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Franklin County Planning Commission  
Agenda  
October 13, 2020

- I. Call to Order
- II. Roll Call
- III. Consent Agenda
  - A) Approval of Minutes from September 8, 2020 meeting
- IV. Public Hearings:
  1. **APPLICATION for SPECIAL USE PERMIT** – Application of Dennis E. Sigmon and Susan Gosnay Sigmon, Applicants and Owners, requesting a Special Use Permit with possible conditions, to allow for the short term tourist rental of a dwelling, located on an approximate 6.45 acre property. The property, currently zoned A-1, Agricultural, is located at 2020 Altice Mill Road in the Blackwater District of Franklin County and is further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0440019026B. 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 the A-1, Agricultural zoning district and subject to the supplemental regulations found in Section 25-138 of the Franklin County Code. The property has a future land use designation of Agriculture Forestry/Rural Residential (Case # SPEC-08-20-16672).
    - a) Staff Presentation (Steve Sandy)
    - b) Applicant Presentation
    - c) Public Comment
  2. **APPLICATION for SPECIAL USE PERMIT** – Application of Daniel J. Shorts and Zoey L. Shorts, Applicants and Owners, requesting a Special Use Permit to allow for the construction of a second dwelling on an approximate 3.38 acre parcel, currently zoned RC-1, Residential Combined Subdivision District, and located at 423 Fox Chase Road in the Union Hall District of Franklin County, and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0470004200. Second single family detached dwellings for immediate family members are a permitted use under Section 25-188 by issuance of a Special Use Permit by the Franklin County Board of Supervisors in RC-1, Residential Combined Subdivision Districts. The property has a future land use designation of Low Density Residential (Case # SPEC-09-20-16699).

- a. Staff Presentation (Lisa Cooper)
- b. Applicant Presentation
- c. Public Comment

3. **APPLICATION for SPECIAL USE PERMIT** - Application of David Kingery, Applicant, and Windy Gap Property Owners Association, Owners, requesting a Special Use Permit, with possible conditions, to allow for a storage yard on an approximate 28.12 acre parcel currently zoned A-1, Agricultural, and located on Windridge Parkway in the Boone District of Franklin County, and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0100000102. Storage yards are a permitted use by issuance of a Special Use Permit by the Franklin County Board of Supervisors in the A-1, Agricultural zoning district. The property has future land use designation of Conservation Areas/Steep Slopes (>25%) (Case # SPEC-09-20-16700).

- a. Staff Presentation (Lisa Cooper)
- b. Applicant Presentation
- c. Public Comment

4. **APPLICATION for REZONE** – Application of Timothy Reith, Applicant, and Timothy Reith, Allen Mullins, Steve Williamson, L.T McGhee, Donald Mullendore, Michael Hoots, David Arrington, Tom Staab, and Bank of Botetourt, Owners, requesting to amend proffer #6 of an existing rezone granted by the Franklin County Board of Supervisors on November 15, 2005. The properties are currently zoned PCD, Planned Commercial Development District, with proffered conditions and conceptual plan, and located along Booker T. Washington Highway in the Gills Creek District of Franklin County, and further identified by Franklin County Real Estate Records as Tax Map/Parcel #s 0151202600, 0151600400, 0151600300, 0151202800, 0151202200, 0151600200, 0151201601, 0151200100, 0151200200, 0151200300, 0151200400. The property is located in the Westlake Hales Ford Designated Growth Area with a future land use designation of Commercial Mixed Use. The purpose of the proffer amendment is to reduce the overall height of the required berm along Route 122 from the +/- 10 feet to +/- 2 feet (REZO-09-20-16691).

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

V. Citizen Comment

VI. Work Session:

- a. Possible amendments to Zoning Ordinance allowing duplexes in the A-1 zoning district

VII. Adjourn

\*\*\*\* The Planning Commission's next site visits are scheduled for November 4, 2020

# Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on September 8, 2020 in the Board of Supervisors meeting room located in the Franklin County Government Center.

## **THOSE PRESENT:**

Sherrie Mitchell- Snow Creek District  
Debbie Crawford- Union Hall District  
David Clements- Rocky Mount District  
C.W. Doss, Jr.- Blue Ridge District  
David Pendleton- Blackwater District

## **THOSE ABSENT:**

James Colby- Gills Creek District  
Angie McGhee- Boone 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. The next order of business was the approval of the minutes from the August 11, 2020 meeting. Chairwoman Mitchell asked of the Planning Commission if there were any comments or corrections to the minutes as written other than the correction already mentioned by Mr. Colby; there were none. Chairwoman Mitchell announced the minutes would stand as written.

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

**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.

Mr. Sandy began by explaining that the property is currently used for residential purposes and has an apartment space available. The apartment is located in the basement of the home and includes a full kitchen, living room, one (1) bedroom, one (1) full bathroom, an office, and closet space. Mr. Sandy continued by saying that 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 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.

Mr. Sandy went on to say 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 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.

Mr. Sandy stated that Franklin County Public Safety, Fire Marshal 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. Building Official will need to confirm that the apartment has proper ingress/egress. In addition, fire separation will be required once apartment is used for short term rentals.

Mr. Sandy continued by saying that staff anticipates minimal noise impacts related to this site due to the location of the home and proximity to other residences. Traffic is expected to be light from this proposed use however access road is narrow and private. Staff has received one (1) call inquiring about the nature of the request.

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 # 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 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.

Mr. Sandy offered to answer any questions.

Chairwoman Mitchell asked if anyone had questions for Mr. Sandy; no one did. Chairwoman Mitchell then asked to hear from the applicant.

Mr. and Mrs. Lorson said they wanted to add that all their neighbors were in agreement to their request and had no problem with the short term rental. They also mentioned that their grandparents maintained the private road where their home was located.

Chairwoman Mitchell asked if anyone had questions for the Lorsons; No one did. Chairwoman Mitchell then opened the public hearing and asked if there was anyone present that would like to speak; there was not. Chairwoman Mitchell then closed the public hearing and the members had discussion among themselves.

Mr. Clements 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 recommended in the staff memorandum.

Mr. Doss seconded the motion.

The motion to approve the request was approved. Voting on the motion was as follows:

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

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

**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.

Mr. Sandy began by explaining that 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 proposed cottages are proposed to provide a place for the wedding parties and their families to stay during their wedding events but could also be rented at other times of the year.

Mr. Sandy went on to say that each individual cottage will be approximately 576 square feet and will consist of one (1) bedroom, one (1) bath, kitchen, and living area. 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.

Mr. Sandy continued by saying 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 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.

Mr. Sandy stated that 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. Staff anticipates minimal noise impacts related to this site due to the nature of the request and proximity to other residences. Staff has received two (2) calls inquiring about the nature of the request.

Mr. Sandy concluded that 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 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.

Mr. Sandy offered to answer any questions.

Chairwoman Mitchell asked if anyone had questions for Mr. Sandy; No one did. Chairwoman Mitchell then asked to hear from the applicant.

Mr. Seneff stated that the cottages will highlight the existing wedding venue. He added that he and his wife work hard to keep the area well maintained and will continue to do so. He offered to answer any questions.

Chairwoman Mitchell asked if anyone had questions for Mr. Seneff; no one did. Chairwoman Mitchell then opened the public hearing and asked if there was anyone present that would like to speak; there was not. Chairwoman Mitchell then closed the public hearing and the members had discussion among themselves.

Mrs. Crawford made a motion to APPROVE, stating that she 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 recommended in the staff memorandum.

Mr. Pendleton seconded the motion.

The motion to approve the request was approved. Voting on the motion was as follows:

AYES:	Doss, Clements, Pendleton, Crawford, Mitchell
NAYES:	None
ABSENT:	Colby, McGhee
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 moved on to new business of possible zoning amendments to the zoning ordinance regarding duplexes in A-1 districts.

Mr. Sandy began by saying that 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.

Mr. Sandy went on to say that 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. During the August meeting, the Board of Supervisors discussed the potential changes and referred this back to the Planning Commission for review and recommendation. Mr. Sandy mentioned some of the items for discussion as follows:

- Well/Septic capacity - ground water
- Density- how many per area?
- Villages- area
- Lot size/road frontage
- Affordable housing

The Planning Commission discussed the options available and determined that they would like to further discuss this topic at their next meeting. They asked for staff to devise language that can be used as suggested motions for them to review at the meeting the following month.

With no other business, the meeting was adjourned at 7:15 p.m.

\_\_\_\_\_, Clerk  
Franklin County Planning Commission

\_\_\_\_\_  
Date

**STAFF REPORT**  
Case # SPEC-08-20-16672



**To:** Franklin County Planning Commission  
**From:** Steven M. Sandy, Planning Director  
**Date:** September 30, 2020  
**Tax #:** 0440019026B  
**District:** Rocky Mount District  
**Applicant:** Dennis E. Sigmon & Susan G. Sigmon  
**Owners:** Dennis E. Sigmon & Susan G. Sigmon

**REQUEST:**

**APPLICATION for SPECIAL USE PERMIT** – Application of Dennis E. Sigmon and Susan Gosnay Sigmon, Applicants and Owners, requesting a Special Use Permit with possible conditions, to allow for the short term tourist rental of a dwelling, located on an approximate 6.45 acre property. The property, currently zoned A-1, Agricultural, is located at 2020 Altice Mill Road in the Rocky Mount District of Franklin County and is further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0440019026B. 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 the A-1, Agricultural zoning district and subject to the supplemental regulations found in Section 25-138 of the Franklin County Code. The property has a future land use designation of Agriculture Forestry/Rural Residential

**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.*



**BACKGROUND:**

The applicant requests a Special Use Permit to allow for the “Short Term Tourist Rental of a Dwelling” on an approximate 6.45-acre property located at 2020 Altice Mill Road in the Rocky Mount District, currently zoned A-1, Agricultural District. The property is currently used for residential purposes. The home has additional unused space downstairs that the owners wish to use for short term rentals.

The area of the home proposed for the short term rental use is approximately 1638 square feet. The rental unit offers one (1) bedroom, one (1) bathroom, and a dinette/living room. The occupant will also be able to enjoy a back porch with swing, an in-ground pool and a picnic area alongside the Blackwater River.

The rental unit will have a separate entrance from the main level and door key, along with a security system. Outside lights are provided, including motion lights at the renter’s designated parking spot.

The property owners have indicated that the rental unit is currently equipped with smoke alarms over each door, two (2) fire extinguishers, and two (2) exits are available from each room of the unit.

The property is in a semi-private location on Altice Mill Road with only three (3) other homes nearby; the closest one approximately 195 feet away and buffered with evergreen trees. The area around the home is primarily wooded.

The Sigmons have been using their property for short term rentals for approximately 1-2 months. Their rental unit is still currently listed on AirBNB. The listing was discovered by the Commissioner of Revenue’s office with the assistance of Host Compliance. The Commissioner’s office contacted the owners regarding transient occupancy taxes and also directed the owners to contact the Planning Department regarding the zoning allowances for their property. The Sigmons have been very willing to work with the County to bring their property into compliance with the County Code.

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 three (3) inquiries regarding the nature of the request, two (2) of which were opposed to it. Additional comments and concerns may be raised as a result of the public hearings.



**SITE STATISTICS:**

*Location:* 2020 Altice Mill Road, Rocky Mount District  
*Size:* 6.45  
*Existing Land Use:* Residential  
*Adjoining Zoning:* A-1, Agricultural District  
*Adjoining Land Uses:* Residential  
*Adj. Future Land Uses:* Agriculture/Forestry/Rural Residential

**COMPREHENSIVE PLAN:**

The Future Land Use designates the property located at 2020 Altice Mill Road as Agriculture/Forestry/Rural Residential according to the 2007 Franklin County Comprehensive Plan adopted by the Board of Supervisors in May of 2007. The property requesting a special use permit for short-term rentals is located on 6.45 acres of land located at the end of the cul-de-sac on Altice Mill Road. The property is heavily wooded except in front of the driveway. The neighboring homes on both sides and across the street are protected by tree cover along the sides and along the front of the property. The property is located in the Blackwater River Estates subdivision consisting of large lots with single-family dwellings and accessory structures surrounded by the Blackwater River with most of the lots being wooded except where the homes and accessory structures are located. Due to the size of the lot, location of the dwelling unit and pool, and abundance of tree cover this short-term rental is not expected to 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 the 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.

**AGRICULTURE FORESTRY/RURAL RESIDENTIAL**

**AGRICULTURE:**

Farmland constitutes the rural nature of the County. The agricultural industry in Franklin County is experiencing a transitional period. Dairy farms are consolidating and the tobacco industry is in decline. However, a segment of the community remains dedicated to the agricultural way of life and it is desirable to protect a certain amount of agricultural land. At present, low density residential development occurs by right in agriculturally zoned areas. These developments have inadequate buffers, agricultural and forestal operations are potentially incompatible with new residential land use.

**POLICIES FOR AGRICULTURE**

1. Design residential development to add open space between residential and agricultural uses so that each is adequately buffered from the other.



2. **Farmland Preservation:** Provide incentives to discourage the conversion of active agricultural land to other uses through continued use value assessment and taxation. Investigate the use of State of Virginia purchase of development rights, transfer development rights, and other measures for farmland preservation.
3. **Agribusiness:** Support and encourage both temporary and ongoing agribusiness activities on farms that contribute to their continuing economic operation. Ensure flexible siting standards to permit the location and continuation of agribusiness that support or are a part of the agricultural and forestal economy.
4. **Conservation of Farmland:** Where development occurs in identified agricultural conservation areas, use flexibility in regulations to permit new development to locate on sites that minimize interference with agricultural operations.
5. **Soil and Water Conservation:** Encourage agricultural policies to protect and preserve soil and water quality.
6. **Watershed Conservation:** Encourage the combination of agricultural-oriented technical and financial assistance programs with watershed management programs to identify and prioritize problems areas and to improve conservation measures.
7. **Nutrient Management Plans:** Promote Best Management Practice (BMP) for agriculture to minimize nutrient run-off in Franklin County.
8. **The burden of providing buffers between the uses should be on the new residential development.** Such buffers protect agricultural operations from nuisance complaints.

### **FORESTRY**

Forestlands in the County are fundamental and vital part of the County's character, and are a productive use of large tracts of rugged terrain. Forestland provides numerous recreational activities and plays an important role in tourism. Not only are forestlands important for economic perspective, but a wildlife habitat. Forestry should remain an important land use for the future, and County policies should seek to protect and preserve forest interests.

### **POLICIES FOR FORESTRY**

1. **Forestry Preservation:** Investigate land use policies that will ensure contiguous tracts of forestland are preserved to ensure forest for economic, tourism, recreation activities, and wildlife habitation.
2. **Forestry activities should be conducted in accordance with Forestry Best Management Practices (BMP) to prevent adverse impacts such as erosion and siltation on watersheds.**



3. **Forestal Operations:** Ensure flexible but effective siting standards for forest operations, including but not limited to saw mills, lumber concentration yards, and trucking operations.

### **RURAL RESIDENTIAL**

Rural Residential – The rural areas of Franklin County outside of the built-up settlements will be a mix of agricultural and forestal uses interspersed with residential uses. Rural residential lots will support farm homes and individual single-family dwellings. Water and sewer typically will be provided by on-site well and septic systems. In general, development should be on side roads in order to preserve the open character and safety of County roads by reducing the number of public access points. Developers or residents in these areas should not expect public facilities or utilities to be constructed for their benefit. Manufactured housing constitutes large part of available affordable housing stock. Manufactured housing parks should be well designed, with interior service roads and coordinated access points onto state roads.

### **POLICIES FOR RURAL RESIDENTIAL**

1. Encourage private roads in rural residential development to meet state standards.
2. Proposed subdivisions should be served by internal streets that connect to existing rural roads to avoid strip development and to minimize individual driveway access along existing collector highways.
3. All building lots fronting on state maintained roads in rural areas should be laid out to minimize the stacking of access points.
4. Roads that are not built to state standards and that are not eligible for inclusion in the state highway system should have mandatory provisions for the establishment of associations that provide for maintenance by lot owners.
5. Cluster development in new subdivisions should be encouraged to preserve land area to be devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.
6. Streets within subdivisions shall be designed to provide interconnections to adjacent vacant land for future subdivision access and circulation.
7. Building setbacks on primary and secondary roadways should be increased and natural vegetation along the roadways should be retained/established as a means of preserving the rural roadscape.



8. Existing subdivision and zoning ordinances shall be reviewed and the current policy for by right subdivisions in A1 zones which allows 35,000 square foot lots needs to be reconsidered.

**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 6.45 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 Altice Mill Road. 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:**

Water is provided to the property by a private well and sewage is managed by a septic system. The home is currently served by a three (3) bedroom septic system and the use of the dwelling is limited to six total people. 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 three (3) bedroom dwelling (See attached email from Brent Williams, Virginia Department of Health).



**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, any disturbance over 10,000 square feet of soil may require erosion and sediment control plans and/or permitting

**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 rental bedroom will require an emergency escape route and rescue egress in the case of a fire.

The Building Official must inspect and approve the space 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**

Staff received no other comments from agencies concerning this request.



