
Franklin County Planning Commission
Agenda
September 8, 2020

I. Call to Order

II. Roll Call

III. Consent Agenda

A) Approval of Minutes from August 11, 2020 meeting

IV. Public Hearings:

1. **APPLICATION for SPECIAL USE PERMIT** – Application of Megan Lorson, Applicant, and Kevin D. Lorson and Megan R. Lorson, Owners, requesting a Special Use Permit with possible conditions, to allow for the short term tourist rental of a dwelling, located on an approximate 1.46 acre property. The property, currently zoned A-1, Agricultural, is located at 160 Blue Ridge Lane in the Rocky Mount District of Franklin County and is further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0720017905CC. Short term tourist rental of a dwelling is a permitted use by issuance of a Special Use Permit by the Franklin County Board of Supervisors in A-1, Agricultural 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 (Case # SPEC-07-20-16662).

- a) Staff Presentation (Steven Sandy)
- b) Applicant Presentation
- c) Public Comment

2. **APPLICATION for SPECIAL USE PERMIT** – Application of Russell Seneff, Applicant and Owner, requesting a special use permit, with possible conditions, to allow for the short term tourist rental of a dwelling. The property is approximately 14.13 acres with 1.00 acre requested to be used for the short term rental of four (4) cottages. The property is located on Bethel Lane in the Union Hall District of Franklin County and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0530010000. The short term tourist rental of a dwelling is a permitted use in A-1, Agricultural zoning districts by issuance of a special use permit by the Franklin County Board of Supervisors 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 (Case # SPEC-07-20-16655).

- a. Staff Presentation (Steven Sandy)
- b. Applicant Presentation
- c. Public Comment

V. Citizen Comment

VI. New Business:

- a. Possible amendments to Zoning Ordinance regarding duplexes in A-1 districts

VII. Adjourn

**** The Planning Commission's next site visits are scheduled for October 7, 2020.

Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on August 11, 2020 in the Board of Supervisors meeting room located in the Franklin County Government Center.

THOSE PRESENT:

Sherrie Mitchell- Snow Creek 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
David Pendleton- Blackwater District

OTHERS PRESENT:

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

The meeting was called to order by Chairwoman Mitchell at 6:00 p.m. Chairwoman Mitchell introduced and welcomed new member, David Pendleton to the Planning Commission. The first order of business was the roll call. The next order of business was the approval of the minutes from the July 14, 2020 meeting. Chairwoman Mitchell asked of the Planning Commission if there were any comments or corrections to the minutes as written; there were none. Chairwoman Mitchell announced the minutes would stand as written.

Chairwoman Mitchell recognized Mr. Earl Webb for serving the County as a Planning Commissioner for twenty (20) years and presented him with a Resolution of Appreciation.

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

APPLICATION for SPECIAL USE PERMIT- Application of Deborah MacDonald, Applicant, and Richard DeForest, Owner, requesting a special use permit, with possible conditions, to allow for the short term tourist rental of a dwelling on a property that is approximately 12.04 acres, currently zoned A-1, Agricultural, and located at 450 Holyfield Lane in the Gills Creek District of Franklin County and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0330003609. Short term tourist rental of a dwelling is a permitted use by issuance of a special use permit by the Franklin County Board of Supervisors. The property has a future land use designation of low density residential.

Mr. Sandy began by explaining that the property is currently used for residential purposes and is for sale by the owner. The property has a substantial amount of acreage which includes a pond, lake access, and a pool. The residence is made up of four (4) bedrooms, four and a half (4.5) bathrooms, full basement, an attached and detached garage, and sits back off the road in a private setting.

Mr. Sandy continued by saying that the applicant indicates they will be close enough to address and resolve any issues or problems that could arise while being rented. The applicant also indicates they will be personally managing the rental reservations and will ensure that each guest is vetted and informed of all rules and regulations that must be followed.

Mr. Sandy stated that the comprehensive plan states as an objective to promote and expand the tourism industry within Franklin County with a strategy to encourage development of infrastructure that supports tourism like lodging, restaurants, etc. The property requesting the special use permit for short-term rentals is located on 12.04 acres of land at the end of a private road and is heavily wooded at the back of the property with the house, garage, and pool located in the middle of the lot. The home is located at the back of a cove on Smith Mountain Lake with minimal lake access and no dock.

Mr. Sandy mentioned that the other residences of the area are located a distance away from this property with the closest property being approximately 810 feet away, and most of the land surrounding the property is vacant at this time. Due to the size of the lot, dwelling unit, and other structures being located in the center of the lot this short term rental is not expected to adversely impact surrounding properties.

Mr. Sandy concluded that Staff recommends that the Planning Commission consider and approve the Special Use Permit to allow for the short term tourist rental of a dwelling with the following four (4) conditions:

- 1) This special use permit authorizing the short term rental dwelling on tax parcel # 0330003609 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, the property owner shall provide documentation from the Virginia Department of Health and Franklin County Building Official that the home and septic system is approved for a four bedroom home.

Mr. Sandy offered to answer any questions.

Mrs. Crawford asked how GIS records are updated when bedrooms or bathrooms are added to a house.

Mr. Sandy answered that it comes through the building permit process.

Chairwoman Mitchell asked if anyone else had any questions; no one did. Chairwoman Mitchell then asked to hear from the applicant.

Christy MacDonald, representative for the applicant, began by saying that although they are requesting to rent the property short term for now, their plan is to retire in the home in the future. The applicant owns two (2) other short term rental properties that they have no issues with managing. She went on to say that the sale of the said property had closed on July 31st and that the septic work had been completed and the paperwork sent to VDH that morning. She concluded that they would be managing the property and renters themselves instead of using a property management company. Mrs. MacDonald offered to answer any questions.

Chairwoman Mitchell asked if anyone had questions for the applicant.; no one did. Chairwoman Mitchell then opened the public hearing and asked if there was anyone present that would like to speak.

Mrs. Libby Patrick resides at 15 Holyfield Lane and said that she is concerned with increased traffic and noise. She also mentioned that they raise cows and bulls and that they may be a liability with people who are not familiar with them.

Mrs. Crawford asked if she had signs posted on the property warning of the livestock.

Mrs. Patrick said no because the property is zoned Agricultural and all the residents of that area have livestock except for the property in question.

Mr. Jerry Pruitt said that he owns two (2) parcels and that he is concerned about increased traffic and the wear and tear of the road. He commented that six of nine property owners in the area are opposed to the request because it would change their community.

Mr. Tom Puckett lives at 224 Holyfield Lane and said that he is concerned with the property becoming an event center used for events like weddings. Also, he remarked that loud noises, such as fireworks, do not mix with cattle.

Mrs. Carolyn Pruitt said that she was a property manager for rentals for many years. She added that extra people are brought into rentals many times and that there a lot of problems with people partying.

Mrs. Cathy Puckett said that she is an event planner. She asked that preventative measures be taken to keep this strictly as a vacation rental property and not a place for organized events.

Mrs. MacDonald addressed the Planning Commission again stating that the citizens concerns were valid. She added that they would be in agreement to a condition restricting organized events and also the time of rentals and turnover of renters.

Chairwoman Mitchell asked if anyone else would like to speak; no one did. Chairwoman Mitchell then closed the public hearing and the members had discussion among themselves.

Mr. Colby made a motion to approve, stating that he found that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the County Code with the uses permitted by right in the zoning district, and with the public health, safety and general welfare to the community. Therefore, I move to recommend approval of the applicant's request for a Special Use Permit to allow for the short term tourist rental of a dwelling in accordance with Sec. 25-179 of the Zoning Ordinance, with the conditions as listed below along with the addition of Condition #5 :

1. This special use permit authorizing the short term rental dwelling on tax parcel # 0330003609 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, the property owner shall provide documentation from the Virginia Department of Health and Franklin County Building Official that the home and septic system is approved for a four bedroom home.
5. The operation of short term rentals on the property shall not include any commercial uses, organized events, or gatherings of any kind that involve a large number of people (50 people or more).

Mrs. Crawford seconded the motion.

The special use permit request was approved. Voting on the motion was as follows:

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

Chairwoman Mitchell introduced the next item on the agenda as citizen comment and asked if there was anyone present that would like to speak on any topic; there was not.

Chairwoman Mitchell then announced the next item as old business pertaining to short term rentals and asked for the staff report.

Mr. Sandy began by explaining that citizens have asked that the County consider additional regulations concerning short-term rental. He went on to say that the Board of Supervisors considered possible zoning changes to short term rentals at their June meeting. The Board is now requesting that the Planning Commission to consider possible lot size and setback restrictions for short term rentals and send a recommendation to the Board. The Planning Commission discussed possible additional zoning regulations and send recommendations at their July meeting. If the Board accepts the proposals, this process will require a public hearing before both the Planning Commission and Board of Supervisors before additional zoning regulations can become effective.

Mr. Sandy stated that the Planning Commission members discussed possible setbacks and minimum lot sizes at their last meeting. The consensus of the members present was to wait twelve months and review again after the 3rd party vendor had been in effect. The matter was tabled until the August meeting when all members could be present.

The Planning Commission members had discussion among themselves.

Mrs. Crawford made a motion to make no changes to the current short term rental policies and evaluate the progress/data of Host Compliance in one (1) year unless circumstances arise with the short term rental policies that would require earlier attention.

Mrs. McGhee seconded the motion. The motion was approved. Voting on the motion was as follows:

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

With no other business, the meeting was adjourned at 7:13 p.m.

_____, Clerk
Franklin County Planning Commission

Date

MEMORANDUM
Case # SPEC-07-20-16662



To: Franklin County Planning Commission
From: Steven M. Sandy, Planning Director
Date: August 21, 2020
Tax #s: 0720017905CC
District: Rocky Mount District
Applicant: Megan R. Lorson
Owners: Kevin D. Lorson and Megan R. Lorson

REQUEST:

APPLICATION for SPECIAL USE PERMIT – Application of Megan Lorson, Applicant, and Kevin D. Lorson and Megan R. Lorson, Owners, requesting a Special Use Permit with possible conditions, to allow for the short-term tourist rental of a dwelling, located on an approximate 1.46 acre property. The property, currently zoned A-1, Agricultural, is located at 160 Blue Ridge Lane in the Rocky Mount District of Franklin County and is further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0720017905CC. Short term tourist rental of a dwelling is a permitted use by issuance of a Special Use Permit by the Franklin County Board of Supervisors in A-1, Agricultural 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.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the request for a Special Use Permit to allow for the short-term tourist rental of a dwelling with the following four (4) conditions:

- 1. This special use permit authorizing the short-term rental dwelling on tax parcel # 0720017905CC 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 5.5-72 and 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, the property owner shall provide documentation from the Virginia Department of Health and Franklin County Building Official that the home and septic system is approved for the dwelling and associated apartment in basement.*



BACKGROUND:

The applicant requests a Special Use Permit to allow for the “Short Term Tourist Rental of a Dwelling” on an approximate 1.46-acre property located at 160 Blue Ridge Lane in the Rocky Mount District, currently zoned A-1, Agricultural District. The property is currently used for residential purposes and has an apartment space available.

The entire residence is made up of four (4) bedrooms with three and a half (3.5) bathrooms. The apartment is located in the basement of the home and will include a full kitchen, living room, one (1) bedroom, one (1) full bathroom, an office, and closet space.

The apartment has an independent entrance with a lock box for self-check in, as well as separate parking available in the rear of the home. The applicant plans to provide amenities such as sheets, towels, stocked kitchen and a smart T.V. The apartment will also offer outdoor entertainment with outdoor seating, firepit, and corn hole area.

The property is in a semi-private location near the end of Blue Ridge Lane and with only two (2) other homes nearby; the closest one approximately 239 feet away. The area around the home is primarily wooded.

In order to allow for the “Short Term Tourist Rental of a Dwelling” a Special Use Permit is required to be issued by the Board of Supervisors under Section 25-179 of the County Code.

The application was advertised, site posted, and notifications sent to all adjacent property owners. As of the date of this report, staff has received two (2) inquiries regarding the nature of the request. Additional comments and concerns may be raised as a result of the public hearings.

SITE STATISTICS:

<i>Location:</i>	160 Blue Ridge Lane, Rocky Mount District
<i>Size:</i>	1.46 acres
<i>Existing Land Use:</i>	Residential
<i>Adjoining Zoning:</i>	A-1, Agricultural District RMF, Residential Multi-Family District
<i>Adjoining Land Uses:</i>	Residential
<i>Adj. Future Land Uses:</i>	Low Density Residential

COMPREHENSIVE PLAN:

The Future Land Use designates the property located at 160 Blue Ridge Lane as Low Density Residential according to the 2007 Franklin County Comprehensive Plan adopted by the Board of Supervisors in May of 2007. The property requesting the special use permit for short-term rentals is located on 1.461 acres of land located near the end of a private road and is heavily wooded at the back of the property and one side protecting



from adjoining neighbors. The house is located close to the property line of the house on 180 Blue Ridge Lane, but the distance between the homes is approximately 239 feet. The location of the drive and the front of the home is not completely screened from the home located at 180 Blue Ridge Lane; however, the amenities offered to the short term renters are located behind the house in the heavy wooded area to screen from neighbors on surrounding properties and the wooded area helps protect against the noise of outdoor activities. The other residences of the area are located a distance from this property and there are three vacant properties bordering this home. Due to the lot being mostly heavily wooded and secluded from adjoining properties this short-term rental would not adversely impact surrounding properties. The comprehensive plan states as an objective to promote and expand the tourism industry within Franklin County with a strategy to encourage development of infrastructure that supports tourism like lodging, restaurants, etc. The comprehensive plan would support the special use permit for this property to be used as a short term rental dwelling unit with conditions staff is requesting.

Please find below the description of Low Density Residential and the policies for this future land use category:

LOW DENSITY RESIDENTIAL

Low Density Residential Areas are intended to allow gross densities of one to two dwelling units per acre and minimum lot sizes of 20,000 - 30,000 square feet in general proximity to residential support services such as schools, playgrounds, and churches. These areas should either be located in or near existing Towns, Villages, or Rural Neighborhood Centers. It is envisioned that public water and/or sewer will someday serve these areas, meeting all local and state standards and requirements. They should be served by new public roads built by the developer to State standards and dedicated to the State. Recreational facilities and other amenities should be provided. While low density residential areas are typically comprised of traditional neighborhood developments they may also include manufactured housing, free standing townhomes, patio homes and other similar building types.

POLICIES FOR LOW DENSITY RESIDENTIAL

1. All roads should be built to state standards and offered by the developer for inclusion in the state system for maintenance.
2. Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.
3. On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.
4. The density of all new subdivisions to be served by wells and/or septic systems should be determined by the long-term carrying capacity of the land. All new lots should have adequate reserve areas in the event of septic system failures.
5. Centralized water systems should be required to provide water to all new subdivisions.



6. All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.
7. Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.
8. Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.

COUNTY CODE:

Special Uses for the A-1 District are set forth in Sec. 25-179. The requested use is referenced as "Short Term Tourist Rental of a Dwelling".

Sec. 25-638 of the County Code sets forth the County's authority to issue special use permits for certain uses. The ordinance states that, in order to issue a special use permit, the Board of Supervisors must find that *"such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of this chapter, with the uses permitted by-right in the zoning district, with additional regulations provided in sections 25-111 through 25-137, supplemental regulations, and amendments, of this chapter, and with the public health, safety, and general welfare."*

Sec. 25-640 of the County Code sets forth the County's authority to impose conditions for the issuance of special use permits. The ordinance states that the Board of Supervisors *"may impose upon any such permit such conditions relating to the use for which such permit is granted as it may deem necessary in the public interest..."* Conditions associated with a special use permit must be related to the particular land use which required the permit, and must be related to some impact generated by or associated with such land use.

Sec. 25-641 of the County Code states that a special use permit shall expire eighteen (18) months from the date of issuance if *"no commencement of use, structure or activity has taken place."* The ordinance states that "commencement" shall consist of "extensive obligations or substantial expenditures in relation to the project," including engineering, architectural design, land clearing, and/or construction.

Sec. 25-188 of the County Code states that the A-1 zoning district currently allows one dwelling per parcel however a second dwelling can be build on a parcel greater than one acre if occupied by a family member or someone working on the farm.

Section 5.5-72 of the County Code outlines requirements for operation of short term rentals in Franklin County as follows:

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 on each floor in the dwelling. 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.*

ANALYSIS:

In accordance with Section 25-638 of the Zoning Ordinance, the proposed special use permit is being evaluated to determine if these uses will be substantial detriment to adjacent properties, whether the character of the zoning district will be changed thereby, and that such uses will be in harmony with the purpose and intent of this chapter, with the uses permitted by-right in the zoning district, with additional regulations provided in sections 25-111 through 25-137, supplemental regulations, and amendments, of this chapter, and with the public health, safety, and general welfare. The requested special use permit would generate a density of 2 dwelling units on 1.46 acres. Review of the proposed use does identify potential impacts in the following areas to be addressed:

TRANSPORTATION:

The existing entrance to the property is located on Blue Ridge Lane which is a private road that is not maintained by VDOT. VDOT has reviewed this request and had no comments given the nature of the application. (See attached email from Lisa Lewis, VDOT). Traffic is expected to be light from this proposed use.

WATER AND SEWER:

Western Virginia Water Authority reviewed this request and had no comments (See attached email from Aaron Shearer, WVWA). Water is provided to the property by a private well and sewage is managed by a septic system. Prior to using the house as a short-term rental use, the



applicant must provide the County with a report that certifies that the septic system is functioning properly and can meet the demands of the four (4) bedroom dwelling and associated apartment in basement.

