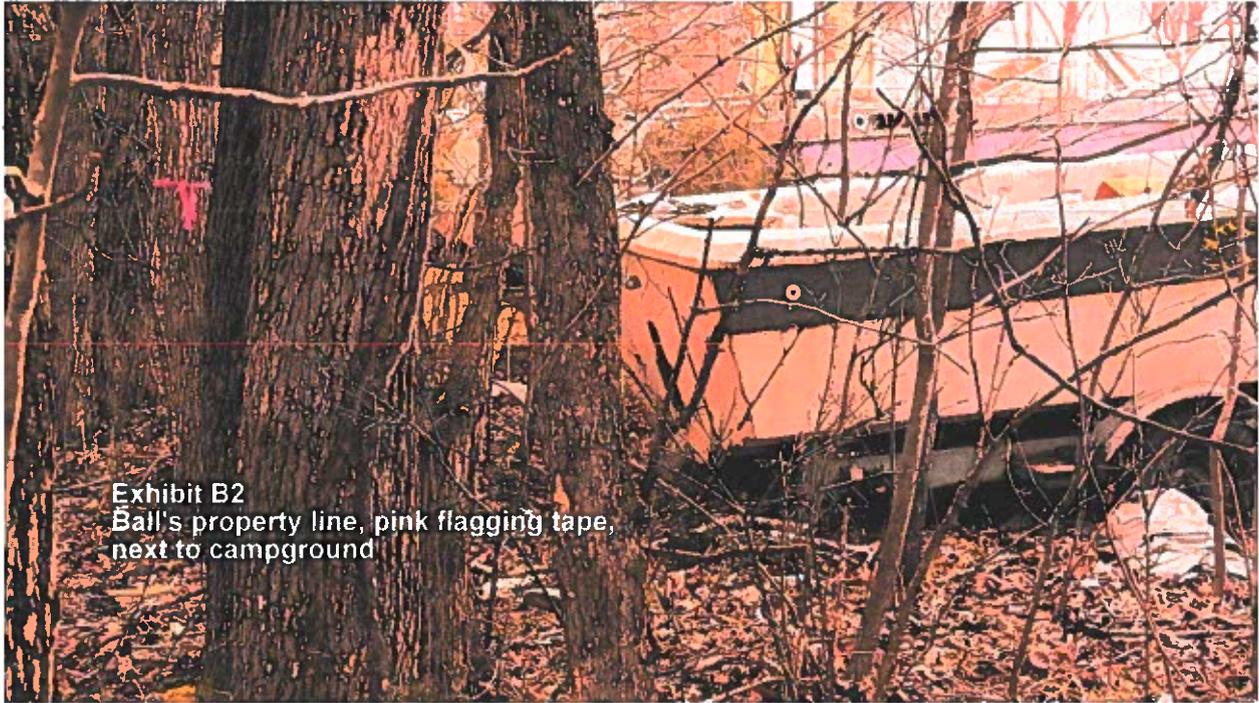


Exhibit B2
Ball's property line, pink flagging tape,
next to campground

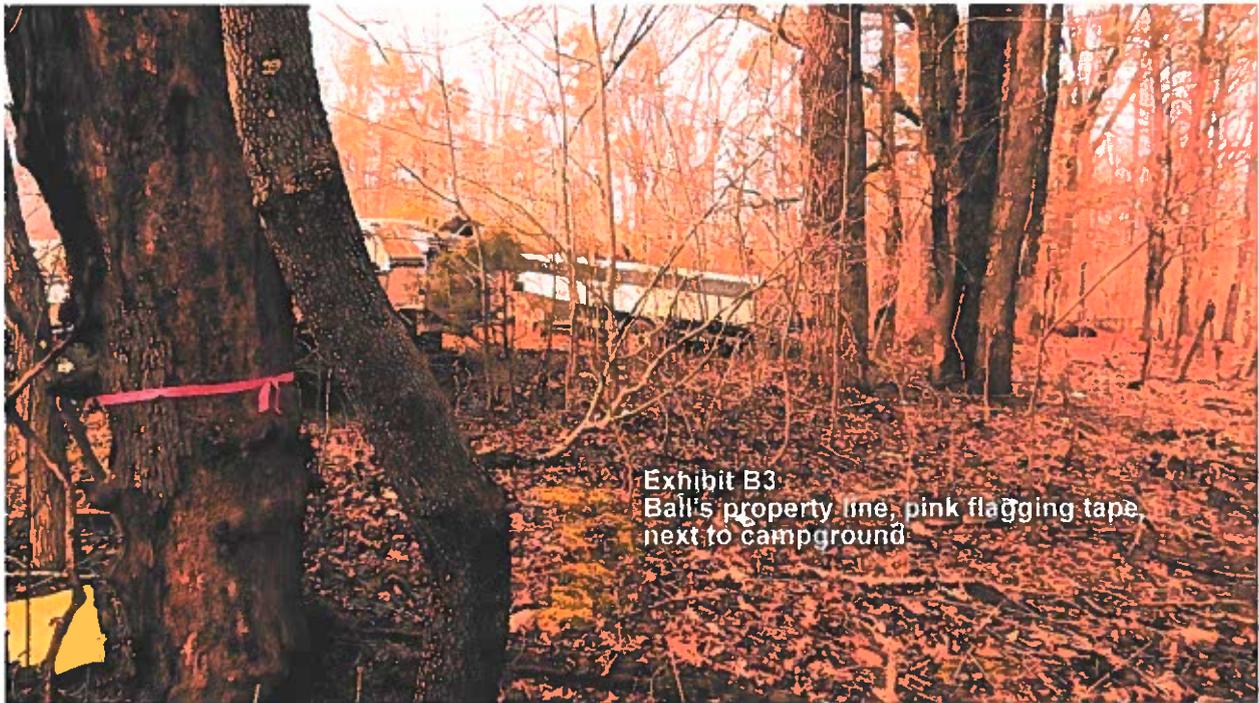


Exhibit B3
Ball's property line, pink flagging tape,
next to campground

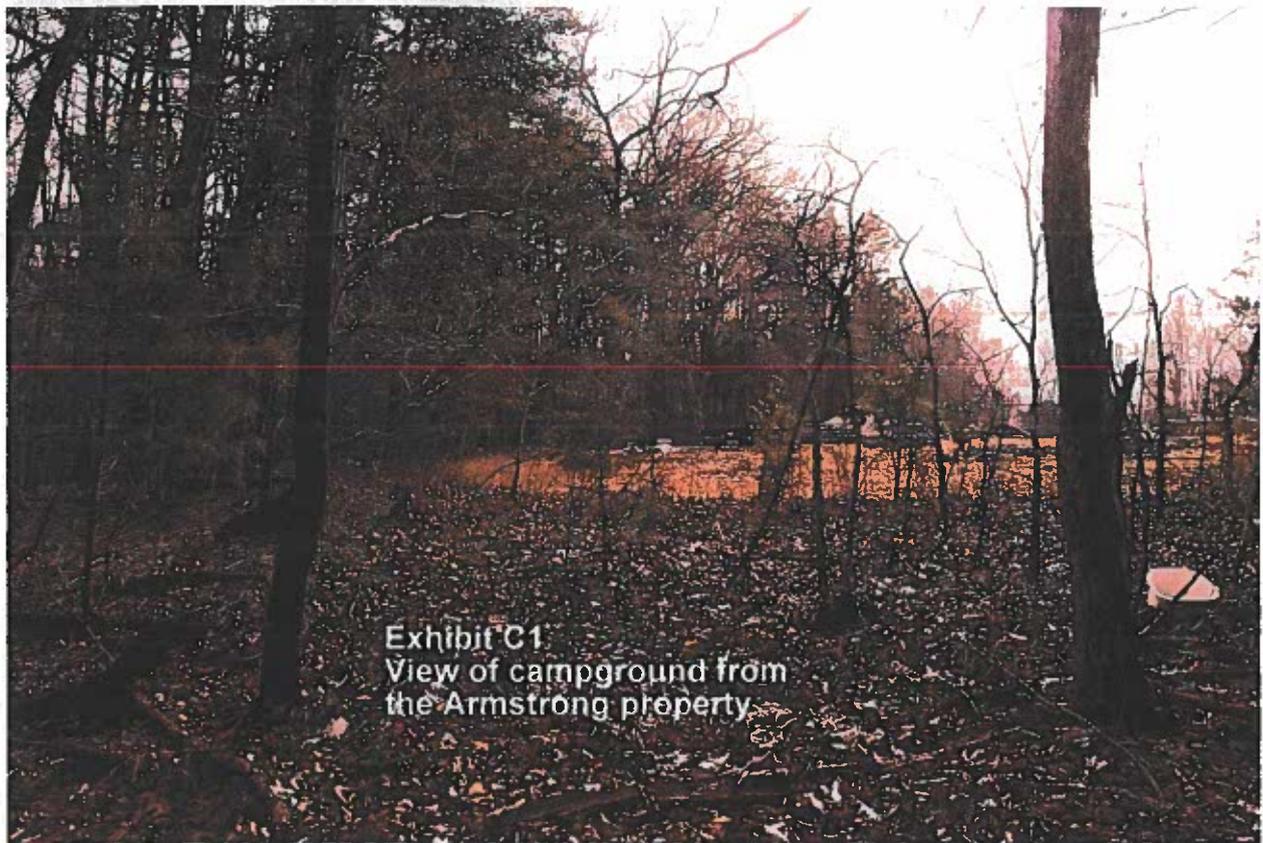


Exhibit C1
View of campground from
the Armstrong property

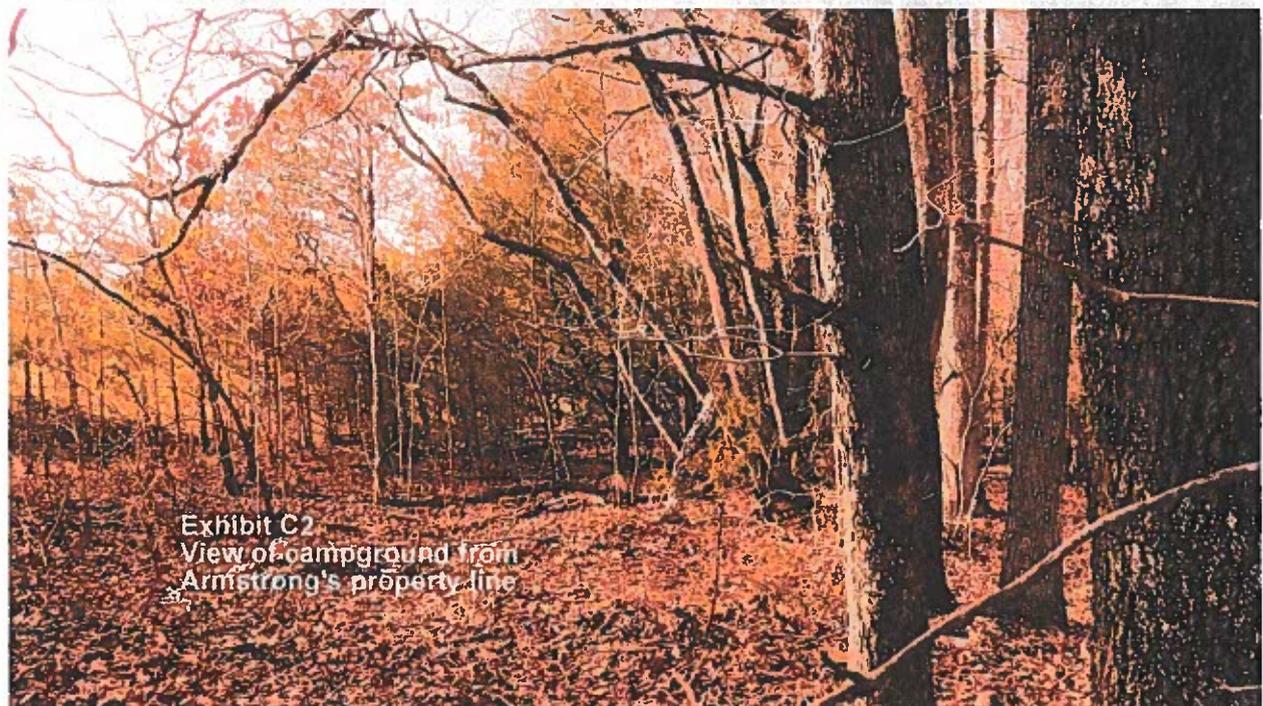


Exhibit C2
View of campground from
Armstrong's property line

02/27/20

To Franklin County Planning,

We are requesting an amendment to the SUP conditions for the campground at 2000 Old Salem School Rd. Union Hall. During the costing phase of the project we found the Arborvitae 6' trees to be largely unavailable and costly. The industry standard size of trees used for buffer areas is 2'-4' in height at time of planting. The conditions set forth in the SUP requires approximately 450 trees. The estimate for a planted 6' Arborvitae tree is \$150 each, making the tree buffer cost \$67,500.00 +/- . The Split rail fence listed in the conditions has zero functional value. The price of the split rail fence as required is estimated at \$123,000.00. These costs were never figured into the planning of this project. They have zero scientific value and were intended as a pacifier for the neighbors. We propose to substitute the Arborvitae with Eastern Red Cedar. According to the Virginia Department of Forestry, the ERC is a native tree that thrives well in most types of soil. We are asking to reduce the trees along the areas that have an existing mature vegetative buffer. We also request to substitute the split rail fence with a welded wire fence that will keep pets in campground. The costs of these 2 items jeopardize the project being completed.

A handwritten signature in black ink, appearing to read 'John Mathena', with a long, sweeping horizontal stroke extending to the right.

John Mathena

Managing Member

South Lake Motor Sports LLC

Camp Reel Simple

In an effort to design a beautiful, viable project as well as respect the current and future land use of the adjacent property owners, we are suggesting the following design substitutions to the plan. Through careful research and evaluation, we have found these substitutions to adequately address the intended purpose of the design requirements, while also allowing us to maintain the viability of the project due to cost and availability of the Arborvitae.

I. Tree Substitution

Eastern Red Cedar – (juniperus virginiana)

The red cedar can have a very similar size, shape, and foliage as the proposed “green giant”. It has a growth rate of 1.5 – 2 feet/year, reaching sizes of over 30’ tall and 30’ wide. We feel as though this is viable alternative, as it is more readily available at a better value, and is a native species to Virginia.

We propose 2-4’ (industry standard) Eastern Red Cedar to be planted in a single row, 20’ on center, along the property boundaries that already have an existing mature vegetated buffer. Upgrading to the double staggered rows of 3-5’ trees , as needed, along the north – northwest boundaries of the property that are adjacent to the Hampton Drive.

II. Fencing Substitutions

Single welded wire fencing in lieu of split rail with mesh.

The plan drawings contain a wooden split rail fence with a wire mesh secured to the fence with staples, which are prone to failure due to the natural seasonal expansions and aging associated with a wooden fence. These failures could defeat the purpose of the wire mesh.

Given the split rail fence’s propensity to age and fail, we feel that a substitution of a well secured single welded wire fence will provide more protection to the adjacent properties, as well as help secure the campground for our guests. This type of fencing stays tighter, more secured, and less visually intrusive, particularly along the border of the adjacent mature wooded buffer.