**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.



**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.

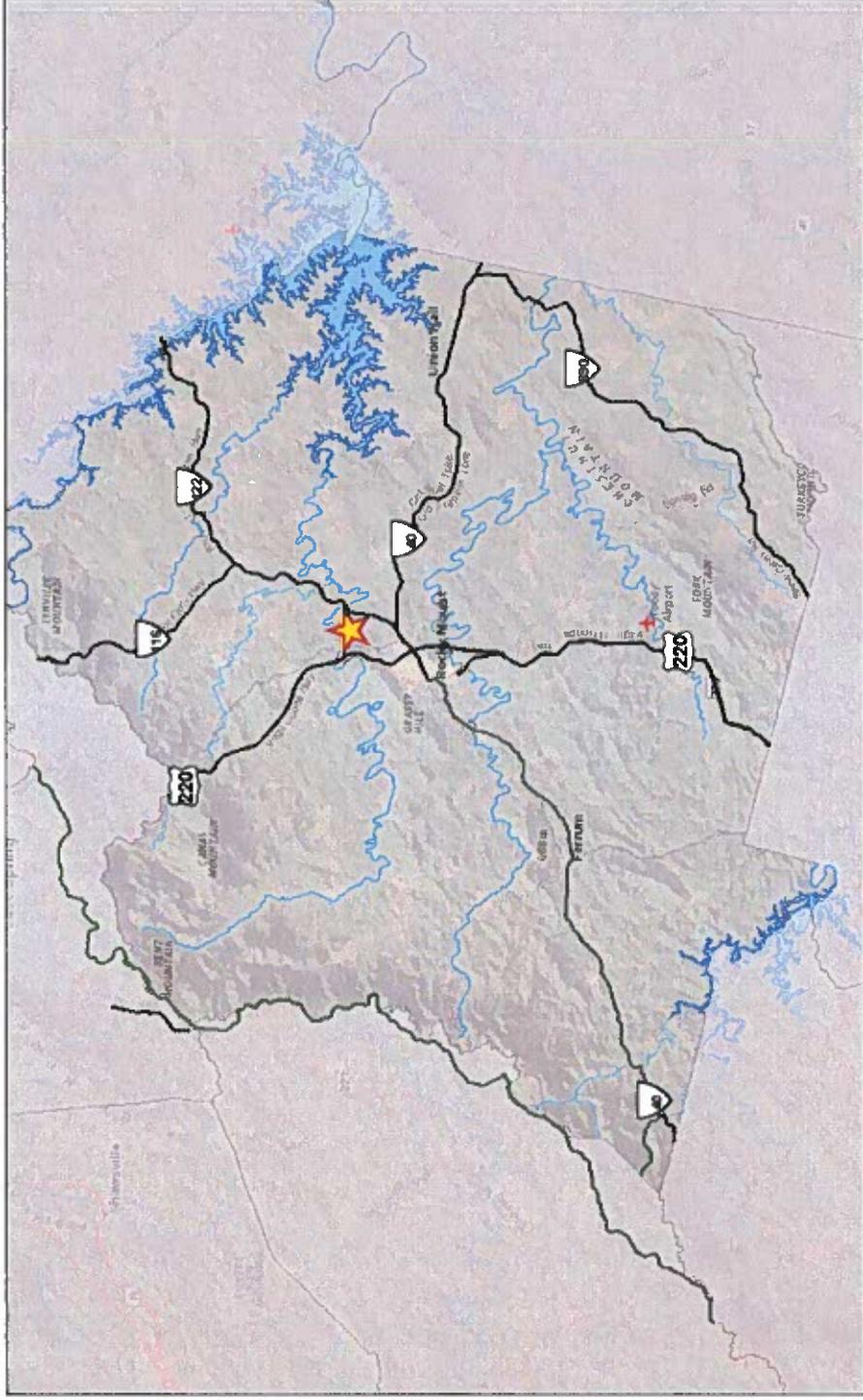
- 1) (APPROVE) I find that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the County Code with the uses permitted by right in the zoning district, 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.



Subject Property Location

Tax Map # 0440019026B  
 SPEC-08-20-16672  
 Dennis & Susan Sigmon

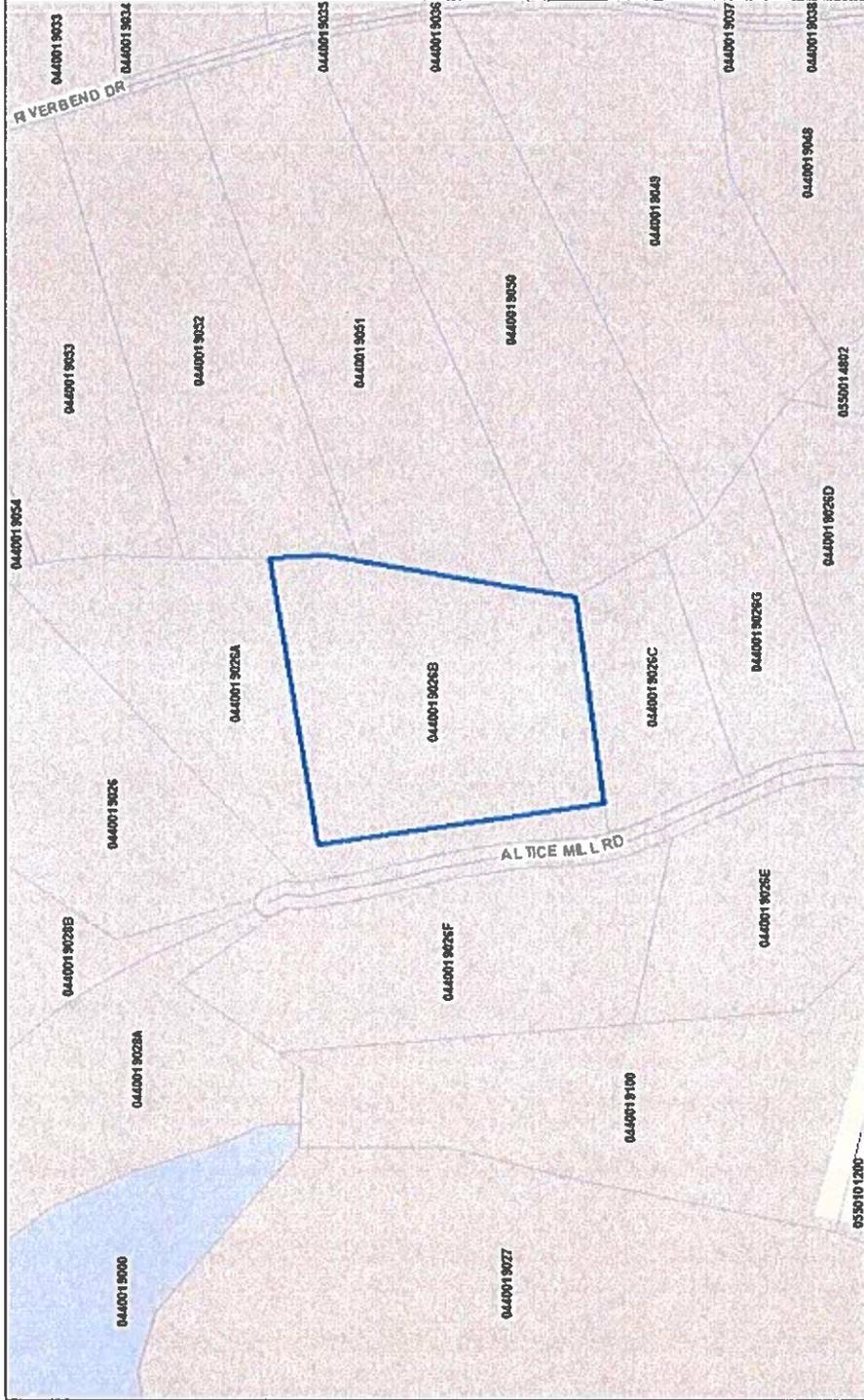


Franklin Co GIS



Date: 10/2/2020





**Tax Map # 0440019026B**  
**SPEC-08-20-16672**  
**Dennis & Susan Sigmon**

**Legend**

- Subject Parcel
- Parcels
- Special Use Permitt
- Special Use Permitt
- Special Use Permitt

**Zoning Classifications**

- A1 - Agricultural
- M1 - Light Industry
- PE - Residential Exempt

**Scale:** 0 125 250 500 Ft.

**Date:** 10/2/2020

Franklin Co GIS





**Franklin County, VA  
Property Information**



**DISCLAIMER:** While every effort has been made to ensure the accuracy of the information presented, Franklin County is not responsible for the accuracy of the content contained herein and will not be liable for its mis-use or any decisions based on this report's contents.

card

**Property Owner:** SIGMON DENNIS E & SUSAN GOSNAY

**Tax Map #: 0440019026B**

**Owner Address:**  
2020 ALTICE MILL RD

ROCKY MOUNT VA 24151

**Map:** 044.00 **Parcel:** 190.26B

**Record #:** 12,238

**Legal Desc 1:** BLACKWATER RIVER E

**Legal Desc 2:** LOT 5 SEC 2

**Legal Desc 3:**

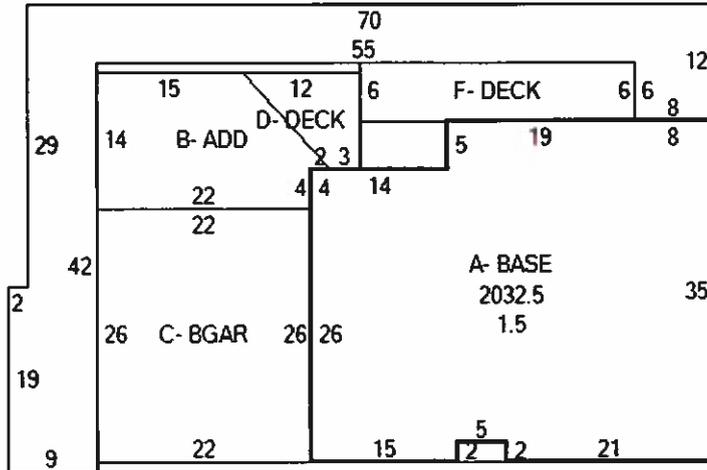
**Assessed Values**

**Acreage:** 6.45

**Land Value:** \$ 42,100.00  
**Bldg Value:** \$ 368,000.00

**Total Assessed Value:**  
\$ 410,100.00

**Land Use Program Value:**  
\$.00



**Zoning Information**

**Zoning Classification:**  
A1

1

**Transfer History**

*Most Recent Transfer*

**Deed Bk:** 1108 **Deed Pg:** 2323 **Instrument Type:** DB **Instrument Yr:** 2018 **Instrument #:** 3283  
**Plat Bk:** 367 **Plat Pg:** 965 **Date:** 05/24/2018 **Price:** \$ 415,000.00  
**Grantor:** HAZELWOOD GARY & SHIRLEY

*Most Recent Transfer 1*

**Deed Book:** 651 **Deed Page:** 1048 **Instrument Type:** **Instrument Yr:** 0 **Instrument #:** 0  
**Grantor:** WATT THOMAS W J & SHIRLEY J **Price:** \$ 26,000.00 **Date:** 6/1/1999

*Most Recent Transfer 2*

**Deed Book:** 370 **Deed Page:** 2510 **Instrument Type:** **Instrument Yr:** 0 **Instrument #:** 0  
**Grantor:** **Price:** \$ 8,062.00 **Date:** 4/6/1983

*Most Recent Transfer 3*

**Deed Book:** 367 **Deed Page:** 1570 **Instrument Type:** **Instrument Yr:** 0 **Instrument #:** 0  
**Grantor:** **Price:** \$ 5,500.00 **Date:** 6/17/1982

**Improvement Details:**

**Exterior**

**Year Built:** 2000 **Foundation:** BRICK **Garage:** BRICK  
**Occupancy Type:** DWELLING **Ext. Walls:** BRICK **No. of Cars:** 2  
**Condition:** GOOD **Roofing:** HEAVY COMP SHINGLE **Carport:** NONE  
**Roof Type:** FLAT/SHED **No. of Cars:** 0

**Interior**

**Stories:** 2 **Heating:** HEAT PUMP **Base Living Sq Ft:** 1,638  
**Total Rooms:** 7 **A/C:** YES **Finished Sq Ft:** 2,316  
**Bedrooms:** 3 **Fireplaces:** 1 **Finished Bsmt Sq Ft:** 1,229  
**Full Baths:** 2 **Flues:** 0 **Total Bsmt Sq Ft:** 1,638  
**Half Baths:** 0 **Unfinished Bsmt Sq Ft:** 410  
**Interior Walls:** DRYWALL  
**Floor Covering:** WOOD FLOORING

## Franklin County, VA Property Information



**DISCLAIMER:** While every effort has been made to ensure the accuracy of the information presented, Franklin County is not responsible for the accuracy of the content contained herein and will not be liable for its mis-use or any decisions based on this report's contents  
Card

**Site Information:**

Right of Way: PRIVATE

Terrain Characteristics: BELOW GRADE

Water: WELL

Electric: YES

Easements: PAVED

Sewer: SEPTIC

Gas: YES

No. 133-99-0687

Tax Map No. 44, par

# PERMIT

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF HEALTH

## SEWAGE DISPOSAL SYSTEM OPERATION PERMIT

DATE OF ISSUE  
JULY 7, 2000

THIS PERMIT  
EXPIRES ON  
N/A

This Permit is Issued in Accordance with the Provisions of 32.1, Chapter 6 of the Code of Virginia. Issuance of an Operating permit does not imply or Guarantee that the Sewage Disposal System will Function for any Specified Period of Time.



OPERATOR: GARY HAZELWOOD  
ADDRESS: 5925 SCRUGGS RD  
MONETA, VA 24121

Property location: BLACK WATER RIVER EST SUB  
LOT 5, SEC. 2

*The above operator has made application and in accordance with the regulations of the Board of Health of the Commonwealth of Virginia is authorized by the* FRANKLIN COUNTY *Health Department to operate a* Type I Sewage Disposal System

Having a Design Capacity of 450 Gallons per Day, 3 Bedrooms Maximum.

HEALTH OFFICIAL

Variances Granted        XXXXNone        See Attached       

THIS PERMIT IS NOT TRANSFERABLE FROM ONE INDIVIDUAL OR LOCATION TO ANOTHER



**Margaret S. Torrence**  
Commissioner of the Revenue

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

TELEPHONE

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

July 28, 2020

Dennis & Susan Sigmon  
2020 Altice Mill Rd  
Rocky Mount, VA 24151

**Re: Business Registration and Transient/Occupancy Tax Application**

Dear Mr. & Mrs. Sigmon,

The Commissioner of Revenue office has been informed that the property at 2020 Altice Mill Rd, Rocky Mount (Tax Map# 044 00-190 26B) is being offered for rent on a short-term basis (less than thirty (30) days). The purpose of this letter is to inform you that property owners renting short-term in Franklin County must register their short-term rental business with our office, and collect and report transient occupancy tax in accordance with the Code of Franklin County, VA §20-243 and §20-244.

Enclosed please find a New Business Registration Form and Transient/Occupancy Application to complete and return to our office **no later than August 7, 2020**. When completing the forms, indicate the start date (first day the property was offered for rent). For your convenience, you may submit the forms in the pre-addressed envelope provided, by fax: (540) 352-5140, e-mail: [Madherleyn.Torres@franklincountyva.gov](mailto:Madherleyn.Torres@franklincountyva.gov), or submit online via our website: [www.franklincountyva.gov/189/Commissioner-of-Revenue](http://www.franklincountyva.gov/189/Commissioner-of-Revenue).

Additionally, in accordance with the Code of Virginia §58.1-3515, Franklin County does assess personal property tax on all items used for a business including, but not limited to, furniture, fixtures, appliances, office equipment, machinery and tools located within the property as of January 1<sup>st</sup> of each year.

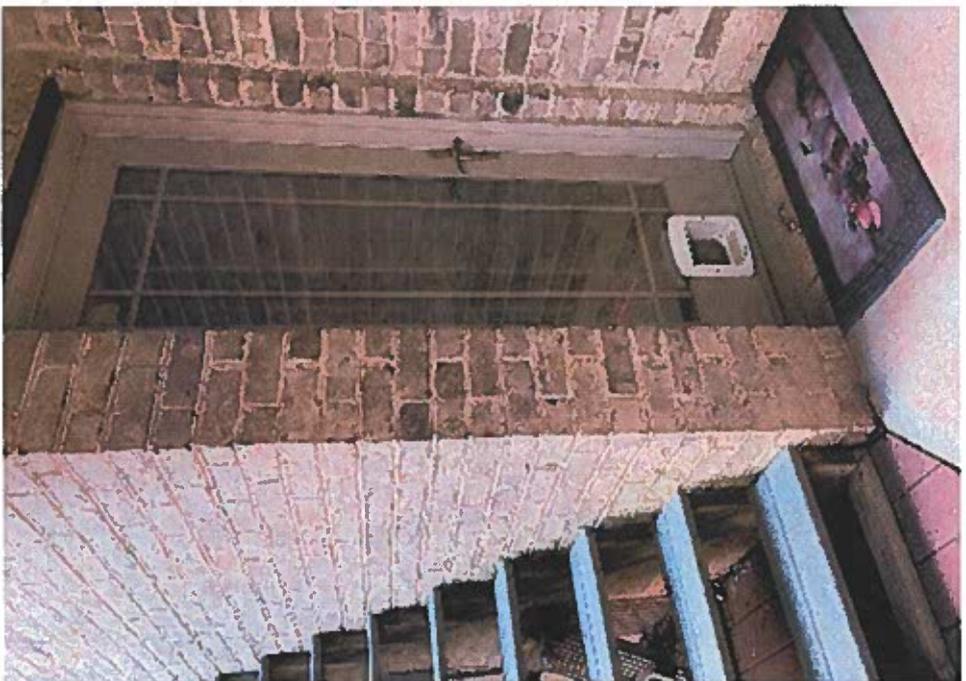
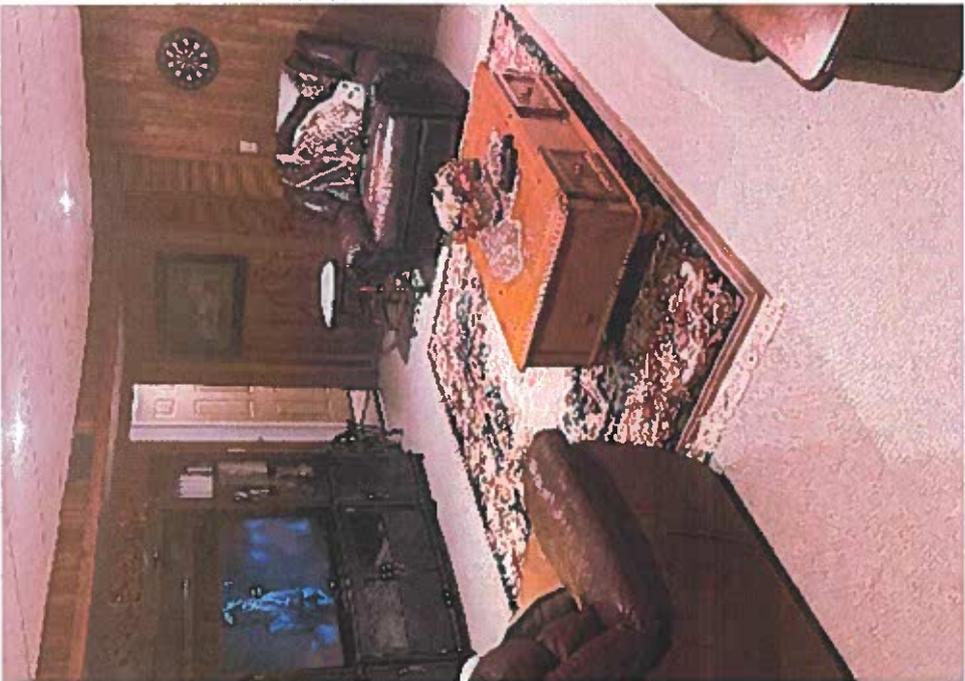
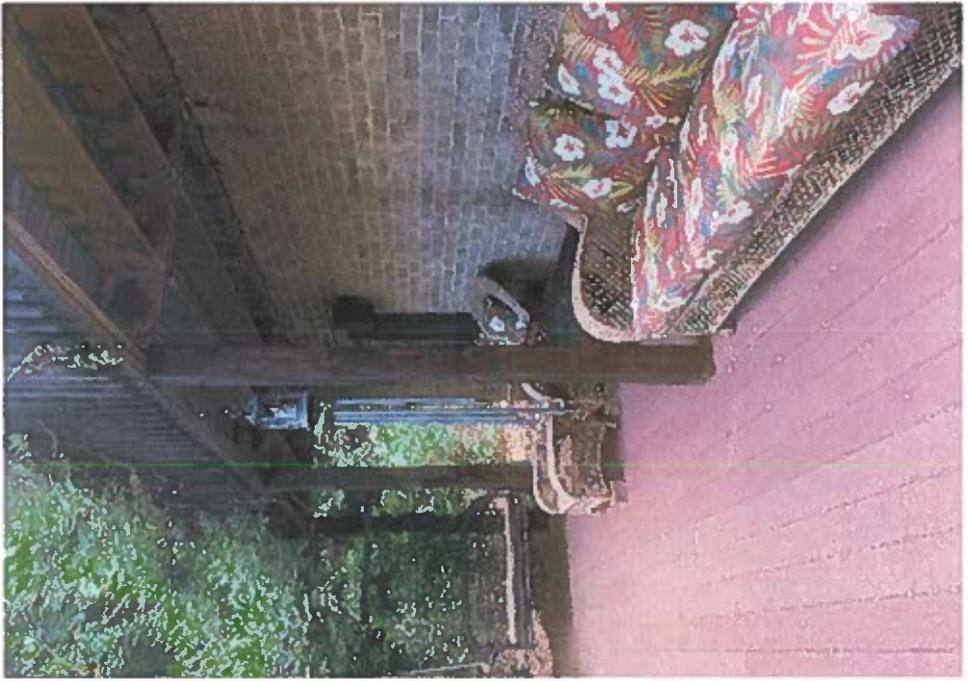
Thank you in advance for your prompt attention to this matter. If you have any questions, do not hesitate to contact our office at (540) 483-3083, option 2.