EROSION AND SEDIMENT CONTROL AND STORM WATER MANAGEMENT

The proposed use of the property will not require review and approval under the erosion and sediment control and storm water management regulations. However, and disturbance over 10,000 square feet of soil may require erosion and sediment control plans and/or permitting (See attached email from Ronald Wilson, Development Review Coordinator).

PUBLIC SAFETY

Franklin County Public Safety, Fire Marshal, and Building Official have reviewed this request and have no concerns provided upon approval of the requested SUP, the Building Official's office and the Fire Marshal will inspect the structure proposed for short term rental use to ensure that the structure complies with building and fire code requirements for short term rental use. The apartment bedroom will require an emergency escape route and rescue egress in the case of a fire (See attached emails from Jay Mason, Fire Marshal and John Broughton, Building Official).

The Building Official must inspect and approve the 2nd dwelling unit (apartment) in the basement before it can be used as a rental unit to ensure compliance with all building codes.

NOISE

Staff anticipates minimal noise impacts related to this site due to the location of the home and proximity to other residences.

OTHER

Appalachian Power reviewed this request and had no comments (See attached email from Neil Holthouser, AEP).

RECOMMENDATION

Staff recommends that the Planning Commission consider and approve the Special Use Permit to allow for the short-term tourist rental of a dwelling with the following four (4) conditions:

1. This special use permit authorizing the short-term rental dwelling on tax parcel # 0720017905CC 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 5.5-72 and 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, the property owner shall provide documentation from the Virginia Department of Health and Franklin County Building Official that the home and septic system is approved for the dwelling and associated apartment in basement.

SUGGESTED MOTIONS:

The following suggested motions are sample motions that may be used. They include language found in Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

- 1) (APPROVE) I find that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the County Code with the uses permitted by right in the zoning district, and with the public health, safety and general welfare to the community. Therefore, I move to recommend approval of the applicant's request for a Special Use Permit to allow for the short-term tourist rental of a dwelling in accordance with Sec. 25-179 of the Zoning Ordinance, with the conditions as recommended in the staff memorandum.

OR

- 2) (DENY) I find that such use will be of substantial detriment to adjacent property, that the character of the zoning district will be changed thereby, and that such use will not be in harmony with the purpose and intent of the County Code with the uses permitted by right in the zoning district, and with the public health, safety and general welfare to the community. Therefore, I move to recommend to deny the request for the Special Use Permit.

OR

- 3) (DELAY ACTION) I find that the required information for the submitted petition is incomplete. Therefore, I move to delay action until all necessary materials are submitted to the Planning Commission.

Sandy, Steve

From: Sandy, Steve
Sent: Monday, August 24, 2020 9:58 AM
To: hairfitglam@gmail.com
Cc: Powell, Hannah
Subject: Special Use Permit Application - short term rental use - 160 Blue Ridge Lane

Mr. and Mrs. Lorson,

I have reviewed your SUP application and have several questions before I can continue processing the special use permit application.

- It appears that you have been listing this apartment on AirBnb for a couple months already. Have all necessary taxes been paid for these rentals?
- Do you continue to list this apartment on AirBnB at this time?
- When was the downstairs apartment/basement finished? The building plans we have on file show the basement as unfinished.
- A-1 zoning only allows a second dwelling on the property if it is being used by family members or farm workers. See section 25-188 requirements from the Franklin County Zoning Ordinance below.

Sec. 25-188. - Special requirements.

(a) Except as provided below, only one (1) dwelling may be erected or placed on a single building lot as a permitted use.

(b) A second dwelling may be erected or placed on a single building lot as a permitted use, under the following circumstances:

(1) The building lot is at least one (1) acre in area; and

(2) The second dwelling is occupied by:

a. Members of the immediate family of the occupants of the principal dwelling on the lot, including parents, grandparents, children, and grandchildren; or

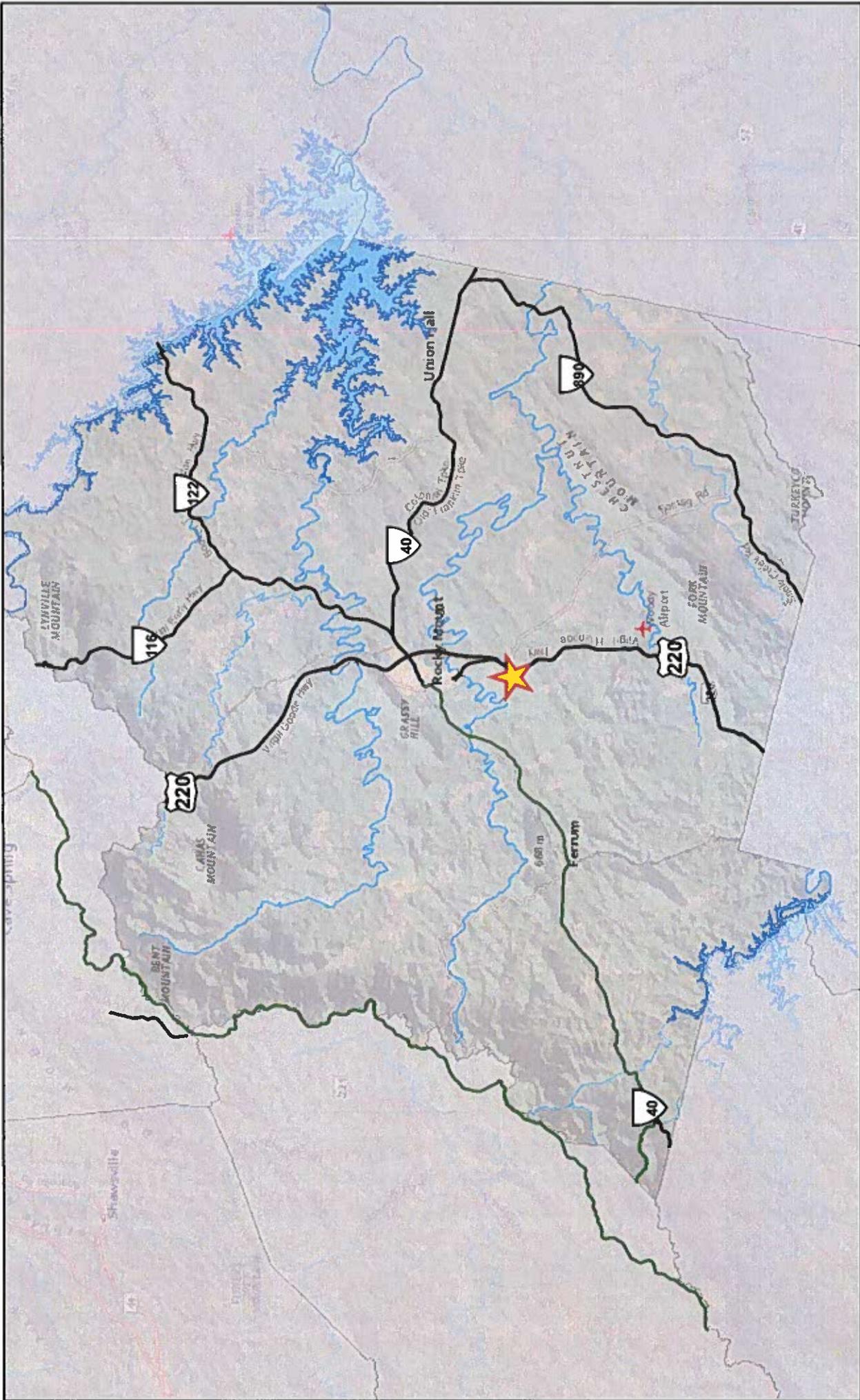
b. Persons who derive their principal means of livelihood from work on the farm on which the dwelling is situated.

(3) Regardless of occupancy, a second dwelling shall be permitted on a single building lot if the subject parcel is one hundred (100) acres or more in area.

(c) No more than two (2) dwellings shall be erected or placed on a single building lot.

Based on the information I have received and seen in your application, you have created a second dwelling in the basement which does not comply with the requirements of the zoning ordinance. A dwelling unit is defined in the zoning ordinance as follows: *Dwelling unit*. One (1) or more rooms in a dwelling designed for living or sleeping purposes and having at least one (1) kitchen. This unit does not appear to have been approved by the Building Official's office and can not be rented as an AirBnB (short term rental). Please contact me to discuss this issue so we can determine the proper next steps to answer these questions. Thanks.

Steven M. Sandy, AICP, CZA, CTM
Director of Planning & Community Development
Franklin County, VA
1255 Franklin Street, Suite 103
Rocky Mount, VA 24151
(540) 483-3027
Steve.sandy@franklincountyva.gov



Tax Map # 0720017905CC
 SPEC-07-20-16662
 Megan Lorson



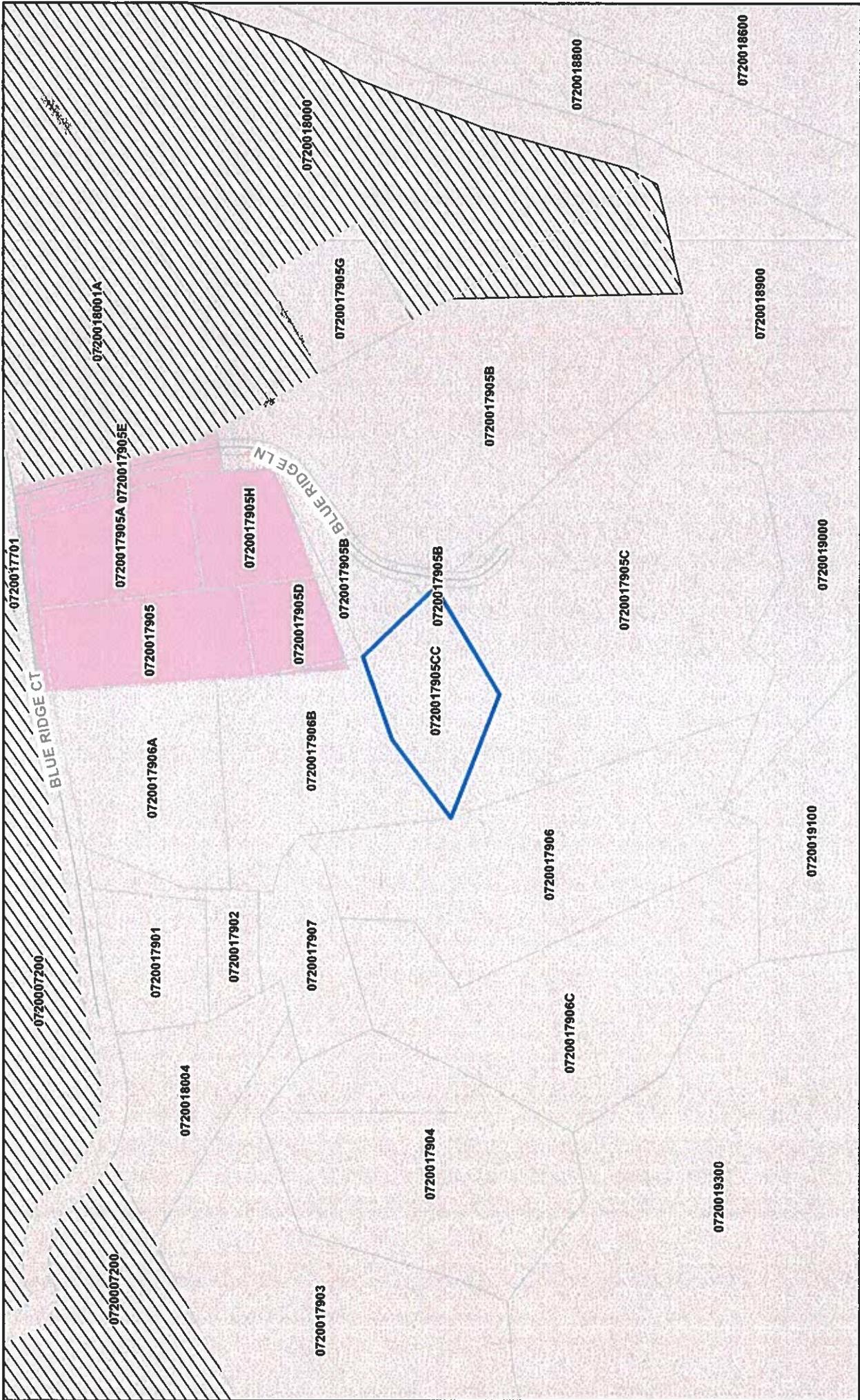
Subject Property Location



Date: 8/24/2020



Franklin Co GIS



Tax Map # 0720017905CC
SPEC-07-20-16662
Megan Lorson

- Legend**
-  Subject Parcel
 -  Parcels
 -  Special Use Permit
 -  Smith Mtn Lake
 - Zoning Classifications**
 -  A1 - Agricultural
 -  RMF - Residential Multi-Family



Date: 8/24/2020



Franklin Co GIS



Date: 8/24/2020

Tax Map # 0720017905CC
 SPEC-07-20-16662
 Megan Lorson



2017 Pictometry Imagery

- Legend**
- Subject Parcel
 - Tax Parcels

Powell, Hannah

From: Lewis, Lisa <lisa.lewis@vdot.virginia.gov>
Sent: Thursday, August 13, 2020 4:32 PM
To: Powell, Hannah
Subject: Re: FW: DRT Meeting

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

Hannah - We offer the following comment(s):

Lorsen - Due to the nature of the application, we offer no comments.

Blackwater Junction Farms (Duplex) - Entrance will need to be reviewed to meet our commercial entrance standards. A site plan will be required along with a traffic narrative.

Blackwater Junction Farms (Cottages) - Entrance will need to be reviewed to meet our commercial entrance standards. A site plan will be required along with a traffic narrative.

Let me know if you have any questions.

Thanks

Lisa

On Thu, Aug 13, 2020 at 3:02 PM Powell, Hannah <Hannah.Powell@franklincountyva.gov> wrote:

Just checking in to see if anyone else had comments on these applications? Thanks...

From: Powell, Hannah
Sent: Tuesday, August 4, 2020 10:35 AM
To: Aaron Shearer <aaron.shearer@westernvawater.org>; Burnette, Michael <Michael.Burnette@franklincountyva.gov>; Catlett, Charles <Charles.Catlett@franklincountyva.gov>; Cooper, Lisa <Lisa.Cooper@franklincountyva.gov>; darrin.doss@vdh.virginia.gov; Ferguson, William <William.Ferguson@franklincountyva.gov>; Harrington, Terry <Terry.Harrington@franklincountyva.gov>; Jay Mason <jay.mason@franklincountyva.gov>; John Broughton <john.broughton@franklincountyva.gov>; Lewis, Lisa D (VDOT) <Lisa.Lewis@VDOT.Virginia.gov>; nholthouser@aep.com; Pat Regan <pat.regan@franklincountyva.gov>; Phillips, Jessica <jessica.phillips@vdh.virginia.gov>; Sandy, Steve <Steve.Sandy@franklincountyva.gov>; Schmidt, Eric <Eric.Schmidt@franklincountyva.gov>; simon.leray@vdh.virginia.gov; Smith, Don <don.smith@franklincountyva.gov>; Whitlow, Christopher <Christopher.Whitlow@franklincountyva.gov>; Williams, Brent <brent.williams@vdh.virginia.gov>; Wilson, Ronald <Ronald.Wilson@franklincountyva.gov>
Subject: DRT Meeting

The DRT meeting for August will not be held again this month. Please review the attached three (3) applications and send me your comments by Friday June 14th. Thanks!!

Powell, Hannah

From: Aaron Shearer <Aaron.Shearer@WesternVaWater.org>
Sent: Tuesday, August 4, 2020 12:02 PM
To: Powell, Hannah
Subject: RE: DRT Meeting

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No WVWA comments

There is no water or sewer to serve these properties.

thanks

From: Powell, Hannah [mailto:Hannah.Powell@franklincountyva.gov]
Sent: Tuesday, August 4, 2020 10:35 AM
To: Aaron Shearer <Aaron.Shearer@WesternVaWater.org>; Burnette, Michael <Michael.Burnette@franklincountyva.gov>; Catlett, Charles <Charles.Catlett@franklincountyva.gov>; Cooper, Lisa <Lisa.Cooper@franklincountyva.gov>; darrin.doss@vdh.virginia.gov; Ferguson, William <William.Ferguson@franklincountyva.gov>; Harrington, Terry <Terry.Harrington@franklincountyva.gov>; Mason, Jay <Jay.Mason@franklincountyva.gov>; Broughton, John <John.Broughton@franklincountyva.gov>; lisa.lewis@vdot.virginia.gov; nholthouser@aep.com; Pat Regan <pat.regan@franklincountyva.gov>; Phillips, Jessica <jessica.phillips@vdh.virginia.gov>; Sandy, Steve <Steve.Sandy@franklincountyva.gov>; Schmidt, Eric <Eric.Schmidt@franklincountyva.gov>; simon.leray@vdh.virginia.gov; Smith, Don <don.smith@franklincountyva.gov>; Whitlow, Christopher <Christopher.Whitlow@franklincountyva.gov>; brent.williams@vdh.virginia.gov; Wilson, Ronald <Ronald.Wilson@franklincountyva.gov>
Subject: DRT Meeting

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Hannah L. Powell
Administrative Assistant II
Franklin County Planning & Community Development
1255 Franklin Street, Suite 103
Rocky Mount, VA, 24151
540 483 3027 Ext: 2304
hannah.powell@franklincountyva.gov

Powell, Hannah

From: Wilson, Ronald
Sent: Thursday, August 13, 2020 4:33 PM
To: Powell, Hannah; aaron.shearer@westernvawater.org; Burnette, Michael; Catlett, Charles; Cooper, Lisa; darrin.doss@vdh.virginia.gov; Ferguson, William; Harrington, Terry; Mason, Jay; Broughton, John; lisa.lewis@vdot.virginia.gov; nholthouser@aep.com; Pat Regan; Phillips, Jessica; Sandy, Steve; Schmidt, Eric; simon.leray@vdh.virginia.gov; Smith, Don; Whitlow, Christopher; brent.williams@vdh.virginia.gov
Subject: RE: DRT Meeting

I do not have any comments.