Ben Jackson
Principal Designer – Owner
Jackson Land Planning & Design
Troutville, VA

FRANKLIN COUNTY
SPECIAL USE PERMIT APPLICATION

(Type or Print)

I/We, John Mathena, 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: John Mathena
Petitioner's Address: 4016 Bandy Rd Roanoke VA 24014
Petitioner's Phone Number: 304 520 2100
Petitioner's E-mail: JEMATHENA@GMAIL.COM
Property Owner's Name: South Lake Motor Sports LLC
Property Owner's Address: 2000 OLD SALEM SCH RD UNION HALL VA
Property Owner's Phone Number: 540 576 3001
Property Owner's E-mail: _____
Directions to Property from Rocky Mount: 40 E to OLD SALEM SCH RD

Tax Map and Parcel Number: 0520010302
Magisterial District: Union Hall

Property Information:

- A. Size 14.25 Acres of _____ Property: _____
B. Existing Zoning: R2, A1 + B2
C. Existing _____ Land _____ Use: SUP CAMP GROUND / vacant
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: Amended SUP Conditions

B. Size of Proposed Use: 14.25 Acres
C. Other Details of Proposed Use: Amended SUP Conditions

Checklist for completed items:

- Application Form
- Letter of Application
- Concept Plan
- Application Fee

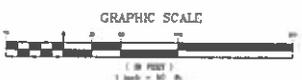
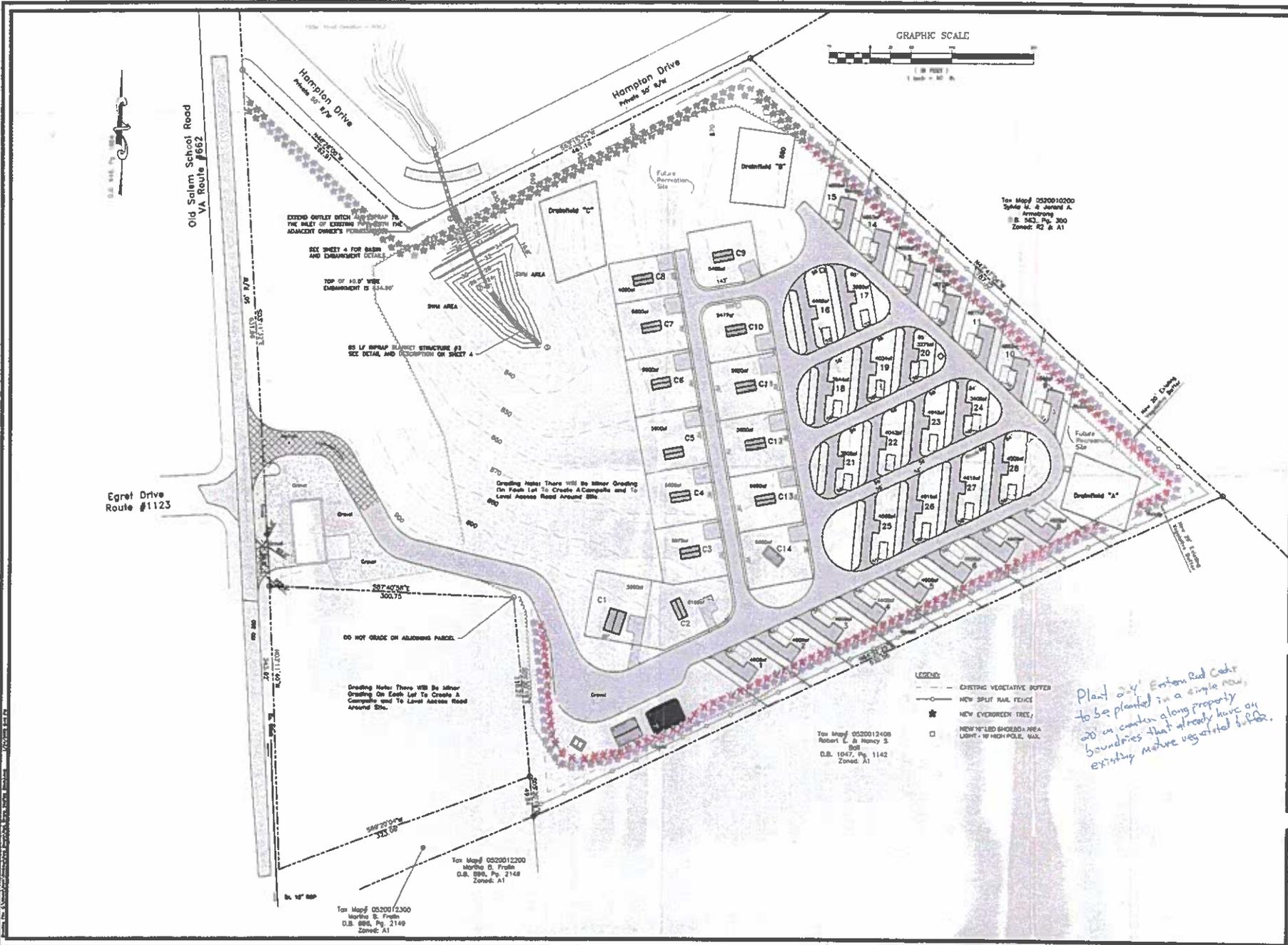
****I certify that this application for a special use permit and the information submitted herein is correct and accurate.**

Petitioner's Name (Print): John Mathena
Signature of Petitioner: 
Date: 2-27-20
Mailing Address: 4016 Bandy Rd
Rounde VA 24014
Telephone: 304 520 2100
Email Address: JEMATHENA@GMAIL.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: _____



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(840) 886-8888 FAX
www.piersonva.com

SITE PLAN FOR
CAMP REEL SIMPLE
FRANKLIN COUNTY, VIRGINIA

- LEGEND:**
- EXISTING VEGETATIVE BOTTEN
 - NEW SPLIT RAIL FENCE
 - ★ NEW EVERGREEN TREE
 - NEW 16' LED BRONDA AREA LIGHT - W/ HIGH POLE, GAL.

Plant 2 1/2' Eastern Red Cedar to be planted in a single row, and on corners along property boundaries that already have an existing mature vegetative buffer.

Top Map# 0220012300
Martha S. Frush
D.B. 896, Pg. 2149
Zoned: A1

Top Map# 0220012300
Martha S. Frush
D.B. 896, Pg. 2149
Zoned: A1

Top Map# 0220012408
Robert L. & Nancy S.
808
D.B. 1047, Pg. 1142
Zoned: A1

Top Map# 0220012000
Spivey W. & Jerald A.
Armstrong
S. 563, Pg. 300
Zoned: R2 & A1

GRADING SHEET



COMMISSION
02010130
SHEET
3

REZONING STAFF REPORT

To: Franklin County Planning Commission

From: Terrance L. Harrington, AICP
Senior Planner

Date: May 4, 2020

Tax Parcel # 0430002401D

District: Blackwater District

Applicant/
Owner: Bowman Excavating Inc/Brent E. and Cora M. Bowman

Case No: REZO – 02-20-16528

RE: Petition of Bowman Excavating Inc. to rezone approximately 9.65 Acres from A-1 Agriculture to B-2 General Business; located at 522 Ikenberry Rd. in the Blackwater District. (Tax Parcel #0430002401D)

BACKGROUND

Bowman Excavating Inc. owns and operates an excavating company on property owned by the Bowman family on Ikenberry Road. The property is zoned A-1 Agriculture. The company has been operating from this location for many years and now has a need to expand and improve their facilities. Contractor's offices and facilities are not a permitted use in A-1 zoning districts but are permitted by right in B-2 districts. This rezoning request has been submitted to rezone 9.65 acres to B-2. Initial (Phase 1) improvements to the property will be a new office structure and parking area. Phase II improvement will include an expanded shop facility and minor increases in the gravel parking areas. See attached concept plan.

PROPERTY CHARACTERISTICS

The existing and proposed facilities are concentrated on a small portion of the Bowman property. Most of the property is currently undeveloped. Hay is occasionally cut from the remainder of the 9.65 acre tract. Mr. Bowman has no current plans to expand his facilities into other portions of the lot. Staff has contacted Mr. Bowman to inquire whether he would consider proffering limitations on the future use of the undeveloped portions of the 9.65 acre parcel.

SURROUNDING ZONING AND LAND USES

All the surrounding properties are zoned A-1 and are vacant or are used as large lot single family development.

PROPERTY ACCESS

VDOT has reviewed this proposal and has no comments. Ikenberry Road (SR 855) provides access to the Bowman home, and to the facilities of Bowman Excavating. A single driveway connects Ikenberry Road to the Bowman Excavating facilities. This driveway will be used to connect the new office space to Ikenberry Rd. No new driveway connections to Ikenberry are proposed.

PUBLIC HEALTH AND SAFETY

The property is outside of the service area of the Western Virginia Water Authority. The property owner uses a well and septic for water and wastewater needs. The Virginia Department of Health has approved a septic permit for this property.

The Fire Marshall has reviewed this request and has no comments.

COMPREHENSIVE PLAN

The Future Land Use designates the property located at 522 Ikenberry Road as Low Density Residential and Agricultural, Forestry, and Rural Residential according to the 2007 Franklin County Comprehensive Plan adopted by the Board of Supervisors in May of 2007. When evaluating the comprehensive plan recommendation for the Bowman Excavating, which has been in this location since 1998 as a small business in the Franklin County community and surrounding area; the comprehensive plan supports small business. In chapter 11 of the Comprehensive Plan, the Economic Development section states a goal to promote the County's economy that is expanding, diverse, environmentally sensitive, and that creates more and better jobs and business opportunities for local residents with objectives to increase the capacity of the County to attract and retain businesses and create employment opportunities and foster Small Business Development within Franklin County. Although Low Density Residential and Agricultural, Forestry, and Rural Residential may not appear to support this small business at this location; the Plan does show support for small business to expand, grow, and create job opportunities for the community. Therefore, the rezoning of this particular property would be consistent with the purpose and intent of the comprehensive plan and would not be substantial detriment to the surrounding properties or community.

PUBLIC COMMENTS

No public comments have been received on this request.

STAFF ANALYSIS AND RECOMMENDATION

POTENTIAL IMPACTS

Phase I improvements (office building for three existing employees and small parking lot) will not have any impacts on adjacent or surrounding properties. The location and size of the Phase II shop expansion similarly should not have an impact on the area. Potential impacts may arise in the future if the remaining portions of the 9.65 acre parcel are developed in a manner, or with a use, that is incompatible with the adjacent or surrounding properties. Potential future impacts can be mitigated by one or more proffers offered by the owner. Mr. Bowman has been contacted regarding his willingness to voluntarily offer proffers that would limit future uses or site designs.

Subject to the receipt of a proffer that addresses potential impacts on the remaining portions of the 9.65 acre tract, the staff recommends approval of this A-1 to B-2 rezoning request. The request generally conforms to the policies contained in the County's adopted comprehensive plan and is compatible with the relatively small scale of the existing Bowman Excavating facilities. The County's zoning ordinance will guide the specific aspects of the required site design for the proposed office and parking area including such design items as parking location, landscaping, screening, building setbacks and signage.

SUGGESTED MOTIONS

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

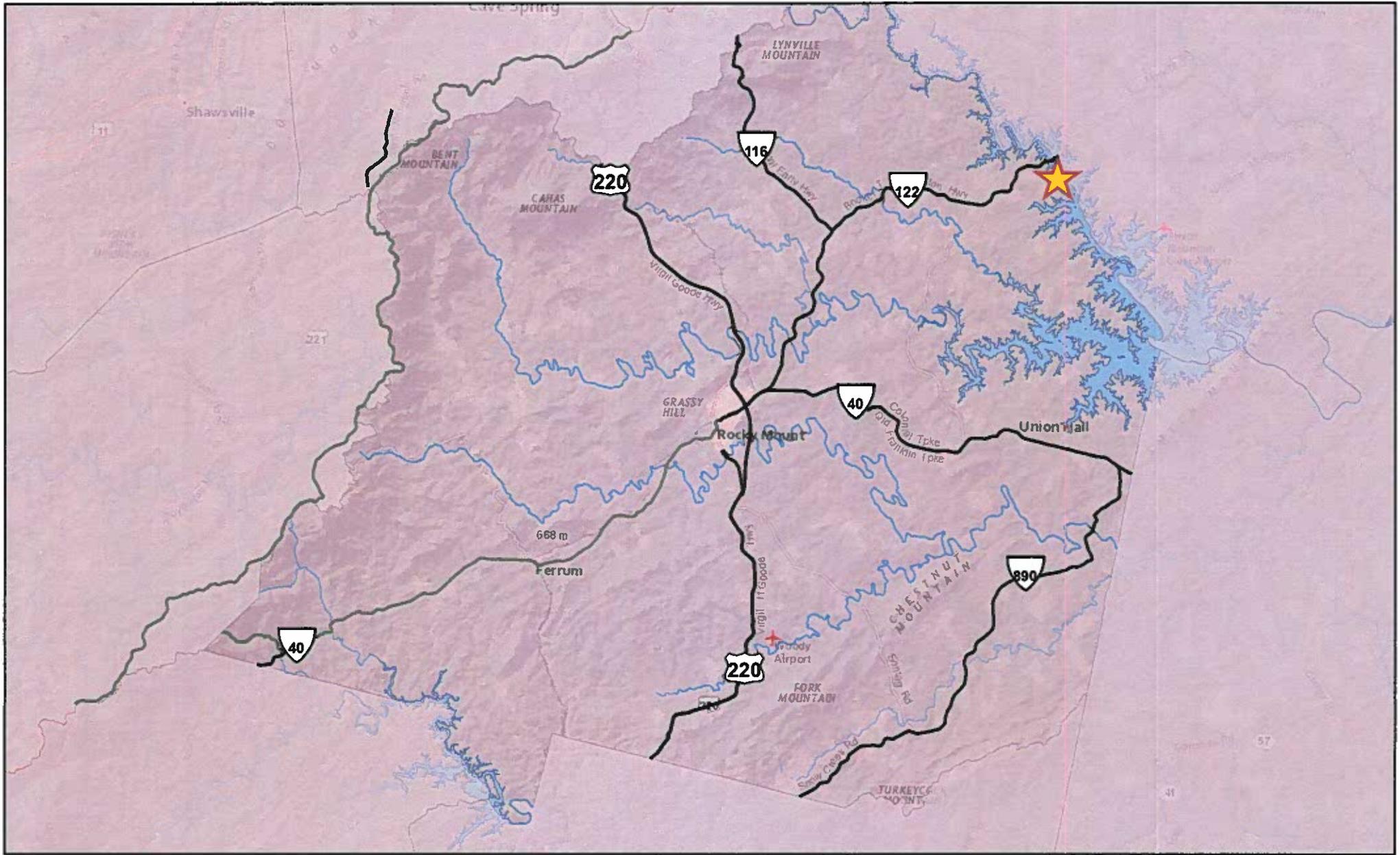
(APPROVE) I find that the proposed A-1 to B-2 rezoning of Franklin County tax parcel # 0430002401D located in the Blackwater District is consistent with the purpose and intent of the County's comprehensive plan and good zoning practice and will not be a substantial detriment to the community. I therefore recommend approval of this 9.65 acre rezoning.