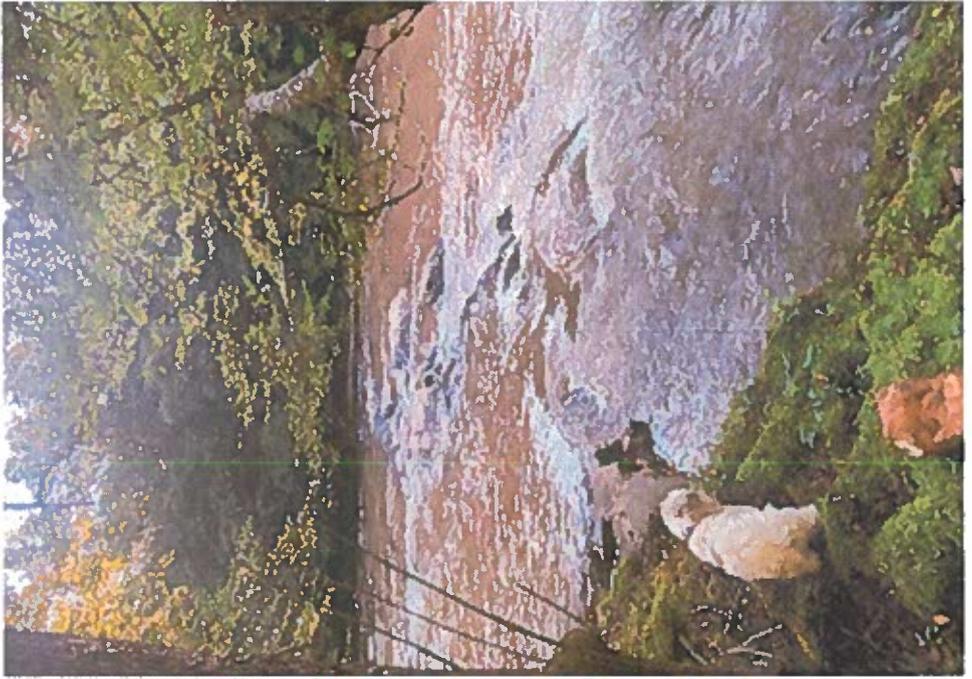
Sincerely,

Madherleyn Torres  
Deputy Commissioner - Business Tax & Licenses

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

send sample Tot rate - Airbnb





## Powell, Hannah

---

**From:** Lewis, Lisa <lisa.lewis@vdot.virginia.gov>  
**Sent:** Thursday, September 10, 2020 6:58 AM  
**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. ====

Due to the nature of these applications, we do not have any comments.

Lisa

On Wed, Sep 9, 2020 at 2:52 PM Powell, Hannah <[Hannah.Powell@franklincountyva.gov](mailto:Hannah.Powell@franklincountyva.gov)> wrote:

As usual now, we will not be meeting in the office for the DRT meeting. However, please review the attached applications and send me any comments you may have by Friday September 18<sup>th</sup>. 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](mailto:hannah.powell@franklincountyva.gov)*

--

Lisa Lewis  
Land Development Engineer  
Bedford Residency/Franklin County

## Powell, Hannah

---

**From:** Williams, Brent <brent.williams@vdh.virginia.gov>  
**Sent:** Thursday, September 10, 2020 10:20 AM  
**To:** Powell, Hannah  
**Cc:** 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; Sandy, Steve; Schmidt, Eric; Smith, Don; Whitlow, Christopher; Wilson, Ronald  
**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. ====

1. Sigmon- 3 bedroom septic 133-99-0687. Use of the dwelling is limited to 6 total people
2. Lake Watch- no comment
3. Bowman- Off site drainfield approval for this lot. moving the house will not affect the septic
4. Callahan- 4 bedroom septic 133 87 1054
5. Short- will need a 2 bedroom drainfield for the new dwelling - recommend verifying where the existing drainfield is located prior to construction
6. Wendy Gap- No comment

## Brent Williams

Environmental Health Supervisor  
West Piedmont Health District  
(o) 540-484-0292 ext. 209  
(f) 540-484-0314

On Wed, Sep 9, 2020 at 2:52 PM Powell, Hannah <[Hannah.Powell@franklincountyva.gov](mailto:Hannah.Powell@franklincountyva.gov)> wrote:

As usual now, we will not be meeting in the office for the DRT meeting. However, please review the attached applications and send me any comments you may have by Friday September 18<sup>th</sup>. Thanks!!

-  
-  
-

*Hannah L. Powell*

*Administrative Assistant II*

*Franklin County Planning & Community Development*

*1255 Franklin Street, Suite 103*

*Rocky Mount, VA, 24151*

**Dear Franklin county Board of supervisors and planning commission.**

**Please see the reason for the request for special use permit here in Franklin county Virginia.**

**We wish to rent our unused 1,638 sq. ft lower level of our home short term bases; we do not wish to rent our unused space to a conventual permanent tenet renter. We find that we are able to manage our property more effective using the short-term option. This is why we choose to work with Airbnb short term rental.**

**Upon consideration of the effects of changes on the surrounding area, our visiting guest would be patrons of our local businesses, gas, food, shopping and nice restaurants.**

**Our Neighbors and community effects of changes, will experience our personal property as well kept, in better condition as ever, up to date with the high standards of franklin county's Board of Supervisors and planning commissions regulations, policias, rules and its entities to enforce a high standard with Franklin county for short term rental.**

**The proposed use of our property, is to rent our extra space located privately on lower level of our home. One bedroom, living room and bathroom. As a peaceful getaway stay and business travel stays. We have a pool our renter can use to swim. we are located close by Black Water River and offer our Picnic area.**

**Sincerely,**

**Susan and Dennis Sigmon**

**FRANKLIN COUNTY  
SPECIAL USE PERMIT APPLICATION**

(Type or Print)

I/We, Susan and Dennis Sigmon 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: Susan + Dennis Sigmon

Petitioner's Address: 2020 Altice Mill Rd Rocky Mt. Va. 24151

Petitioner's Phone Number: 434-251-0182

Petitioner's E-mail: susanslcontainer@yahoo.com

Property Owner's Name: Susan + Dennis Sigmon

Property Owner's Address: 2020 Altice Mill Rd Rocky Mt. Va. 24151

Property Owner's Phone Number: 540-243-0643

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

Directions to Property from Rocky Mount: \_\_\_\_\_

Tax Map and Parcel Number: 044.00 Parcel 190.26B

Magisterial District: Blackwater River E

Property Information:

A. Size 3,545 this total ~~1,225 sq ft~~ <sup>Size</sup> of 2020 Altice Mill Road Property:

B. Existing Zoning: A1

C. Existing 2 Land A1 Residential 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 To rent lower level of our home Land Use:  
for short term.

- B. Size of Proposed Use: 1, 229 Sq Ft
- C. Other Details of Proposed Use: To Rent our lower level  
of House located 2020 Altice Mill Road  
Rocky Mt VA 24151 for Short term rental

**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): Susan & Dennis Sigmon

Signature of Petitioner: Susan & Dennis Sigmon

Date: 8/3/20

Mailing Address: 2020 Altice Mill Road  
Rocky mount Va 24151

Telephone: 540 - 243 - 0643

Email Address: Susans1container@yahoo.com

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

Owner's Name (Print): \_\_\_\_\_

Signature of Owner: \_\_\_\_\_

Date: \_\_\_\_\_

Date Received by Planning Staff \_\_\_\_\_

Clerk's Initials: \_\_\_\_\_

CHECK #: \_\_\_\_\_

RECPT. #: \_\_\_\_\_

AMOUNT: \_\_\_\_\_

Page 444  
Scale 1" = 100'

THIS IS TO CERTIFY THAT THE LAND SHOWN HEREON SUBDIVIDED AND TO BLACKWATER RIVER ESTATES, SECTION 2, IS WITH THE FIDELITY AND ACCORDANCE WITH THE UNDERSIGNED OWNER, PARKER DEVELOPMENT CO. IN WITNESS WHEREOF I HEREBY PLACED THE SIGNATURES OF T.R.M. JOHN T. PARKER ON THIS 22 DAY OF APRIL, 1982.

J.P. Parker  
JOHN T. PARKER

STATE OF VIRGINIA  
COUNTY OF ROANOKE

I, J.P. Parker, A NOTARY PUBLIC IN AND FOR THE COUNTY OF ROANOKE, DO HEREBY CERTIFY THAT THE SIGNATURES AND NAMES ARE SHOWN TO THE FOREGOING WRITING DATED April 22, 1982 HAVE PERSONALLY APPEARED BEFORE ME IN MY OFFICIAL CAPACITY AND ACKNOWLEDGED THE SAME, GIVEN UNDER MY HAND THIS 22 DAY OF April, 1982.

MY COMMISSION EXPIRES April 22, 1985

J.P. Parker  
NOTARY PUBLIC

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF FRANK VIRGINIA, THIS MAP IS PRESENTED ON \_\_\_\_\_ WITH THE CERTIFICATE OF ACKNOWLEDGMENT AND DEED TO ANNEEXED IS ADMITTED TO RECORD AT \_\_\_\_\_ DAY OF \_\_\_\_\_, 1982.

LEGAL REFERENCES  
D.B. 384, PG. 2150  
THOMPSON PRODUCTS, INC.  
MAP PG. 2, PG. 45

LEGEND

1/8" L. - MINIMUM BUILDING LINE  
P.U.E. - PUBLIC UTILITY EASEMENT

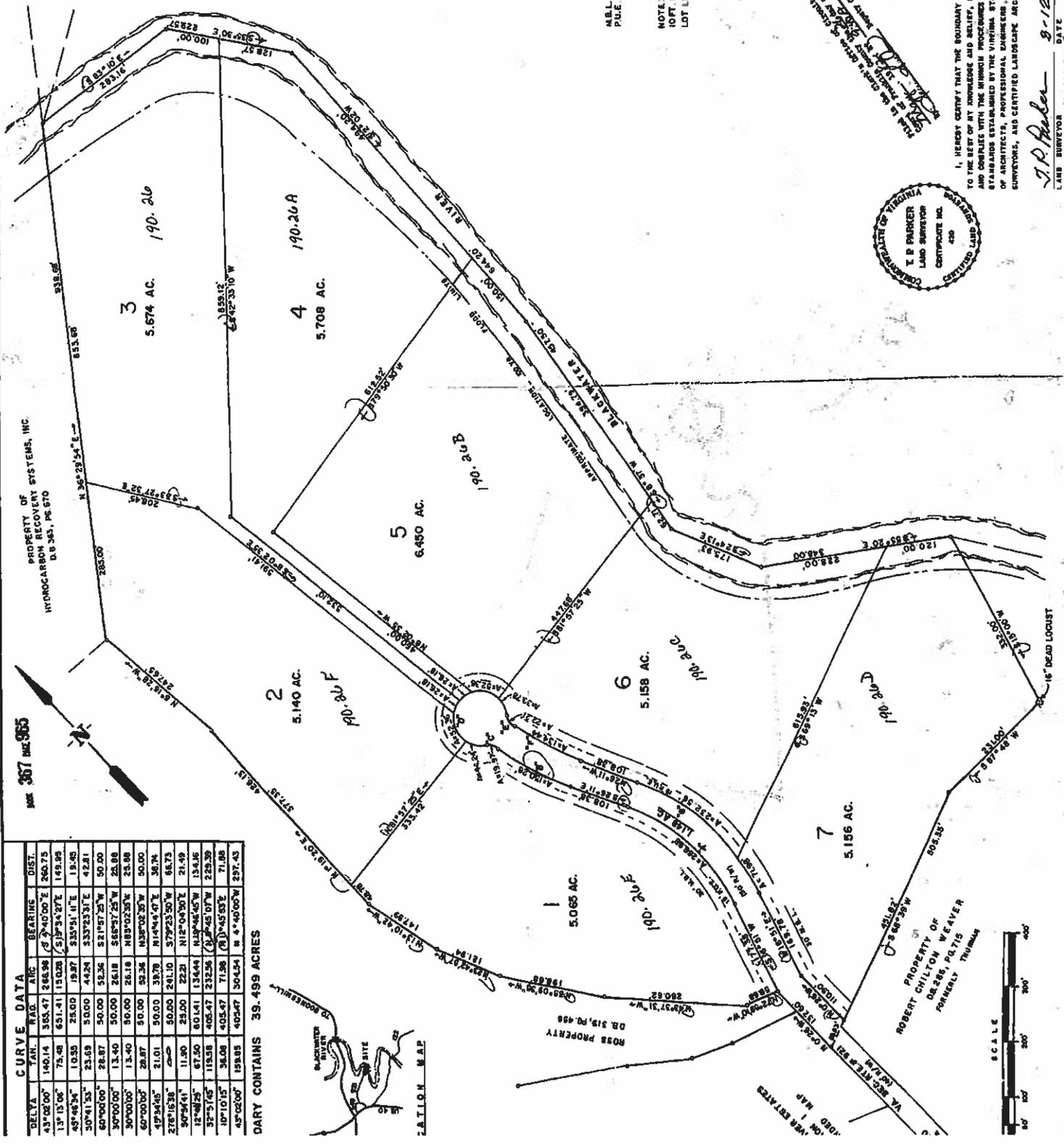
NOTE:  
10 FT. DRAINAGE EASEMENT RESERVED ALONG ALL LOT LINES AND NATURAL WATER COURSES.

*J.P. Parker*  
8/16

MAP OF  
**BLACKWATER RIVER ESTATE**  
SECTION NO. 2  
PROPERTY OF  
**PARKER DEVELOPMENT COMPANY**  
ROCKY MOUNT INDUSTRIAL DISTRICT  
FRANKLIN COUNTY, VIRGINIA  
SCALE: 1" = 100'  
MARCH 10, 1982

I, HEREBY CERTIFY THAT THE BOUNDARY SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS.

J.P. Parker  
LAND SURVEYOR  
8-12-82



**CURVE DATA**

DELTA	TAN.	RAD.	ARC	BEARING	DIST.
43°02'00"	140.14	353.47	266.96	S 2°40'00" E	260.75
13°15'00"	75.48	651.41	150.28	S 12°34'37" E	149.95
45°48'34"	103.55	25.00	19.87	S 85°51'11" E	18.48
50°41'35"	23.89	30.00	4.24	S 33°53'31" E	42.81
60°00'00"	28.87	50.00	26.18	S 21°57'25" W	50.00
30°00'00"	13.40	50.00	26.18	N 68°52'35" W	25.86
60°00'00"	28.87	50.00	52.36	N 37°02'35" W	50.00
42°34'45"	21.01	50.00	39.79	N 14°44'47" E	38.74
27°16'38"	11.50	50.00	241.10	S 72°23'50" W	68.73
50°54'41"	11.50	25.00	22.21	N 12°04'50" E	21.49
12°48'25"	67.50	80.141	134.44	N 12°48'25" W	134.16
32°15'45"	118.58	405.47	232.56	S 22°45'07" W	229.39
10°10'15"	34.08	405.47	71.58	N 81°45'53" E	71.86
45°02'00"	158.85	405.47	304.54	N 4°40'00" W	297.43

DARY CONTAINS 39.499 ACRES



**MEMORANDUM**  
**Case # SPEC-09-20-16699**



**To:** Franklin County Planning Commission  
**From:** Lisa Cooper, Principal Planner  
**Date:** September 30, 2020  
**Tax #s:** 0470004200  
**District:** Union Hall District  
**Applicant:** David J. Shorts and Zoey L. Shorts  
**Owners:** David J. Shorts and Zoey L. Shorts

**REQUEST:**

**APPLICATION for SPECIAL USE PERMIT** – Application of Daniel J. Shorts and Zoey L. Shorts, Applicants and Owners, requesting a Special Use Permit to allow for the construction of a second dwelling on an approximate 3.38 acre parcel, currently zoned RC-1, Residential Combined Subdivision District, and located at 423 Fox Chase Road in the Union Hall District of Franklin County, and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0470004200. Second single family detached dwellings for immediate family members are a permitted use under Section 25-188 by issuance of a Special Use Permit by the Franklin County Board of Supervisors in RC-1, Residential Combined Subdivision Districts. The property has a future land use designation of Low Density Residential.