Ronnie

From: Powell, Hannah <Hannah.Powell@franklincountyva.gov>
Sent: Thursday, August 13, 2020 3:02 PM
To: aaron.shearer@westernvawater.org; Burnette, Michael <Michael.Burnette@franklincountyva.gov>; Catlett, Charles <Charles.Catlett@franklincountyva.gov>; Cooper, Lisa <Lisa.Cooper@franklincountyva.gov>; darrin.doss@vdh.virginia.gov; Ferguson, William <William.Ferguson@franklincountyva.gov>; Harrington, Terry <Terry.Harrington@franklincountyva.gov>; Mason, Jay <Jay.Mason@franklincountyva.gov>; Broughton, John <John.Broughton@franklincountyva.gov>; lisa.lewis@vdot.virginia.gov; nholthouser@aep.com; Pat Regan <pat.regan@franklincountyva.gov>; Phillips, Jessica <jessica.phillips@vdh.virginia.gov>; Sandy, Steve <Steve.Sandy@franklincountyva.gov>; Schmidt, Eric <Eric.Schmidt@franklincountyva.gov>; simon.leray@vdh.virginia.gov; Smith, Don <don.smith@franklincountyva.gov>; Whitlow, Christopher <Christopher.Whitlow@franklincountyva.gov>; brent.williams@vdh.virginia.gov; Wilson, Ronald <Ronald.Wilson@franklincountyva.gov>
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Subject: DRT Meeting

The DRT meeting for August will not be held again this month. Please review the attached three (3) applications and send me your comments by Friday June 14th. Thanks!!

Powell, Hannah

From: Mason, Jay
Sent: Friday, August 14, 2020 12:00 PM
To: Powell, Hannah; aaron.shearer@westernvawater.org; Burnette, Michael; Catlett, Charles; Cooper, Lisa; darrin.doss@vdh.virginia.gov; Ferguson, William; Harrington, Terry; Broughton, John; lisa.lewis@vdot.virginia.gov; nholthouser@aep.com; Pat Regan; Phillips, Jessica; Sandy, Steve; Schmidt, Eric; simon.leray@vdh.virginia.gov; Smith, Don; Whitlow, Christopher; brent.williams@vdh.virginia.gov; Wilson, Ronald
Subject: RE: DRT Meeting

I have no additional comments, only that the Short Term Rentals comply with safety standards that have previously been established by the Board.

Thanks,

J. E. Mason

Deputy Chief - Fire Marshal

Franklin County Public Safety

1488 Franklin Street

Rocky Mount, VA 24151

Ofc: 540-483-3091

Email: Jay.Mason@franklincountyva.gov

Agency Website: www.fcpublicsafety.com



MEMBER
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS
www.iafc.org

From: Powell, Hannah <Hannah.Powell@franklincountyva.gov>

Sent: Thursday, August 13, 2020 3:02 PM

To: aaron.shearer@westernvawater.org; Burnette, Michael <Michael.Burnette@franklincountyva.gov>; Catlett, Charles <Charles.Catlett@franklincountyva.gov>; Cooper, Lisa <Lisa.Cooper@franklincountyva.gov>; darrin.doss@vdh.virginia.gov; Ferguson, William <William.Ferguson@franklincountyva.gov>; Harrington, Terry <Terry.Harrington@franklincountyva.gov>; Mason, Jay <Jay.Mason@franklincountyva.gov>; Broughton, John <John.Broughton@franklincountyva.gov>; lisa.lewis@vdot.virginia.gov; nholthouser@aep.com; Pat Regan <pat.regan@franklincountyva.gov>; Phillips, Jessica <jessica.phillips@vdh.virginia.gov>; Sandy, Steve <Steve.Sandy@franklincountyva.gov>; Schmidt, Eric <Eric.Schmidt@franklincountyva.gov>; simon.leray@vdh.virginia.gov; Smith, Don <don.smith@franklincountyva.gov>; Whitlow, Christopher <Christopher.Whitlow@franklincountyva.gov>; brent.williams@vdh.virginia.gov; Wilson, Ronald <Ronald.Wilson@franklincountyva.gov>

Subject: FW: DRT Meeting

Just checking in to see if anyone else had comments on these applications? Thanks...

Powell, Hannah

From: Broughton, John
Sent: Thursday, August 13, 2020 3:26 PM
To: Powell, Hannah; aaron.shearer@westernvawater.org; Burnette, Michael; Catlett, Charles; Cooper, Lisa; darrin.doss@vdh.virginia.gov; Ferguson, William; Harrington, Terry; Mason, Jay; lisa.lewis@vdot.virginia.gov; nholthouser@aep.com; Pat Regan; Phillips, Jessica; Sandy, Steve; Schmidt, Eric; simon.leray@vdh.virginia.gov; Smith, Don; Whitlow, Christopher; brent.williams@vdh.virginia.gov; Wilson, Ronald
Subject: RE: DRT Meeting

Just on the first one... they need to verify that there is an emergency escape and rescue opening (egress for fire) in what they are calling the bedroom. If not, then one would have to be installed per code or if so, shall be verified for code compliance along with the other STR requirements.

JOHN W BROUGHTON
Franklin County Building Official
VBCOA/Sergeant at Arms



Franklin County

1255 Franklin St. Ste. 103
Rocky Mount, VA 24151
(540) 483-3047 Ext. 2248

John.Broughton@franklincountyva.gov

From: Powell, Hannah <Hannah.Powell@franklincountyva.gov>
Sent: Thursday, August 13, 2020 3:02 PM
To: aaron.shearer@westernvawater.org; Burnette, Michael <Michael.Burnette@franklincountyva.gov>; Catlett, Charles <Charles.Catlett@franklincountyva.gov>; Cooper, Lisa <Lisa.Cooper@franklincountyva.gov>; darrin.doss@vdh.virginia.gov; Ferguson, William <William.Ferguson@franklincountyva.gov>; Harrington, Terry <Terry.Harrington@franklincountyva.gov>; Mason, Jay <Jay.Mason@franklincountyva.gov>; Broughton, John <John.Broughton@franklincountyva.gov>; lisa.lewis@vdot.virginia.gov; nholthouser@aep.com; Pat Regan <pat.regan@franklincountyva.gov>; Phillips, Jessica <jessica.phillips@vdh.virginia.gov>; Sandy, Steve <Steve.Sandy@franklincountyva.gov>; Schmidt, Eric <Eric.Schmidt@franklincountyva.gov>; simon.leray@vdh.virginia.gov; Smith, Don <don.smith@franklincountyva.gov>; Whitlow, Christopher <Christopher.Whitlow@franklincountyva.gov>; brent.williams@vdh.virginia.gov; Wilson, Ronald <Ronald.Wilson@franklincountyva.gov>
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Powell, Hannah

From: Neil Holthouser <nholthouser@aep.com>
Sent: Tuesday, August 4, 2020 10:42 AM
To: Powell, Hannah
Subject: RE: DRT Meeting
Attachments: 16662_Lorson_Application.pdf; 16656_Black Water Junction_Application.pdf; 16655_Black Water Junction_Application.pdf

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

Appalachian Power Company does not have any comments on these three applications. Thank you!



NEIL HOLTHOUSER | PLANT ENVIRONMENTAL COORD SR
NHOLTHOUSER@AEP.COM | D:540.985.2544
40 FRANKLIN ROAD SW, ROANOKE, VA 24011

From: Powell, Hannah <Hannah.Powell@franklincountyva.gov>
Sent: Tuesday, August 4, 2020 10:35 AM
To: aaron.shearer@westernvawater.org; Burnette, Michael <Michael.Burnette@franklincountyva.gov>; Catlett, Charles <Charles.Catlett@franklincountyva.gov>; Cooper, Lisa <Lisa.Cooper@franklincountyva.gov>; darrin.doss@vdh.virginia.gov; william.ferguson@franklincountyva.gov; Harrington, Terry <Terry.Harrington@franklincountyva.gov>; jay.mason@franklincountyva.gov; Broughton, John <John.Broughton@franklincountyva.gov>; lisa.lewis@vdot.virginia.gov; Neil Holthouser <nholthouser@aep.com>; Pat Regan <pat.regan@franklincountyva.gov>; Phillips, Jessica <jessica.phillips@vdh.virginia.gov>; Sandy, Steve <Steve.Sandy@franklincountyva.gov>; Schmidt, Eric <Eric.Schmidt@franklincountyva.gov>; simon.leray@vdh.virginia.gov; Smith, Don <don.smith@franklincountyva.gov>; Whitlow, Christopher <Christopher.Whitlow@franklincountyva.gov>; brent.williams@vdh.virginia.gov; Wilson, Ronald <Ronald.Wilson@franklincountyva.gov>
Subject: [EXTERNAL] DRT Meeting

This is an **EXTERNAL** email. **STOP. THINK** before you **CLICK** links or **OPEN** attachments. If suspicious please click the 'Report to Incidents' button in Outlook or forward to incidents@aep.com from a mobile device.

The DRT meeting for August will not be held again this month. Please review the attached three (3) applications and send me your comments by Friday June 14th. Thanks!!

Hannah L. Powell
Administrative Assistant II
Franklin County Planning & Community Development
1255 Franklin Street, Suite 103
Rocky Mount, VA, 24151
540 483 3027 Ext: 2304
hannah.powell@franklincountyva.gov

We would like to use our downstairs apartment as a short term rental listed on Airbnb for additional income and to meet new people that come through the area. It has a separate entrance in the back of the house with separate parking in the back and a lockbox for self check-in. It offers outdoor seating, a swing, backyard, bonfire pit area, and cornhole for people that stay. The apartment itself has a full kitchen and living room which are open to each other, 1 bedroom, 1 full bathroom, 1 office room and a couple of storage rooms and closets. Some of the amenities include sheets, towels, fully stocked kitchen, dining table, smart tv and the outdoor amenities listed above. We provide each new guest with water bottles and snacks at check in. It is a great relaxing, clean and modern space for people needing a place to stay whether its for working, vacationing, or just visiting the area.

Megan Lorson

8-3-20

FRANKLIN COUNTY
SPECIAL USE PERMIT APPLICATION

(Type or Print)

I/We, Megan & Kevin Larson, 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: Megan Larson

Petitioner's Address: 160 Blue Ridge Ln., Rocky Mount, VA 24157

Petitioner's Phone Number: 540-420-0723

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

Property Owner's Name: Megan & Kevin Larson

Property Owner's Address: 160 Blue Ridge Ln., Rocky Mount, VA 24157

Property Owner's Phone Number: 540-420-0723

Property Owner's E-mail: hairfitglam@gmail.com

Directions to Property from Rocky Mount: Head 220 South & take a right on Casell Dr. right beside the Yellow Dog Antique Shop

Tax Map and Parcel Number: 72-199.5CC

Magisterial District: Rocky Mount

Property Information:

A. Size 1.461 acres of _____ Property:

B. Existing Zoning: A1

C. Existing Single Family Home 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 _____ Land Use:

I would like to use our down stairs apartment as a short term vacations rental.

B. Size of Proposed Use: 1200 sq. ft.
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): Megan Lorton

Signature of Petitioner: Megan Lorton

Date: 7-27-20

Mailing Address: 160 Blue Ridge Ln.
Rocky Mount, VA 24151

Telephone: 540-420-0723

Email Address: hairfitglam@gmail.com

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

Owner's Name (Print): Megan & Kevin Lorton

Signature of Owner: Megan Lorton Kevin Lorton

Date: 7-27-20

Date Received by Planning Staff _____

Clerk's Initials: _____

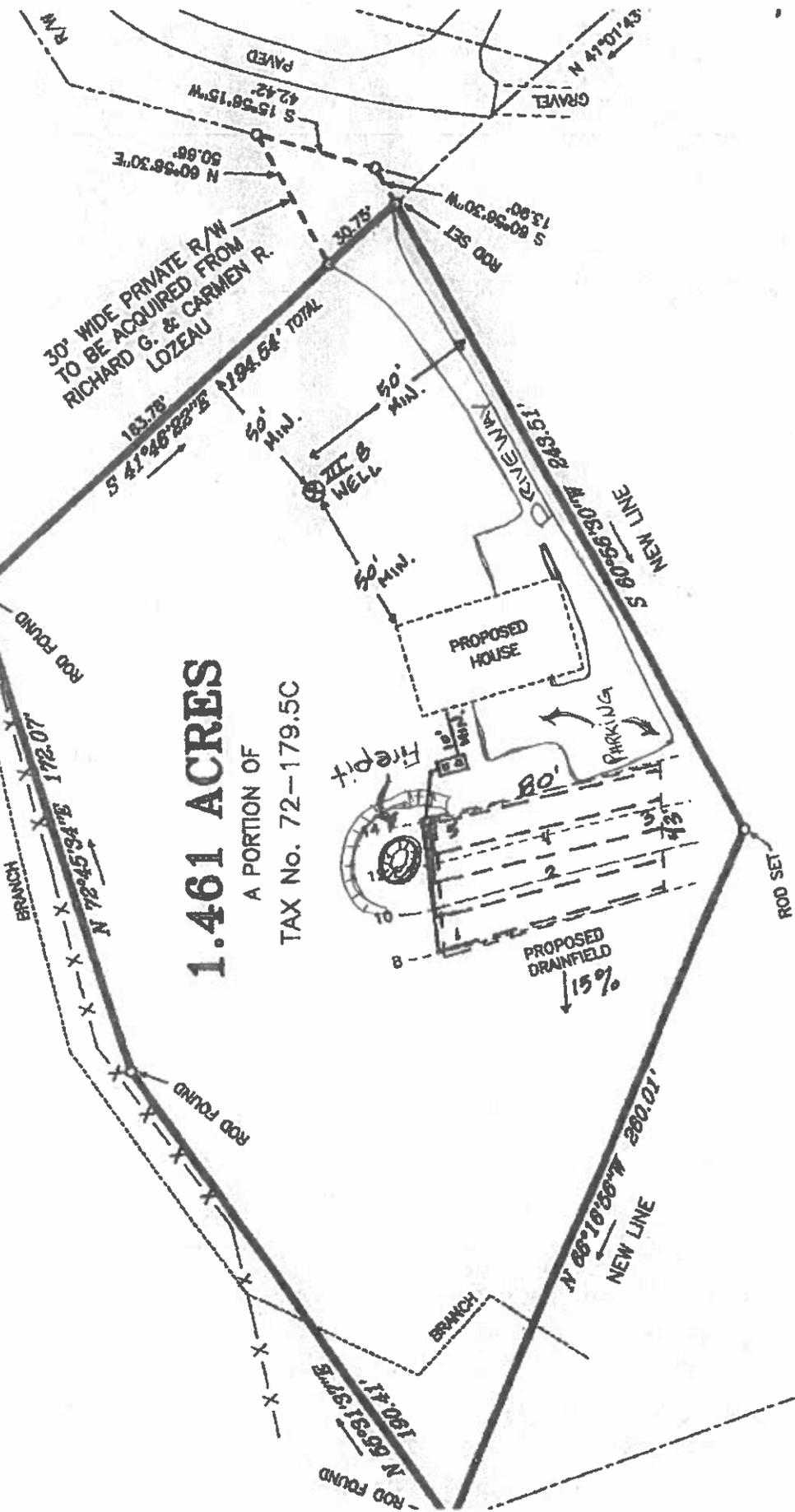
CHECK #: _____

RECPT. #: _____

AMOUNT: _____

DB 638, PG 1207
TAX No. 72-179.5D

Now or Formerly
DANIEL & TERESSA
CRANDALL
DB 608, PG 821
TAX No. 72-179.6B



1.461 ACRES
A PORTION OF
TAX No. 72-179.5C

REMAINING PROPERTY OF
RICHARD R. LOZEAU
TRACY L. LOZEAU

APPROVAL



Modern Boho Getaway

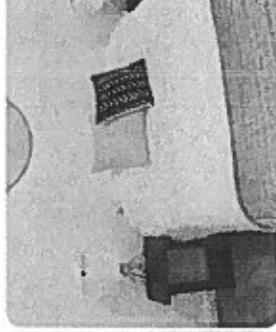
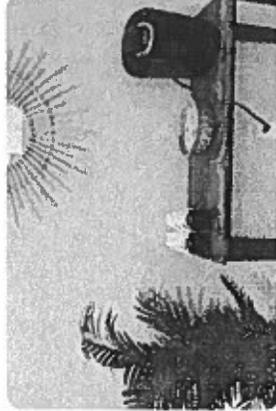
Change listing ▼

[View calendar](#)

[Preview listing](#)

- Listing details
- Booking settings
- Pricing
- Availability
- Local taxes and laws
- Co-hosts
- Cleaning

Photos



[14 photos](#)

[Edit](#)

Rooms and spaces

Bedrooms: 1

Bed: 1

Bathrooms: 1

Additional areas: 6
All areas are just for guests

[Edit](#)

Amenities

Essentials
Kitchen
Air conditioning
Hair dryer
Hangers

Refrigerator
Dishwasher
Dishes and silverware
Cooking basics
Stove

[Edit](#)

Accessibility

[Edit](#)

Title & description

Add language

Listing title

Modern Boho Getaway

[Edit](#)

Description

Relax in this secluded, clean, modern space with an outdoor lounging area. It's the perfect getaway place with all the amenities. Enjoy cooking meals in our fully stocked kitchen, high speed WiFi, watching your favorite show on tv, or playing cornhole. This Airbnb is centrally located. We are a 5 minute drive from

[Edit](#)

Downtown Boulder Mount 25 min drive to Smith Mountain Lake 30 minutes to Durango and Martinville and an hour drive from Durango. Durango is very close.