OR

(DENY) I find that the proposed A-1 to B-2 rezoning 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 rezoning request.

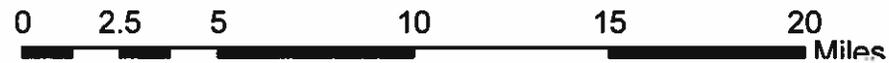
OR

(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.



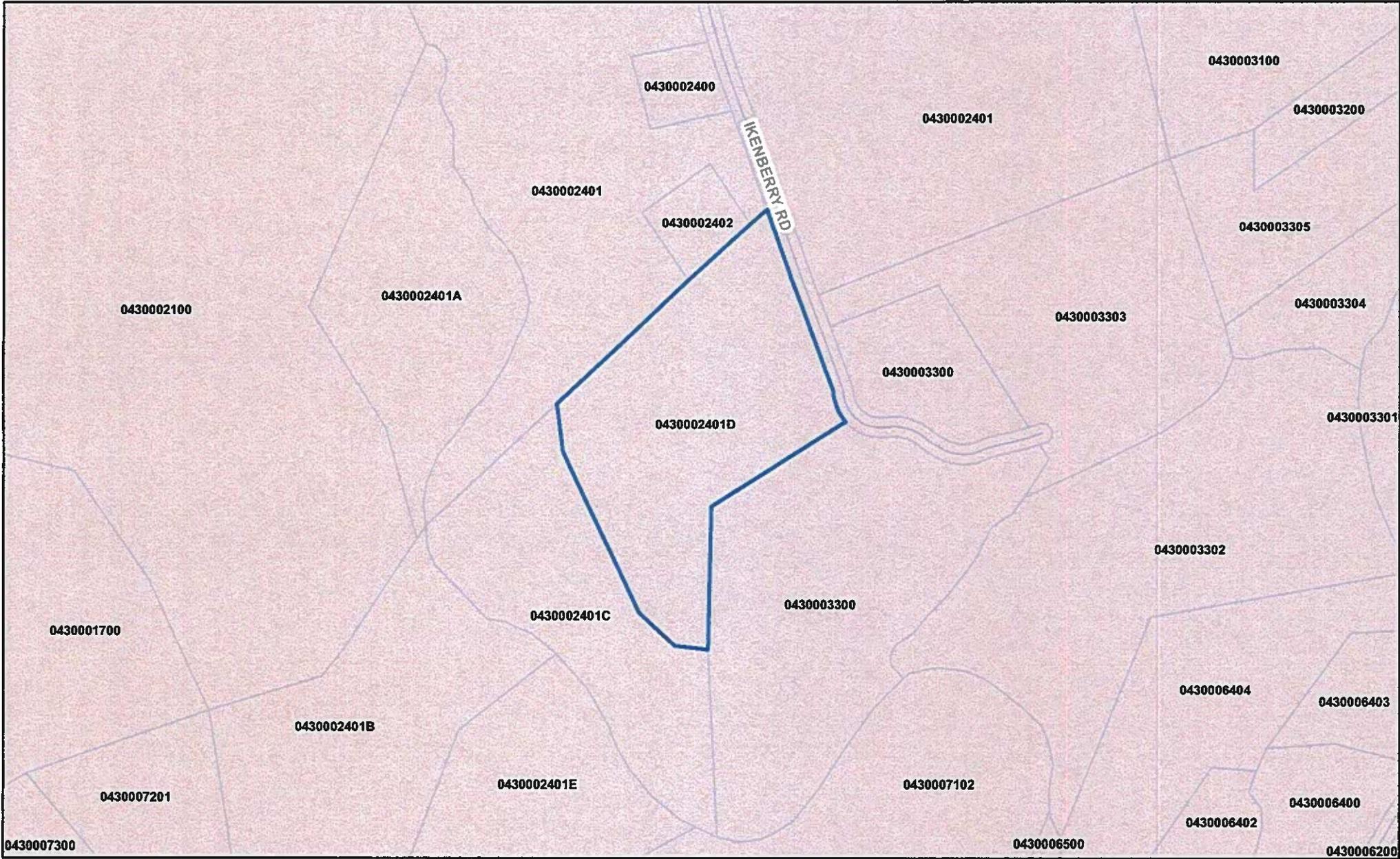
Tax Map #0430002401D
 REZO-02-20-16528
 Bowman Excavating

 Subject Property Location



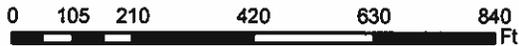

 Date: 3/16/2020





Tax Map #0430002401D
 REZO-02-20-16528
 Bowman Excavating

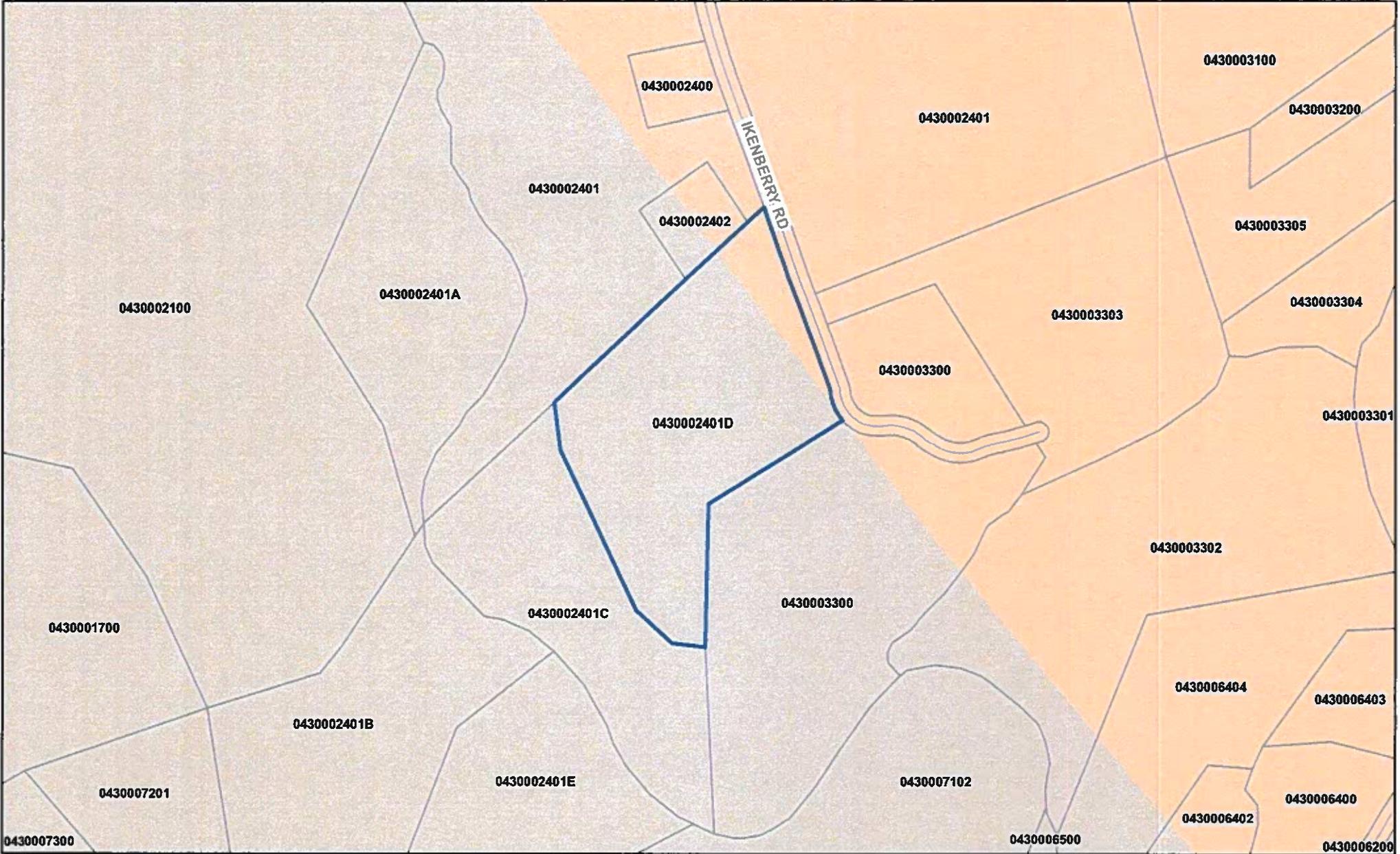
 Parcels
 Special Use Permit
Zoning Classifications
 A1 - Agricultural



Date: 3/16/2020



Franklin Co GIS



Legend

-  Subject Parcel
-  Low Density Residential
-  Agriculture Forestry/Rural Residential

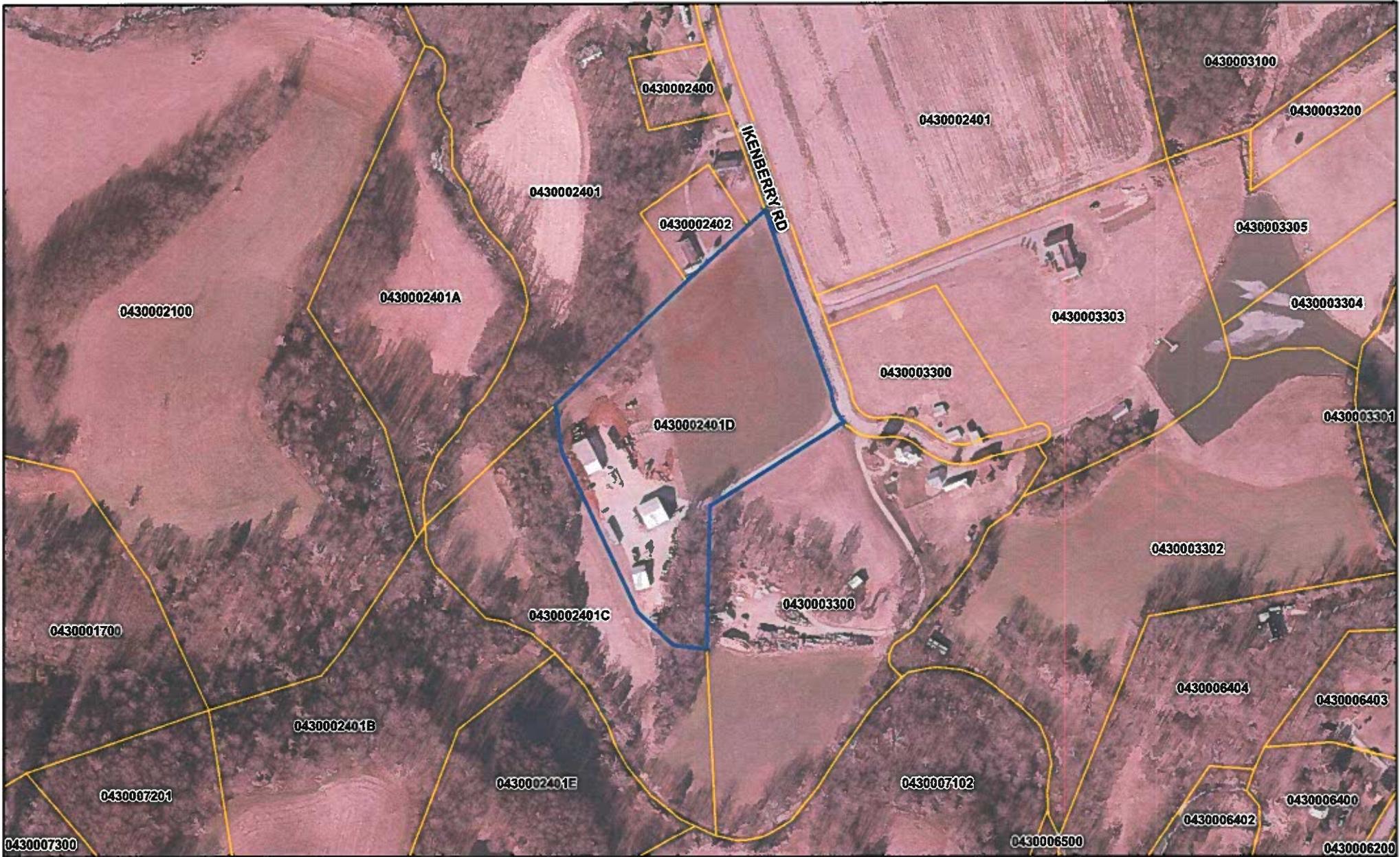
Tax Map #0430002401D
REZO-02-20-16528
Bowman Excavating



Date: 3/16/2020



Franklin Co GIS



Legend

-  Subject Parcel
-  Parcels

2017 Pictometry Imagery

Tax Map #0430002401D
 REZO-02-20-16528
 Bowman Excavating



Date: 3/16/2020



Franklin Co GIS



BOWMAN

EXCAVATING, INC

540 Ikenberry Rd. ~ Boones Mill, Va 24065 ~ (540) 334-2341

Date: February 21, 2020

To whom it may concern:

Bowman Excavating, Inc. is proposing to use tax parcel "0430002401D" for an office and shop for their business to operate from. This business would not have any retail sales or walk in customers associated with it.

Bowman Excavating has been in business since 1990 and operated out of this location in Franklin County since 1998. Bowman Excavating currently employs 14 residents of Franklin County in its business.

Bowman Excavating would like to stay in Franklin County and continue to partner with Franklin County to improve our local communities for future generations.

We need to construct an office of approximately 2,500 square feet as phase 1 with a future shop addition of approximately 5,000 square feet as phase 2.

The effect of these changes to the property would be very minimal; there will be three office staff in the new office, and little to no change in traffic patterns. It is located at the end of Ikenberry Road and there are existing buildings on the parcel at this time.

Respectfully,

Brent E. Bowman, Pres.

**FRANKLIN COUNTY
ZONING MAP AMENDMENT APPLICATION**

(Type or Print)

I/We, Brent E. Bowman, 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 zoning map amendment on the property as described below:

Petitioner's Name: Bowman Excavating, Inc

Petitioner's Address: 540 Ikenberry Road, Boones Mill, VA 24065

Petitioner's Phone Number: 540-334-2341

Petitioner's E-mail: brent.bei@privategarden.org

Property Owner's Name: Brent E. and Cora M. Bowman

Property Owner's Address: 540 Ikenberry Road, Boones Mill, VA 24065

Property Owner's Phone Number: 540-334-5512

Property Owner's E-mail brent.bei@privategarden.org

Directions to Property from Rocky Mount: Grassy Hill Road to left on Ikenberry Road,
property at end of road on the right.

4. Tax Map and Parcel Number: 043.00 0430002401D Parcel #024.01D

5. Blackwater Magisterial District:

6. Property Information:

A. Size of Property: 9.64 acres

B. Existing Zoning: A1

C. Existing Land Use: Agriculture, shop, storage and office of Bowman Excavating, Inc.

D. Is property located within any of the following overlay zoning districts: No
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.

7. Proposed Zoning Map Amendment Information:

A. Proposed Land Use: Agriculture, shop, storage and office of Bowman Excavating, Inc.
Business use - B2

- B. Size of Proposed Use: Approximately 2500 sq. ft. office and future 5000 sq. ft. shop expansion
- C. Other Details of Proposed Use: 2500 sq. ft. office to be constructed as Phase 1 starting this year.
5000 sq. ft. shop expansion to be constructed later as phase 2.