**RECOMMENDATION:**

*The Planning Commission recommends that the Board of Supervisors approve the request for a Special Use Permit to allow for a second single family dwelling for an immediate family with the following three (3) conditions:*

- 1. The second single family dwelling shall be used only for immediate family members as defined in the Franklin County Zoning Ordinance and the Code of Virginia.*
- 2. Short term and long-term rentals shall be prohibited.*
- 3. A separate drainfield will be required from the Virginia Department of Health before a certificate of occupancy is obtained for the second single-family dwelling. In addition, the existing location of the drainfield for the primary dwelling shall be located before construction of the second dwelling.*



**BACKGROUND:**

The petitioners request a Special Use Permit to allow for a “second single family detached dwelling for an immediate family member”, located on the same lot as the primary single family dwelling at 423 Fox Chase Road in the Union Hall District and zoned RC-1, Residential Combined Subdivision District. The lot is 3.38 acres located in the Dam Shores Subdivision. The property currently has a single-family dwelling with dock located on Smith Mountain Lake. The property is wooded except for the area closest to the lake and the property opens to the view of the lake. The house is accessed by State Route 1302; Fox Chase Road.

The Shorts are requesting a Special Use Permit to allow for the construction of a second detached single-family dwelling on this property. The second dwelling will be used for an immediate family member. The proposed dwelling is a ranch style dwelling approximately 1000 square feet. The floor plan submitted shows a two-bedroom, one bath with a kitchen, living room, and mudroom. The Shorts are constructing the home for an aging parent and have no intention to rent or lease to another party. The proposed dwelling will be in proximity to the existing home on the property. (Please see attached concept plan for potential location of second dwelling.)

In order to allow any “Second single-family detached dwelling on a lot” a Special Use Permit is required to be issued by the Board of Supervisors under Section 25-268 of the County Code. In addition, Section 25-274(a). Other special regulations states: “Only one principal building with its customary accessory buildings may be erected or placed on a single building lot; provided, that a second dwelling for use by immediate family may be placed on a residential building lot in the RC-1 district with a special use permit issued by the board of supervisors. Immediate family includes brothers, sisters, grandparents, in addition to the state definition (mother, father, son, daughter, husband, wife).”

The application was advertised, site posted, and notifications sent to all adjacent property owners. As of the date of this report, staff has received three (3) inquiries about the property. One inquiry in support, one asked for the application, and another just inquired. Additional comments and concerns may be raised as a result of the public hearings.

**SITE STATISTICS:**

<i>Location:</i>	423 Fox Chase Road, Union Hall District
<i>Size:</i>	3.38 acres
<i>Existing Land Use:</i>	Residential housing within the subdivision
<i>Adjoining Zoning:</i>	RC-1, Residential Combined Subdivision, R-1, Residential Suburban Subdivision, and A-1, Agricultural District
<i>Adjoining Land Uses:</i>	Residential/Wooded/Mature trees throughout the subdivision
<i>Adj. Future Land Uses:</i>	Low Density Residential



**COMPREHENSIVE PLAN:**

The Future Land Use designates the property located at 423 Fox Chase Road (Route 1302) as Low Density Residential according to the 2007 Franklin County Comprehensive Plan adopted by the Board of Supervisors in May 2007. The property is requesting a special use permit for a second dwelling unit for an immediate family member to be construction on this residential lot with the primary home. The parcel is zoned RC-1, Residential Combined Subdivision and is identified as tax parcel number 0470004200. Low Density Residential is intended to allow gross densities of one to two dwelling units per acre, served by state-maintained roads, and possible have public water and/or sewer one day. Most low-density residential area are like a traditional neighborhood with different types of homes.

This subdivision is wooded especially along the roadway with lots surrounding the proposed parcel over 1.5 acres or more. Due to the property having 3.38 acres of land, a mostly wooded, and the surrounding properties being over 1.5 acres, the comprehensive plan would support having a second dwelling for an immediate family member which would not be of substantial detriment to adjacent properties. Furthermore, the low density residential does support the allowance of gross densities of one to two dwelling units per acre. The comprehensive plan would support the special use permit for a second dwelling unit with conditions as suggested by staff.

**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.

**ZONING ORDINANCE:**

Special Uses for the RC-1 District are set forth in Sec. 25-268. The requested use is referenced as “Homes – second single-family detached dwelling on a lot”. In addition, Section 25-274(a), states, “Only one principal building with its customary accessory buildings may be erected or placed on a single building lot; provided, that a second dwelling for use by immediate family may be placed on a residential building lot in the RC-1 district with a special use permit issued by the board of supervisors. Immediate family includes brothers, sisters, grandparents, in addition to the state definition (mother, father, son, daughter, husband, wife).”

Sec. 25-638 of the Zoning Ordinance 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 Zoning Ordinance 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 Zoning Ordinance 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.

**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. 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 at 423 Fox Chase Road. The property is located on a state-maintained road. Traffic is expected to be light from this proposed use.

**WATER AND SEWER:**

According to the Department of Health a two-bedroom drainfield will be needed for the new dwelling and the existing drainfield needs to be located prior to construction. The new dwelling will be served by a public water system.

**EROSION AND SEDIMENT CONTROL AND STORM WATER MANAGEMENT**

During the permit process it will be determined if erosion and sediment and/or storm water management permit will be required.

**PUBLIC SAFETY**

There were no comments from public safety.

**NOISE**

Staff anticipates minimal noise impacts related to this site.

**RECOMMENDATION**

Staff recommends that the Planning Commission consider and approve the Special Use Permit for a “Second single family dwelling for an immediate family member” with the following three (3) conditions:

1. The second single family dwelling shall be used only for immediate family members as defined in the Franklin County Zoning Ordinance and the Code of Virginia.
2. Short term and long-term rentals will be prohibited.
3. A separate drainfield will be required from the Virginia Department of Health before a certificate of occupancy is obtained for the second single-family dwelling. In addition, the existing location of the drainfield for the primary dwelling shall be located before construction of the second dwelling.



**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.

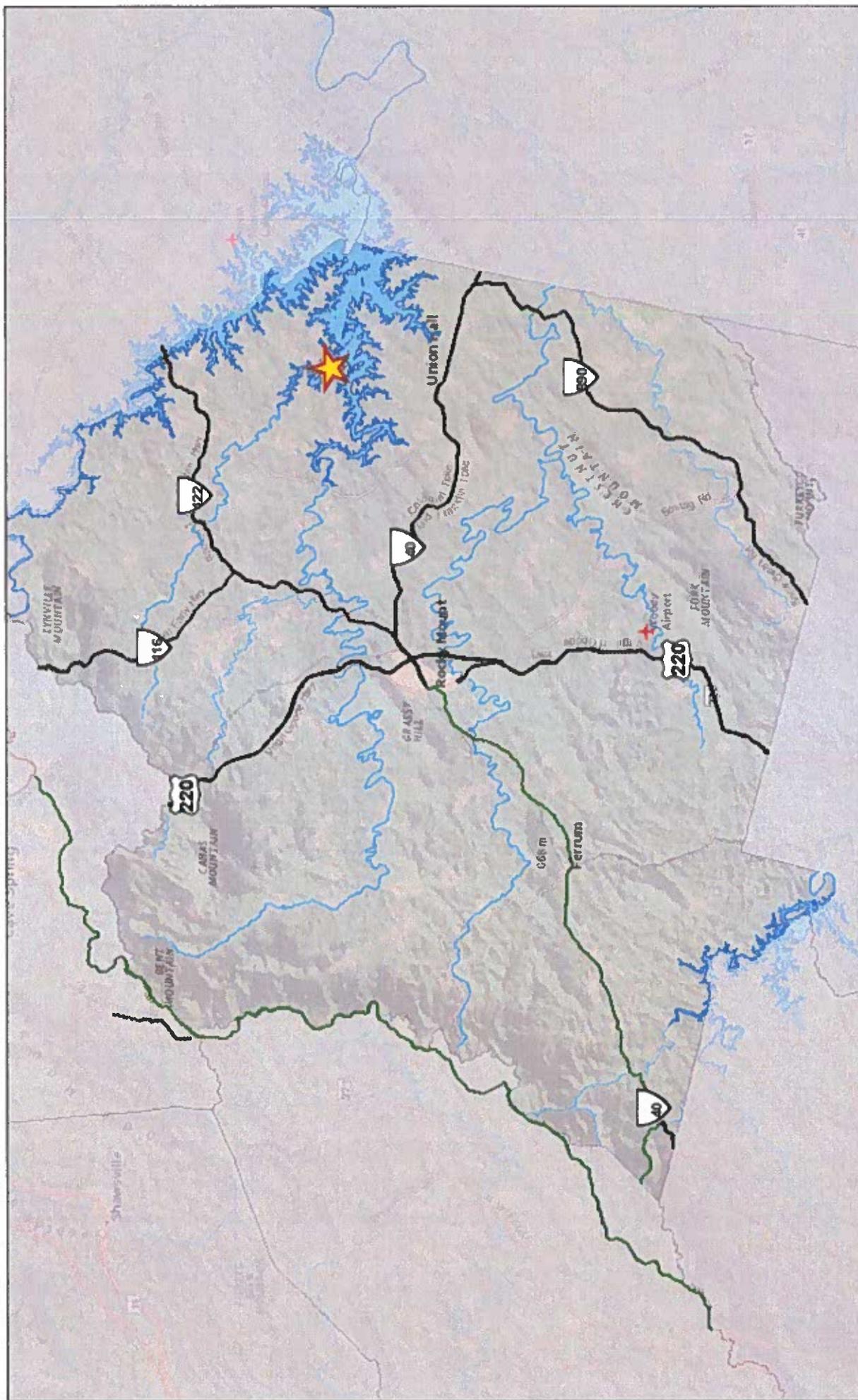
- 1) (APPROVE) I find that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the County Code with the uses permitted by right in the zoning district, and with the public health, safety and general welfare to the community. Therefore, I move to recommend approval of the petitioner's request for a Special Use Permit for a "second single family dwelling" in accordance with Sec. 25-268 of the Zoning Ordinance, with the conditions as recommended in the staff memorandum as follows:
  1. The second single family dwelling shall be used only for immediate family members as defined in the Franklin County Zoning Ordinance and the Code of Virginia.
  2. Short term and long-term rentals will be prohibited.
  3. A separate drainfield will be required from the Virginia Department of Health before a certificate of occupancy is obtained for the second single-family dwelling. In addition, the existing location of the drainfield for the primary dwelling shall be located before construction of the second dwelling.

**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 # 0470004200**  
**SPEC-09-20-16699**  
**Daniel & Zoey Shorts**

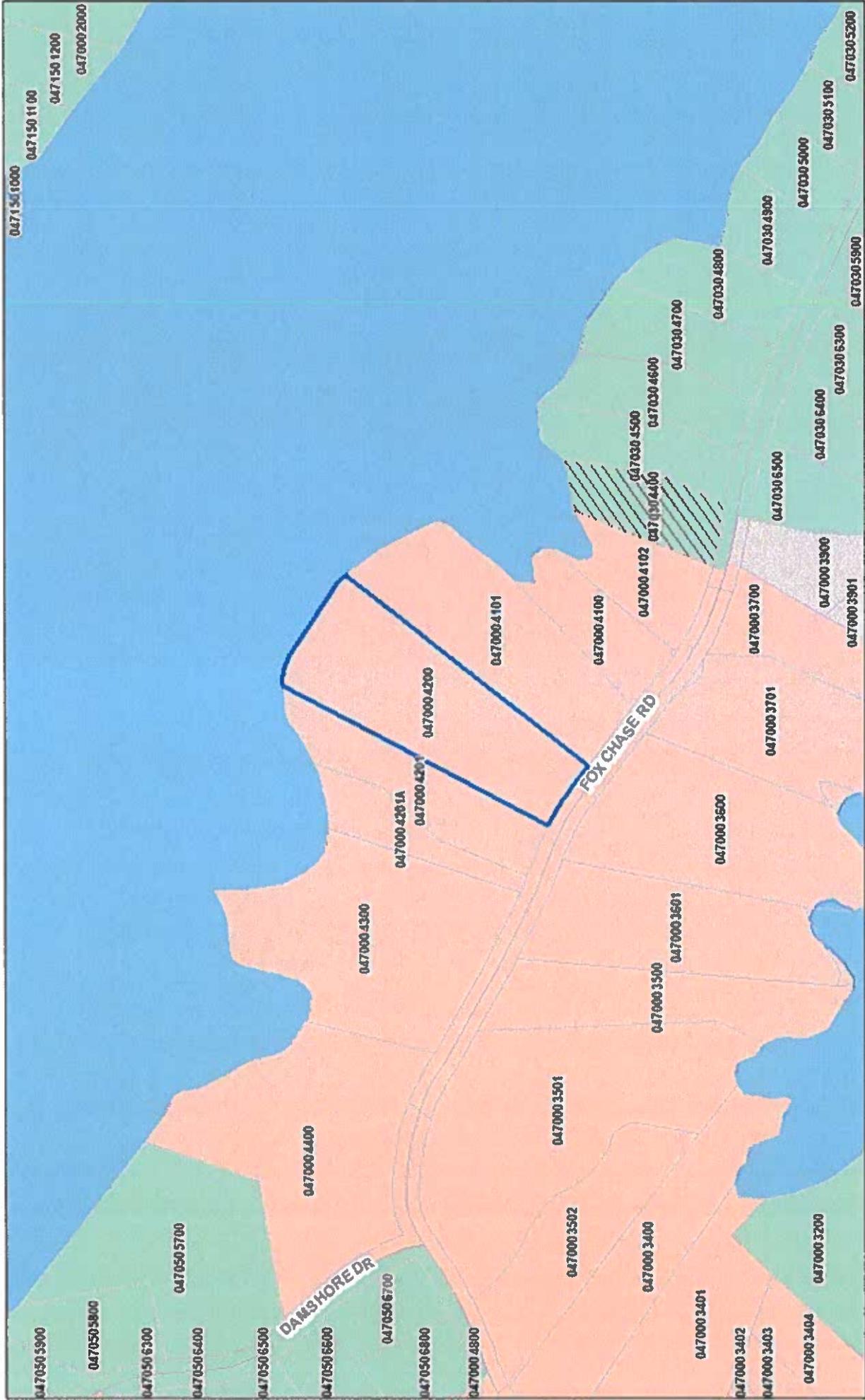
 **Subject Property Location**



Date: 10/27/2020



Eastern Piedmont Council of Governments



**Tax Map # 0470004200**  
**SPEC-09-20-16699**  
**Daniel & Zoey Shorts**

**Legend**

- Subject Parcel
- Parcels
- Special Use Permit
- Smith Mica Lake
- Zoning Classifications
  - A1 - Agricultural
  - R1 - Residential Suburban Subdivision
  - RC1 - Residential Combined Subdivision



Date: 10/2/2020







**Tax Map # 0470004200**  
**SPEC-09-20-16699**  
**Daniel & Zoey Shorts**

**Legend**

- Subject Parcel
- Tax Parcels

2017 Pictometry Imagery



Date: 10/2/2020



Franklin Co GIS

September 2, 2020

To Whom It May Concern:

We are submitting a ***Special Use Permit Application*** to construct a second dwelling for a family member on our property at 423 Fox Chase Road, Wirtz, VA 24184 (Tax Map #0470004200). Our property is currently zoned RC1 and we would like to build a ranch style dwelling of approximately 1000 sq ft to house our widowed mother. This dwelling would serve strictly as a residence for an aging family member with no intention to rent or lease to another party. This dwelling would sit in close proximity to our existing home and utilize our current driveway. If required, we are prepared to add a separate septic system to service this dwelling.

We have included preliminary plans drawn up by Smoot Construction which show the proposed elevation and floor plan.

We hope that you will take our request into consideration and reach out with any additional questions.

Sincerely,

Dan & Zoey Shorts

A handwritten signature in black ink, appearing to read 'Dan & Zoey Shorts', with a long horizontal flourish extending to the right.

423 Fox Chase Road  
Wirtz, VA 24184  
805-551-2365  
zshorts@msn.com

FRANKLIN COUNTY  
SPECIAL USE PERMIT APPLICATION

(Type or Print)

I/We, DANIEL & ZOEY SHORTS, 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: DANIEL & ZOEY SHORTS

Petitioner's Address: 423 FOX CHASE ROAD WIRTZ, VA 24184

Petitioner's Phone Number: 805-551-2365

Petitioner's E-mail: ZSHORTS@MSN.COM

Property Owner's Name: DANIEL & ZOEY SHORTS

Property Owner's Address: 423 FOX CHASE ROAD WIRTZ, VA 24184

Property Owner's Phone Number: 805-551-2365

Property Owner's E-mail: ZSHORTS@MSN.COM

Physical Address of the Property: 423 FOX CHASE ROAD WIRTZ, VA 24184

Directions to Property from Rocky Mount: VA 40-E OLD FRANKLIN TPKE TO STATE RTE 1216 TO STATE RTE 834 TO STATE RTE 670 TO FOX CHASE RD.