[Show more](#)

The space
Not specified

[Edit](#)

Guest access

This space is located underneath our new house. It is an entire space totally separated. There is parking out back, outdoor area for cornhole, a swing and lounging chairs for hanging out outside.

[Edit](#)

Guest interaction
Not specified

[Edit](#)

Neighborhood overview

Our neighborhood is very safe and family friendly.

[Edit](#)

Getting around
Not specified

[Edit](#)

Other things to note

Please note there is not a separate thermostat for this apartment so it tends to be a little chilly but there are extra blankets provided if needed.

[Edit](#)

Show only the general area to anyone searching for a place to stay.

Directions

Not specified

Edit

Share address after the free cancellation period

Checking this box means guests won't see your address, last name, or phone number while they're able to cancel for free. After the free cancellation window, we'll send guests this information.



Things guests should know

Safety and other considerations

Edit

Guest resources

Only visible to guests with a reservation

Check-in instructions

Lockbox

Edit

Wi-fi details

Not specified

Edit

Custom link

Not specified

[Edit](#)

Property and guests

Property type

Apartment
Entire home/apt

[Edit](#)

Number of guests

− 4 +

Dedicated for guests

Yes, it's primarily set up for guests

[Edit](#)

Location

Address

160 Blue Ridge Ln, Rocky Mount, VA 24151, USA

[Edit](#)

Map marker

[Edit](#)

House manual
Not specified

[Edit](#)

Guidebook

Over 1 million hosts have already created guidebooks.

[Edit](#)

Listing status

● Listed

Guests can find your listing in search results and request or book available dates.

[Edit](#)

Who can see and book your listing

Everyone on Airbnb.

Opportunities

1 of 1 < >

MEMORANDUM
Case # SPEC-07-20-16655



To: Franklin County Planning Commission
From: Steven M. Sandy, Planning Director
Date: August 21, 2020
Tax #s: 0530010000
District: Union Hall District
Applicant: Russell Seneff
Owners: Black Water Junction Farms, LLC

REQUEST:

APPLICATION for SPECIAL USE PERMIT – Application of Russell Seneff, Applicant and Owner, requesting a special use permit, with possible conditions, to allow for the short term tourist rental of a dwelling. The property is approximately 14.13 acres with 1.00 acre requested to be used for the short term rental of four (4) cottages. The property is located on Bethel Lane in the Union Hall District of Franklin County and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0530010000. The short term tourist rental of a dwelling is a permitted use in A-1, Agricultural zoning districts by issuance of a special use permit by the Franklin County Board of Supervisors 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.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the request for a Special Use Permit to allow for the short-term tourist rental of up to four (4) one-bedroom cottages with the following four (4) conditions:

- 1. This special use permit authorizing the short-term rental dwelling on tax parcel # 0720017905CC shall only apply to up to four (4) one-bedroom cottages 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 5.5-72 Section 25-138 of the Franklin County Code*
- 3. The County Building Official and Fire Marshall shall inspect the proposed short term rental cottages once constructed. No short-term rentals shall be authorized until these inspections take place, and the structures are found to be compliant with the applicable county building and fire codes. Franklin County shall assign a E911 address and owner shall display clearly on each structure.*
- 4. Prior to using the cottages for short term rentals, the property owner shall provide documentation from the Virginia Department of Health and Franklin County Building Official that the septic system is approved to serve up to four (4) one-bedroom cottages.*



BACKGROUND:

The applicant requests a special use permit to allow for the short term tourist rental of up to four (4) prospective one-bedroom cottages. The applicant recently purchased the property which is located on Bethel Lane and in the Union Hall District. The applicant also owns The Pavilion at Black Water Junction wedding venue that is located nearby. The proposed cottages are proposed to provide a place for the wedding parties and their families to stay during their wedding events.

Each individual cottage will be approximately 576 square feet and will consist of one (1) bedroom, one (1) bath, kitchen, and living area (See attached images). The cottages are proposed to all be connected to a four (4) bedroom septic system and private well.

The applicant has identified several locations on the 14 acre parcel to place the cottages. It is their intention to have a soil scientist determine the most ideal location for them. All of the proposed locations are isolated on the property and would be set back from the road and the existing residences.

Short term tourist rentals are allowed in A-1, Agricultural Districts, by issuance of a special use permit by the Franklin County Board of Supervisors.

The application was advertised, site posted, and notifications sent to all adjacent property owners. As of the date of this report, staff has received one (1) inquiry as to the nature of the request. Additional comments and concerns may be raised as a result of the public hearings.

SITE STATISTICS:

<i>Location:</i>	Bethel Lane, Union Hall District
<i>Size:</i>	14.13 acres
<i>Existing Land Use:</i>	Vacant
<i>Adjoining Zoning:</i>	A-1, Agricultural District
<i>Adjoining Land Uses:</i>	Residential, Agricultural
<i>Adj. Future Land Uses:</i>	Low Density Residential

COMPREHENSIVE PLAN:

The Future Land Use designates this vacant piece of property located on Bethel Lane as Low Density Residential according to the 2007 Franklin County Comprehensive Plan adopted by the Board of Supervisors in May of 2007. The applicant is requesting a special use permit for short-term rentals to be located on a portion of 14.13 acres on the



private road known as Bethel Lane. The applicant is proposing to construct up to four (4) one bedroom, one bath cottages to be used for short-term rentals. This property adjoins the parcel which has “The Pavilion at Black Water Junction” that is used for wedding venues and special occasions. Also, located on the same parcel is the Black Water Junction Wake Park. The location of the proposed cottages to be used as short-term renters will serve a need for the two (2) businesses and the growing need for short-term renters vacationing in and around Smith Mountain Lake. The locations proposed for the cottages appears to be a good distance from adjoining homes. The property is vacant and with some tree cover at the back of the property. The three (3) locations shown on the concept plan none of the locations would adversely impact surrounding properties because the structures will be distances away from other dwelling units and the proposed cottages will not been seen from the private road. The County’s need for additional short-term rentals and with these short-term rentals being in proximity to two (2) businesses that will support this project. The comprehensive plan states as an objective to promote and expand the tourism industry within Franklin County with a strategy to encourage development of infrastructure that supports tourism like lodging, restaurants, etc. The comprehensive plan would support the special use permit to allow up to four (4) cottages being constructed on this property to be used as a short term rental dwelling unit with conditions staff is requesting.

Please find below the description of Low Density Residential and the policies for this future land use category:

LOW DENSITY RESIDENTIAL

Low Density Residential Areas are intended to allow gross densities of one to two dwelling units per acre and minimum lot sizes of 20,000 - 30,000 square feet in general proximity to residential support services such as schools, playgrounds, and churches. These areas should either be located in or near existing Towns, Villages, or Rural Neighborhood Centers. It is envisioned that public water and/or sewer will someday serve these areas, meeting all local and state standards and requirements. They should be served by new public roads built by the developer to State standards and dedicated to the State. Recreational facilities and other amenities should be provided. While low density residential areas are typically comprised of traditional neighborhood developments they may also include manufactured housing, free standing townhomes, patio homes and other similar building types.

POLICIES FOR LOW DENSITY RESIDENTIAL

1. All roads should be built to state standards and offered by the developer for inclusion in the state system for maintenance.
2. Lots in new subdivisions abutting County arterial or major collector roads should be provided access onto service or interior roads so as to prevent the stacking of driveways.



3. On site centralized treatment plants to provide public sewer for each subdivision should be encouraged.
4. The density of all new subdivisions to be served by wells and/or septic systems should be determined by the long-term carrying capacity of the land. All new lots should have adequate reserve areas in the event of septic system failures.
5. Centralized water systems should be required to provide water to all new subdivisions.
6. All new subdivisions located in prime farmland areas should include adequate buffers to separate residential uses from agricultural operations.
7. Encourage interconnection of residential and commercial developments in order to lessen the traffic loads on arterial roads and provide pedestrian and bicycle linkages.
8. Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.

COUNTY CODE REGULATIONS:

Special Uses for the A-1 District are set forth in Sec. 25-179. The requested use is referenced as “Short Term Tourist Rental of a Dwelling”.

Sec. 25-638 of the County Code sets forth the County’s authority to issue special use permits for certain uses. The ordinance states that, in order to issue a special use permit, the Board of Supervisors must find that *“such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of this chapter, with the uses permitted by-right in the zoning district, with additional regulations provided in sections 25-111 through 25-137, supplemental regulations, and amendments, of this chapter, and with the public health, safety, and general welfare.”*

Sec. 25-640 of the County Code sets forth the County’s authority to impose conditions for the issuance of special use permits. The ordinance states that the Board of Supervisors *“may impose upon any such permit such conditions relating to the use for which such permit is granted as it may deem necessary in the public interest...”* Conditions associated with a special use permit must be related to the particular land use which required the permit, and must be related to some impact generated by or associated with such land use.

Sec. 25-641 of the County Code states that a special use permit shall expire eighteen (18) months from the date of issuance if *“no commencement of use, structure or activity has taken place.”* The ordinance states that “commencement” shall consist of “extensive obligations or substantial expenditures in relation to the project,” including engineering, architectural design, land clearing, and/or construction.

Sec. 25-188 of the County Code states that the A-1 zoning district currently allows one dwelling per parcel however a second dwelling can be built on a parcel greater than one acre if occupied by a family member or someone working on the farm.



Sec. 5.5-72 of the County Code outlines requirements for operation of short term rentals in Franklin County as follows:

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 on each floor in the dwelling. 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.*

ANALYSIS:

In accordance with Section 25-638 of the Zoning Ordinance, the proposed special use permit is being evaluated to determine if these uses will be substantial detriment to adjacent properties, whether the character of the zoning district will be changed thereby, and that such uses will be in harmony with the purpose and intent of this chapter, with the uses permitted by-right in the zoning district, with additional regulations provided in sections 25-111 through 25-137, supplemental regulations, and amendments, of this chapter, and with the public health, safety, and general welfare. Approval of the proposed



short term rental dwellings would create a density of one dwelling unit per 3.5 acres. Review of the proposed use does identify potential impacts in the following areas to be addressed:

TRANSPORTATION:

VDOT has reviewed this request and stated that the entrance will need to be reviewed to ensure that it meets their commercial entrance standards. Also, a site plan will be required with a traffic narrative (See email from Lisa Lewis, VDOT).

WATER AND SEWER:

Western Virginia Water Authority reviewed this request and had no comments (See attached email from Aaron Shearer, WVWA). Water is provided to the property by a private well and sewage will be managed by a septic system. The applicant must provide the County with a report that certifies that an existing septic system is functioning properly and can meet the demands of a four (4) bedroom structure or demonstrate approval of new septic systems to serve the proposed cottages.

EROSION AND SEDIMENT CONTROL AND STORM WATER MANAGEMENT

The proposed use of the property will not require review and approval under the erosion and sediment control and storm water management regulations. Any additional disturbance of soil over 10,000 square feet will require erosion and sediment control plans and/or permitting (See attached email from Ronald Wilson, Development Review Coordinator).

PUBLIC SAFETY

Franklin County Public Safety, Fire Marshal, and Building Official have reviewed this request and have no concerns provided upon approval of the requested SUP, the Building Official's office and the Fire Marshal will inspect the structures proposed for short term rental use to ensure that the structures comply with building and fire code requirements for short term rental use. (See attached email from Jay Mason, Fire Marshal)

Each of these units should also be addressed with a 911 address assigned by Franklin County that is clearly posted on the structure and at the driveway entrance.

NOISE

Staff anticipates minimal noise impacts related to this site due to the nature of the request and proximity to other residences.



OTHER

Appalachian Power reviewed this request and had no comments (See attached email from Neil Holthouser, AEP).

RECOMMENDATION

Staff recommends that the Planning Commission approve the request for a Special Use Permit to allow for the short-term tourist rental of up to four (4) one-bedroom cottages with the following four (4) conditions:

1. This special use permit authorizing the short-term rental dwelling on tax parcel # 0720017905CC shall only apply to up to four (4) one-bedroom cottages 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 5.5-72 and Section 25-138 of the Franklin County Code
3. The County Building Official and Fire Marshall shall inspect the proposed short term rental cottages once constructed. No short-term rentals shall be authorized until these inspections take place, and the structures are found to be compliant with the applicable county building and fire codes. Franklin County shall assign a E911 address and owner shall display clearly on each structure.
4. Prior to using the cottages for short term rentals, the property owner shall provide documentation from the Virginia Department of Health and Franklin County Building Official that the septic system is approved to serve up to four (4) one-bedroom cottages.



SUGGESTED MOTIONS:

The following suggested motions are sample motions that may be used. They include language found in Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

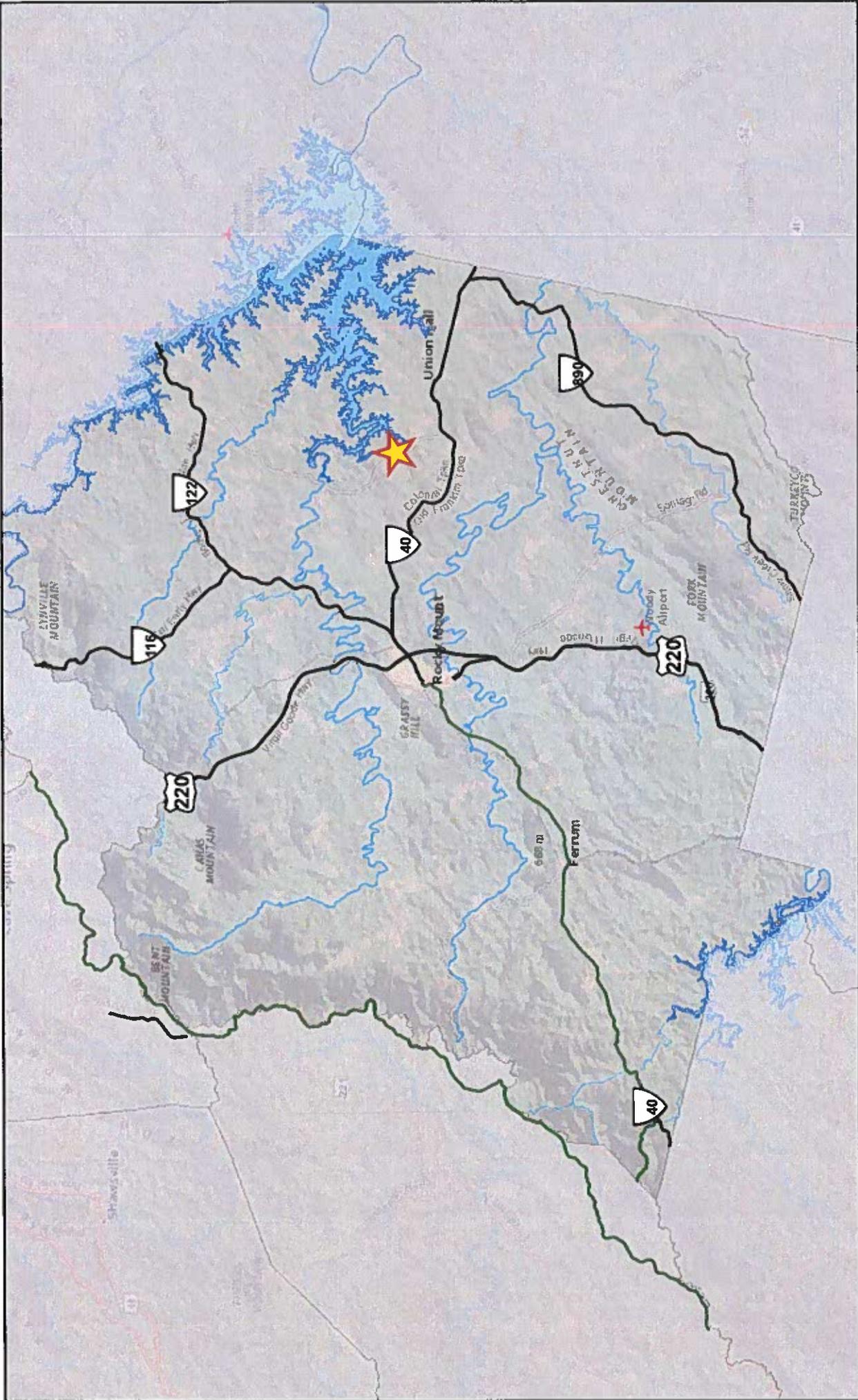
1. (APPROVE) I find that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the County Code with the uses permitted by right in the zoning district, and with the public health, safety and general welfare to the community. Therefore, I move to recommend approval of the applicant's request for a Special Use Permit to allow for the short-term tourist rental of a dwelling in accordance with Sec. 25-179 of the Zoning Ordinance, with the conditions as recommended in the staff memorandum.

OR

2. (DENY) I find that such use will be of substantial detriment to adjacent property, that the character of the zoning district will be changed thereby, and that such use will not be in harmony with the purpose and intent of the County Code with the uses permitted by right in the zoning district, and with the public health, safety and general welfare to the community. Therefore, I move to recommend to deny the request for the Special Use Permit.

OR

3. (DELAY ACTION) I find that the required information for the submitted petition is incomplete. Therefore, I move to delay action until all necessary materials are submitted to the Planning Commission.