Checklist for completed items:

- X Application Form
- X Letter of Application
- X Concept Plan
- X Application Fee

****I certify that this application for a zoning map amendment and the information submitted herein is correct and accurate.**

Petitioner's Name (Print): Bowman Excavating, Inc

Signature of Petitioner: Brent E. Bowman, Pres

Date: 2/24/20

Mailing Address: 540 Ikenberry Road, Boones Mill, VA 24065

Telephone: 540-334-2341

Email Address: brent.bei@privategarden.org

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

Owner's Name (Print): Brent E. Bowman

Signature of Owner: Brent E. Bowman

Date: 2/24/20

Date Received by Planning Staff _____

Clerk's Initials: _____

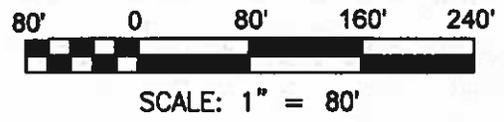
CHECK #: _____

RECPT. #: _____



**Concept Drawing for
Bowman Excavating - New Office**

- General Notes**
1. Owner/Developer: Brent Bowman
540 Ikenberry Rd
Boones Mill Va, 24065
 2. Proposed use: Office and Shop for Excavating Company
 3. Site acreage: 9.65 acres
 4. Topography is based on aerial mapping by Bowman Excavating
 5. There is no proposed site lighting
 6. There is no proposed signage
 7. The new office will be accessed from an existing driveway



Drawn By:
Devin Bowman

Date: 2/21/20

Scale: 1" = 80'

Sheet: EX-A

SPECIAL USE PERMIT STAFF REPORT

May 4, 2020

To: Franklin County Planning Commission

From: Terrance L. Harrington, AICP TH
Senior Planner

Tax Parcel # 0150007301

District: Gills Creek

Applicant/Owners: Neil Harrington/ Smith Mountain Lake Volunteer Fire and Rescue

Case #: SPEC 02-20-16543

Re: Request to amend Special Use Permit 12-16-15496 to clarify and establish the allowable size of a proposed storage building associated with a master plan for Smith Mountain Lake Volunteer Fire and Rescue. (SMLVFR)

BACKGROUND

On May 16, 2017 the Board of Supervisors approved a special use permit request submitted on behalf of the SMLVFR. The approved permit authorized the development of an emergency services facility on a 6.134 acre parcel of land located off Oak Grove Drive in the Gills Creek district. (See Exhibit A of application package) The proposed buildings in the approved emergency services facility consist of a main building on the eastern portion of the property near the lake, and a smaller storage building on the western side of the property.

Five conditions were attached to the SUP approval granted in May of 2017. These five conditions are contained in the BOS resolution approving the SUP on May 17, 2017. (See attached BOS resolution).

Subsequent to the approval of the SUP, the staff and applicant discerned that there was an inconsistency between the approving resolution which limited the size of the smaller storage building to 2500 sq. ft. and the approved Exhibit A which limited the size of the smaller building to 4000 sq. ft.. Steven Sandy, in his capacity as zoning administrator, issued an opinion that the approved resolution took precedence over the information shown on Exhibit A, thus the size of the smaller storage building, as approved by the BOS on May 16, 2017 is currently limited to 2500 sq. ft.

CURRENT REQUEST

Based upon the most current facility needs assessment, as undertaken by the SMLVFR, the applicant is requesting that the conditions attached to the SUP for this emergency facility be modified to allow this storage building to contain up to 5,000 sq. ft of storage space (See Exhibit B of application package). No other modifications of the previously approved conditions or master plan are requested.

COMMUNITY IMPACTS

This change is not expected to generate any significant impacts except increase the allowable size of the storage building.

STAFF RECOMMENDATION

The staff recommends that the Planning Commission recommend approval of modifying Condition # 1 as contained in the resolution approving the SUP for the SMLVFR emergency services facility. Condition #1 shall be modified as follows:

Substantial Conformity. The SUP authorizes the use of the property for an Emergency Services Facility. The property shall be developed in substantial conformity with the conceptual plan entitled Smith Mountain Lake Volunteer Fire and Rescue, Proposed Master Plan, dated November 8, 2016, and schematic layout dated April 11, 2017 prepared by Craighead and Associates, Architects. However, ~~the size of the station structure and the storage building depicted on the conceptual plan shall not exceed 5,000 sq. ft. and 2,500 sq. ft. respectively in total area.~~ maximum size of the proposed main building and the proposed storage building shall each not exceed 5,000 sq. ft.

SAMPLE MOTIONS

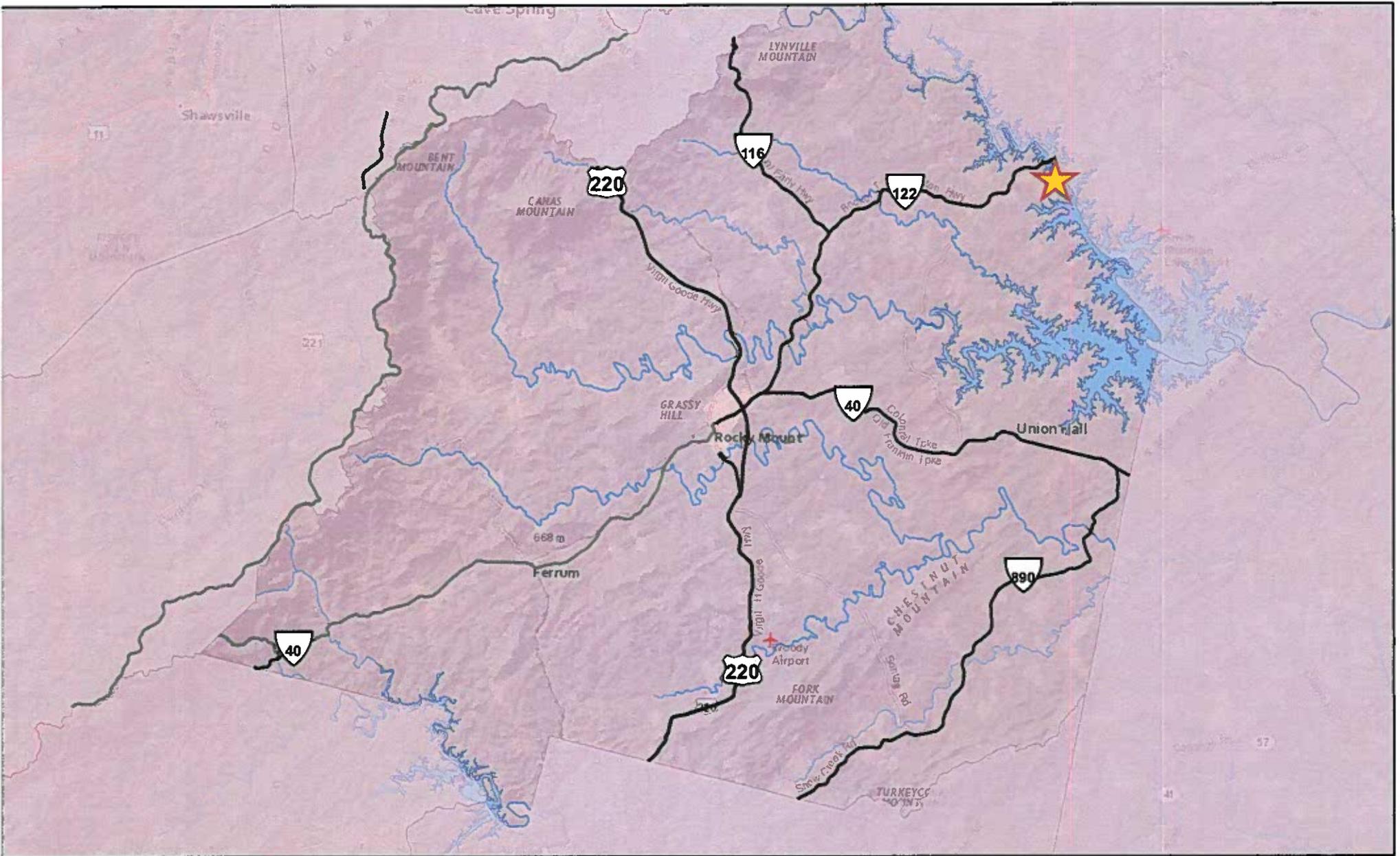
(Approve) I find that the proposed amendment to allow a proposed storage building of up to 5000 sq. ft. as shown on the Proposed Master Plan for Smith Mountain Lake Volunteer Fire and Rescue (County Tax Parcel # 0150007301) in the Gills Creek district consistent with the purpose and intent of the Comprehensive Plan and good zoning practice and will not be of substantial detriment to the community. I therefore recommend approval of the SUP request with the following conditions:

1. Substantial Conformity. The SUP authorizes the use of the property for an emergency services facility. The property shall be developed in substantial conformity with the Smith Mountain Lake Volunteer Fire and Rescue Proposed Master Plan, dated November 8, 2016, and schematic layout dated April 11, 2017 prepared by Craighead and Associates, Architects. However, the maximum size of the proposed main building and the proposed storage building shall each not exceed 5,000 sq. ft

2. Buffering. The use of Emergency Services Facility shall require the maintenance of an existing wooded buffer along the lake boundary as shown on the Master Plan referenced in Condition #1. In addition, two acres of the property are to remain undeveloped and maintained with existing vegetation.
3. Compliance with State Regulations
 - a. The existing entrance on Oak Grove Drive (Rt 1230) shall be improved to meet VDOT standards and requirements prior to any use authorized by this SUP in accordance with VDOT's letter of December 22, 2016.
 - b. No gasoline or oil products shall be stored on the subject property without the approval of Virginia DEQ, Fire Marshall or Franklin County Building Official.
 - c. Each phase of development shall have an approved development plan detailing all land disturbing activities and storm water management
4. No RV or tent camping shall be allowed on the subject property.
5. The property shall contain no land based fire suppression services provided by SMLVFR unless approved by the Franklin County Director of Public Safety.

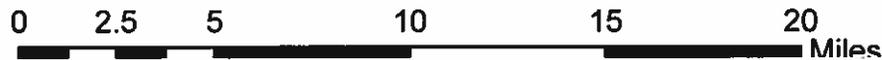
(Deny) I find that the proposal is of substantial detriment to adjacent property and that such use will not aid in the creation of a convenient, attractive, or harmonious community. I therefore move to deny the request to modify SUP-02-20-16543.

(Delay) I find that the required information for the submitted petition is incomplete. I therefore move to delay action until all necessary materials are submitted to the Planning Commission.



Tax Map # 0150007301
 SPEC-02-20-16543
 SML Volunteer Fire & Rescue

 Subject Property Location




 Date: 3/16/2020





- Legend**
-  Subject Parcel
 -  Low Density Residential
 -  Smith Mountain Lake

Tax Map # 0150007301
 SPEC-02-20-16543
 SML Volunteer Fire & Rescue



Date: 3/16/2020



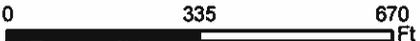


Legend

- Subject Parcel
- Parcels

2017 Pictometry Imagery

Tax Map # 0150007301
SPEC-02-20-16543
SML Volunteer Fire & Rescue



Date: 3/16/2020



Franklin Co GIS

TAX MAP: 015.00-073.01, PARCEL No:0150007301

SPECIAL USE PERMIT NARRATIVE

CURRENT USE OF THE PROPERTY

The property is currently a vacant 6.134 acre tract of land located at the end of Oak Grove Drive.

INTENT OF SPECIAL USE PERMIT REQUEST

The intent of this Special Use Permit request is to amend existing Special Use Permit SPEC 12-161-15496 (attached) that was approved on June 1, 2017 by the Franklin County Board of Supervisors.

The Concept Plan referenced in the approved SUP Permit shows a 4,000 sf optional future building. The approved proffered size for this building in SPEC 12-161-15496 is 2,500 sf. The owner would like to increase the size of the building from 2,500 sf to up to 5,000 sf. The larger building will better fix their needs and budget. All other Proffered Conditions are to remain as approved in SPEC 12-161-15496.

The owner requests the following changes be made to Proffered Condition No. 1 so it reads:

1. ***Substantial conformity. The special use permit authorizes use of the property for an "Emergency Services Facility". The property shall be developed in substantial conformity with the conceptual plan, entitled "Smith Mountain Lake Volunteer Fire and Rescue, proposed Master Plan" dated November 8, 2016 and "Schematic Layout" dated April 11, 2017, prepared by Craighead & Associates, Architects. However, the size of the station structure and the optional future building depicted on the conceptual plan shall not exceed 5,000 sf and 5,000 sf, respectively, in total area.***

EFFECT OF THE CHANGES ON THE SURROUNDING AREA

Effects on the surrounding areas should be minimal. The property is bound by an existing gravel road & U.S. Coast Guard Auxiliary to the north, Smith Mountain Lake to the east and south and AEP's public boat ramp facility to the west. To minimize effects on the surrounding areas, proffered condition 2 requires an existing wooded buffer along the lake boundary be maintained and that 2 acres of the 6.134 acre tract remain undeveloped. Additionally, existing proffered conditions 4 and 5 will prohibit RV or tent camping and the use of the property for land based fire suppression services without the approval of the Franklin County Director of Public Safety.