\*Tax Map and Parcel Number: 0470004200

Magisterial District: UNION HALL

Property Information:

A. Size 3.38 ACRE of \_\_\_\_\_ Property:

B. Existing Zoning: RC1

C. Existing RESIDENTIAL Land Use:

D. Is property located within any of the following overlay zoning districts: NO  
\_\_\_\_ Corridor District \_\_\_\_ Westlake Overlay District \_\_\_\_ Smith Mountain Lake Surface District

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

Proposed Special Use Permit Information:

- A. Proposed <sup>Land</sup> SECOND DWELLING FOR A FAMILY MEMBER Use:
- B. Size of Proposed Use: @ 1000 sq. ft.
- C. Other Details of Proposed Use: MOTHER-IN-LAW SUITE
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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. I authorize County staff to access this property for purposes related to the review and processing of this application.**

Petitioner's Name (Print): DANIEL + ZOEY SHORTS

Signature of Petitioner: *Daniel Shorts*

Date: 9/2/20

Mailing Address: 423 FOX CHASE RD  
WIRTZ, VA 24184

Telephone: 805-551-2365

Email Address: ZSHORTS@MSN.COM

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

Owner's Name (Print): \_\_\_\_\_

Signature of Owner: N/A

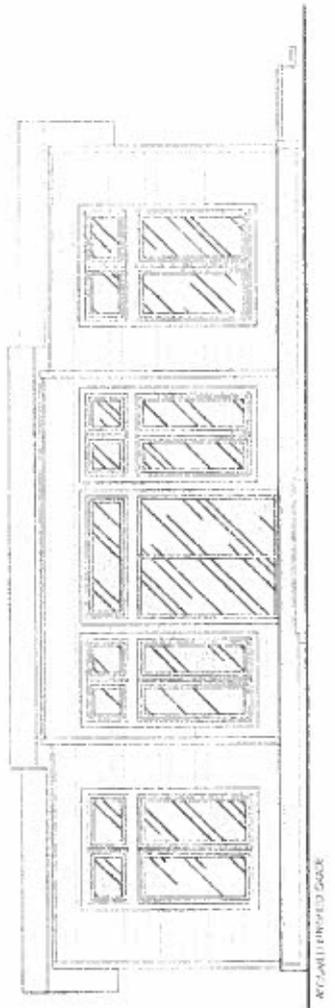
Date: \_\_\_\_\_

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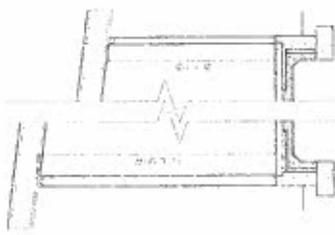
SHORTS, DANIEL & ZOBY

ALL DIMENSIONS ARE GIVEN UNLESS OTHERWISE SPECIFIED.  
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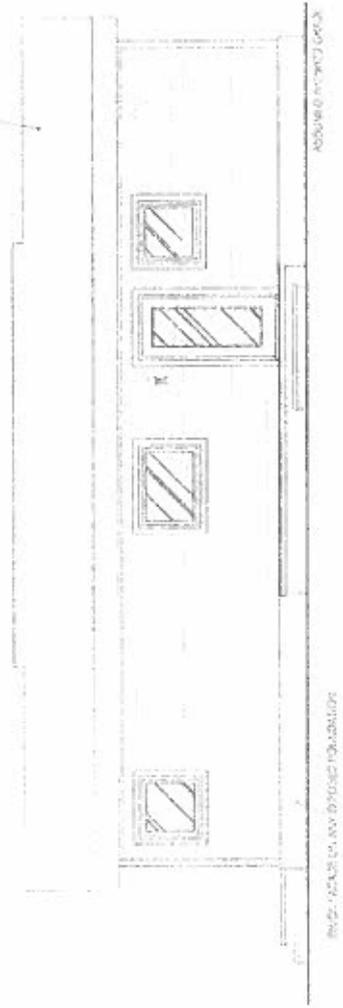
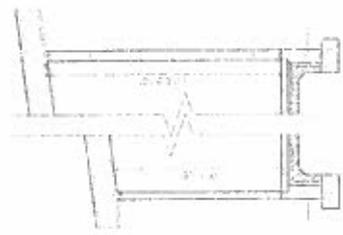
SCALE: 1/4" = 1'-0"



**FRONT ELEVATION**



PRELIMINARY DRAWING  
 NOT FOR PERMITS



**REAR ELEVATION**

**SMOOT CONST. - SHORTS JOB**  
 NEW RESIDENCE

PROJECT: 1907-2024-001  
 ARCHITECT: DANIEL & ZOBY  
 DATE: 10/2024

PROJECT: 1907-2024-001  
 ARCHITECT: DANIEL & ZOBY  
 DATE: 10/2024

SHEET 1

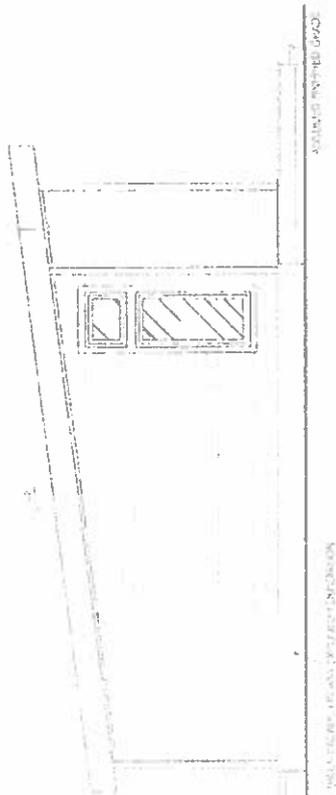
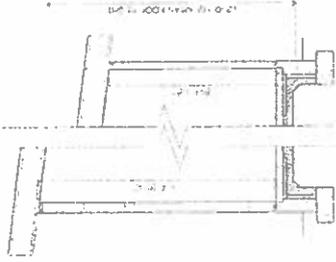
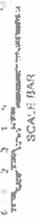


SHORTS, DANIEL & ZOEY

**DESIGN CRITERIA**

PROJECT NAME: SMOOT CONST. - SHORTS JOB PROJECT NO.: 2024-001 DATE: 08/24/24	
CLIENT: DANIEL & ZOEY SHORTS ADDRESS: 12345 MAIN ST, ARLINGTON, VA 22204	ARCHITECT: SMOOT CONST. LLC ADDRESS: 67890 MARKET ST, ARLINGTON, VA 22204 PHONE: (703) 555-1234 FAX: (703) 555-5678 EMAIL: INFO@SMOOTCONST.COM
PROJECT NO.: 2024-001 SHEET NO.: 1 OF 1 DATE: 08/24/24 DRAWN BY: DANIEL SHORTS CHECKED BY: ZOEY SHORTS APPROVED BY: DANIEL SHORTS	PROJECT NO.: 2024-001 SHEET NO.: 1 OF 1 DATE: 08/24/24 DRAWN BY: DANIEL SHORTS CHECKED BY: ZOEY SHORTS APPROVED BY: DANIEL SHORTS

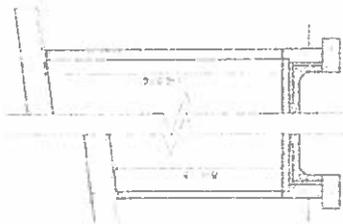
PLANS ARE SUGGESTIVE ONLY AND BUILDER MUST CHECK AND CONFIRM ALL DIMENSIONS ON PLANS. BUILDING MUST BE CONSIDERED TO MEET ALL STATE AND LOCAL BUILDING CODES AND REQUIREMENTS. ALL DIMENSIONS ARE PERMITTED BY THE CONTRACTOR. ALL DIMENSIONS ARE PERMITTED BY THE CONTRACTOR.



**LEFT ELEVATION**

SCALE: 1/8" = 1'-0"

**PERMITTED AREA PERMITS NOT FOR PERMITS**



**RIGHT ELEVATION**

SCALE: 1/8" = 1'-0"



**2**

SHEET

DATE: 8-24-24  
 SCALE: 1/8" = 1'-0"  
 PROJECT: SMOOT CONST. - SHORTS JOB

PROJECT DRAWN BY: ROBERT F. HODGES JR.  
 PROJECT NO.: 2024-001  
 PHONE: (703) 555-1234

**SMOOT CONST. - SHORTS JOB**

NEW RESIDENCE





**MEMORANDUM**

**Case # SPEC-09-20-16700**



**To:** Franklin County Planning Commission  
**From:** Lisa Cooper, Principal Planner  
**Date:** September 30, 2020  
**Tax #s:** 0100000102  
**District:** Boone District  
**Applicant:** David Kingery  
**Owners:** Windy Gap Property Owners Association

**REQUEST:**

**APPLICATION for SPECIAL USE PERMIT** – Application of David Kingery, Applicant, and Windy Gap Property Owners Association, Owners, requesting a Special Use Permit, with possible conditions, to allow for a storage yard on an approximate 28.12 acre parcel currently zoned A-1, Agricultural, and located on Windridge Parkway in the Boone District of Franklin County, and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0100000102. Storage yards are a permitted use by issuance of a Special Use Permit by the Franklin County Board of Supervisors in the A-1, Agricultural zoning district. The property has future land use designation of Conservation Areas/Steep Slopes (>25%).

**RECOMMENDATION:**

*The Planning Commission recommends that the Board of Supervisors approve the request for a Special Use Permit to allow for a storage yard with the following five (5) conditions:*

- 1. Usage of the property shall be limited to 3.0 acres of the total 28.12 acre property. Expansion will require the issuance of a new special use permit by the Board of Supervisors.*
- 2. Storage on the property shall be limited to personal boats, personal watercraft, residential vehicles (RVs), and trailers and all boats/personal watercraft/trailers/recreational vehicles stored on the property are to be in operable condition, have current registration, and current inspection.*
- 3. No storage shall be allowed within yards or setback areas required by the Zoning Ordinance.*
- 4. Storage area shall be fenced and gated. Access shall be provided to Franklin County Public Safety. Storage area shall be screened from all properties with existing tree cover. The association will be required to maintain a 100-foot buffer of existing tree cover on all sides of the property to screen the storage area.*
- 5. A minor site plan of the storage yard must be submitted to Franklin County Zoning Administrator for review and approval within sixty (60) days of approval of the special use permit.*



**BACKGROUND:**

The petitioner requests a Special Use Permit to allow for a “Storage Yard”, on approximately 3.0 acres of the 28.12-acre property located on Windridge Parkway in the Boone District and zoned A-1, Agricultural District. The property is currently wooded and vacant except for the storage yard location. The storage yard is accessed by Route 116 (Jubal Early Highway).

The requested Special Use Permit is to bring the property into conformance with the current requirements in the County Code. The property owners have been allowing boats, trailers, recreational vehicles, and personal vehicles to be stored on the property. After receiving a complaint about the storage yard, the property owner’s association was contacted by County staff and informed that a storage yard in A-1 District requires a special use permit issued by the Board of Supervisors.

The storage yard has been used in various forms since the 70’s because the restrictive covenants do not allow property owners to park your recreational vehicles, trailers, boats, or personal vehicles on the street overnight or on the residential lot except for the two off street parking spaces required for each residential lot. The storage yard is fenced and gated, and each property owner has access to the storage yard.

Since applying for a special use permit, the property owner’s association has initiated a clean up of the property; notifying owners they will no longer be allowed to store vehicles without current registration. Several homeowners have removed vehicles from the storage yard. If the special use permit is granted the association will be notifying residents, they have 30 to 60 days to removed vehicles without current restriction and if they do not remove the vehicles, the vehicles will be considered abandoned and be removed for the storage yard

In order to allow any “Storage Yard” 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 six inquiries about the property. Four citizens with no concerns or comments, one citizen just inquiring, one citizen concerned with junk cars, etc. Additional comments and concerns may be raised as a result of the public hearings.

**SITE STATISTICS:**

<i>Location:</i>	Windridge Parkway, Boone District (Entrance on Route 116 Jubal Early Highway)
<i>Size:</i>	28.12 acres (3.0 acres requested for use as storage yard)
<i>Existing Land Use:</i>	Wooded, Vacant, except for the storage yard
<i>Adjoining Zoning:</i>	A-1, Agricultural District/R-1, Residential Suburban Subdivision
<i>Adjoining Land Uses:</i>	Residential/Wooded, Vacant
<i>Adj. Future Land Uses:</i>	Conservation Areas/Steep slopes (>25%)



**COMPREHENSIVE PLAN:**

The Future Land Use designates the property located at the corner of Route 116 (Jubal Early Highway) and Windridge Parkway as Conservation Areas/Steep Slopes (>25%) according to the 2007 Franklin County Comprehensive Plan adopted by the Board of Supervisors in May 2007. The property is requesting a special use permit for a storage yard in the A-1, Agricultural District and is identified as tax parcel number 0100000102. Conservation areas and steep slopes are located in some of the most mountainous areas of the County and this location is no exception. The property is not located in a conservation easement; however, it is owned by the Windy Gap Property Owners Association and the association can control how the property is use. It is heavily wooded and about three acres of the 28.12 acres will be used for the storage yard. This storage yard would allow residences to store boats, trailers, recreational vehicles, watercraft and personal vehicles to be in compliance with the restrictive covenants of the subdivision concerning these types of recreational vehicles and personal vehicles. It is typical to find developments such as this having the need for separate storage of boats, trailers, recreational vehicles and personal vehicles. There should be conditions to make sure the storage area has operable and tagged boats, trailers, RVs, and vehicles to ensure that the storage area does not become a junk yard and the area not to be expanded more than the 3.0 acres. The special use permit of this particular property would be consistent with the policies of the conservation areas/steep slopes >25% and the intent of the comprehensive plan has been met. In addition, this special use permit would not be substantial detriment to the surrounding properties or community if the property is protected with conditions as suggested above and supplied by staff.

**CONSERVATION AREAS**

This plan has identified a number of critical areas, including floodplains, steep slopes, streambanks, and historic sites, where special protection is appropriate to ensure both the community and the individual property interests are protected.

**POLICIES FOR CONSERVATION AREAS**

1. The County will ensure that the Soil Survey of the entire County is complete and accessible to the public.
2. The County will seek to identify and map critical groundwater areas and will develop appropriate policies to ensure their long-term conservation.
3. The County will encourage the incorporation of visual design standards for all new developments impacting the Blue Ridge Parkway.
4. The County will view the Blackwater and Pigg Rivers as critical management areas and strive to improve the water quality and access to the rivers as Blueway resources.
5. The task of the County will be to identify and to map conservation areas. Once the location and boundaries of each area are determined, the County can develop specific policies and standards to provide appropriate incentives and protections to ensure long term conservation.



**ZONING ORDINANCE:**

Special Uses for the A-1 District are set forth in Sec. 25-179. The requested use is referenced as “Storage yard”.

Sec. 25-638 of the Zoning Ordinance 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 Zoning Ordinance 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 Zoning Ordinance 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.

**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. 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 Route 116 (Jubal Early Highway). Traffic is expected to be light from this proposed use.

**WATER AND SEWER:**

Water and sewer will not be required for the proposed use.



**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 may require permitting.

**PUBLIC SAFETY**

Franklin County Public Safety requests to review a plan of the storage yard, specifically, how the property owners plan to mitigate any potential issues. Public safety will need to ensure their ability to ingress and egress the property in the event of a fire as well as the property owner's ability to contain and prevent leakage of any hazardous waste materials.

**NOISE**

Staff anticipates minimal noise impacts related to this site.

**RECOMMENDATION**

Staff recommends that the Planning Commission consider and approve the Special Use Permit for a "Storage Yard" with the following five (5) conditions:

1. Use of the property shall be limited to 3.0 acres of the total 28.12 acre property. Expansion will require the issuance of a new special use permit by the Board of Supervisors.
2. Storage on the property shall be limited to personal boats, personal watercraft, residential vehicles (RVs), and trailers and all boats/personal watercraft/trailers/recreational vehicles stored on the property are to be in operable condition, have current registration, and current inspection.
3. No storage shall be allowed within yards or setback areas required by the Zoning Ordinance.
4. Storage area shall be fenced and gated. Access shall be provided to Franklin County Public Safety. Storage area shall be screened from all properties with existing tree cover. The association will be required to maintain a 100-foot buffer of existing tree cover on all sides of the property to screen the storage area.
5. A minor site plan of the storage yard must be submitted to Franklin County Zoning Administrator for review and approval within sixty (60) days of approval of the special use permit.