Tax Map # 0530010000
 SPEC-07-20-16655
 Black Water Junction Farms

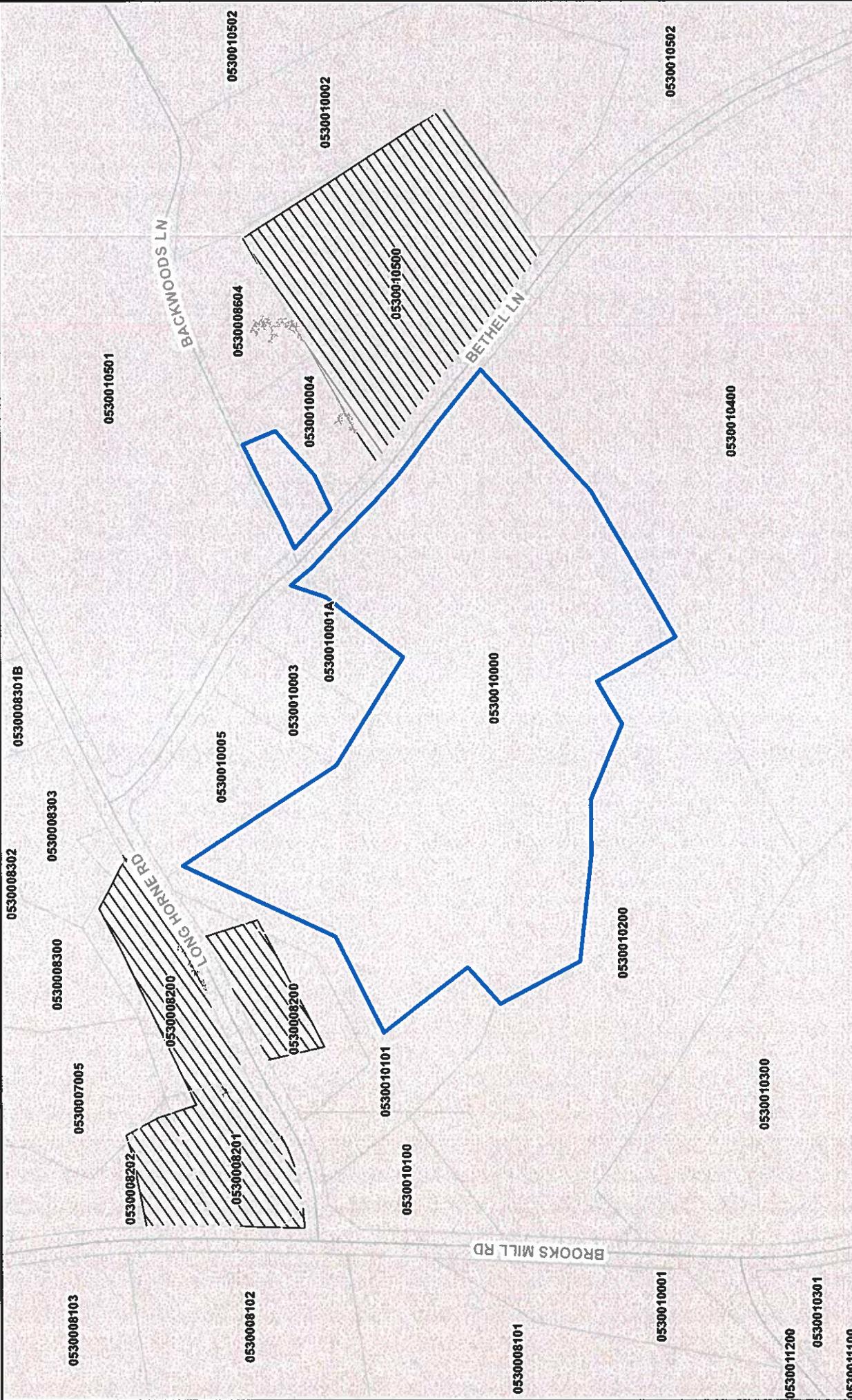
★ Subject Property Location



Date: 8/24/2020



Franklin Co GIS



Franklin Co GIS



Date: 8/24/2020

Tax Map # 0530010000
SPEC-07-20-16655
Black Water Junction Farms

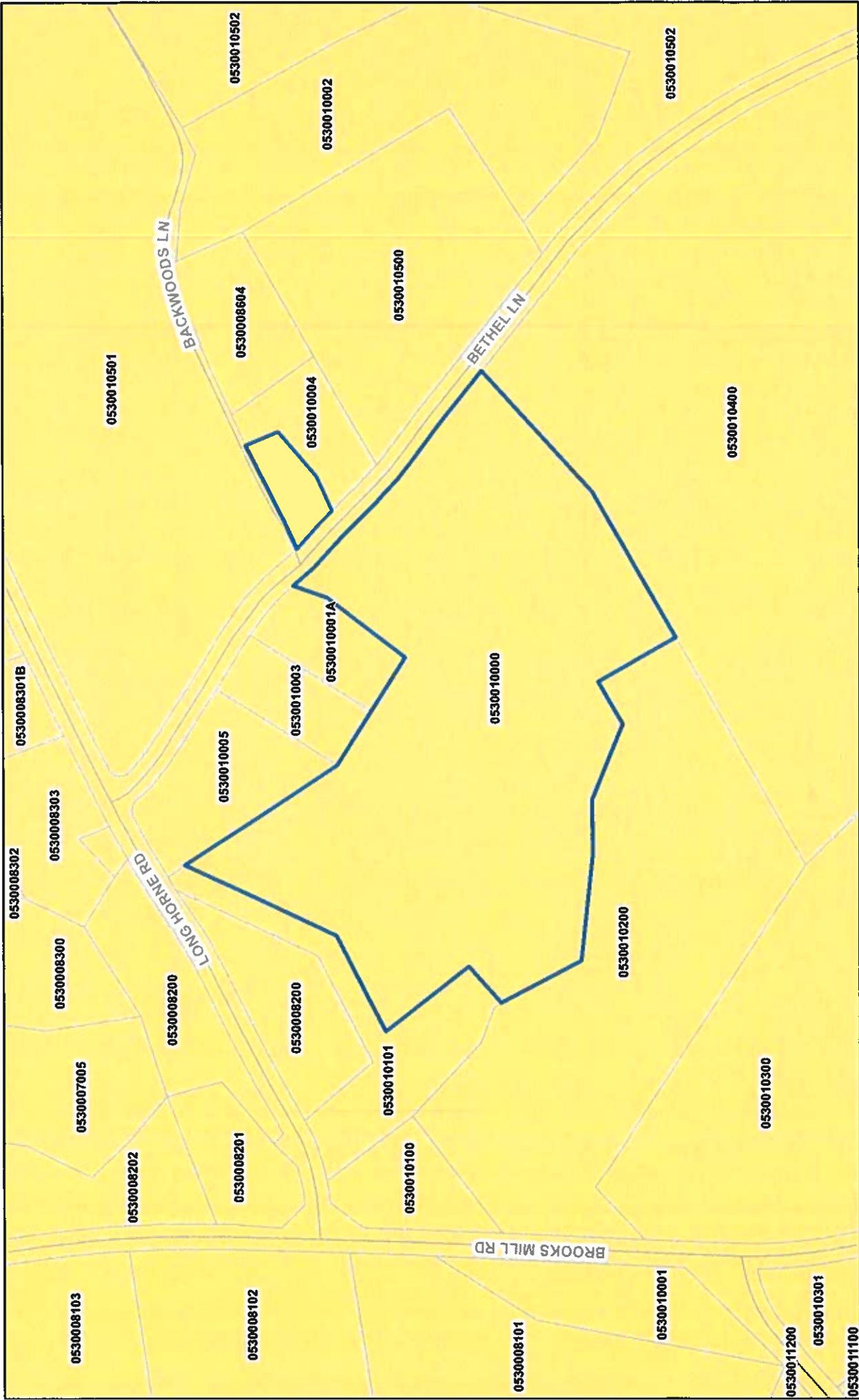


Legend

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

Zoning Classifications

- A1 - Agricultural



Tax Map # 0530010000
SPEC-07-20-16655
Black Water Junction Farms

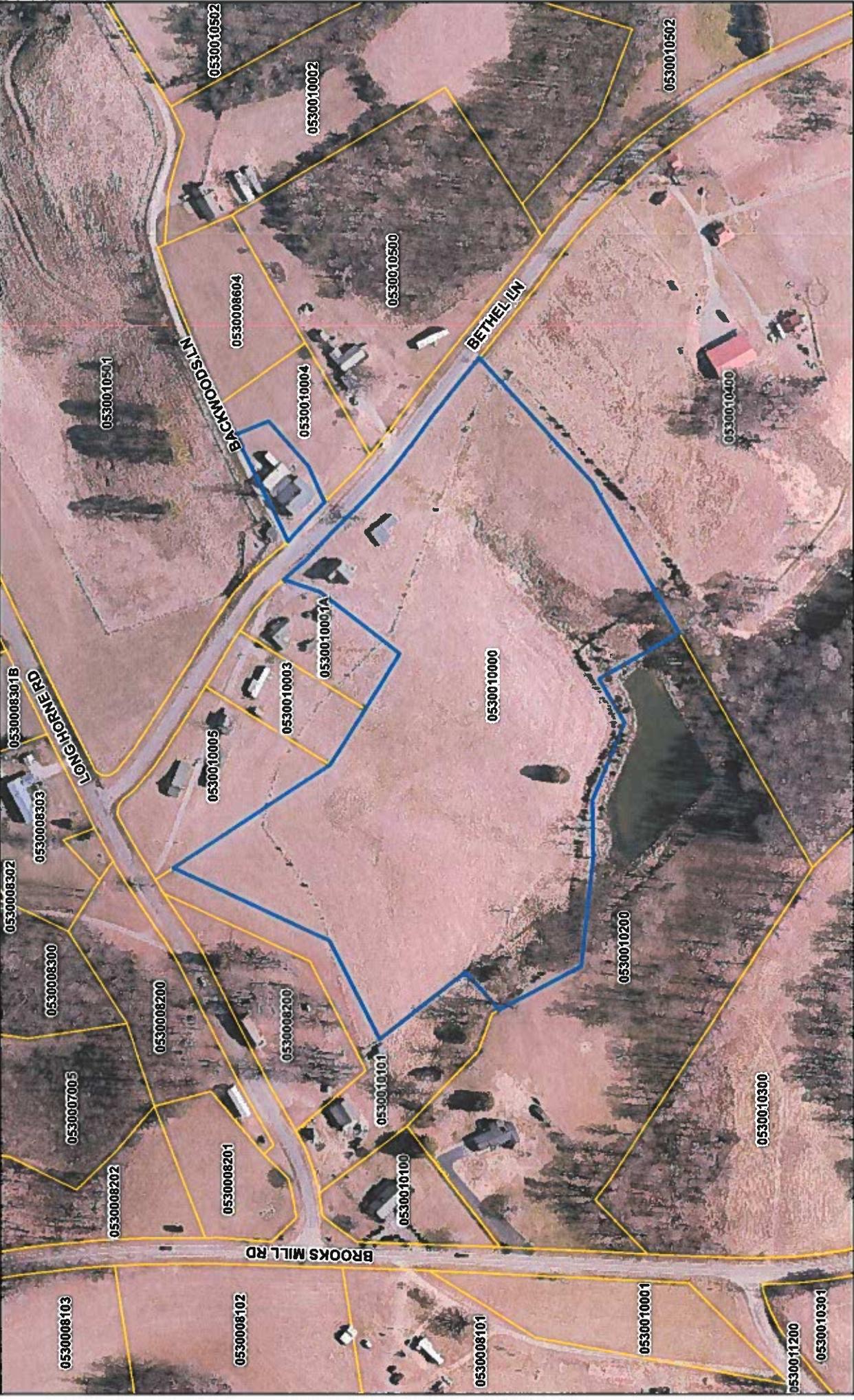
- Legend**
- Subject Property
 - Tax Parcels
 - Suburban Residential 2 Units per Acre



Date: 8/24/2020



Franklin Co GIS



Date: 8/24/2020

Tax Map # 0530010000
SPEC-07-20-16655
Black Water Junction Farms



2017 Pictometry Imagery

- Legend**
- Subject Parcel
 - Tax Parcels

Powell, Hannah

From: Lewis, Lisa <lisa.lewis@vdot.virginia.gov>
Sent: Thursday, August 13, 2020 4:32 PM
To: Powell, Hannah
Subject: Re: FW: DRT Meeting

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

Hannah - We offer the following comment(s):

Lorsen - Due to the nature of the application, we offer no comments.

Blackwater Junction Farms (Duplex) - Entrance will need to be reviewed to meet our commercial entrance standards. A site plan will be required along with a traffic narrative.

Blackwater Junction Farms (Cottages) - Entrance will need to be reviewed to meet our commercial entrance standards. A site plan will be required along with a traffic narrative.

Let me know if you have any questions.

Thanks

Lisa

On Thu, Aug 13, 2020 at 3:02 PM Powell, Hannah <Hannah.Powell@franklincountyva.gov> wrote:

Just checking in to see if anyone else had comments on these applications? Thanks...

From: Powell, Hannah
Sent: Tuesday, August 4, 2020 10:35 AM
To: Aaron Shearer <aaron.shearer@westernvawater.org>; Burnette, Michael <Michael.Burnette@franklincountyva.gov>; Catlett, Charles <Charles.Catlett@franklincountyva.gov>; Cooper, Lisa <Lisa.Cooper@franklincountyva.gov>; darrin.doss@vdh.virginia.gov; Ferguson, William <William.Ferguson@franklincountyva.gov>; Harrington, Terry <Terry.Harrington@franklincountyva.gov>; Jay Mason <jay.mason@franklincountyva.gov>; John Broughton <john.broughton@franklincountyva.gov>; Lewis, Lisa D (VDOT) <Lisa.Lewis@VDOT.Virginia.gov>; nholthouser@aep.com; Pat Regan <pat.regan@franklincountyva.gov>; Phillips, Jessica <jessica.phillips@vdh.virginia.gov>; Sandy, Steve <Steve.Sandy@franklincountyva.gov>; Schmidt, Eric <Eric.Schmidt@franklincountyva.gov>; simon.leray@vdh.virginia.gov; Smith, Don <don.smith@franklincountyva.gov>; Whitlow, Christopher <Christopher.Whitlow@franklincountyva.gov>; Williams, Brent <brent.williams@vdh.virginia.gov>; Wilson, Ronald <Ronald.Wilson@franklincountyva.gov>
Subject: DRT Meeting

The DRT meeting for August will not be held again this month. Please review the attached three (3) applications and send me your comments by Friday June 14th. Thanks!!

Powell, Hannah

From: Aaron Shearer <Aaron.Shearer@WesternVaWater.org>
Sent: Tuesday, August 4, 2020 12:02 PM
To: Powell, Hannah
Subject: RE: DRT Meeting

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

No WVWA comments

There is no water or sewer to serve these properties.

thanks

From: Powell, Hannah [mailto:Hannah.Powell@franklincountyva.gov]
Sent: Tuesday, August 4, 2020 10:35 AM
To: Aaron Shearer <Aaron.Shearer@WesternVaWater.org>; Burnette, Michael <Michael.Burnette@franklincountyva.gov>; Catlett, Charles <Charles.Catlett@franklincountyva.gov>; Cooper, Lisa <Lisa.Cooper@franklincountyva.gov>; darrin.doss@vdh.virginia.gov; Ferguson, William <William.Ferguson@franklincountyva.gov>; Harrington, Terry <Terry.Harrington@franklincountyva.gov>; Mason, Jay <Jay.Mason@franklincountyva.gov>; Broughton, John <John.Broughton@franklincountyva.gov>; lisa.lewis@vdot.virginia.gov; nholthouser@aep.com; Pat Regan <pat.regan@franklincountyva.gov>; Phillips, Jessica <jessica.phillips@vdh.virginia.gov>; Sandy, Steve <Steve.Sandy@franklincountyva.gov>; Schmidt, Eric <Eric.Schmidt@franklincountyva.gov>; simon.leray@vdh.virginia.gov; Smith, Don <don.smith@franklincountyva.gov>; Whitlow, Christopher <Christopher.Whitlow@franklincountyva.gov>; brent.williams@vdh.virginia.gov; Wilson, Ronald <Ronald.Wilson@franklincountyva.gov>
Subject: DRT Meeting

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Hannah L. Powell
Administrative Assistant II
Franklin County Planning & Community Development
1255 Franklin Street, Suite 103
Rocky Mount, VA, 24151
540 483 3027 Ext: 2304
hannah.powell@franklincountyva.gov

Powell, Hannah

From: Wilson, Ronald
Sent: Thursday, August 13, 2020 4:33 PM
To: Powell, Hannah; aaron.shearer@westernvawater.org; Burnette, Michael; Catlett, Charles; Cooper, Lisa; darrin.doss@vdh.virginia.gov; Ferguson, William; Harrington, Terry; Mason, Jay; Broughton, John; lisa.lewis@vdot.virginia.gov; nholthouser@aep.com; Pat Regan; Phillips, Jessica; Sandy, Steve; Schmidt, Eric; simon.leray@vdh.virginia.gov; Smith, Don; Whitlow, Christopher; brent.williams@vdh.virginia.gov
Subject: RE: DRT Meeting

I do not have any comments.