**FRANKLIN COUNTY
SPECIAL USE PERMIT APPLICATION**

(Type or Print)

I/We, Smith Mountain Lake Volunteer Fire and Rescue Department Inc., 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: Smith Mountain Lake Volunteer Fire and Rescue Department

Petitioner's Address: PO Box 899 Hardy, VA 24101

Petitioner's Phone Number: 703-568-7956 Att: Neil Harrington, President

Petitioner's E-mail: nharrington@smlfireboats.com

Property Owner's Name: Smith Mountain Lake Volunteer Fire and Rescue Department

Property Owner's Address: PO Box 899 Hardy, VA 24101

Property Owner's Phone Number: 703-568-7956 Att: Neil Harrington, President

Property Owner's E-mail: nharrington@smlfireboats.com

Directions to Property from Rocky Mount: Take Rte 122 N for 28 miles to right on Merriman Way Rd, Follow Merriman Way Rd. to left on Oldfield Rd to right on Oak Grove Dr. (approx. 3 miles)

Tax Map and Parcel Number: TM# 015.00-073.01 / Parcel ID# 0150007301

Magisterial District: Gills Creek

Property Information:

A. Size 6.1 acres of _____ Property:

B. Existing Zoning: R-1

C. Existing Vacant Land Land Use:

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

 Corridor District Westlake Overlay District X 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 Emergency Services Facility Land Use:

B. Size of Proposed Use: 4 acres

C. Other Details of Proposed Use: See Special Use Permit Narrative.

Checklist for completed items:

- Application Form
- Letter of Application
- Concept Plan
- Application Fee (Not required for Fire & Rescue Company)

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

Petitioner's Name (Print): Neil R Harrington

Signature of Petitioner: 

Date: 2/26/2020

Mailing Address: PO Box 899
Hardy, VA 24101

Telephone: 703 568 7956

Email Address: nharrington@SMLFireboats.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: _____

STATE OF VIRGINIA:

BEFORE THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY

A Special Use Permit Petition of Ray Craighead,)
Petitioner, and Smith Mountain Lake Marine)
Volunteer Fire & Rescue, Owners, to allow for an)
emergency services facility, on a 6.134 acre parcel,)
currently zoned R-1, Residential Suburban District.)
Tax Parcel # 0150007301)
(CASE # SPEC 12-16-15496))

WHEREAS, Ray Craighead did file a petition requesting a Special Use Permit for an emergency services facility, on a 4 acre portion of a 6.134 acre parcel, location in the Gills Creek District, and

WHEREAS, the 6.134 acre property is zoned R-1, Residential Suburban and emergency services facilities are a permitted use by special use permit in R-1 districts, and

WHEREAS, after due legal notice as required by Section 15.2-2204/2205 of the Code of Virginia in 1950, as amended, the Planning Commission and Board of Supervisors, did hold public hearings on January 10, 2017 and May 16, 2017, respectively, at which time, all parties in interest were given an opportunity to be heard, and

WHEREAS, after full consideration, the Franklin County Planning Commission recommended **APPROVAL** of the Special Use Permit with the following five (5) conditions:

1. **Substantial conformity.** The Special Use Permit authorizes use of the property for an "Emergency Services Facility". The property shall be developed in substantial conformity with the conceptual plan, entitled "Smith Mountain Lake Volunteer Fire and Rescue, Proposed Master Plan" dated November 8, 2016 and "Schematic Layout" dated April 11, 2017, prepared by Craighead & Associates, Architects. However, the size of the station structure and the storage building depicted on the conceptual plan shall not exceed 5,000 SF and 2,500 SF, respectively, in total area.
2. **Buffering.** The use of "Emergency Services Facility" shall require the maintenance of an existing wooded buffer along the lake boundary as shown on master plan referenced in condition #1. In addition, two acres of the property to remain undeveloped and maintained with existing vegetation.
3. **Compliance with State Regulations:**

- a. The existing entrance on Oak Grove Drive (Rte 1230) shall be improved to meet VDOT standards and requirements prior to any use authorized by this special use permit in accordance with VDOT's letter of December 22, 2016.
 - b. No gasoline or oil products shall be stored on the subject property without the approval of VA Department of Environmental Quality, Fire Marshal and/or Franklin Building Official.
 - c. Each phase of development shall have an approved development plan detailing all land disturbing activities and storm water management.
4. No RV or tent camping shall be allowed on the subject property.
 5. The property shall contain no land based fire suppression services provided by Smith Mountain Lake Volunteer Fire/Rescue Department, Inc. unless approved by the Franklin County Director of Public Safety.

WHEREAS, after full consideration, the Franklin County Board of Supervisors determined that the requested Special Use Permit be **GRANTED** with the five (5) conditions recommended by the Planning Commission as contained in this Final Order.

THEREFORE, BE IT ORDERED, that a copy of this order be transmitted to the Clerk of the Planning Commission, the Franklin County Commissioner of Revenue and the Franklin County Zoning Administrator and that the Clerk be directed to reflect this action to **APPROVE** the Special Use Permit in the records of Franklin County.

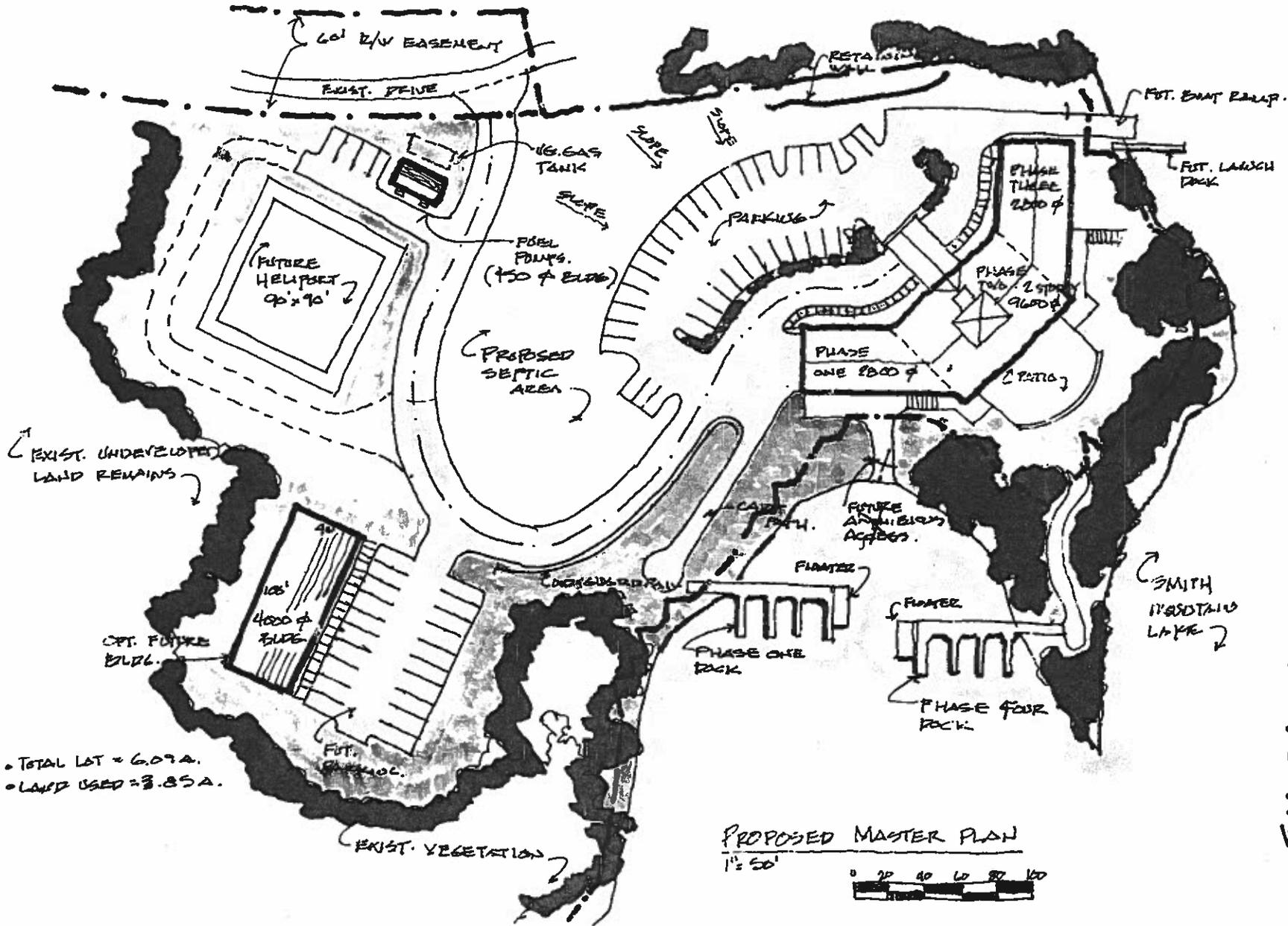
On the motion by Bob Camicia and seconded by Leland Mitchell to approve the requested Special Use Permit, said motion was **APPROVED** by the following recorded vote:

AYES: Mitchell, Thompson, Wagner, Cundiff, Camicia, Tatum & Brubaker
NAYES: NONE
ABSENT: NONE
ABSTAIN: NONE


Sharon K. Tudor, MMC, Clerk
Franklin County Board of Supervisors

6.1.2017
Date





• TOTAL LOT = 6.07A.
 • LAND USED = 3.85A.

PROPOSED MASTER PLAN

1" = 50'



**SMITH MOUNTAIN LAKE
 VOLUNTEER FIRE AND RESCUE**

CRAIGHEAD & ASSOCIATES, ARCHITECTS ©

11.8.2016

Department of Planning & Community Development



April 30, 2020

To: Franklin County Planning Commission

From: Terrance L. Harrington, AICP TH

Tax Parcel # 0720034301

District: Snow Creek

Applicant/Owners: Mohammad Alkhawaja / Alkhawaja Corporation

Case #: SPEC 02-20-16529

Re: Special Use Permit (SUP) petition of Mohammad Alkhawaja to permit the rental of moving trucks and trailers on a portion of a 1.68 acre parcel located at 445 Doe Run Road (Intersection of Tripple Creek Road). The property is zoned B- 1 Limited Business.

EXISTING LAND USE

The property is currently used as a convenience store with gas sales with an apartment on the lower level of the convenience store. Access to the site is from existing curb cuts on Doe Run Road (SR 674) and Tripple Creek Road (SR 1019)

SURROUNDING ZONING AND LAND USES

Land uses in the general area are primarily residential with several small commercial businesses located near this intersection. Except for the convenience store, most of the other properties north of Doe Run Road are zoned A-1 Agriculture, with the exception of a large M-1 property that has recently been used as a storage yard associated with the Mountain Valley Pipeline project. Properties south of Doe Run Road are non-zoned.

In December of 2019, this property was previously considered for a SUP that would allow the sale of used vehicles on the property. Several people spoke at the public hearing for this SUP request. Speakers opposed to the SUP request cited concerns of traffic, trash and noise. The Commission recommended approval of the request to the BOS. The Board denied the request for used vehicle sales at their meeting on December 17, 2019 by a vote of 7-0.

COMPLIANCE WITH DEVELOPMENT REGULATIONS

SETBACKS AND LANDSCAPE BUFFERS

The applicant is proposing to display all the rental trucks and trailers on the paved portion of the lot along the Tripple Creek Road side of the property. Grass buffer strips exist along the Doe Run and Tripple Creek sides of the property. These buffer strips are partially within the public R/W and partially within the convenience store property. All vehicles to be displayed must be parked outside of the public R/W.

NOISE

No significant noise impacts are expected as a result of locating the truck and trailer rental business at this location. Current noise levels at this location are primarily from vehicles passing thru this intersection. Staff expects traffic volumes resulting from the approval of this request will be significantly lower than existing traffic at this intersection.

LIGHTING

No new lighting is proposed for this site. If lighting is proposed in the future, the lighting fixtures must be down cast with a shielded light source with a maximum intensity of .5 foot candles at any property line.

PARKING LOCATION, ACCESS AND SITE DESIGN

VDOT has evaluated this proposal and has determined that a commercial entrance permit will not be required based upon the existing use of the property and the relatively minor increase in traffic resulting from the proposed truck and trailer rental operation. Access to the site will continue to be from Doe Run Road and Tripple Creek Rd. The County code does not require any parking for vehicle rental businesses.

Convenience store customers park in front of the store and at the gasoline pumps. The submitted concept plan shows eight spaces in front of the store and a gas island that can accommodate four additional vehicles. Current county parking standards would require 17 spaces for the convenience store. If this request is approved by the Board, staff will work with the applicant to identify areas on the site that are suitable for parking and will accurately calculate the number of spaces that will be required based upon the size of the convenience store.

PROCESS AND CRITERIA FOR EVALUATING SPECIAL USE PERMITS

The Board of Supervisors has reserved the right to issue or deny any special use permit requested for any use permitted as a special use by Article III of the District Regulations contained in the Franklin County Zoning Ordinance. Special use permits may be issued upon a finding by the Board that (1) such use will not be of substantial detriment to adjacent property, that (2) the

character of the zoning district will not be changed and that (3) such use will be in harmony with the purpose and intent of the B-1 zoning district, with the uses permitted by right in the B-1 district, and with the public health, safety and general welfare of the Franklin County community.

B-1 districts were established in those portions of the County that (1) are suitable for the conduct of general business where the public requires direct and frequent access to the property, where (2) heavy trucks are not a significant component of the traffic in the area (3) and where nuisance factors are not a significant factor.

COMPREHENSIVE PLAN

The 2025 Comprehensive Plan has a future land use designation of Low Density Residential for this property. The property is zoned B-1 with an existing business on the property. Although low density residential is intended to allow primarily residential development, neighborhoods benefit from (and the comprehensive plan supports) small scale commercial uses that provide services used by neighborhood residents.

DEVELOPMENT IMPACTS

The staff does not anticipate any significant development impacts resulting from the approval of this SUP request with the recommended conditions.

STAFF RECOMMENDATION

It is the staff's opinion that the rental of moving trucks and trailers from this location (1) will not be a detriment to surrounding properties and (2) that the character of the B-1 zoning district will not change with the approval of this request.

The staff recommends approval of this SUP request for a moving truck and trailer rental business with the following conditions:

- 1 Uses authorized by this SUP shall be limited to the rental of moving trucks and trailers.
- 2 No vehicle repairs shall be allowed on the property.
- 3 All vehicles on this property shall be in operable condition. No vehicles or equipment shall be stored within the grass area behind the convenience store.
- 4 All moving trucks and trailers shall be located along the Tripple Creek Road side of the property as proposed on the submitted concept plan.

- 5 Any freestanding signage proposed shall comply with the county sign regulations, shall be of a monument design and shall not be more than eight (8) feet in height. A sign permit, approved by the county, shall be required.
- 6 A minor site plan shall be submitted within sixty (60) days of SUP approval and approved by the zoning administrator, showing all required parking areas for store customers and moving truck and trailer display areas, landscaping and other site features as required by the Franklin County zoning ordinance.