**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.

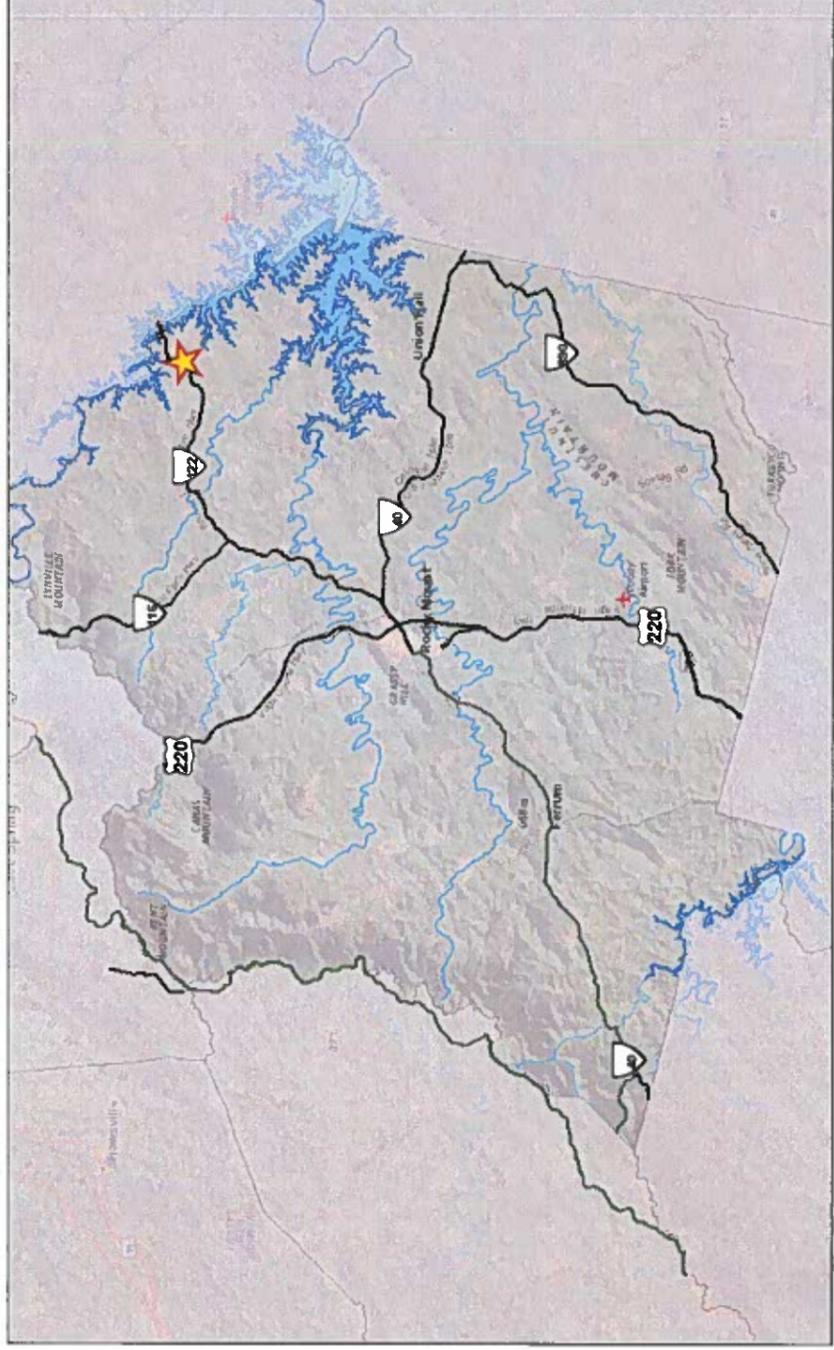
- 1) (APPROVE) I find that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the County Code with the uses permitted by right in the zoning district, and with the public health, safety and general welfare to the community. Therefore, I move to recommend approval of the petitioner's request for a Special Use Permit for a "Storage Yard" 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 # 0151202600  
REZO-09-20-16691  
Timothy Reith



Subject Property Location

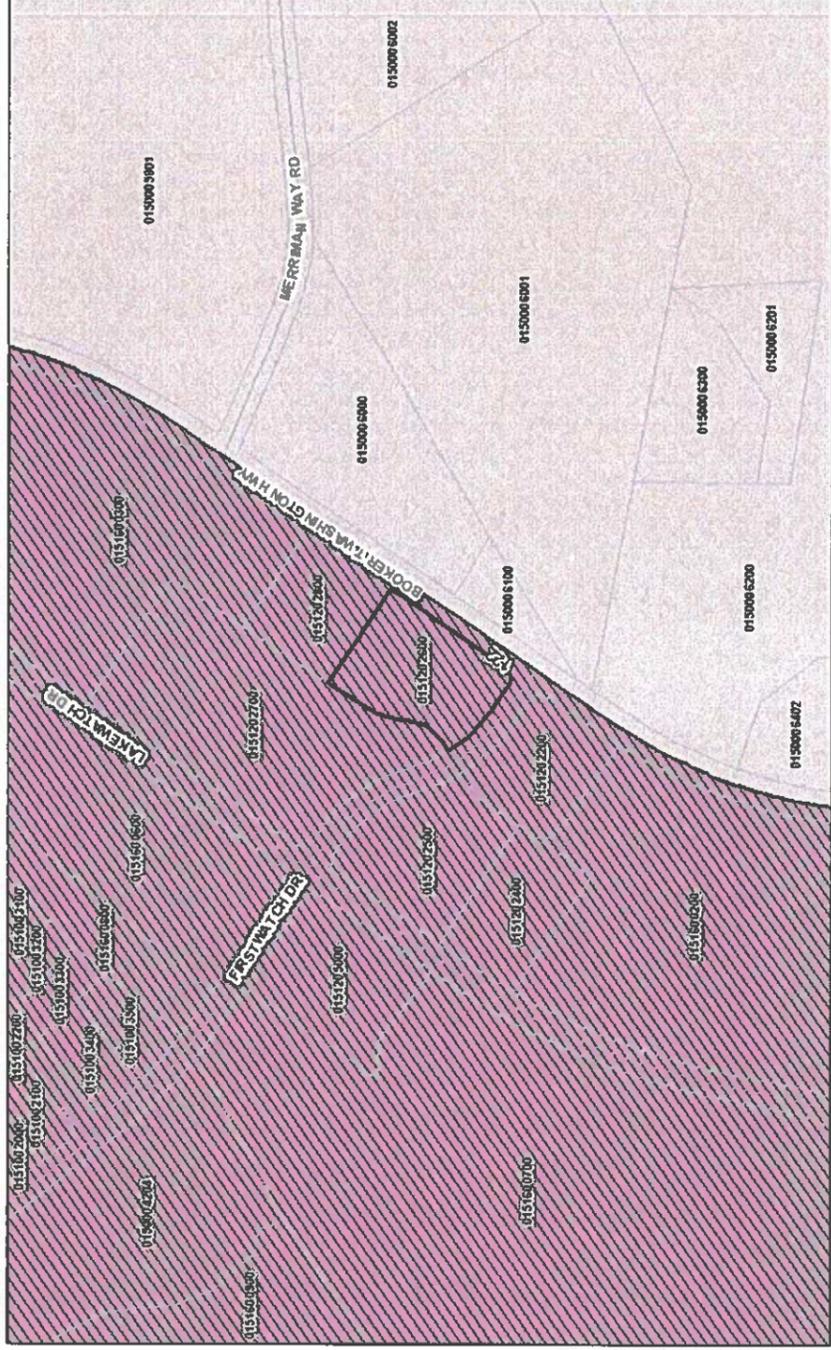


Franklin Co GIS



Date: 10/2/2020





**Legend**

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

- Zoning Classifications**
- A1 - Agricultural
- PCD - Planned Commercial District

Tax Map # 0151202600  
 REZO-09-20-16691  
 Timothy Reith



Date: 10/2/2020



Franklin Co GIS





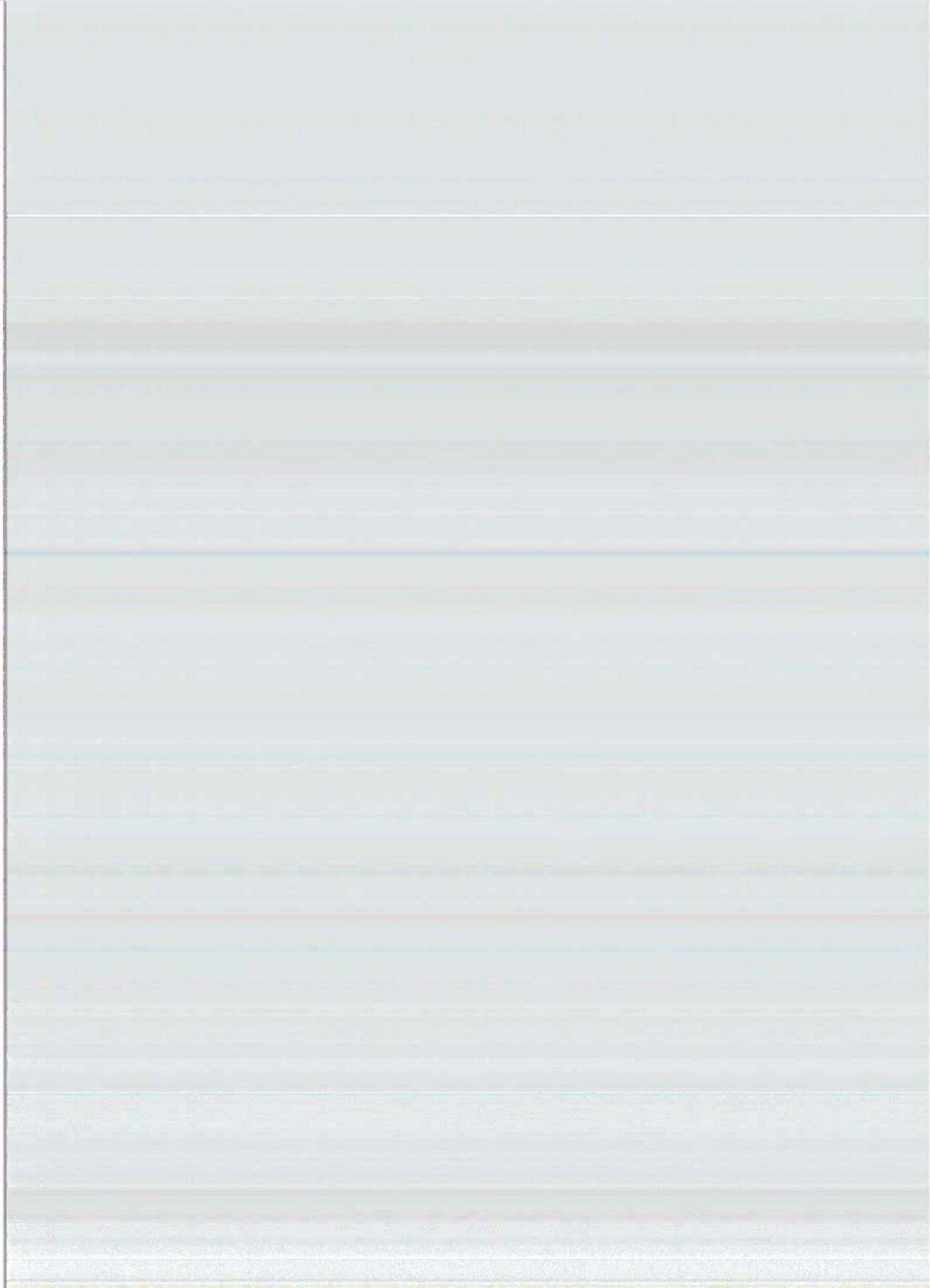
**Legend**  
 Subject Parcel  
 Tax Parcels

Tax Map # 0151202600  
 REZO-09-20-16691  
 Timothy Reith

2017 Pictometry Imagery



Date: 10/2/2020





WINDY GAP MOUNTAIN VILLAGE  
BOX 13113  
ROANOKE, VA 24031

August 21, 2020

Franklin County Planning Commission  
Rocky Mount, VA

Dear Planning Commission and Board of Supervisors,

Per your request, please accept this letter as documentation that our Storage Lot has been part of the neighborhood infrastructure since it began in the late 70s.

Thank you for your attention to this matter. We hope this clarifies the long-term historical creation and continual use of the site.

Sincerely yours,

Michael Parr, President  
Windy Gap Property Owners Association

**FRANKLIN COUNTY  
SPECIAL USE PERMIT APPLICATION**

(Type or Print)

I/We, Windy Property Owners Association, 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: David Kingery

Petitioner's Address: N/A

Petitioner's Phone Number: 540.355.1297

Petitioner's E-mail: davidjk@branchgroup.com

Property Owner's Name: Windy Gap Property Owners Association

Property Owner's Address: P.O. Box 13113, Roanoke VA 24031

Property Owner's Phone Number: N/A

Property Owner's E-mail: N/A

Directions to Property from Rocky Mount: Rt 122 North to left on Rt 116, approx 8 miles to top of Windy Gap Mountain. Current Storage Lot on corner of Rt. 116 and Windridge Parkway, at the entrance of Windy Gap Mountain Village

Tax Map and Parcel Number: Tax # 0100000102 Parcel 001 02 Map #10

Magisterial District: \_\_\_\_\_

Property Information:

A. Size \_\_\_\_\_ of \_\_\_\_\_ Property:  
28 Acres +/-

B. Existing Zoning: A-1 Agriculture

C. Existing \_\_\_\_\_ Land Use:  
Storage Lot

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.  
NO

Proposed Special Use Permit Information:

A. Proposed \_\_\_\_\_ Land Use:  
Continued Storage Lot for Residents

B. Size of Proposed Use: 2 acres +/-

C. Other Details of Proposed Use:

Current Lot has been in existence since late 1970s and enhanced to current status in early 1980s.

**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): David Kingery

Signature of Petitioner: 

Date: 6/26/2020

Mailing Address: \_\_\_\_\_

Telephone: 540.355.1297

Email Address: davidjk@branchgroup.com

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

Owner's Name (Print): \_\_\_\_\_

Signature of Owner: \_\_\_\_\_

Date: \_\_\_\_\_

Date Received by Planning Staff \_\_\_\_\_

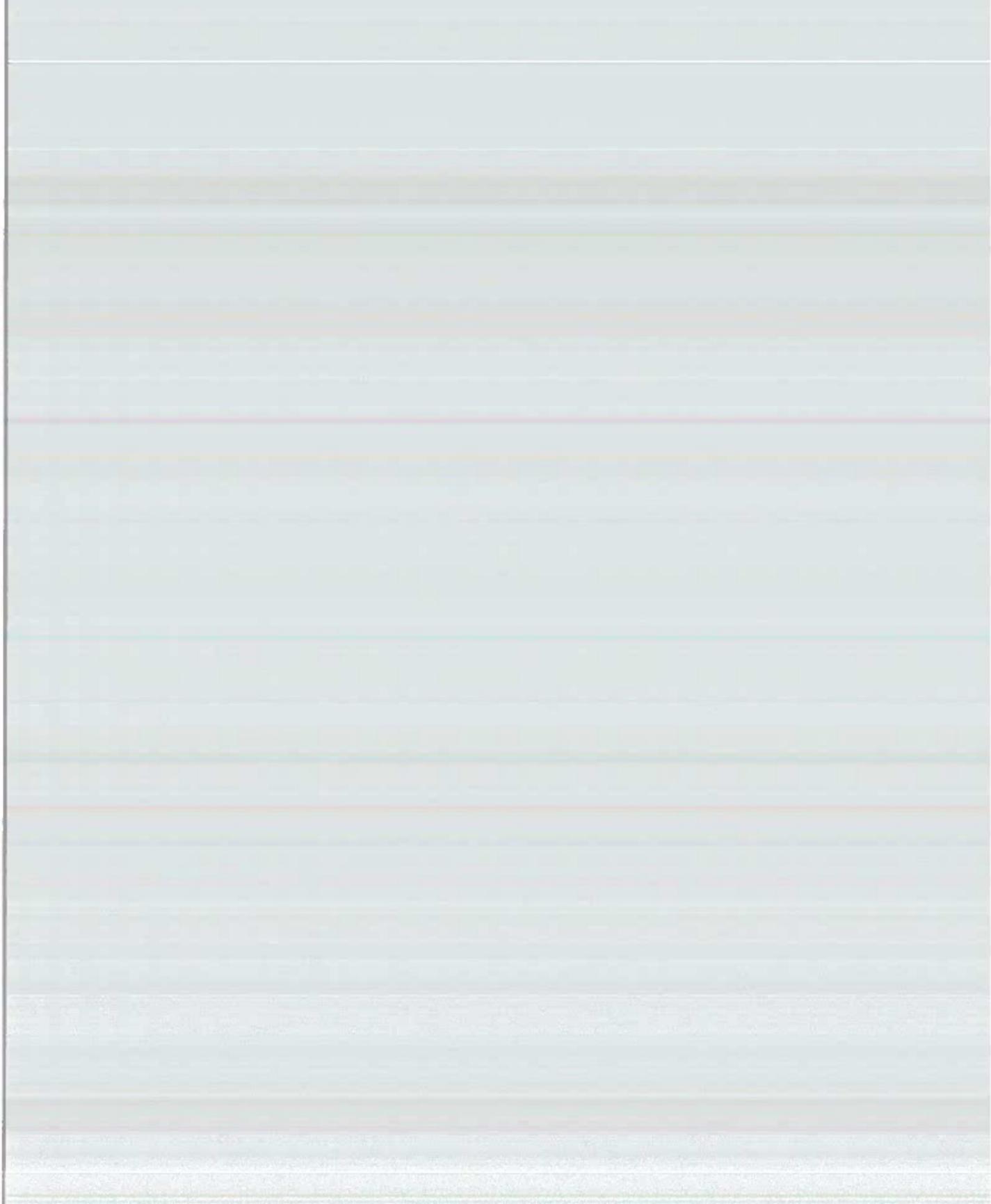
Clerk's Initials: \_\_\_\_\_

CHECK #: \_\_\_\_\_

RECPT. #: \_\_\_\_\_

AMOUNT: \_\_\_\_\_

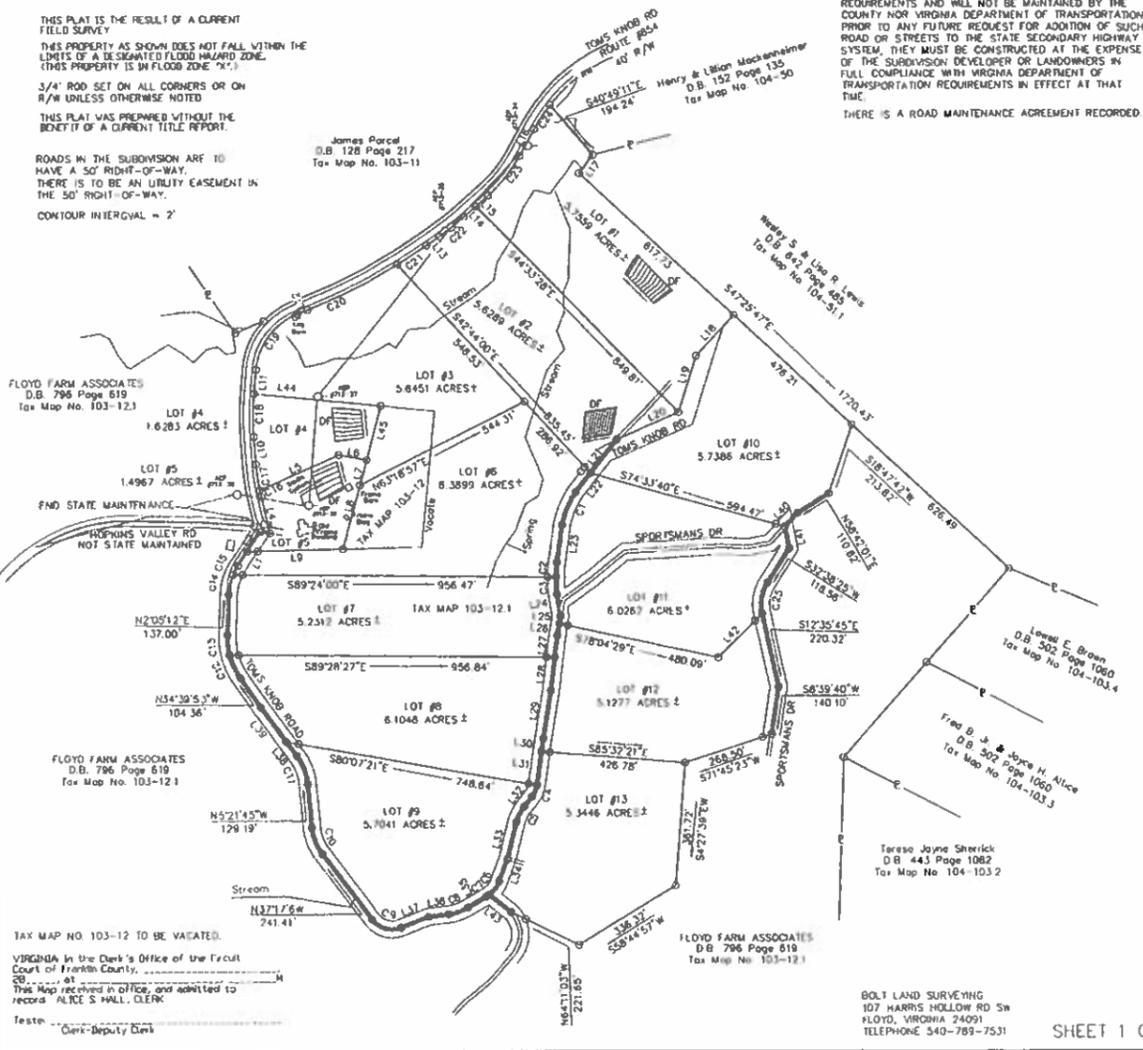
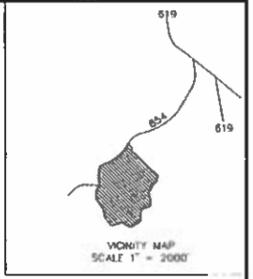