Ronnie

From: Powell, Hannah <Hannah.Powell@franklincountyva.gov>
Sent: Thursday, August 13, 2020 3:02 PM
To: aaron.shearer@westernvawater.org; Burnette, Michael <Michael.Burnette@franklincountyva.gov>; Catlett, Charles <Charles.Catlett@franklincountyva.gov>; Cooper, Lisa <Lisa.Cooper@franklincountyva.gov>; darrin.doss@vdh.virginia.gov; Ferguson, William <William.Ferguson@franklincountyva.gov>; Harrington, Terry <Terry.Harrington@franklincountyva.gov>; Mason, Jay <Jay.Mason@franklincountyva.gov>; Broughton, John <John.Broughton@franklincountyva.gov>; lisa.lewis@vdot.virginia.gov; nholthouser@aep.com; Pat Regan <pat.regan@franklincountyva.gov>; Phillips, Jessica <jessica.phillips@vdh.virginia.gov>; Sandy, Steve <Steve.Sandy@franklincountyva.gov>; Schmidt, Eric <Eric.Schmidt@franklincountyva.gov>; simon.leray@vdh.virginia.gov; Smith, Don <don.smith@franklincountyva.gov>; Whitlow, Christopher <Christopher.Whitlow@franklincountyva.gov>; brent.williams@vdh.virginia.gov; Wilson, Ronald <Ronald.Wilson@franklincountyva.gov>
Subject: FW: DRT Meeting

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From: Powell, Hannah
Sent: Tuesday, August 4, 2020 10:35 AM
To: Aaron Shearer <aaron.shearer@westernvawater.org>; Burnette, Michael <Michael.Burnette@franklincountyva.gov>; Catlett, Charles <Charles.Catlett@franklincountyva.gov>; Cooper, Lisa <Lisa.Cooper@franklincountyva.gov>; darrin.doss@vdh.virginia.gov; Ferguson, William <William.Ferguson@franklincountyva.gov>; Harrington, Terry <Terry.Harrington@franklincountyva.gov>; Jay Mason <jay.mason@franklincountyva.gov>; John Broughton <john.broughton@franklincountyva.gov>; Lewis, Lisa D (VDOT <Lisa.Lewis@VDOT.Virginia.gov>; nholthouser@aep.com; Pat Regan <pat.regan@franklincountyva.gov>; Phillips, Jessica <jessica.phillips@vdh.virginia.gov>; Sandy, Steve <Steve.Sandy@franklincountyva.gov>; Schmidt, Eric <Eric.Schmidt@franklincountyva.gov>; simon.leray@vdh.virginia.gov; Smith, Don <don.smith@franklincountyva.gov>; Whitlow, Christopher <Christopher.Whitlow@franklincountyva.gov>; Williams, Brent <brent.williams@vdh.virginia.gov>; Wilson, Ronald <Ronald.Wilson@franklincountyva.gov>
Subject: DRT Meeting

The DRT meeting for August will not be held again this month. Please review the attached three (3) applications and send me your comments by Friday June 14th. Thanks!!

Powell, Hannah

From: Mason, Jay
Sent: Friday, August 14, 2020 12:00 PM
To: Powell, Hannah; aaron.shearer@westernvawater.org; Burnette, Michael; Catlett, Charles; Cooper, Lisa; darrin.doss@vdh.virginia.gov; Ferguson, William; Harrington, Terry; Broughton, John; lisa.lewis@vdot.virginia.gov; nholthouser@aep.com; Pat Regan; Phillips, Jessica; Sandy, Steve; Schmidt, Eric; simon.leray@vdh.virginia.gov; Smith, Don; Whitlow, Christopher; brent.williams@vdh.virginia.gov; Wilson, Ronald
Subject: RE: DRT Meeting

I have no additional comments, only that the Short Term Rentals comply with safety standards that have previously been established by the Board.

Thanks,

J. E. Mason

Deputy Chief - Fire Marshal

Franklin County Public Safety
1488 Franklin Street
Rocky Mount, VA 24151
Ofc: 540-483-3091
Email: Jay.Mason@franklincountyva.gov
Agency Website: www.fcpublicsafety.com



MEMBER
INTERNATIONAL ASSOCIATION OF FIRE CHIEFS
www.iafc.org

From: Powell, Hannah <Hannah.Powell@franklincountyva.gov>
Sent: Thursday, August 13, 2020 3:02 PM
To: aaron.shearer@westernvawater.org; Burnette, Michael <Michael.Burnette@franklincountyva.gov>; Catlett, Charles <Charles.Catlett@franklincountyva.gov>; Cooper, Lisa <Lisa.Cooper@franklincountyva.gov>; darrin.doss@vdh.virginia.gov; Ferguson, William <William.Ferguson@franklincountyva.gov>; Harrington, Terry <Terry.Harrington@franklincountyva.gov>; Mason, Jay <Jay.Mason@franklincountyva.gov>; Broughton, John <John.Broughton@franklincountyva.gov>; lisa.lewis@vdot.virginia.gov; nholthouser@aep.com; Pat Regan <pat.regan@franklincountyva.gov>; Phillips, Jessica <jessica.phillips@vdh.virginia.gov>; Sandy, Steve <Steve.Sandy@franklincountyva.gov>; Schmidt, Eric <Eric.Schmidt@franklincountyva.gov>; simon.leray@vdh.virginia.gov; Smith, Don <don.smith@franklincountyva.gov>; Whitlow, Christopher <Christopher.Whitlow@franklincountyva.gov>; brent.williams@vdh.virginia.gov; Wilson, Ronald <Ronald.Wilson@franklincountyva.gov>
Subject: FW: DRT Meeting

Just checking in to see if anyone else had comments on these applications? Thanks...

Powell, Hannah

From: Neil Holthouser <nholthouser@aep.com>
Sent: Tuesday, August 4, 2020 10:42 AM
To: Powell, Hannah
Subject: RE: DRT Meeting
Attachments: 16662_Lorson_Application.pdf; 16656_Black Water Junction_Application.pdf; 16655_Black Water Junction_Application.pdf

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

Appalachian Power Company does not have any comments on these three applications. Thank you!



NEIL HOLTHOUSER | PLANT ENVIRONMENTAL COORD SR
NHOLTHOUSER@AEP.COM | D:540.985.2544
40 FRANKLIN ROAD SW, ROANOKE, VA 24011

From: Powell, Hannah <Hannah.Powell@franklincountyva.gov>
Sent: Tuesday, August 4, 2020 10:35 AM
To: aaron.shearer@westernvawater.org; Burnette, Michael <Michael.Burnette@franklincountyva.gov>; Catlett, Charles <Charles.Catlett@franklincountyva.gov>; Cooper, Lisa <Lisa.Cooper@franklincountyva.gov>; darrin.doss@vdh.virginia.gov; william.ferguson@franklincountyva.gov; Harrington, Terry <Terry.Harrington@franklincountyva.gov>; jay.mason@franklincountyva.gov; Broughton, John <John.Broughton@franklincountyva.gov>; lisa.lewis@vdot.virginia.gov; Neil Holthouser <nholthouser@aep.com>; Pat Regan <pat.regan@franklincountyva.gov>; Phillips, Jessica <jessica.phillips@vdh.virginia.gov>; Sandy, Steve <Steve.Sandy@franklincountyva.gov>; Schmidt, Eric <Eric.Schmidt@franklincountyva.gov>; simon.leray@vdh.virginia.gov; Smith, Don <don.smith@franklincountyva.gov>; Whitlow, Christopher <Christopher.Whitlow@franklincountyva.gov>; brent.williams@vdh.virginia.gov; Wilson, Ronald <Ronald.Wilson@franklincountyva.gov>
Subject: [EXTERNAL] DRT Meeting

This is an **EXTERNAL** email. **STOP. THINK** before you **CLICK** links or **OPEN** attachments. If suspicious please click the 'Report to Incidents' button in Outlook or forward to incidents@aep.com from a mobile device.

The DRT meeting for August will not be held again this month. Please review the attached three (3) applications and send me your comments by Friday June 14th. Thanks!!

Hannah L. Powell
Administrative Assistant II
Franklin County Planning & Community Development
1255 Franklin Street, Suite 103
Rocky Mount, VA, 24151
540 483 3027 Ext: 2304
hannah.powell@franklincountyva.gov

Black Water Junction Farms, LLC
395 Blue Lake Road
Union Hall, Virginia 24176

July 26, 2020

Franklin County Planning & Community
1255 Old Franklin Turnpike
Rocky Mount, Virginia 24151

Special Use Permit for short term rental

Dear Mr. Sandy

Black Water Junction Farms, LLC is requesting a Special Use Permit on our recently purchased 14.13 acre parcel of land to allow for four, one bedroom, short term rental cottages.

Please see included an aerial photograph with the survey overlaid in yellow showing the property. In addition, please find a colored version of the county tax map showing Black Water Junction Farms, LLC property. I have also included an example of the type cabin we are considering, along with a copy of the recent deed of transfer.

We own The Pavilion at Black Water Junction wedding venue. We are requesting this special use permit so we will have a place brides, grooms, family members and friends can stay during their wedding. As you know, we have always been in favor of short term rentals in the county and with the purchase of this 14 acres, it allows us room to offer places for our visitors.

The cottages would be serviced with well water and a 4 bedroom septic system all four will be connected to. We understand that VDOT will need to approve the access to the cottages. We have identified several location on the survey of the 14 acres for possible location of the cottages. Once the special use permit is approved we will have a soil scientist determine the best location from the ones identified on the map. As you can see on the map the location is not on the road frontage but further inside the property.

Respectfully,

A handwritten signature in blue ink, appearing to read 'R S', is written over a blue ink scribble.

Russell Seneff, Managing Member for Black Water Junction Farms, LLC

FRANKLIN COUNTY
SPECIAL USE PERMIT APPLICATION

(Type or Print)

I/We, Black Water Junction Farms LLC, 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: Russell Senett for Black Water Junction Farms LLC

Petitioner's Address: 395 Blue Lake Road Union Hill VA 24176

Petitioner's Phone Number: 540-765-7733

Petitioner's E-mail: russell@woltz.com

Property Owner's Name: SAME

Property Owner's Address: SAME

Property Owner's Phone Number: SAME

Property Owner's E-mail: SAME

Directions to Property from Rocky Mount: 40 EAST, Turn Left Timber Ridge, Turn Left Brooks mill, Turn Right Long Horse, Turn Right Bethel

Tax Map and Parcel Number: 0530010000

Magisterial District: _____

Property Information:

A. Size 14.13 Acres of _____ Property:

B. Existing Zoning: A-1

C. Existing _____ Land Use:
FARM

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:

Short term rental

B. Size of Proposed Use: 1 ACRE
C. Other Details of Proposed Use: We would like to build 4 small
COTTAGES, 1 Bedroom 1 Bath to be used for
Short term rentals

Checklist for completed items:

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

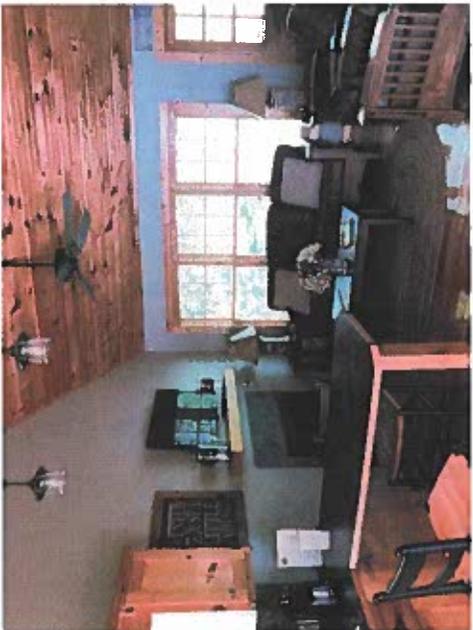
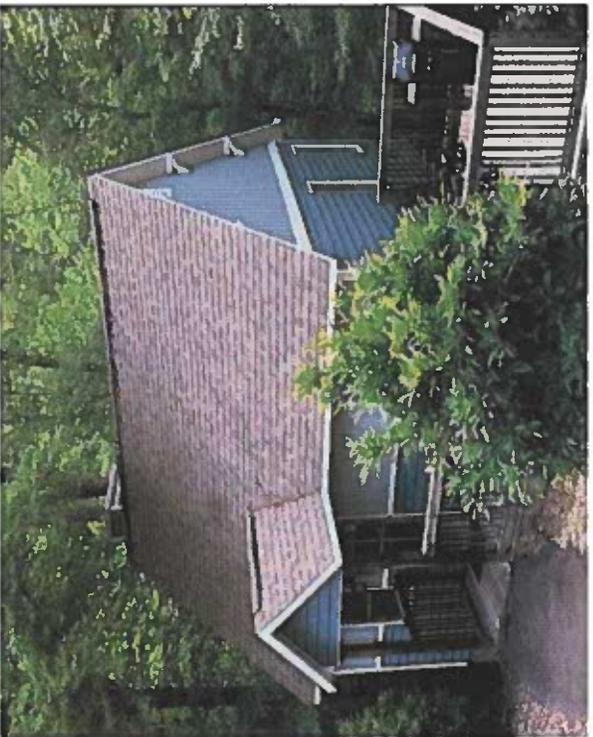
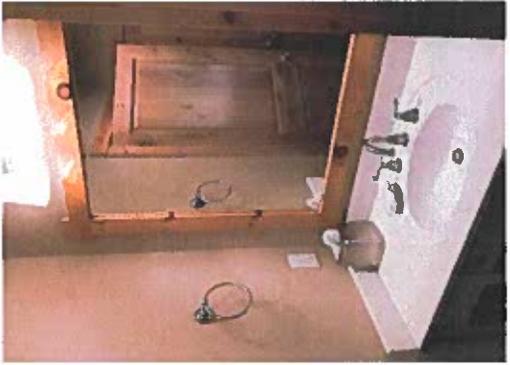
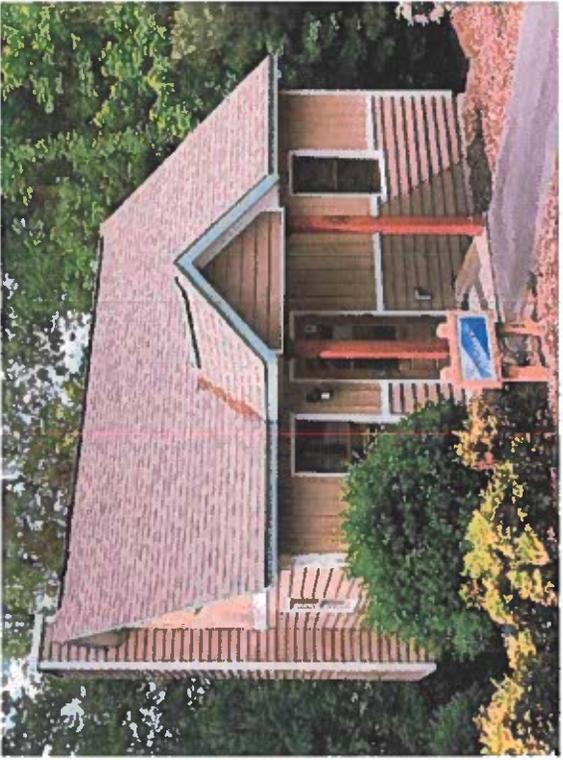
****I certify that this application for a special use permit and the information submitted herein is correct and accurate.**

Petitioner's Name (Print): Russell Seneff
Signature of Petitioner: 
Date: 7/26/20
Mailing Address: 395 Blue Lake Road
Union Hall VA 24176
Telephone: 546-765-7733
Email Address: Russell@woltz.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: _____



DAW 11060000

TRUST AGREEMENT BY A J.A. ACTY:
LINDHURST, DAWN R. (A/K/A DAWN R. LINDHURST)
1110 Chaparral Dr. SW Suite 107
Roanoke, VA 24018

11060000

RETURN TO: Acquisition Title & Settlement Agency, Inc.
3140 Chaparral Dr. SW Suite 107
Roanoke, VA 24018

11060000: PROPERTY NATIONAL TITLE INSURANCE COMPANY

11060000: 390,000.00

11060000: \$ 103,400.00

11060000:

**THIS DEED HAS BEEN PREPARED
WITHOUT BENEFIT OF TITLE EXAMINATION
BY ITS PREPARER**

THIS DEED, made and entered into on July 9, 2020, by and between DAWN BELLINGER LINDHURST (A/K/A DAWN R. LINDHURST), DEVISEE OF THE ESTATE OF ROLAND BURGESS LINDHURST (a/k/a ROLAND LINDHURST) DECEASED, (hereinafter "Grantor"), and BLACK WATER JUNCTION FARMS, LLC, A VIRGINIA LIMITED LIABILITY COMPANY, (hereinafter "Grantee").

Grantee's Address: 100 Bethel Lane, Union Hall, VA 24176.

- W I T N E S S E T H -

WHEREAS, by deed dated March 26, 2018, of record in the Clerk's Office of the Circuit Court for the County of Franklin, Virginia, in Deed Book 1106, page 728, the hereinafter described property was conveyed unto Roland Lindhurst; and

11060000:

2020 JUL 17 PM 12:06

200004889

OPN LAW PLC
ROANOKE VA

BK1192732360

WHEREAS, Roland Burgess Lindhurst died testate on December 25, 2019, and under the terms of his Last Will and Testament dated March 5, 2014, duly probated in the aforesaid Clerk's Office on May 19, 2020, in Will Book 127, page 1526, devised the hereinafter described property unto the Grantor herein; and

WHEREAS, the Grantor desires to convey the hereinafter described property unto the Grantee.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the sum of Ten Dollars cash in hand paid by the Grantee to the Grantor, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey, with General Warranty and English Covenants of Title, unto the Grantee, all of the following lot or parcel of land situated in the County of Franklin, State of Virginia, and described as follows:

All that certain lot or parcel of land shown and designated as Parcel A, containing 14.134 acres, more or less, as shown on that certain plat of survey "Plat of Subdivision for The Farm at Cedar Ridge, LLC, showing Property Situated Off The South Side of Long Horne Road and on the North and South Sides of Bethel Lane, Union Hall District, Franklin County, Virginia", dated March 8, 2017 and prepared by Bryan E. Jones, L.S, said plat of survey being attached and recorded with Deed in Deed Book 1106 at page 731.