SAMPLE MOTIONS

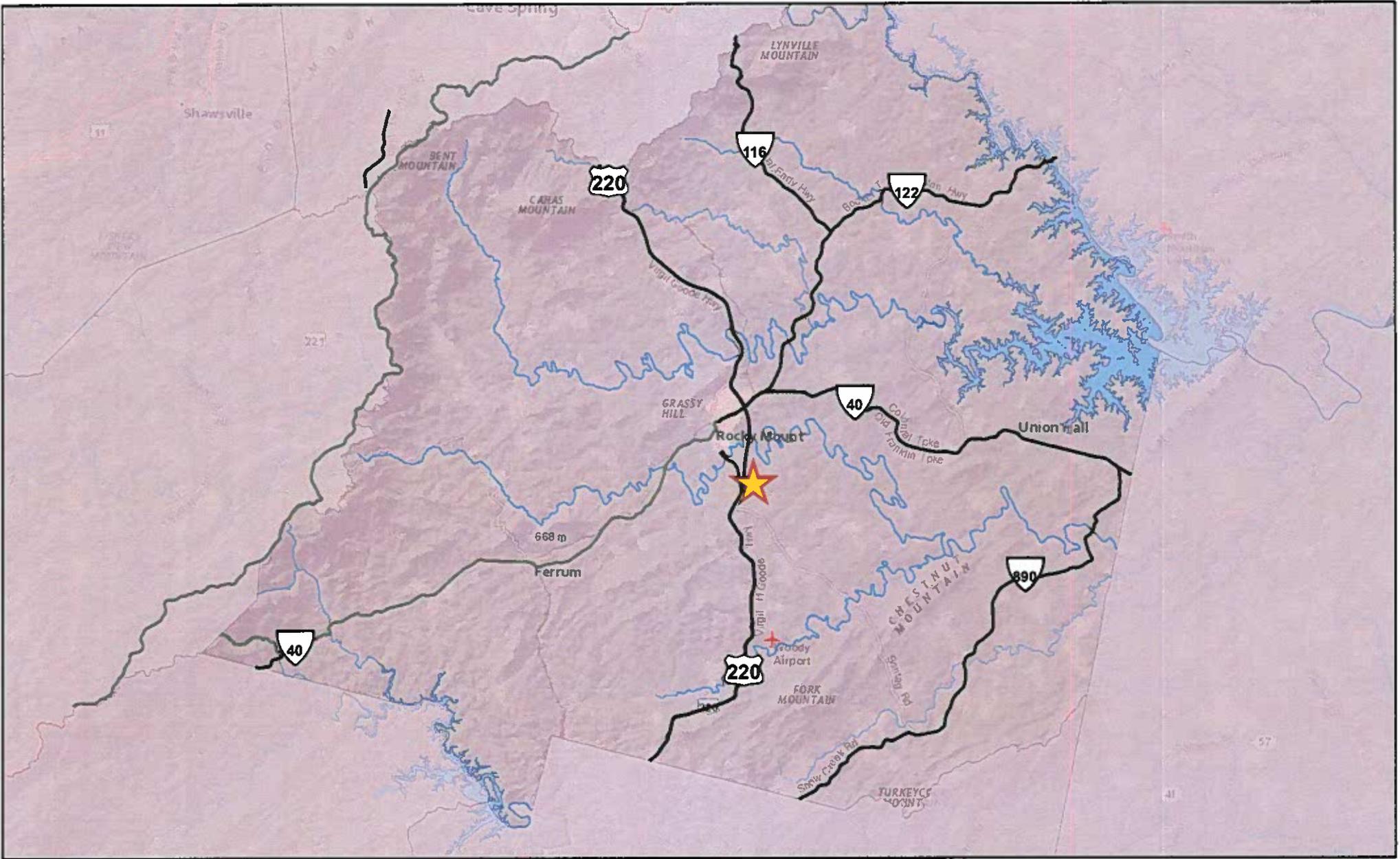
The following sample motions may be used by the Planning Commission:

(Approve) I find that the proposed SUP for a moving truck and trailer rental business on Franklin County Tax Parcel # 0720034301 in the Snow Creek District is consistent with the purpose and intent of the Comprehensive Plan and good zoning practice and will not be of substantial detriment to adjacent properties or the community. I therefore recommend approval of the SUP request with the following conditions.

- 1 Uses authorized by this SUP shall be limited to the rental of moving trucks and trailers.
- 2 No vehicle repairs shall be allowed on the property.
- 3 All vehicles on this property shall be in operable condition.
- 4 All moving trucks and trailers for rent shall be located along the Tripple Creek Road side of the property as proposed on the submitted concept plan.
- 5 Any freestanding signage proposed shall comply with the county sign regulations, shall be of a monument design and shall not be more than eight (8) feet in height.
6. A minor site plan shall be submitted within sixty (60) days of SUP approval and approved by the zoning administrator, showing all required parking areas for store customers and moving truck and trailer display areas, landscaping and other site features as required by the Franklin County zoning ordinance.

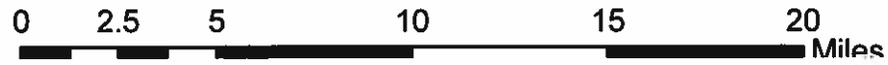
(Deny) I find that the proposal is of substantial detriment to adjacent property and that such use will not aid in the creation of a convenient, attractive, or harmonious community. I therefore move to deny the request for a special use permit.

(Delay) I find that the required information for the submitted petition is incomplete. I therefore move to delay action until all necessary materials are submitted to the Planning Commission.



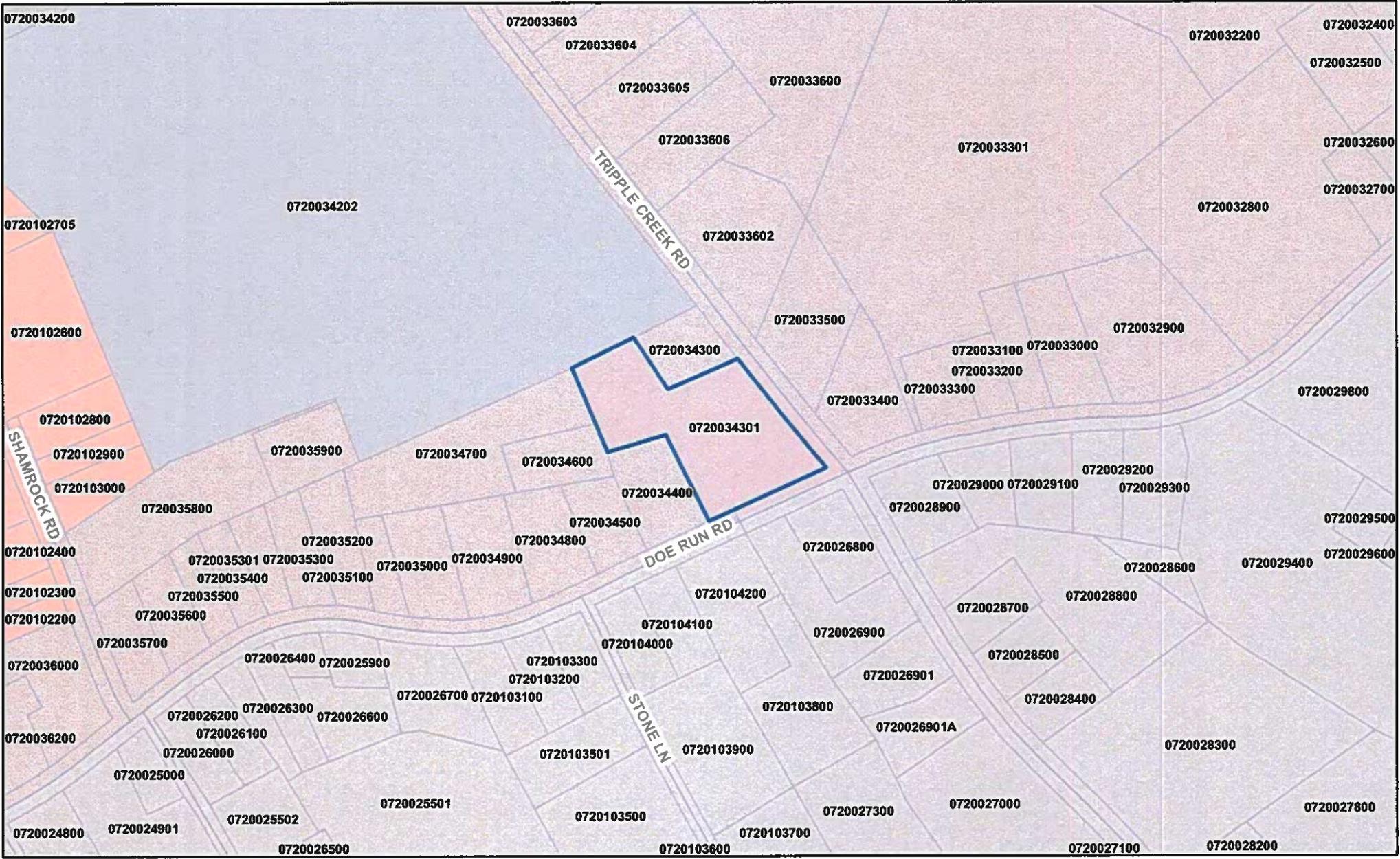
Tax Map # 0720034301
SPEC-02-20-16529
Mohammad Alkhawaja

 Subject Property Location




Date: 3/16/2020





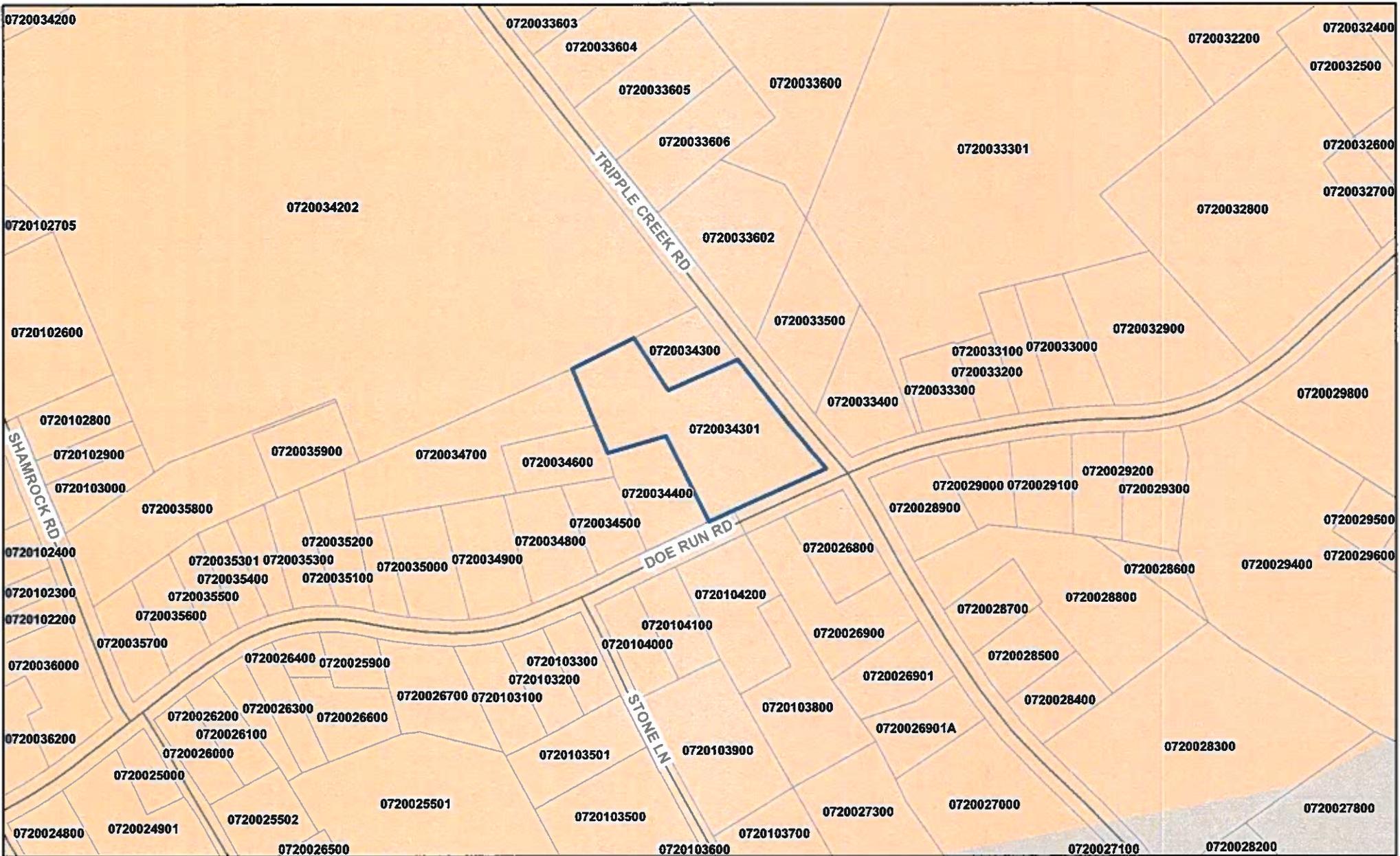
- Parcels
- B1 - General Business District
- Special Use Permit
- M1 - Light Industry
- Zoning Classifications**
- NZ - Non Zoned
- A1 - Agricultural
- RC1 - Residential Combined Subdivision

Tax Map # 0720034301
SPEC-02-20-16529
Mohammad Alkhawaja



Date: 3/16/2020

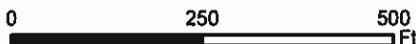




Legend

-  Subject Parcel
-  Low Density Residential
-  Agriculture Forestry/Rural Residential

Tax Map # 0720034301
 SPEC-02-20-16529
 Mohammad Alkhawaja



Date: 3/16/2020



Franklin Co GIS



Tax Map # 0720034301
 SPEC-02-20-16529
 Mohammad Alkhawaja

Legend

- Subject Parcel
- Parcels

2017 Pictometry Imagery



Date: 3/16/2020



Franklin Co GIS

Alkhawaja Corporation
Mohammad Alkhawaja
445 Doe Run Road
Rocky Mount, VA 24151

Franklin County Planning Commission

2/26/2020

RE: Letter of Application for Special Use Permit

- A. **The Proposed Use of the Property:** To park U-Haul trucks and trailers available for rent upon customer's request, they will be parked on the vacant side of the parking lot that is not being used for any other purpose.
- B. **The Reason for the Request:** To acquire a permit to be able to offer a service to customers, this service is not available in the area or anywhere nearby.
- C. **The Effect of the Changes on the Surrounding Area:** I don't feel that this service is going to have much of an effect on the surrounding area if any; the equipment will be parked out of the way and there wouldn't be much of an increase to traffic since rentals would very minimal.

**FRANKLIN COUNTY
SPECIAL USE PERMIT APPLICATION**

(Type or Print)

I/We, Mohammad Alkharajiq, 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: Mohammad Alkharajiq

Petitioner's Address: 445 Doe Run Rd

Petitioner's Phone Number: 540 427 8083

Petitioner's E-mail: M.alkharajiq@yahoo.com

Property Owner's Name: Saeef Khawaja

Property Owner's Address: 4974 Renee Lane, Gaithersburg, VA, 24018

Property Owner's Phone Number: 540 915 1242

Property Owner's E-mail: Saeefkhawaja@yahoo.com

Directions to Property from Rocky Mount: 220 South, 3rd exit of Rocky Mount, take a left

Tax Map and Parcel Number: 0720034301

Magisterial District: _____

Property Information:

A. Size _____ of _____ Property:
1.68 Acres

B. Existing Zoning: B1 - Limited Business District

C. Existing Land Use: Convenience store / Gas Station

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 U-Haul Truck Rental ^{Land} in addition to Current C-store / Gas Station ^{Use:}

B. Size of Proposed Use: parking lot on side of building. Approx 3,000 sqft.

C. Other Details of Proposed Use: _____

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): Mohammad AlKhawaja

Signature of Petitioner: 

Date: 2/26/20

Mailing Address: 445 Doe Run Road
Rocky Mount, VA 24151

Telephone: 540-427-8083

Email Address: maikhawaja05@yahoo.com

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

Owner's Name (Print): Saeef Khawaja

Signature of Owner: 