THIS PLAN IS THE RESULT OF A CURRENT FIELD SURVEY. THIS PROPERTY AS SHOWN DOES NOT FALL WITHIN THE LIMITS OF A DESIGNATED FLOOD HAZARD ZONE. THIS PROPERTY IS IN FLOOD ZONE "X". 3/4" ROAD SET ON ALL CORNERS OR ON R/W UNLESS OTHERWISE NOTED. THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

ROADS IN THE SUBDIVISION ARE TO HAVE A 50' RIGHT-OF-WAY. THERE IS TO BE AN UTILITY EASEMENT IN THE 50' RIGHT-OF-WAY. CONTOUR INTERVAL = 2'

THE ROADS OR STREETS IN THIS SUBDIVISION DO NOT MEET VIRGINIA DEPARTMENT OF TRANSPORTATION REQUIREMENTS AND WILL NOT BE MAINTAINED BY THE COUNTY NOR VIRGINIA DEPARTMENT OF TRANSPORTATION. PRIOR TO ANY FUTURE REQUEST FOR ADDITION OF SUCH ROAD OR STREETS TO THE STATE SECONDARY HIGHWAY SYSTEM, THEY MUST BE CONSTRUCTED AT THE EXPENSE OF THE SUBDIVISION DEVELOPER OR LANDOWNERS IN FULL COMPLIANCE WITH VIRGINIA DEPARTMENT OF TRANSPORTATION REQUIREMENTS IN EFFECT AT THAT TIME. THERE IS A ROAD MAINTENANCE AGREEMENT RECORDED.



ORIGINAL TRACT 132.4780 ACRES  
THIS SUBDIVISION 65.8220 ACRES  
REMAINDER 66.6560 ACRES



**CHESTNUT RIDGE**  
SNOW CREEK MAGISTERIAL DISTRICT  
FRANKLIN COUNTY, VIRGINIA  
SCALE 1" = 200'  
MAYEN 1, 2004  
JENNINGS L. BOLT, L.S.  
F.L.D.V. VIRGINIA 24893  
TAX MAP NO. 103-12  
PART OF TAX MAP NO. 103-12.1  
REVISED 03-12-04

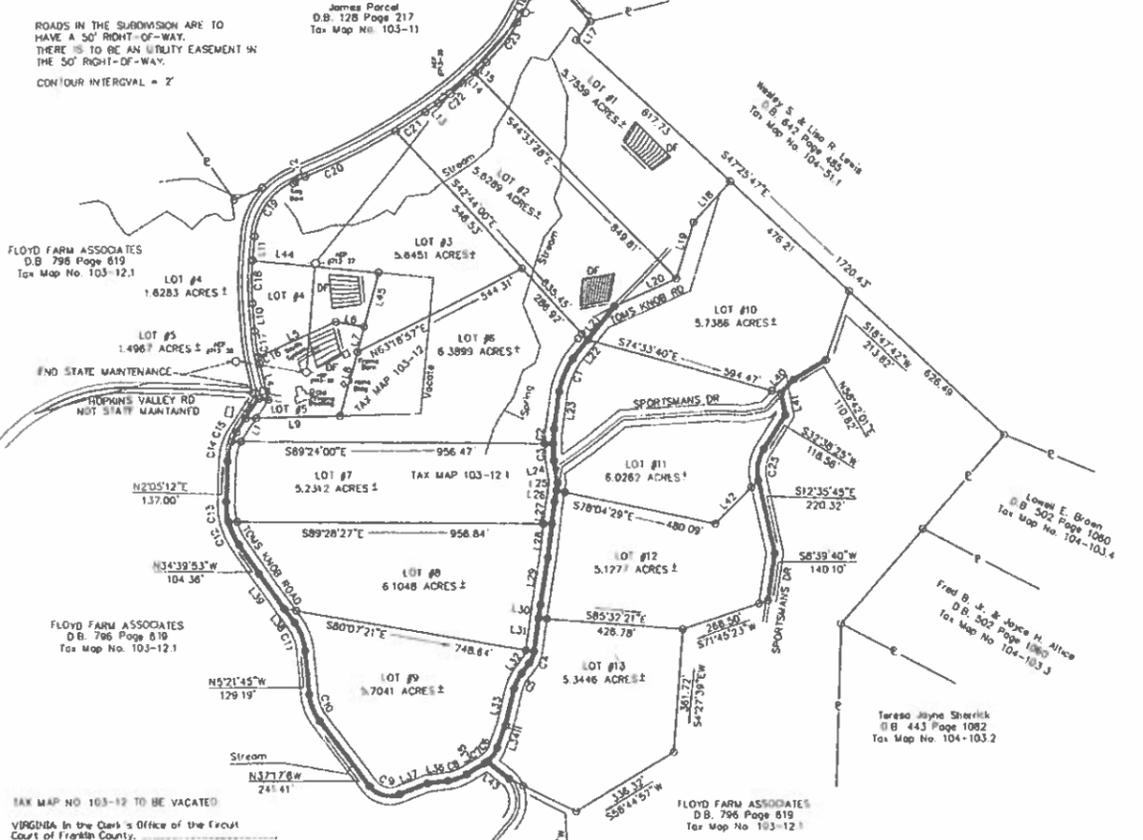
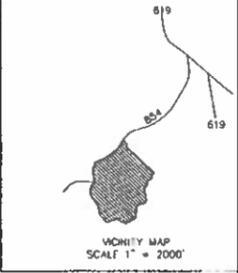
BOLT LAND SURVEYING  
107 HARRIS HOLLOW RD SW  
FLOYD, VIRGINIA 24091  
TELEPHONE 540-789-7531

TAX MAP NO. 103-12 TO BE VACATED.  
VIRGINIA in the Clerk's Office of the Circuit Court of Franklin County.  
This Map received in office, and admitted to record. ALICE S. HALL, CLERK.  
Teste: Clerk-Deputy Clerk

THIS PLAN IS THE RESULT OF A CURRENT FIELD SURVEY. THIS PROPERTY AS SHOWN DOES NOT FALL WITHIN THE LIMITS OF A DESIGNATED FLOOD HAZARD ZONE. (THIS PROPERTY IS IN FLOOD ZONE "X") 3/4" ROD SET ON ALL CORNERS OR ON R/W UNLESS OTHERWISE NOTED. THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.

ROADS IN THE SUBDIVISION ARE TO HAVE A 50' RIGHT-OF-WAY. THERE IS TO BE AN UTILITY EASEMENT IN THE 50' RIGHT-OF-WAY. CONTOUR INTERVAL = 2'

THE ROADS OR STREETS IN THIS SUBDIVISION DO NOT MEET VIRGINIA DEPARTMENT OF TRANSPORTATION REQUIREMENTS AND WILL NOT BE MAINTAINED BY THE COUNTY NOR VIRGINIA DEPARTMENT OF TRANSPORTATION. PRIOR TO ANY FUTURE REQUEST FOR ADDITION OF SUCH ROAD OR STREETS TO THE STATE SECONDARY HIGHWAY SYSTEM, THEY MUST BE CONSTRUCTED AT THE EXPENSE OF THE SUBDIVISION DEVELOPER OR LANDOWNERS IN FULL COMPLIANCE WITH VIRGINIA DEPARTMENT OF TRANSPORTATION REQUIREMENTS IN EFFECT AT THAT TIME. THERE IS A ROAD MAINTENANCE AGREEMENT RECORDED.



ORIGINAL TRACT 132.4780 ACRES THIS SUBDIVISION 65.8270 ACRES REMAINDER 66.6560 ACRES



CHESTNUT RIDGE SNOW CREEK MAGISTERIAL DISTRICT FRANKLIN COUNTY, VIRGINIA SCALE: 1" = 2000' JENNINGS L. BOLT L.S. FLOYD, VIRGINIA 24891 TAX MAP NO. 103-12 PART OF TAX MAP NO. 103-12.1 REVISED 03-12-04

TAX MAP NO. 103-12 TO BE VACATED. VIRGINIA In the Clerk's Office of the Circuit Court of Franklin County. This Map received in 07/05 and admitted to record ALICE S. HALL, CLERK.

BOLT LAND SURVEYING 107 HARRIS HOLLOW RD SW FLOYD, VIRGINIA 24091 TELEPHONE 540-789-7531

**STAFF REPORT**  
Case # SPEC-09-20-16691



**To:** Franklin County Planning Commission  
**From:** Steven M. Sandy, Planning Director  
**Date:** October 1, 2020  
**Tax #:** 0151202600  
**District:** Gills Creek District  
**Applicant:** Timothy Reith  
Timothy Reith, Allen Mullins, Steve Williamson, L.T. McGhee, Donald Mullendore, Michael Hoots, David Arrington, Tom Staab, and Bank of Botetourt  
**Owners:**

**REQUEST:**

**APPLICATION for REZONE** – Application of Timothy Reith, Applicant, and Timothy Reith, Allen Mullins, Steve Williamson, L.T. McGhee, Donald Mullendore, Michael Hoots, David Arrington, Tom Staab, and Bank of Botetourt, Owners, requesting to amend proffer #6 of an existing rezone granted by the Franklin County Board of Supervisors on November 15, 2005. The properties are currently zoned PCD, Planned Commercial Development District, with proffered conditions and conceptual plan, and located along Booker T. Washington Highway in the Gills Creek District of Franklin County, and further identified by Franklin County Real Estate Records as Tax Map/Parcel #s 0151202600, 0151600400, 0151600300, 0151202800, 0151202200, 0151600200, 0151201601, 0151200100, 0151200200, 0151200300, 0151200400. The property is located in the Westlake Hales Ford Designated Growth Area with a future land use designation of Commercial Mixed Use. The purpose of the proffer amendment is to reduce the overall height of the required berm along Route 122 from the +/- 10 feet to +/- 2 feet

**RECOMMENDATION:**

*Staff recommends that the Planning Commission consider tabling this request until additional information can be provided on maintenance of the remaining landscape berm, establishment of a commercial property owners association and approved language for a revised proffered condition relating to the berm.*



**BACKGROUND:**

The application for rezoning is a petition from current landowners within the Lakewatch Plantation Development along Route 122 in Westlake. Many of the landowners who are making this request bought various properties when the property was divided and sold at auction in 2015 as a result of the bankruptcy of the original developer. The request involves reducing or eliminating a required earthen berm along Route 122. This berm was a condition of the approval of the development in 2005. This condition is #6 and reads as follows:

“ 6. The applicant shall install a 20’ wide and +/- 10’ high landscape berm outside of the proposed future right of way along Virginia State Route 122. Said berm to be of varying heights depending upon the existing topography and shall include planted trees along the top of the berm. Trees shall be a mixture of hardwoods and evergreens planted at a maximum separation distance of 25’ within a minimum height of 6’ at time of planting.”

See attached letter of application, approved conditions and conceptual plan for the Planned Commercial Development District (PCD).

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:**

- Location:* Booker T. Washington Highway
- Existing Land Use:* Commercial
- Adjoining Zoning:* PCD – Planned Commercial Development District
- Adjoining Land Uses:* Commercial
- Adj. Future Land Uses:* Commercial Mixed Use, Civic and Open Space

**COMPREHENSIVE PLAN:**

**LakeWatch Plantation:**

The Westlake – Hales Ford Area Plan was adopted by the Board of Supervisors as an amendment to the 2007 Franklin County Comprehensive Plan in November Of 2016. The adoption of the Plan created a Designated Growth Area and a detailed Future Land Use Map for the Westlake – Hales Ford area. The properties Future Land Use (FLU) designation is Commercial Mixed Use, Civic, and Open Space. Tax Map/Parcels 0151202600, 0151600400, 0151202800, 0151202200, 0151201601, 0151200100, 0151200220, 0151200300, and 0151200400 have a FLU of Commercial Mixed Use and Tax Map/Parcels 0151600300, and 0151600200 have a FLU of Commercial Mixed Use,



Civic, and Open Space. The petition is to amend proffer six (6) to reduce the overall height of the required berm from the +/- 10 feet to +/- 2 feet, which would allow the removal of the trees and white fencing along Route 122 (Booker T. Washington Highway) that was approved by the Board of Supervisors in December of 2005.

This development is a planned commercial development with a mixture of commercial, residential, civic, and open space throughout the development. The FLU map for the Plan shows Commercial Mixed Use along a large portion of the properties fronting on Route 122 (Booker T. Washington Highway) with the exception of two areas showing civic and open space. Commercial Mixed Use developments are usually walkable with landscaping of some type and civic or open space as amenities, services for the public such as schools, parks, or conservation easements. Allowing the berm to be lower in height would not be detrimental to adjacent properties or Route 122 as long as landscaping requirements are meant, this would still allow the viewshed of Route 122's corridor to be protected. The comprehensive plan would support the amendment to proffer 6 dealing with the height of the berm because the intent of the proffer will still be in place and requirements of the development and the intent of development along this corridor will still be met.

The following are the development character and policies for land use categories for the Future Land Use of the Westlake – Hales Ford Area Plan:

**COMMERCIAL MIXED USE:**

Commercial mixed use areas center around a neighborhood main street that should operate at lower speeds and offer accommodations for pedestrian movement. Storefronts line the main street, in buildings that range from one to four stories. Typically, buildings taller than one story have office and residential uses above. The mix of uses are envisioned as predominantly commercial, but also include residential and planned open space. These non-commercial uses intended to comprise around 10-20% of total development, though the exact amount is less critical than the regulatory allowance of a diversity of uses. This diversity of uses should extend to housing, where single-family and multi-family housing should both be offered, ideally with a range of housing stock that includes apartments, townhomes, and detached units.

Streetscapes along the commercial mixed use main street should be walkable, with wide sidewalks (8 feet minimum), landscaping, and internal plazas designed for easy public congregation. Land conservation is best reserved for areas on the periphery of the area.

Streets in commercial mixed use centers should be low speed, with on-street parking on the main street and off-street parking pushed behind buildings.

As commercial mixed use centers develop; the centers need to consider impact of the developments located close to historic places like Booker T. Washington National Monument. Booker T. Washington National Monument conducted a viewshed study in



1998 to help focus on issues of the park like viewsheds, transportation, and environmental impacts on the monument. An adequate boundary is important to protecting the park and maintaining the quiet setting and rural character. In addition, the widening or additional lanes to Route 122 in the parks vicinity would increase traffic which would affect the park in a negative way by causing increased traffic noise, impact the visual character, and increase emission. Water quality of Jack-O-Lantern Branch is important to the park and official would not want chemical leaks from vehicles parking at a new development to run off into the creek. Commercial mixed use centers design buildings with heights no more than three (3) stories, additional setbacks with landscaping and natural buffering to protect viewshed and the historic setting of the park. Slowing traffic down and having safeguards improves the noise level to maintain the character of the park for visitor to have the entire experience of the time.

**CIVIC AND OPEN SPACES:**

Civic & Open Space areas are spaces that provide a range of amenities and services available to the general public. This includes recreation, police, fire, and government services, but can include other similar uses not listed here, as long as they serve some civic purpose. In general, there are two types of open space: active and passive. Active open spaces allowed for formal or programmed activity, such as playgrounds and ballfields. Passive open space is designed more for more informal use, focused on preservation of the natural environment. The best open space areas provide some combination of these two open space types, allowing for the widest range of benefits to the general public and environment.

**TRANSPORTATION:**

VDOT has commented that they have no comments due to the nature of this request. It is unclear if removal/reduction of the berm will increase sight distance at any of the intersections.

**WATER AND SEWER:**

No comments were received from Western Virginia Water Authority. The Virginia Department of Health has indicated they have no comments due to the nature of the request.

**EROSION AND SEDIMENT CONTROL AND STORM WATER MANAGEMENT**

No comments received, however disposal of soil from berm may require permitting for disposal area.



**PUBLIC SAFETY**

No comments were received from public safety.

**NOISE**

No noise impacts are anticipated from this requested amendment.

**ANALYSIS:**

The proposed modification/amendment to previously approved conditions requiring a 10' high berm has been submitted by the current property owners primarily because of visibility concerns. The property owners contend that the height of the berm and tall trees don't allow for their businesses to be seen from Route 122 which affects business and their ability to market/sell the property. See attached letters.

When this development was reviewed and approved in 2005, it was submitted as a planned development that contained various residential use types but also many civic uses and commercial uses. Some aspects of the development has remained undeveloped. The development was offered with many conditions to control the type and style of development. The original developer, Trey Park, voluntarily submitted eighteen (18) proffered conditions and a conceptual plan that were ultimately accepted by the Board of Supervisors to manage/control the use of the property. In 2015, the remaining undeveloped portions of the property were sold off by the bank at auction due to the bankruptcy of Mr. Park. The property is no longer controlled by the original developer but by individual property owners who own individual parcels.