TOGETHER WITH an exclusive perpetual drainfield easement over and across Lot A1 benefitting Parcel A,

3X1142762551

together with all appurtenant fixtures, lines, pipes, electrical lines and connections, and other related equipment, as further shown on the aforementioned plat. **TOGETHER WITH** the right of access and easement for the purpose of inspecting, constructing, installing, repairing, replacing, improving, and maintaining said drainfield and the lines, pipes and related equipment which run to and from said drainfield lines.

This Deed is made subject to all easements, restrictions, and conditions of record affecting the hereinabove-described property.

[THE REMAINDER OF THE PAGE INTENTIONALLY LEFT BLANK]

DAWN R. LINDHURST

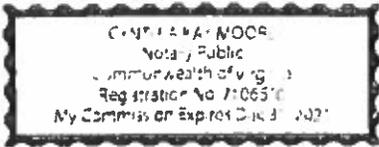
WITNESS the following signature and seal:

Dawn Dellinger Lindhurst (SEAL)
DAWN DELLINGER LINDHURST
(A/K/A DAWN R. LINDHURST)

STATE OF VIRGINIA,

CITY/COUNTY OF Franklin, TO-WIT:

The foregoing instrument was acknowledged before me on
July 15th, 2020, by DAWN DELLINGER LINDHURST
(A/K/A DAWN R. LINDHURST).



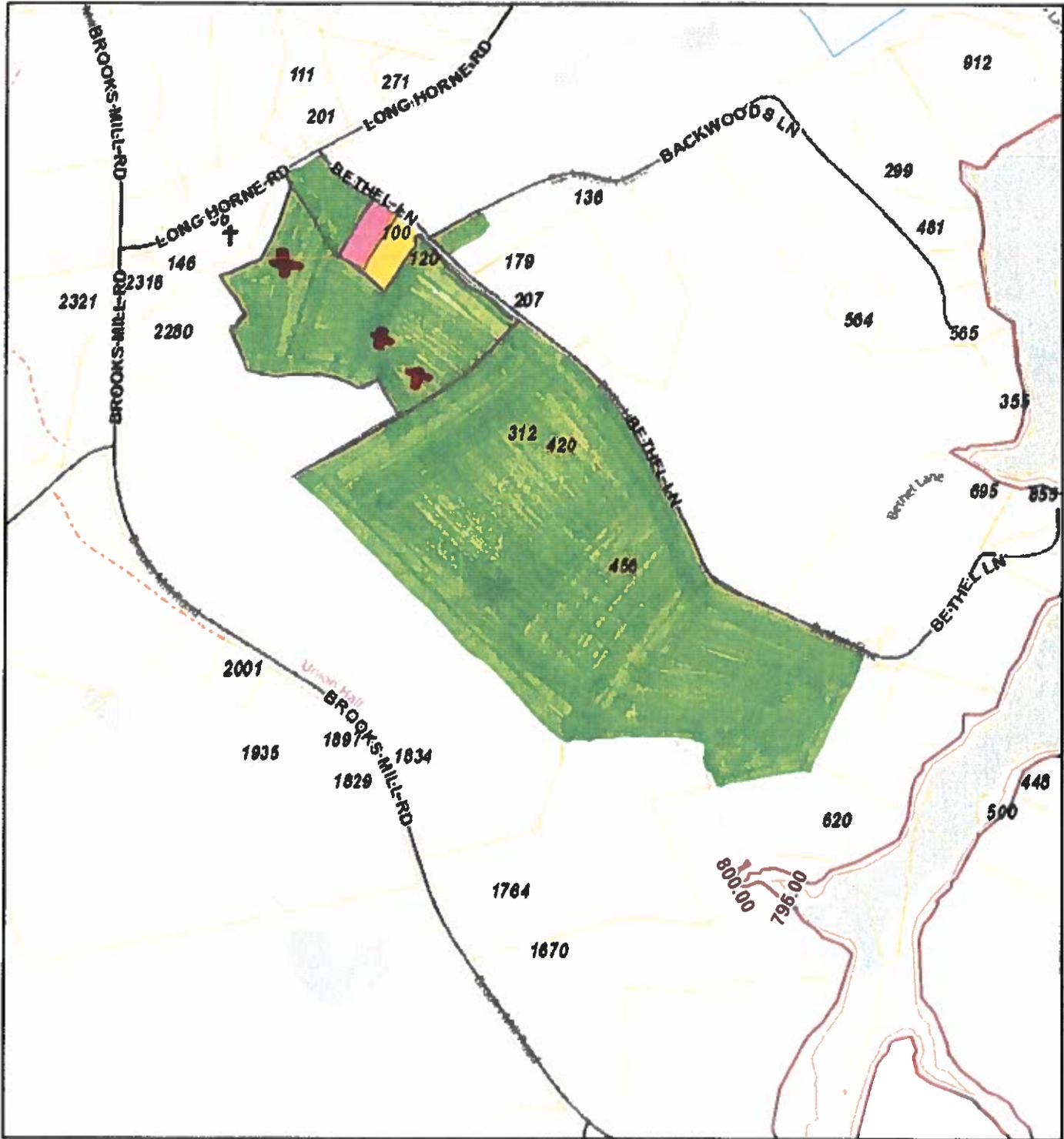
[Signature]
Notary Public

My commission expires: 12-31-21
Notary Registration Number: 7106510

OPN LAW PLC
ROANOKE, VA

Faint background text and stamp, possibly a recording or filing stamp, partially legible.

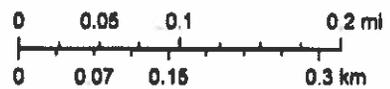
Franklin County, VA



7/16/2020, 1:00:23 PM

1:9,028

- | | | |
|---------------------|------------------------|-------------------|
| Lake Level Contours | Blue Ridge Parkway | Roads Name Labels |
| 795 | Highways | Parcels |
| 800 | Federal | 911 Addresses |
| + | Federal Business Route | County Boundary |
| Railroads | State | |
| Local Roads | | |



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Franklin County VA, 2020



Landmark
Farmingdale, VA
Specialty Services Agency
Call: (557) 2222

WOLFF
REAL ESTATE
LAW FARMERS

George Barth
REALTOR

The plat of Lot A1 and the Easement for the use of the driveway shown on this plat are hereby approved with the following conditions:

- 1. The plat of Lot A1 and the Easement for the use of the driveway shown on this plat are hereby approved with the following conditions:
- 2. The plat of Lot A1 and the Easement for the use of the driveway shown on this plat are hereby approved with the following conditions:
- 3. The plat of Lot A1 and the Easement for the use of the driveway shown on this plat are hereby approved with the following conditions:

NOTES:
This plat represents a current field survey of Lot A1 by Bryan Jones Surveying, P.C. Parcel A was surveyed November 17, 2016, by Bryan Jones Surveying, P.C.

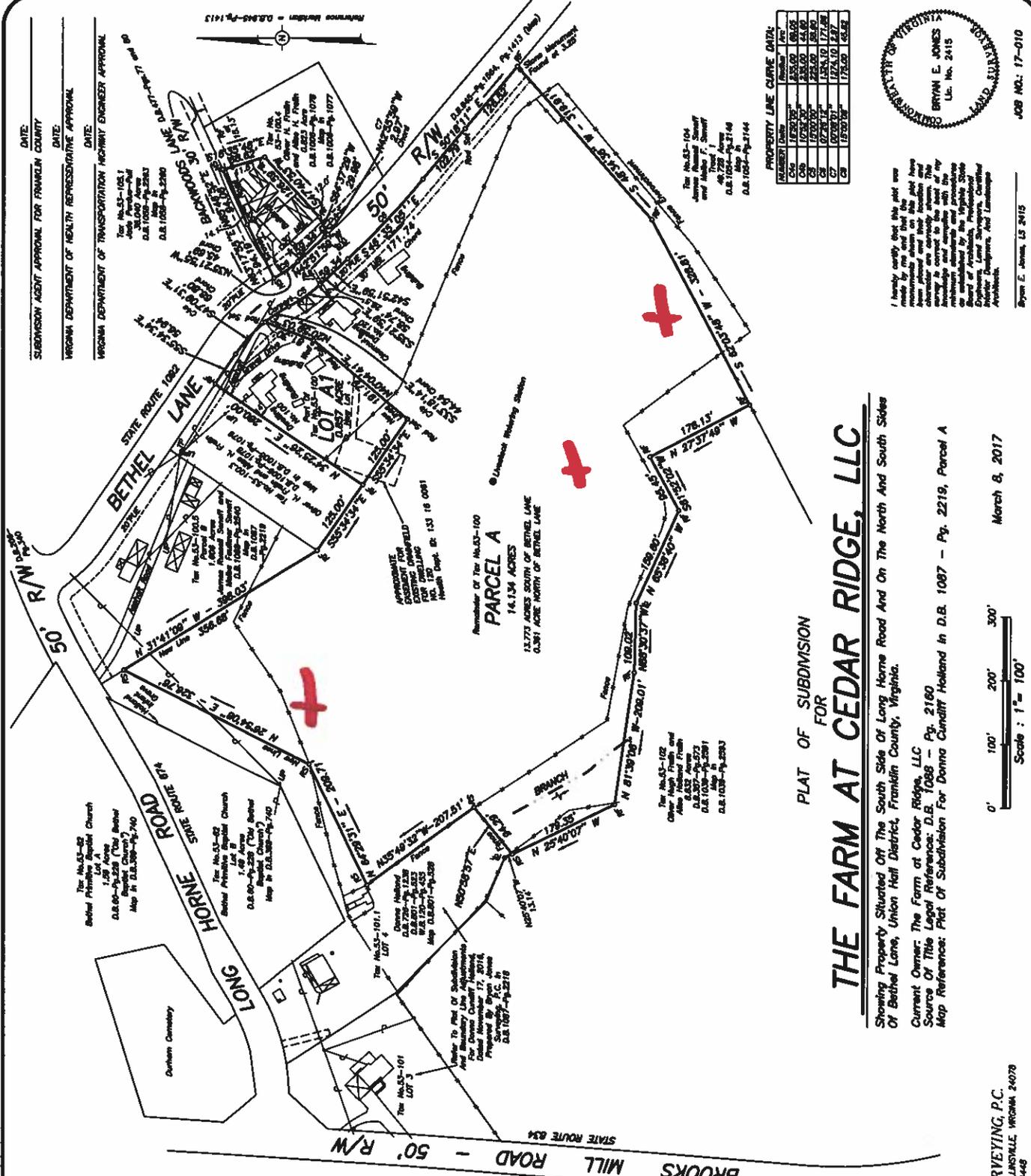
This survey has been prepared without the benefit of a title report and does not necessarily indicate all encumbrances on the property.
This property is not located within a FEMA Flood Hazard Area. It is located in Zone X. No. 51007004400, dated Jan. 6, 2016.
All deed and map references shown hereon are of record in the Franklin County Circuit Court Clerk's Office.

- PF = Pipe Found
- RF = Rod Found
- RS = 5/8" Rod Set (11-17-18)
- RD Set = 5/8" Rod Set (3-8-17)
- IS = Stake
- US = Utility
- TP = Temporary Building
- MBL = Minimum Building Line
- PUE = Public Utility Easement (Existing)



VICINITY MAP
No. 2016

BRYAN JONES SURVEYING, P.C.
3416 VIRGINIA AVE., SUITE 3, COLLETSVILLE, VIRGINIA 24078
276-647-4448



PLAT OF SUBMISSION FOR THE FARM AT CEDAR RIDGE, LLC

Showing Property Situated Off The South Side Of Long Hornie Road And On The North And South Sides Of Bethel Lane, Union Hall District, Franklin County, Virginia.
Current Owner: The Farm at Cedar Ridge, LLC
Source Of Title Legal Reference: D.B. 1088 - Pg. 2160
Map Reference: Plat Of Subdivision For Donna Cundiff Holland In D.B. 1087 - Pg. 2219, Parcel A



March 8, 2017

PROPERTY LINE CURVE DATA:

CHASSIS	DATE	BEARING	ARC
04	12/20/16	S85.00°W	18.00'
05	12/20/16	S85.00°W	18.00'
06	12/20/16	S85.00°W	18.00'
07	12/20/16	S85.00°W	18.00'
08	12/20/16	S85.00°W	18.00'
09	12/20/16	S85.00°W	18.00'
10	12/20/16	S85.00°W	18.00'
11	12/20/16	S85.00°W	18.00'
12	12/20/16	S85.00°W	18.00'



I hereby certify that this plat was prepared in accordance with the laws and regulations of the State of Virginia and that I am a duly Licensed Professional Surveyor in Virginia. My commission expires on 12/31/2018.
Bryan E. Jones, L.S. 2415

JOB NO.: 17-010

Zoom to

Parcels: 0530010000

Primary Details

Parcel ID	0530010000
Map Number	053 00
Parcel Number	106 00
Owner	LINDHURST DAWN R
Owner Address	106 BELLEVUE AVE
City	SALEM
State	VA
Zip Code	24153
Physical Address	100 BETHEL LN 24176
Legal Description 1	RT 674-LONG HORNE ROAD
Legal Description 2	RT 1092-BETHEL LANE
Zoning	A1
District	UNION HALL
Acreage	14.13
Land Value	\$76,500.00
Building Value	\$14,506.00
Assessed Total	\$91,000.00
Land Use Value	\$0.00
Grantor	LINDHURST ROLAND
Consideration	\$0.00
Consideration Date	5/18/2020, 8:00 PM
Instrument Yr	2020
Instrument No	0742c
Subdivision	
Deed Book	0
Deed Page	1100
Plat Book	
Plat Page	731
Property Card	View Card



Department of Planning & Community Development



Memorandum

Date: August 28, 2020

To: Planning Commission

From: Steven M. Sandy, Director of Planning & Community Development 

RE: Proposed zoning amendments pertaining to duplexes

At the Board of Supervisor's August 18, 2020 meeting, a citizen requested that the Board consider amending the County Code to allow duplexes in A-1, Agricultural Districts, by issuance of a special use permit.

The County Code currently allows duplexes as a permitted use in Residential Multifamily Districts (RMF) and Residential Planned Unit Development Districts (RPD). Duplexes are not allowed in any other zoning district as a permitted use or with a special use permit.

The A-1 zoning district currently allows single family dwellings which could include stick built homes, modular homes and /or manufactured (mobile) homes. Section 25-188 provides allowance for a second dwelling on a parcel greater than one (1) acre only if the second dwelling unit is occupied by a family member or someone working on the farm. A copy of the current A-1 zoning district regulations are attached.

During the August meeting, the Board of Supervisors did discuss the potential changes and referred this back to the Planning Commission for review and recommendation.

Following discussion by the Commission, the Board has requested an initial recommendation on this item.

Attachment

DIVISION 1. - AGRICULTURAL DISTRICT (A-1)

Sec. 25-177. - Purpose.

- (a) This district includes unincorporated portions of the county that are occupied by various open uses such as farms, forests, lakes, reservoirs, streams and park lands. This district is established for the purpose of facilitating existing and future farming operations, preserving farm and forest lands, conserving water and other natural resources, reducing soil erosion, preventing water pollution, and protecting watersheds and reducing hazards from flood and fire.
- (b) It is expected that certain desirable rural areas of this rural district may logically develop residentially at low density. It is the intent, however, to discourage the random scattering of residential, commercial or industrial uses in this district. It should also be presumed that the agricultural and forestry activities may produce some noise, odors and other effects and a certain level of tolerance for these effects must be expected of those who would dwell in this district. Special use permits will be employed to seek improved level of compatibility between uses.

(Ord. of 5-25-88)

Sec. 25-178. - Permitted uses.

Within the Agricultural District (A-1) the following uses are permitted:

Accessory uses.
Additions to existing schools.
Agricultural warehouses.
Agriculture, farming.
Antique shop.
Assembly halls.
Bed and breakfast establishments.
Cemeteries, community and commercial.
Cemeteries for animals.
Cemeteries on joint church property.
Churches.
Colleges.

Community center and building.

Conservation areas (public and private).

Day care center, day nursery.

Dormitories.

Expansion of existing parks owned by local, state or federal governments.

Feedlot, commercial, poultry (poultry facility), see section 25-146 for additional requirements.

Forestral operations and management.

Garage, principle

Garages, storage of personal vehicles.

Gardens, private.

Greenhouses, nurseries.

Home occupations, Class A.

Home occupations, Class B.

Homes, single-family detached dwelling.

Homes, single-family detached dwelling with apartments on premises—(See section 25-188).

Kennels.

Landing strip (temporary use)—(See section 25-112)

Libraries.

Lodge halls.

Lodges

Manses, church-owned dwelling unit.

Manufactured homes.

Mobile homes.

Off-street parking.

Private dock, pier or boat house.

Playgrounds.

Portable and temporary sawmill.

Preserves, wildlife refuge (public).

Primitive campground.

Residential cluster development (see section 25-189).

Roads, streets, rights-of-way, easements.

Sales, service and repairs of farm, garden or logging equipment.

Signs.

Stable, commercial (riding).

Stables, private.

Subdivisions meeting county subdivision ordinance and the regulations of section 25-180.

Temporary construction facilities, subject to the requirements of section 25-129.

Temporary events, subject to the requirements of section 25-134.

Tenant farmer.

Water systems.

Wayside stands.

Wind energy facilities; small system (See section 25-128(c)).

Veterinary hospitals and clinics.