Date: 2/26/20

Date Received by Planning Staff _____

Clerk's Initials: _____

CHECK #: _____

RECPT. #: _____

AMOUNT: _____

Empty Grass Land

C-Store

Empty paved Lot

proposed U-Haul overflow parking

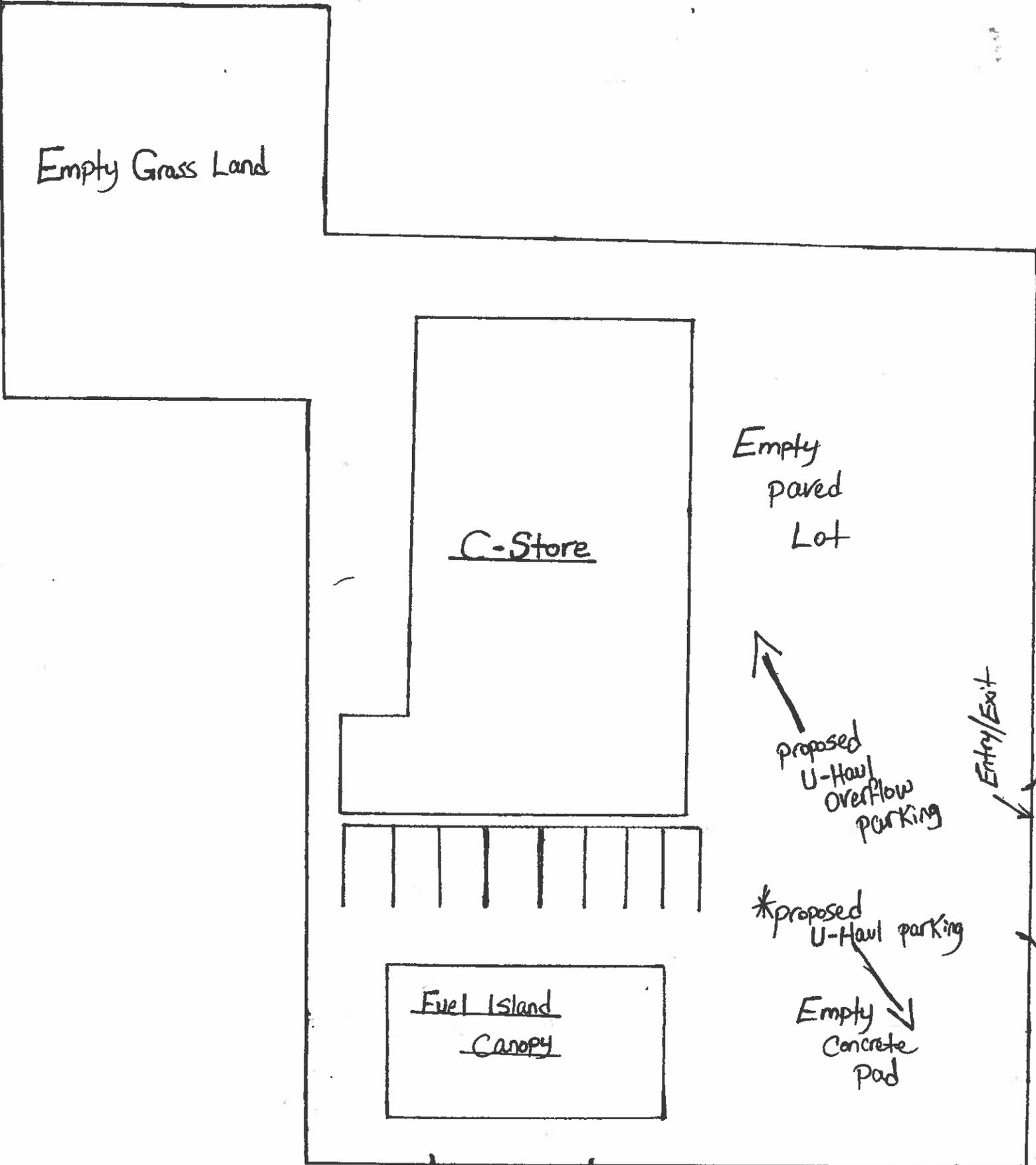
*proposed U-Haul parking

Empty Concrete pad

Fuel Island
Canopy

Entry/Exit

Entry/Exit



SPECIAL USE PERMIT STAFF REPORT

May 4, 2020

To: Franklin County Planning Commission

From: Terrance L. Harrington, AICP TH
Senior Planner

Tax Parcel # 0470007000

District: Union Hall

Applicant/Owner: Karen Saunders

Case #: SPEC 04-20-16560

Re: Petition of Karen Saunders for a special use permit authorizing the use of a single family home for short term rental use located at 345 Hermitage Rd. in Wirtz VA.

BACKGROUND

Ms. Saunders is the owner of a single family home on Hermitage Rd. in Wirtz, VA. Her career is requiring that she move out of state for the next ten years. She would like to retain ownership of her home so that it is available as a possible retirement location. Approval to use the house as a short term rental will be a source of income to offset maintenance costs and management fees and will allow her to periodically visit and stay at the home while she resides out of state.

The Saunders property is zoned A-1 Agricultural. Per Section 25-179 of the County Code, short term rentals are permitted in A-1 zoning districts provided the Board of Supervisors issues a special use permit for the use.

STAFF ANALYSIS OF CURRENT REQUEST

SITE AND HOME CHARACTERISTICS

The Saunders property is 6.71 acres in size and has frontage on Hermitage Road and significant access to Smith Mountain Lake. Hermitage Road is a private road. The Saunders's house at 345 Hermitage sits on the shore line and over hangs the lake. It is 600 feet from Hermitage Rd.

Most of the property is open land, however, vegetation along all four sides of the property screen the home from adjoining properties and Hermitage Road. Franklin County property tax records indicate that the Saunders home was constructed in 1989. It is a 901 sq. ft. one story dwelling with one bedroom and one bath. As a one bedroom dwelling, the maximum occupancy by short term renters is two adults.

SURROUNDING ZONING AND ZONING HISTORY

The property has been zoned A-1 since the adoption of zoning in 1988. A variance request to allow an existing deck to be screened in was approved in 1994. Other properties in the general area are primarily zoned A-1 and R-1. The Shenandoah Shores subdivision located directly across Hermitage Rd. from the Saunders property is zoned R-1 Residential Suburban. The Retreat Subdivision is located directly across the lake and is also zoned R-1. The 4H Center which is adjacent to the Saunders property and occupies all the property from the Saunders site to the end of Hermitage Road, is zoned A-1 Agriculture.

TRAFFIC IMPACTS

The staff does not anticipate any negative traffic impacts resulting from the approval of this short term rental request. Traffic from the short term rental will be minimal based upon the limited number of bedrooms in the structure. VDOT has reviewed this application and offered no comments. Most of the existing traffic on this portion of Hermitage Road is from residences within the Shenandoah Shores subdivision and traffic associated with the 4-H Center.

NOISE IMPACTS

The staff does not anticipate any negative noise impacts resulting from the approval of this short term rental request. The relatively large property size, the location of the house on the property and the significant vegetation on the property will limit noise impacts off the property.

PUBLIC HEALTH AND SAFETY

The Public Safety Department and the Health Department have reviewed this request. Neither department had any comments.

COMPREHENSIVE PLAN

The Future Land Use designates the property located at 345 Hermitage Road as Low Density Residential according to the 2007 Franklin County Comprehensive Plan adopted by the Board of Supervisors in May of 2007. The comprehensive plan would support the special use permit for this property to be used as a short term rental dwelling unit due to the fact the property would not adversely impact surrounding properties. In addition, the residence is located on 6.71 acres of land with the dwelling unit constructed on piers below the 800' contour. The location of the dwelling is situated that it cannot be seen from other properties and the trees buffering between the two neighbors will help screen and reduce noise. As stated, the comprehensive plan would support the use of the property as a short-term rental in a low density residential designation as a place with minimal impact on other properties owners.

PROCESS AND CRITERIA FOR EVALUATING SPECIAL USE PERMIT IMPACTS

The Board of Supervisors has reserved the right to issue or deny any special use permit requested for any use permitted as a special use by Article III of the District Regulations contained in the Franklin County Zoning Ordinance. Board action on any SUP request is subject to the review and recommendation of the County Planning Commission. Special use permits may be issued upon a finding by the Board that (1) such use will not be of substantial detriment to adjacent property, that (2) the character of the zoning district will not be changed, that (3) such use will be in harmony with the purpose and intent of the A-1 zoning district, and with the uses permitted by right in the A-1 district, and (4) with the public health, safety and general welfare of the Franklin County community. A-1 districts were established in the rural portions of the county that (1) are suitable for farming and low density residential development.

STAFF RECOMMENDATION

The staff recommends the Commission recommend approval of this SUP request to allow the short term rental of the Saunders residence located at 345 Hermitage Road. The small size of the house, the location of the home on the property, the natural screening of the home, and the 300 foot separation from the proposed short term rental and the closest single family home will ensure that the proposed use will not be a substantial detriment to adjacent properties and will not change the character of adjacent zoning districts. Our recommendation of approval is with the following three conditions:

1. This SUP shall only apply to the existing house located at 345 Hermitage Rd. and shall not apply to any additional homes that may be constructed on tax parcel 0470007000.
2. The Franklin County Building Official and Fire Marshal shall inspect the structure proposed for short term rental use prior to the structure being used for short term rental to ensure all safety requirements are met.
3. The property owner shall complete the "Short Term Rental Certificate of Compliance Form" and submit the form to the zoning administrator prior to using the house as a short term rental. The property owner shall at all times comply with the supplementary regulations for short term rentals.

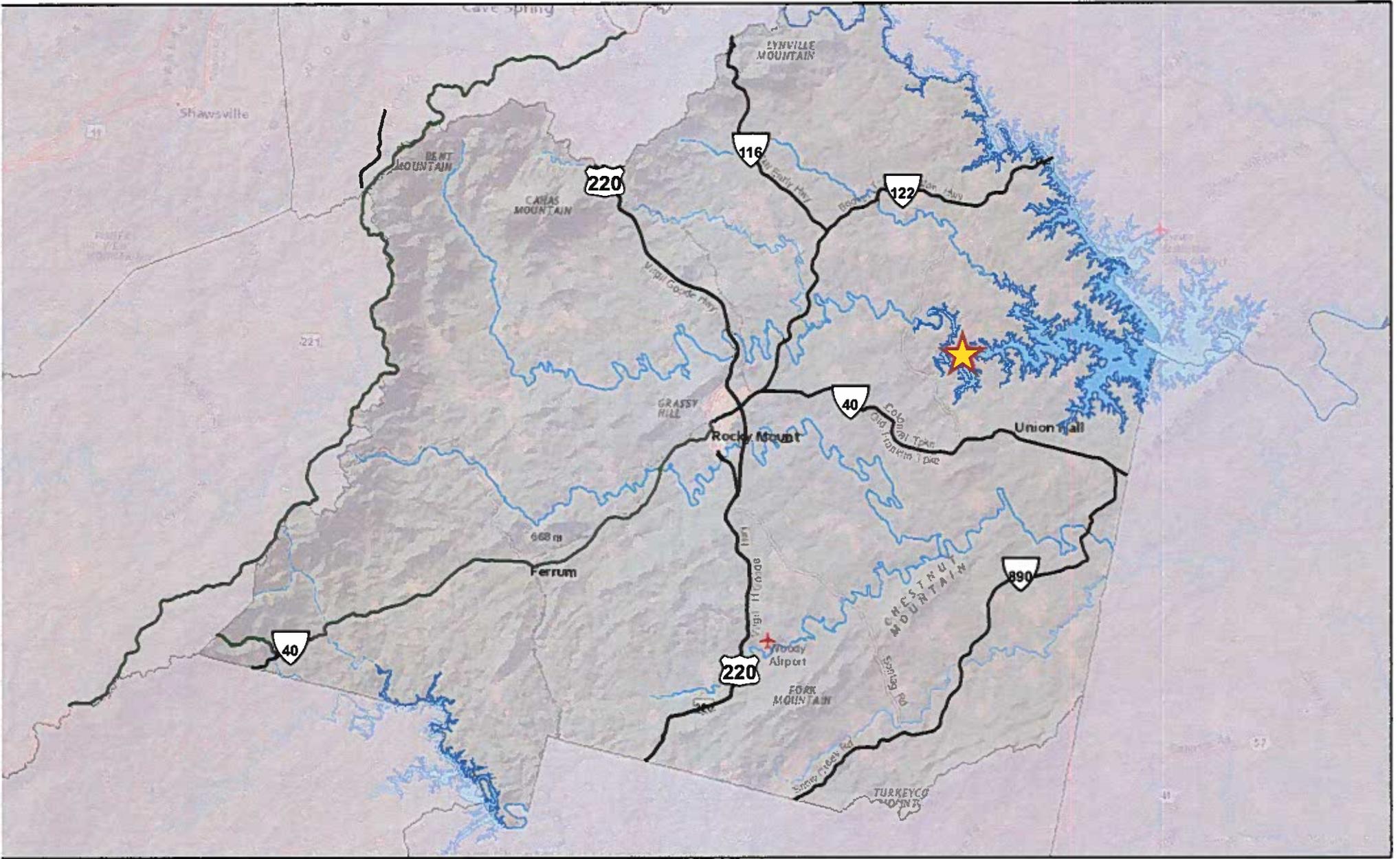
SAMPLE MOTIONS

(Approve) I find the proposed special use permit to allow the single family structure located at 345 Hermitage Road to be used as a short term rental consistent with the purpose and intent of the Comprehensive Plan and good zoning practice and will not be of substantial detriment to the community. I therefore recommend approval of the SUP request with the following conditions:

1. This SUP shall only apply to the existing house located at 345 Hermitage Rd. and shall not apply to any additional homes that may in the future be constructed on tax parcel 0470007000.
2. The Franklin County Building Official and Fire Marshal shall inspect the structure proposed for short term rental use prior to the structure being used for short term rental to ensure all safety requirements are met.
3. The property owner shall complete the "Short Term Rental Certificate of Compliance Form" and submit the form to the zoning administrator prior to using the house as a short term rental. The property owner shall at all times comply with the supplementary regulations for short term rentals.