(Ord. of 5-25-88; Res. No. 13-05-90, 5-21-90; Res. No. 17-09-90, 9-17-90; Res. No. 43-01-93, 1-19-93; Res. No. 19-10-94, § 2, 10-18-94; Res. No. 38-11-95, 11-21-95; Amend of 9-16-97; Ord. of 6-16-98; Res. No. 13-02-2002, 2-19-02; Ord. of 2-15-05(4); Amend. of 3-25-08(5); Res. No. 26-05-2008, 5-20-08; Res. No. 5-05-2009, 5-19-09; Res. No. 22-11-2011, 11-15-11; Res. No. 12-07-2014, 7-15-14)

Sec. 25-179. - Special use permits.

The following uses shall be permitted only by special use permit approved by the board of supervisors:

Apartments in combination with business.

Archery ranges.

Automobile graveyard.

Boat club.

Campground (private)—(See section 25-155).

Campground (public)—(See section 25-155).

Carnivals, circuses, fairs and other events lasting more than ninety-six (96) hours but less than four (4) months.

Clubs (private).

Clubs (public).

Community docks, piers, and boat houses.

Convenience store.

Country club.

Country store.

Custom meat cutting operation.

Emergency service facilities—Fire, rescue.

Feed and seed processing mill.

Feedlot, commercial, beef, and dairy cattle (beef and dairy facility).

Feedlot, commercial, poultry (poultry facility), see section 25-146 for additional requirements.

Feedlot, commercial, swine (swine facility).

Feed mill operations.

Fish hatchery.

Flea market.

Food and groceries.

Funeral homes and mortuaries.

Garages, commercial, for automobiles, recreation vehicles, motorcycles.

General store.

Greenboxes.

Golf clubs, clubhouses.

Golf courses.

Golf driving range.

Grain mill operations.

Heliports, airports, landing strip (intensive use), landing strip (recreational use)—(See section 25-112).

[Home, single-family—(See section 25-188).]

Landfills, approved by State Health Department—Nonhazardous, nonradioactive.

Livestock market.

Lumber concentration yard.

Milk stations.

Mining—Conforming to state regulations.

Meat processing—Not a slaughterhouse.

Manufactured home parks (See section 25-137).

Motels, hotels, tourist and resort facilities.

Off-site mass drainfields (See section 25-144).

Off-site wells, water tanks and/or water systems (See section 25-145).

Parks.

Permanent chipping mill.

Permanent planing mill.

Permanent sawmill.

Public facilities.

Public garages.

Public offices.

Public power generation.

Public storage yards.

Public substations.

Public utilities.

Public utilities—Structures, towers, public water and sewer treatment plants.

Pulpwood storage and processing.

Quarrying—Conforming to state regulations.

Raceway.

Radio and television stations.

Radio and television towers.

Radio and television transmission/transmitters.

Recreational facilities (private).

Recreational facilities (public).

Restaurants.

Rifle range, gun clubs, shooting ranges.

Sales, service and repair of automobiles, trucks, recreational vehicles, motorcycles.

Schools (public and private).

Self-service storage facility.

Short-term tourist rental of dwelling.

Slaughterhouse.

Storage—Boat, recreational vehicle, and recreational trailer as a use allowed by special use permit.

Storage yard.

Summer camp.

Swim club.

Turkey shoot.

Wind energy facilities; large system (See section 25-128(c)).

Wind energy facilities, utility scale system (See section 25-128(c)).

Wood preserving.

Wood storage.

(Ord. of 5-25-88; Res. No. 30-08-89, 8-21-89; Res. No. 16-03-90, 3-19-90; Res. No. 18-07-90, 7-16-90; Res. No. 22-12-93, § 2, 12-21-93; Res. of 8-17-94; Amend. of 6-20-95; Res. No. 38-11-95, 11-21-95; Amend. of 12-19-95; Amend. of 9-16-97; Res. No. 26-09-99, 9-21-99; Res. No. 13-02-2002, 2-19-02; Ord. of 2-15-05(4); Res. No. 26-05-2008, 5-20-08; Res. No. 5-05-2009, 5-19-09; Res. No. 12-07-2010, 7-20-10; Res. No. 12-07-2014, 7-15-14)

Sec. 25-180. - Area regulations.

Except as otherwise provided in section 25-189, residential cluster developments, the following lot area and lot coverage requirements shall apply to all lots within the A-1 zoning district:

(a) *Minimum lot size:*

- (1) Lots in this district shall have a minimum area of thirty-five thousand (35,000) square feet.
- (2) The minimum road frontage for lots of five (5) acres or less is equal to one hundred fifty (150) feet on a state-maintained primary road, one hundred twenty-five (125) feet on state-maintained secondary roads and not less than thirty (30) feet for lots fronting on a cul-de-sac. The minimum road frontage for lots of greater than five (5) acres shall be as required by the Subdivision Ordinance.

(b) *Maximum percentage of lot coverage.* Not regulated.

(Ord. of 5-25-88; Ord. of 6-16-98; Res. No. 11-04-2001, 4-17-01; Res. No. 22-11-2011, 11-15-11)

Sec. 25-181. - Maximum height of buildings.

- (a) The maximum height of buildings in this district shall be forty (40) feet.
- (b) Belfries, cupolas, chimneys, flues, flagpoles, television antennas, radio aerials, silos and water tanks are exempted.
- (c) Any building or structure shall be constructed, erected, installed, maintained and be of an approved type in accordance with the provisions of the BOCA Basic Building Code, as amended, and the Fire Prevention Code.

(Ord. of 5-25-88)

Cross reference— Building regulations, Ch. 5; fire prevention and protection, § 8-11 et seq.

Sec. 25-182. - Minimum dimensions.

Except as otherwise provided in section 25-189, residential cluster developments, the following dimensional requirements shall apply to all lots and structures within the A-1 zoning district:

- (a) *Front setback.* The minimum distance from the nearest point of the house or principal structure (including porches or stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.
- (b) *Side setback.* The minimum side setback, the distance from the side property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building), shall be ten (10) percent of the road frontage distance, with a minimum of ten (10) feet and a maximum of twelve (12) feet.
- (c) *Rear yard.* The minimum rear setback, the distance from the rear property line of a lot to the nearest point on the house or principal structure (including porches, stoops or accessory building) shall be a minimum of thirty (30) feet. Rear yard requirements for property contiguous with Smith Mountain Lake may be reduced to twenty (20) feet. For property bordering Smith Mountain Lake, the distance will be measured from the recognized full pond level. Accessory structures up to five hundred seventy-six (576)

square feet may be located in the rear yard as long as they are at least twelve (12) feet from the rear property line. In no case shall any structure be located on or below the eight-hundred-foot contour. Walkways and steps are exempt from rear yard requirements.

- (d) *Minimum distance between main buildings.* For fire protection in low-density, agricultural areas, it is required that principal structures be no less than twenty (20) feet apart.
- (e) *Corner lots.* The minimum setback distance from the nearest point of the house or principal structure (including porches, stoops or any accessory buildings) to the centerline of the specified right-of-way shall be equal to sixty (60) feet or thirty-five (35) feet from the edge of right-of-way, whichever is greater, for property adjacent to state primary roads and equal to fifty-five (55) feet or thirty (30) feet from the edge of right-of-way, whichever is greater, for property adjacent to all other roads.

(Ord. of 5-25-88; Res. No. 22-11-92, 11-17-92; Res. No. 22-11-2011, 11-15-11)

Sec. 25-183. - Floor area requirements.

Conventional lots are not regulated.

(Ord. of 5-25-88)

Sec. 25-184. - Minimum off-street parking space.

Two (2) off-street parking spaces shall be required on each building lot. Parking space shall be rectangular with one dimension at least ten (10) feet in length and the other dimension at least twenty (20) feet length and/or a total of two hundred (200) square feet.

(Ord. of 5-25-88)

Sec. 25-185. - Reserved.

Editor's note— Res. No. 22-11-2011, adopted November 15, 2011, repealed § 25-185, which pertained to open space requirements and derived from Ord. of 5-25-88.

Sec. 25-186. - Reserved.

Sec. 25-187. - Reserved.

Editor's note— Res. No. 22-11-2011, adopted November 15, 2011, repealed § 25-187, which pertained to maximum number of units allowed per gross acre and derived from Ord. of 5-25-88.

Sec. 25-188. - Special requirements.

- (a) Except as provided below, only one (1) dwelling may be erected or placed on a single building lot as a permitted use.
- (b) A second dwelling may be erected or placed on a single building lot as a permitted use, under the following circumstances:
 - (1) The building lot is at least one (1) acre in area; and
 - (2) The second dwelling is occupied by:

- a. Members of the immediate family of the occupants of the principal dwelling on the lot, including parer children, and grandchildren; or
 - b. Persons who derive their principal means of livelihood from work on the farm on which the dwelling is situated.
- (3) Regardless of occupancy, a second dwelling shall be permitted on a single building lot if the subject parcel is one hundred (100) acres or more in area.

(c) No more than two (2) dwellings shall be erected or placed on a single building lot.

(Res. No. 30-08-89, § 1, 8-21-89; Res. No. 27-06-95, 6-20-95, Res. No. 22-11-2011, 11-15-11)

Sec. 25-189. - Residential cluster developments.

- (a) *Definition.* For the purposes of this division, a residential cluster development shall be defined as a development consisting of single-family residential uses, where residential lots and associated infrastructure are concentrated on a portion of the subject land, with the balance of the subject land reserved as permanently undeveloped required open space.
- (b) *Requirement for residential clustering.* The requirement for residential clustering is a function of the number of residential lots proposed and the total acreage of the proposed residential development.
 - (1) Residential clustering is required based on the following formula: $L \geq (A/2) + 10$, where L is the number of residential lots proposed, and A is the total acreage of the proposed residential development.
 - (2) Residential cluster developments shall have a minimum of fifty (50) percent of the development's gross area reserved as permanently undeveloped required open space. Residential lots shall be clustered and arranged in accordance with the residential lot standards set forth in this division. Required open space shall be provided and arranged in accordance with the required open space standards set forth in this division.
 - (3) The maximum residential density for residential cluster developments shall be 1.25 dwelling units per acre, based on the gross area of the development including required open space, provided that such open space accounts for a minimum of fifty (50) percent of the development's gross land area. The maximum residential density may be increased to 1.5 dwelling units per acre in exchange for a greater amount of open space, provided that such open space accounts for a minimum of sixty (60) percent of the development's gross land area.
 - (4) Subdivisions that meet the requirements for "family division," as defined by the Franklin County Subdivision Ordinance, are exempt from the requirements of section 25-189; however, subdivisions that meet the requirements for "family division" may develop as residential cluster developments, provided that they meet the residential lot and required open space standards set forth in this division.
 - (5) Any residential development that does not meet the clustering requirement set forth above, may nonetheless develop as a residential cluster development in accordance with the residential lot and required open space standards set forth in this division. Such residential cluster developments shall be required to reserve a minimum of fifty (50) percent of the development's gross area as permanently undeveloped required open space.
 - (6) All new streets or roads serving residential lots within a residential cluster development shall be constructed to VDOT standards and dedicated into the state maintenance system.
- (c) *Standards for residential lots within residential cluster developments.* The following standards shall apply to the design and arrangement of residential lots within residential cluster developments:

- (1) Where residential lots within residential cluster developments have frontage on a road classified by VDOT as the following residential lot standards shall apply:
 - a. The minimum lot size shall be twenty thousand (20,000) square feet.
 - b. The minimum road frontage shall be one hundred fifty (150) feet.
 - c. For lots fronting onto a cul-de-sac, the minimum road frontage shall be thirty (30) feet, provided that the lot is at least sixty (60) feet wide as measured at the required front setback line.
- (2) Where residential lots within residential cluster developments have frontage on an existing road classified by VDOT as a secondary road, the following residential lot standards shall apply:
 - a. The minimum lot size shall be fifteen thousand (15,000) square feet.
 - b. The minimum road frontage shall be one hundred twenty-five (125) feet.
 - c. For lots fronting onto a cul-de-sac, the minimum road frontage shall be 30 feet, provided that the lot is at least sixty (60) feet wide as measured at the required front setback line.
- (3) Where residential lots within residential cluster developments have their frontage solely along new secondary streets or roads, the following residential lot standards shall apply:
 - a. The minimum lot size shall be ten thousand (10,000) square feet.
 - b. The minimum road frontage shall be seventy-five (75) feet.
 - c. For lots fronting onto a cul-de-sac, the minimum road frontage shall be thirty (30) feet, provided that the lot is at least sixty (60) feet wide as measured at the required front setback line.
- (d) *Front setback requirements for structures on residential lots within residential cluster developments.* The following standards shall apply to the placement of all buildings and structures on residential lots within residential cluster developments:
 - (1) Where residential lots within residential cluster developments have frontage on a road classified by VDOT as a primary road, the minimum front setback shall be thirty-five (35) feet from the edge of right-of-way or sixty (60) feet as measured from the centerline of the right-of-way, whichever is greater.
 - (2) Where residential lots within residential cluster developments have frontage on an existing road classified by VDOT as a secondary road, the minimum front setback shall be thirty (30) feet from the edge of right-of-way or fifty-five (55) feet as measured from the centerline of the right-of-way, whichever is greater.
 - (3) Where residential lots within residential cluster developments have frontage solely on new secondary streets or roads, the minimum front setback shall be twenty (20) feet from the edge of right-of-way or forty-five (45) feet as measured from the centerline of the right-of-way, whichever is greater.
- (e) *Other setback requirements for structures on residential lots within residential cluster developments.* The following standards shall apply to the placement of buildings and structures with respect to residential lot lines:
 - (1) Principal structures shall meet the following required setbacks:
 - a. The minimum side setback shall be ten (10) feet.
 - b. The minimum rear setback shall be twenty (20) feet.
 - (2) Accessory structures shall meet the following required setbacks:
 - a. The minimum side setback shall be five (5) feet.
 - b. The minimum rear setback shall be five (5) feet.
 - (3) Corner lots shall be deemed to have a primary front, defined as the lesser of the two road frontages; and

a secondary front, defined as the greater of the two road frontages. The property line opposite the primary front shall be considered a rear property line; the property line opposite the secondary front shall be considered a side property line.

For corner lots, the following required setbacks shall apply to all principal structures:

- a. Primary front: See section 25-189(d).
- b. Secondary front: A minimum of twenty (20) feet, as measured from the edge of the right-of-way, or forty-five (45) feet, as measured from the centerline of the right-of-way, whichever is greater.
- c. Side: A minimum of ten (10) feet.
- d. Rear: A minimum of twenty (20) feet.

For corner lots, the following required setbacks shall apply to all accessory structures:

- e. Primary front: See section 25-189(d).
- f. Secondary front: A minimum of twenty (20) feet, as measured from the edge of the right-of-way, or forty-five (45) feet, as measured from the centerline of the right-of-way, whichever is greater.
- g. Side: A minimum of five (5) feet.
- h. Rear: A minimum of five (5) feet.

- (f) *Standards for required open space within residential cluster developments.* The following standards shall apply to the design and arrangement of required open space within residential cluster developments:
- (1) Areas of required open space shall be platted as required open space lots distinct from residential lots. Required open space lots are not required to have road frontage; however, required open space lots must be accessible either by means of direct road frontage, or by private access easement, with a minimum width of fifteen (15) feet.
 - (2) Required open space lots shall have a minimum lot area of two thousand (2,000) square feet.
 - (3) Required open space lots shall measure at least fifty (50) feet in width, as measured at the narrowest dimension.
 - (4) A minimum of twenty-five (25) percent of the required open space shall consist of land that is not steeply sloped. For the purposes of this section, steep slopes are defined as having a slope greater than twenty-five (25) percent.
 - (5) All structures located on required open space lots must be set back a minimum of twenty (20) feet from any property line.
- (g) *Ownership and management of required open space within residential cluster developments.* Areas of required open space shall be platted as required open space lots distinct from residential lots, with such required open space lots subject to the following ownership and management requirements: Required open space lots shall be owned and managed by a common owner, which may include a nonprofit association, a nonstock or membership corporation, trust, or foundation, provided that such common owner include all owners of residential property within the residential cluster development. Such arrangement shall conform to the following:
- (1) The developer must establish the common ownership entity prior to the sale of any residential lots within the residential cluster development.
 - (2) Membership in the common ownership entity shall be mandatory for all residential property owners, present or future, within the residential cluster development.
 - (3) The entity shall manage all required open space and recreational and cultural facilities; shall provide for

the maintenance, administration and operation of said land and improvements, and any other land within the residential development; and shall secure liability insurance on the land.

- (4) The entity shall conform to the Condominium Act, Code of Virginia, 1950, § 55-79.39 through 55-79.103, as amended to date.
- (h) *Use of required open space within residential cluster developments.* Areas of required open space may be used as follows:
 - (1) *Permitted uses.*
 - Agriculture, farming.
 - Conservations areas (public and private).
 - Forestral operations and management.
 - Playgrounds.
 - Preserves, wildlife refuge (public).
 - Stable, commercial (riding).
 - Stables, private.
 - (2) *Special use permits.*
 - Country club.
 - Golf clubs, clubhouses.
 - Golf courses.
 - Parks.
 - Recreational facilities (private).
 - Recreational facilities (public).
 - Swim club.
 - (3) The land area (footprint) of any structure located within required open space shall not count toward the fulfillment of the required open space acreage requirement.
 - (4) Wells, water systems, drainfields, waste-water treatment facilities, and/or public utilities may be located in areas of required open space. However, the land area (footprint) of any associated above-ground structure shall not count toward the fulfillment of the required open space acreage requirement.

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Sec. 25-190. - Reserved.