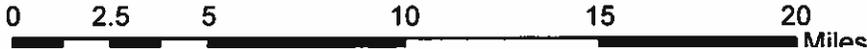
(Deny) I find the proposed SUP for a short term rental use of a single family structure located at 345 Hermitage Road will not aid in the creation of a convenient, attractive, or harmonious community. I therefore move to deny the request to approve SUP-04-20-16560

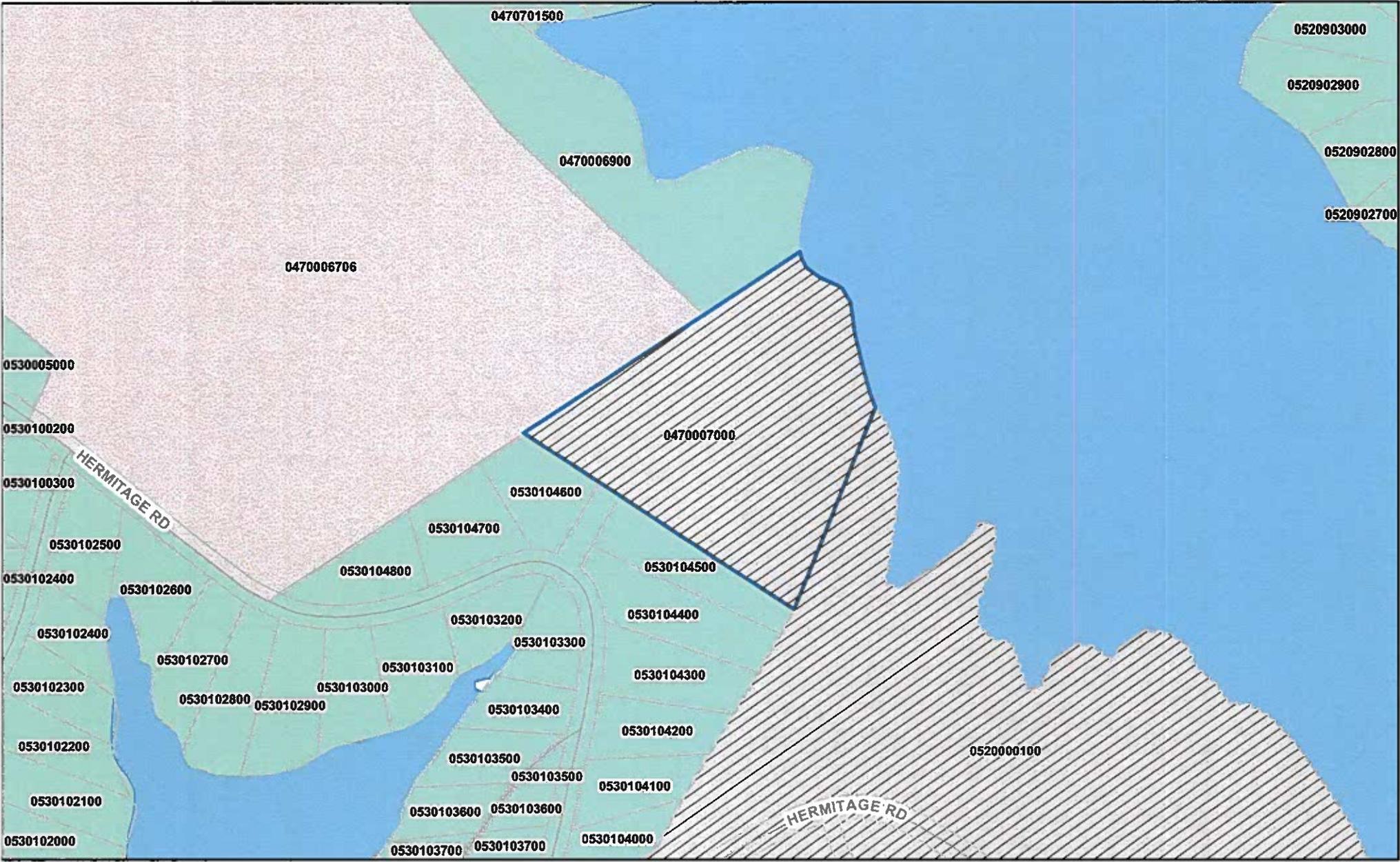
(Delay) I find that the required information for the submitted petition is incomplete. I therefore move to delay action until all necessary materials are submitted to the Planning Commission.



Tax Map # 0470007000
SPEC-04-20-16560
Karen Saunders

 Subject Property Location





- Legend**
-  Subject Parcel
 -  Parcels
 -  Special Use Permit
 -  Smith Mtn Lake

- Zoning Classifications**
-  A1 - Agricultural
 -  R1 - Residential Suburban Subdivision

Tax Map # 0470007000
SPEC-04-20-16560
Karen Saunders



Date: 4/29/2020

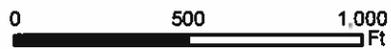


Franklin Co GIS



- Legend**
-  Subject Property
 -  Tax Parcels
 -  Low Density Residential

Tax Map # 0470007000
 SPEC-04-20-16560
 Karen Saunders



Date: 4/29/2020



Franklin Co GIS



Legend

- Subject Parcel
- Tax Parcels

2017 Pictometry Imagery

Tax Map # 0470007000
 SPEC-04-20-16560
 Karen Saunders



Date: 4/29/2020



Franklin Co GIS

April 6, 2020

Department of Planning and Community Development
1255 Franklin St., Suite 103
Rocky Mount, VA 24151

To Whom It May Concern,

I am requesting a special use permit for short term rentals for my property located at 345 Hermitage Road, Wirtz, VA, which is currently zoned as A-1. I feel like no one will be negatively affected by the renting of my property. This 2-Bedroom cottage sits over the water, which is unique for Smith Mountain Lake, and is isolated as it sits on an almost 7-acre lot.

The proposed rental home is over 600' from the main road. When viewing the property from the main road, the 4-H Center is to the east and to the west is farmland and one lake-front property, which is occupied on a part-time basis. In the summer, when the trees are full of leaves, you cannot see this house, which is located over 300' away.

The reason I am asking for this special use permit is that my job has taken me to Florida for the next 10 years. I plan to retire back to Smith Mountain Lake so selling my home isn't an option. I'd also like to visit occasionally throughout the year so renting it full-time is not a favorable choice. I intend to use a rental company such as CB Rentals to rent the property for me. They will insure the individuals that rent the property are reputable.

Last, there are costs associated with maintenance and upkeep, which the rental income can assist with. This will insure that the property doesn't depreciate in value or become an eyesore for the lake and county, which we all love.

In closing, I appreciate your consideration of my request. Please do not hesitate to contact me, or my fiancé Danny DeWitt, with any questions you may have.

Sincerely,



Karen Saunders
655 W Marina Cove Dr.
Apt 246
St. Augustine, FL 32080
540.520.9560

Danny DeWitt
345 Hermitage Rd
Wirtz, VA 24184
540.525.9219

**FRANKLIN COUNTY
SPECIAL USE PERMIT APPLICATION**

(Type or Print)

I/We, Karen S Saunders, 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: Karen S. Saunders

Petitioner's Address: 345 Hermitage Lane, Wirtz VA 24184

Petitioner's Phone Number: 540.520.9560

Petitioner's E-mail: adventuregirl60@gmail.com

Property Owner's Name: same

Property Owner's Address: _____

Property Owner's Phone Number: _____

Property Owner's E-mail: _____

Directions to Property from Rocky Mount: 122 North, to right on Burnt Chimney Road. Right on Lovely Valley to stop sign. Right on Crafts Ford to Hermitage Road. Property on left - blue mailbox

Tax Map and Parcel Number: Map no. 047.00 - Parcel ID 0470007000, Parcel No. 070.00

Magisterial District: Union Hall

Property Information:

A. Size Acreage = 6.71 of _____ Property:

B. Existing Zoning: A1

C. Existing Single family Land Use:

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 Short-term rental Land Use:

B. Size of Proposed Use: _____

C. Other Details of Proposed Use: _____

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): KAREN S SAUNDERS

Signature of Petitioner: Karen S. Saunders

Date: _____

Mailing Address: 345 Hermitage Ln.
Wirtz, VA 24184

Telephone: 540.520.9560

Email Address: adventuregirl60@gmail.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: _____

MEMORANDUM
Case # A-05-20-001



To: Franklin County Planning Commission
From: Steven M. Sandy, Planning Director
Date: May 4, 2020
RE: Zoning Ordinance Amendments
Amendment to Section 25-138. Short-term tourist rentals. Proposal to remove language and cross-reference new regulations in Section 5.5-72 of County Code.
Amendment to Section 25-800 Penalties. and Section 25-800.1 Civil Penalties.
Proposal to amend current penalties for criminal and civil violations to comply with Code of Virginia.

SUMMARY:

At their meeting on April 21, 2020, the Board of Supervisors voted to initiate public hearings to amend the County's zoning ordinance to 1) revise current supplementary regulations pertaining to short-term tourist rentals found in 25-138 and incorporate these new regulations as part of Chapter 5.5 - Community Development, Article IV – Short Term Rentals, of the County Code and 2) remove current penalties for criminal and civil violations and replace with reference to Code of Virginia penalty allowances. Staff has consulted with the County Attorney on the proposed changes.

DISCUSSION:

During discussions of short-term rentals, the Board requested that staff develop a method to have uniform regulations apply to short-term rentals countywide. Therefore, staff has proposed that these uniform regulations be established in Chapter 5.5 of the County Code along with a new registry requirement which will also apply countywide. Rather than have identical regulations in two (2) different sections of the county code, it is proposed that Section 25-138 be amended to reference the regulations developed in Section 5.5-72.

The Board also requested that staff consider substantial fines for violations of the County's zoning ordinance. Upon review, it was determined that the fines currently prescribed in the ordinance were not equal to the maximum penalties allowed under the Code of VA. Therefore, it recommended that the ordinance pertaining to penalties be revised to be consistent with the allowable fines authorized by the Code of VA.

RECOMMENDATION:

Staff respectfully requests that the Commission table the approval of the proposed zoning ordinance amendments to Chapter 25, Zoning, 1) to remove regulations found in 25-138 and cross-reference new regulations in Section 5.5-72 of County Code pertaining to short-term rentals, 2) to remove penalty amounts in 25-800 and 25-800.1 and reference those prescribed within the Code of Virginia until June meeting.



Below are the proposed changes to Sections 25-800 and 25-800.1. Attached are separate amendments that are proposed to Section 5.5 of the Franklin County Code to establish a countywide short-term rental registry and uniform regulations for the use of short-term rentals.

ARTICLE VI. VIOLATION AND PENALTY

Sec. 25-800. - Penalties.

Any person, whether as owner, lessee, principal, employee or otherwise, who violates any of the provisions of this chapter or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building on any land in violation of any detailed statement or plan submitted by him and approved under the provisions of this chapter, shall be guilty of a **Class 1** misdemeanor, and, upon conviction thereof, shall be fined **in accordance with the penalties authorized under the Code of Virginia, 1950, as amended** ~~not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00)~~. Each day upon which such violation continues shall constitute a separate offense.

(Ord. of 5-25-88)

Sec. 25-800.1. - Civil penalties.

(a) Violation of the following scheduled provisions of this chapter shall be deemed an infraction and shall be punishable by a civil penalty **in accordance with the penalties authorized under the Code of Virginia, 1950, as amended** ~~of one hundred dollars (\$100.00)~~:

(1) Section 25-16. Use, occupancy and construction.

(2) Section 25-120. Junk yards.

(3) Section 25-138. Short-term tourist rentals.

(4) Section 25-474. Piers and docks regulated.

(5) Section 25-476. Supplementary regulations for private dock, pier, or boathouse.

(6) Reserved.

(b) Each day during which any violation of the provisions scheduled above is found to have existed shall constitute a separate offense. However, in no event shall any such violation arising from the same set of operative facts be charged more frequently than once in any ten **(10)**-day period, nor shall any such violation arising from the same set of operative facts result in civil penalties which exceed a total **penalty authorized under the Code of Virginia, 1950, as amended** ~~of three thousand dollars (\$3,000.00)~~.



(c) The designation of a particular violation of this section as an infraction under this section shall preclude the prosecution of such as a criminal misdemeanor, except for any violation resulting in injury to any person or persons, which may be so prosecuted as well.

(d) The zoning administrator shall notify by summons a person committing or suffering the existence of an infraction by certified, return receipt requested mail, of the infraction. The Franklin County Sheriff's Office may also deliver the summons. The first or initial summons shall contain the following information:

- (1) The name and address of the person charged.
- (2) The nature of the infraction and the ordinance provision(s) being violated and the remedies necessary to correct the infraction.
- (3) The location, date, and time that the infraction occurred, or was observed.
- (4) The amount of the civil penalty assessed for the infraction.
- (5) The right of the recipient of the summons to elect to stand trial for the infraction and the date of such trial.
- (6) A statement that an appeal may be filed with the board of zoning appeals within thirty (30) days of receipt of the summons. If no appeal is made within thirty (30) days, the finding of the violation contained in the summons shall be final and unappealable.

(e) The final summons shall provide that any person summoned for a violation may, within fourteen (14) days from the date of mailing of the summons, elect to pay the civil penalty by making an appearance in person, or in writing by mail to the Franklin County Treasurer's Office at least seventy-two (72) hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the violation charged and provide that a signature to an admission of liability shall have the same force and effect as a judgement in court; however, an admission shall not be deemed a criminal conviction for any purpose.

(f) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the zoning administrator shall cause the sheriff of Franklin County to serve the summons on the person charged in the manner prescribed by law. The violation shall be tried in general district court in the same manner prescribed by law. The violation shall be tried in general district court in the same manner and with the same right of appeal as provided for in Title 8.01 of the Code of Virginia. In any trial for a scheduled violation authorized by this section, it shall be the burden of the county to show the liability of the violator by a preponderance of the evidence. An admission of liability, of finding of liability shall not be a criminal conviction for any purpose.



- (g) The remedies provided for in this section are cumulative, and are not exclusive and, except as provided above, shall be in addition to any other remedies provided by law.
- (h) The provisions of this section shall supplement the provisions of section 25-768 et seq. of this chapter dealing with the board of zoning appeals. Use of these provisions shall stay any proceeding under this section.

The Board of Supervisors is conducting a public hearing on May 19th to consider adding the following general regulations to Chapter 5.5 of the County Code to apply to short-term rentals countywide. The highlighted sections represent new language that is not currently found in the supplemental regulations found in Chapter 25 (Zoning). If the Board of Supervisors adopts these changes on May 19th, staff recommends that these changes also be incorporated into Section 25-138.

Sec. 5.5-72. Short Term Rentals

The following general regulations apply to all short-term tourist rental of residential dwellings:

- (a) **The use of the dwelling unit for short-term rentals shall be primarily for residential purposes related to tourism or vacationing.**
- (b) **There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such short-term rentals.**
- (c) **There shall be no more than two (2) adults per bedroom occupying the dwelling at any one time. An adult, for the purpose of this regulation, is any person over the age of three (3). The number of bedrooms in dwellings relying upon septic tanks and drainfields for sewage disposal shall be determined by reference to health department permits specifying the number of bedrooms for which the supporting system was designed. A notice shall be clearly posted in the dwelling indicating approved occupancy of the dwelling.**
- (d) **All vehicles of tenants shall be parked in driveways or parking areas designed and built to be parking areas. In the case of multifamily dwellings, all vehicles must be parked in spaces specifically reserved for the dwelling unit being rented.**
- (e) **All boats of tenants shall be parked on the lot on which the dwelling is located. In the case of multifamily dwellings boats must be parked in areas specifically reserved for the dwelling unit being rented.**
- (f) **Noise generated off the lot or off the premises shall be in no greater volume or pitch than normally expected in a residential neighborhood.**
- (g) **A type 2A-10BC fire extinguisher shall be mounted on the wall in common area or kitchen. Smoke detectors must be installed and functioning properly**



in every living area and bedroom within the dwelling. Each bedroom shall comply with building code requirements for egress. An evacuation plan shall be provided in the home and clearly visible to renters.

(h) The owner of a dwelling used for short term rental shall give the county written consent to inspect any dwelling used for short-term rental to ascertain compliance with all the above performance standards. An annual inspection shall be performed by the County.

SUGGESTED MOTIONS:

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

1) (DELAY ACTION) I find that the required proposed ordinance amendments are incomplete. Therefore, I move to delay action until June 9th when further information is available from the Board of Supervisors' action on May 19th.

OR

2) (DENY) I find that the proposed ordinance amendments do not serve the public necessity, convenience, general welfare, or good zoning practice. Therefore, I move to recommend denial of the proposed ordinance amendments.

OR

3) (APPROVE) I make a motion to recommend approval of the proposed ordinance amendments to sections 25-138, 25-800 and 25-800.1 of the Franklin County Code and find that these amendments are consistent with public necessity, convenience, general welfare, or good zoning practice.