The residential areas have now established homeowner associations to help manage development and ensure compliance with the conditions of the development but the commercial areas along Route 122 have never established a property owners association. This association could assist with maintenance of areas since there has not been regular/routine maintenance of trees and fencing along the berm.

The original intent of the development was that it would be self-contained, providing commercial and civic amenities to the homeowners, while also providing these amenities to others in the community. Staff believes that the landscape berm, trees, and fencing were intended to control the viewshed along Route 122 in this area and discourage strip development. Staff believes that changes to this condition could be made to allow greater visibility to businesses while also maintaining the original intent. Staff believes there should still be a landscaped berm and/or buffer along the frontage of Route 122. Rather than completely eliminating all the berm and trees, staff believes that it may be possible to reduce the height of the berm in areas, thin out trees and replace with lower shrubs as an example. Staff also believes it is important that a business owner or Commercial POA be established to maintain the berm and landscaped areas.



While the purpose of the PCD zoning district encourages flexibility in design and efficient use of the land, Section 25-390 ( C ) says “The PCD district should be a visual asset to the community. Building with in the district is t be architecturally similar in style and the relationship among individual establishments should be harmonious, the site should be well landscaped, and parking and loading areas are to be screened.”

Staff would like to see additional information on how the berm and landscaping might be modified rather than completely removed as well as a proposal for its maintenance. Once this has been established a modified proffered condition #6 must be drafted for adoption/acceptance.

**RECOMMENDATION**

Staff recommends that the Planning Commission consider tabling this request until additional information can be provided on maintenance of the remaining landscape berm, establishment of a commercial property owners association and approved language for a revised proffered condition relating to the berm.



**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.

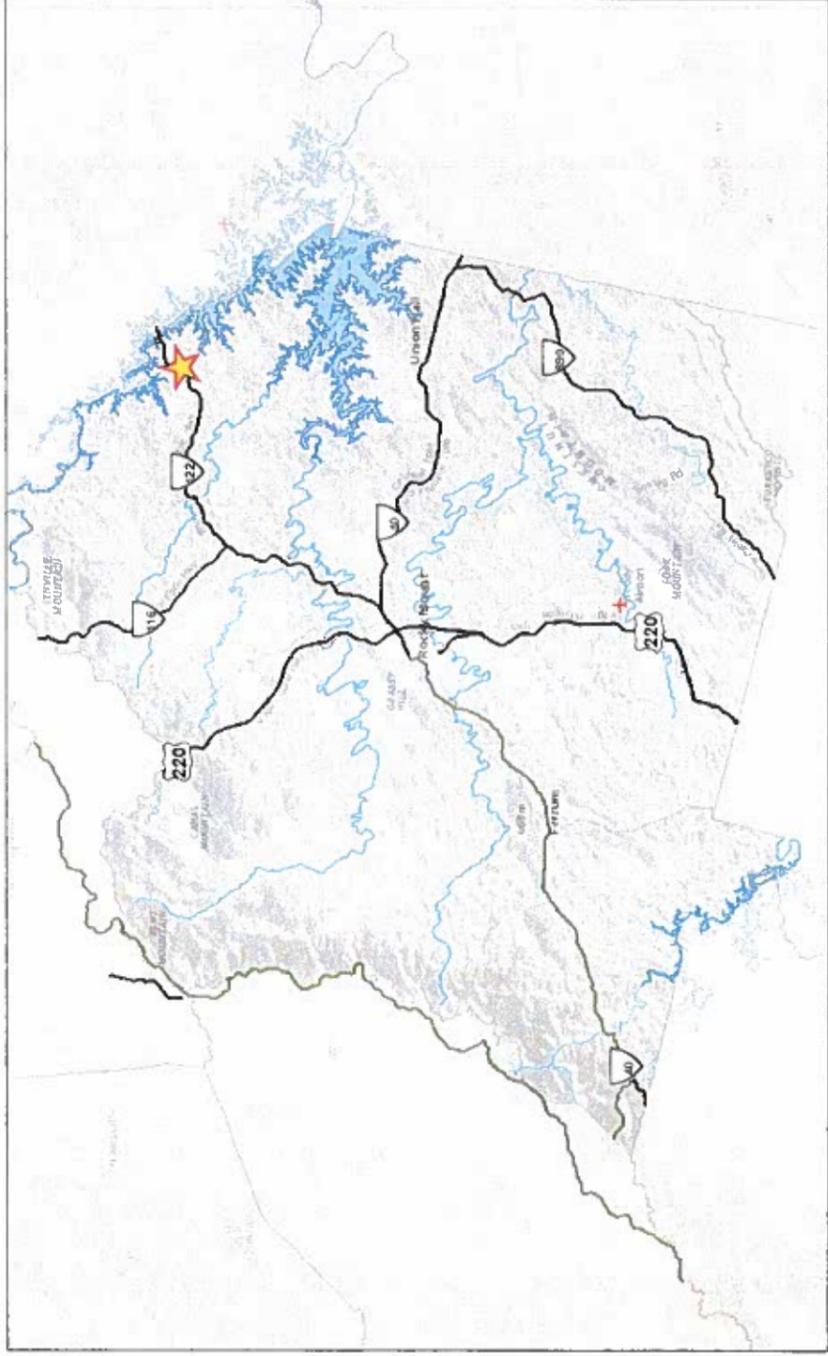
- 1) (DELAY ACTION) I find that the required information for the submitted petition is incomplete. I would like to see additional information presented on maintenance and the development of a Commercial Property Owners Association (POA). Therefore, I move to delay action until all necessary materials are submitted to the Planning Commission.

**OR**

- 2) (APPROVE) I find that the proposed amendment to the previously approved rezoning 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 to amend condition #6 of the existing PCD zoning district approved November 15, 2005 to allow for removal (or modification) of the required landscaped berm along VA State Route 122.

**OR**

- 3) (DENY) I find that the proposed amendment to the previously approved rezoning 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 amendment to condition #6.



Tax Map # 0151202600  
REZO-09-20-16691  
Timothy Reith

★ Subject Property Location



Date 10/2/2020









**Legend**

- Subject Parcel
- Tax Parcels

Tax Map # 0151202600  
 REZO-09-20-16691  
 Timothy Reith

2017 Pictometry Imagery



Date 10/2/2020



Franklin Co GIS

#1829

STATE OF VIRGINIA:

BEFORE THE BOARD OF SUPERVISORS OF FRANKLIN COUNTY

A+/- 398 acres of land, located on northwest side of State )  
Route 122 approximately 0.7 miles northeast of Westlake )  
Corner Route 616 South within the Gills Creek Magisterial )  
District of Franklin County, recorded as a portion of Tax )  
Map # 15, Parcel # 39; a portion of Tax Map # 15, )  
Parcel # 42; and all of Tax Map # 15, Parcel # 41, in the )  
Franklin County Real Estate Tax Records. )

**FINAL ORDER**

TO THE HONORABLE SUPERVISORS OF FRANKLIN COUNTY:

WHEREAS, your Petitioner, **Lake Watch LLC**, a Virginia Limited Liability Company, Petitioner and Owner, did petition the Franklin County Board of Supervisors to rezone the above-referenced parcels of land from (A-1) Agricultural District to (PCD) Planned Commercial Development District, for the purpose of retail, office, technology businesses, restaurants, banks, medical facilities, family entertainment, public recreational facilities, day care center, outdoor amphitheater, storage facilities, funeral home, church, and other uses that would be permitted in the PCD district, combined with both single-family and multi-family residential use.

WHEREAS, after due legal notice as required by Section 15.2-2204, and 15.2-2205, of the Code of Virginia of 1950, as amended, the Planning Commission did hold a public hearing on October 11, 2005, at which time all parties in interest were given an opportunity to be heard; and

WHEREAS, after full consideration at the public hearing held on November 15, 2005, the Franklin County Board of Supervisors determined that the Rezone Request be **APPROVED**, with the following proffers and deviations:

**Proffers:**

1. The property shall be developed in substantial conformance with the Rezoning and Concept Plan for Lakewatch Plantation dated August 27, 2005 prepared by Lake Watch L.L.C. and others.
2. Short term rentals shall be prohibited in all residential uses.
3. Conservation easements as approved by the Virginia Department of Environmental Quality and the U.S. Army Corps of Engineers under joint permit application #05-0114 will be imposed upon the lands, subject, however, to the rights for utility crossings, pervious material walk trails, and other passive recreational uses.
4. The areas designated on the Concept Plan as undeveloped areas shall be subject to future utility crossings (including septic field locations), pervious material walking trails, bike/jogging/cart trails and other passive recreational uses.

5. The applicant shall provide for the future right of way of Virginia State Route 122 to accommodate one-half of the right of way width required for five (5) traffic lanes (one center turn lane and four travel lanes) up to a maximum of fifty-five feet on the northwest side from the existing centerline.
6. The applicant shall install a 20' wide and +/- 10' high landscape berm outside of the proposed future right of way along Virginia State Route 122. Said berm to be of varying heights depending upon the existing topography and shall include planted trees along the top of the berm. Trees shall be a mixture of hardwoods and evergreens planted at a maximum separation distance of 25' with a minimum height of 6' at time of planting.
7. Architectural Proffers:
  - a. All structures immediately adjacent to Virginia State Route 122 (being the first line of buildings adjacent to Virginia State Route 122) are restricted to one story in height, except the Hotel Conference Center (which shall comply with Franklin County Code 25-394) and the grocery store (which shall not exceed two stories).
  - b. All "street-scapes" shall be developed in general conformity with the "street-scape design" as shown in Appendix E.
  - c. In the commercial zone along Virginia State Route 122, there will be two architectural design districts. The first architectural district includes building areas designated as Units 1 through 21, (exclusive of the Hotel Conference Center) and is to have architectural facades similar to the existing Westlake Towne Center. The hotel/conference center façade shall have complementing forms and materials to create continuity with the adjacent structures. The second architectural district includes building areas 22 through 45, and is to be developed in a manner with complementing forms and materials to create continuity with the adjacent (Patio Homes, Cottages, and Senior Living Condominiums) residential development.
  - d. Vertical metal siding shall be prohibited on any façade visible from any public street right of way.
  - e. The design of any future building shall relate to adjacent development that is considered to be contributing to the character of Lakewatch Plantation by the use of complementing forms and materials to create continuity within the village area. Materials for exterior walls may include (but not be limited to) brick, drivet, and other low maintenance facades; and walls will be articulated through the use of window and door openings, belt courses, pilasters and other similar architectural treatments.
  - f. Roofing materials for pitched roofs shall be metal or composite shingle. Flat roofs shall have a parapet wall tall enough in height to screen any roof mounted mechanical equipment. Buildings with flat roofs shall have a decorative cornice at the top of all walls.
  - g. Architectural detail shall be incorporated to create architectural character. Detail includes highlighting foundations, lintels, sills and cornices with

contrasting materials and breaking up the mass of the building with bands at floor levels or projections at entries.

- h. Windows and doors shall have a regular pattern of solids and voids that are consistent throughout individual buildings.
  - i. Buildings elevations shall be included with any site plan submission.
8. The park/public playground, the youth ball field, the public walk trail and picnic area shown as part of the Community Center Recreation area and the bike trails throughout the project will be open to the public (free of charge). The tennis courts, fitness center, day care center, and amphitheater will be open to the public on a fee basis.
  9. In accord with the concept plan, the applicant agrees to donate to Franklin County a parcel of land of approximately 18 acres. The acceptance by Franklin County of the donated parcel shall be made within five (5) years after the rezone. If Franklin County does not exercise its option to accept this donated parcel within the said time frame, the applicant or assigns agrees to use the land for recreational purposes unless a separate rezone application should provide otherwise. The parcel shall be transferred subject to such applicable septic drainfields and easements as are necessary to support the central sewer system (special use permit: May 17, 2005; File # U05-04-03). The value of the donated parcel shall be as agreed to by the parties at the time of the transfer.
  10. This applicant will construct the paved bike/walk/cart trail as shown on the Concept Plan within 30 months of the rezoning. At a minimum the trails shall consist of a 10-foot wide easement, and a 8-foot wide travel path and have striping or stamped asphalt at all private and public crossings. The easement, subject to such necessary cross-overs as may be required to support the other developmental purposes, will be offered/donated to the County, in whole or part, and thereafter such accepted part, if any, shall be maintained by the County. Any section not accepted by Franklin County shall be maintained by the applicant or assigns. The value of the donated parcel shall be as agreed to by the parties at the time of the transfer.
  11. The Public Walk Trail as shown on the Concept Plan connecting the Fitness Center Complex and the Hotel/Conference Center shall be shown on the site plan. Site plan shall specify the Trail to have 4 feet minimum width of gravel or equivalent surface and 10 feet clearance height. Any Federal or State Agencies shall prevail if they determine a smaller width and/or height requirement. Such trail shall be maintained by the applicant or assigns.
  12. The Private Walk Trails as shown on the Concept Plan connecting the Patio Homes, Cottages, and Senior Living residences shall be shown on the first site plan for either/or the Patio Homes, Cottages, or Senior Living residences. Site plan shall specify the Trail to have a 4 feet minimum width of gravel or equivalent surface and 10 feet clearance height. Any Federal or State Agencies shall prevail if they determine a smaller width and/or height requirement. Such Trail shall be maintained by applicant or assigns.

**Environmental/Low Impact Development Techniques:**

13. Low impact development techniques such as, but not limited to, mini bio-retention pond, rain barrels, pervious berms, and pervious swales shall be designed to provide adequate storage and infiltration for a runoff volume equal to 1 inch on all impervious areas. These facilities shall be provided individually on each site or combined at any other appropriate location.
14. The designations of proposed uses as set forth on Sheet 4 in Appendix D are projected proposed uses and the exact uses are unknown. Accordingly, the developer reserves the right to reconfigure the proposed locations provided that any revision shall not exceed the total square footages proposed for the project and such use is permitted in the PCD zone as amended.
15. The Concept Plan provides for a projected total uncovered area of 80% and a total covered area of 20%. The concept plan is preliminary in nature and final site design may require minor changes because of topography and other engineering design issues. Any increase in covered area due to engineering design issues shall not exceed a total covered area of 25%, thus guaranteeing that a minimum of 75% of the PCD area (+/- 299 acres) shall remain uncovered.
16. Free-standing signs along Route 122 shall be restricted to tenant directory signs located only at the proposed entrances (three public and one private) with one additional free standing sign for the hotel/conference center and one additional free standing sign for the grocery store shopping center complex.
17. A fifty-foot wide natural preservation buffer shall remain in place along with west property line adjoining Tax Parcels # 15-37 and # 15-38.
18. All utilities will be located underground.

**Deviations:**

1. **Deviation from Sec. 25-393(b)(3) and Sec. 25-282(a)(2):** To permit a minimum lot width of 70 feet for the patio home lots.
2. **Deviation from Sec. 25-393(b)(3) and Sec. 25-282(a)(2):** To permit a minimum lot width of 64 feet for cottage home lots.

**NOW, THEREFORE BE IT ORDERED** that the aforementioned parcels of land, which are contained in the Franklin County Tax Records as a portion of Tax Map # 15, Parcel # 39, a portion of Tax Map # 15, Parcel 42 and all of Tax Map # 15, Parcel # 42 (Deed Book 815, Page 1583), be granted a rezone from (A-1) Agricultural District to (PCD) Planned Commercial Development District, for the purpose of retail, office, technology businesses, restaurants, banks, medical facilities, family entertainment, public recreational facilities, day care center, outdoor amphitheater, storage facilities, funeral home, church, and other uses that would be permitted in the PCD district, combined with single-family and multi-family residential use.

BE IT FURTHER ORDERED that a copy of this order be transmitted to the Secretary of the Planning Commission and that she be directed to reflect this change on the official zoning map of Franklin County.

ADOPTED on motion of Supervisor Mr. Charles Poindexter, seconded by Supervisor Mr. Charles Wagner, upon the following recorded vote:

AYES: Angell, Poindexter, Matherly, Quinn, Wagner  
NAYS: Hurt, Johnson  
ABSENT:  
ABSTAIN:

Patricia H. Foley Clerk  
Planning Commission Clerk, for the  
Franklin County Board of Supervisors

December 12, 2005 Date

\*\* Voting information was submitted to Planning Commission Clerk by Ms. Sharon Tudor, Deputy Clerk for the Board of Supervisors.

Steve M Sandy  
Dir of Planning & Community Dev  
1255 Franklin Street, Suite 103  
Rocky Mount, VA 24151

Franklin County Board of Supervisors:

I, Timothy Reith, am submitting a Zoning Amendment Application for myself and the land owners of the properties along 122 in the development of Lake Watch Plantation.

The reason for my submittal I believe is a win/win for both the owners and Franklin County.

Lake Watch was built with the owner submitting at the time, proffers for a self-contained development. As we know today, it will not meet the current or projected plans as they are written. The business owners and commercial lot owners in Lake Watch Plantation community believe that the requirement of the landscape berm along Route 22 that was approved in the rezoning of the property at a Planned Commercial Development (PCD) by the Franklin County Board of Supervisors (Case #R 05-10-01) on December 12, 2005 is a detriment to the properties because it affects the visibility of the businesses and is having a negative economic on the use and sale of these properties. Therefore, the owners identified in the application are requesting that the Board of Supervisors allow an amendment to proffered condition #6 of the final order approving the Lake Watch Plantation development to reduce the overall height of the required berm from the +/- 10 feet to +/- 2 feet which would allow the removal of the trees and white fencing.

I would like to address several issues:

- 1) **Development issues:** With the current restriction of a berm +/- 10', the visibility to the parcels for development are very restricted. I have comments from several Real Estate agents and property owners and developers testifying to the difficulty of trying to sell a property that no one can see. In the case of Cheng Tung (Tom) Gulick, his center located at the entrance of Lake Watch operates at a loss with occupancy running about 50% and what is occupied is at a discounted rent. This property may go to auction as so many have in the development. Many sales have gone to contract only to be canceled when the prospective buyer see the location in person.
- 2) **Unsightly:** The trees that top the berm and the fence are a mishmash of different types of trees that are overgrown, full of weeds and an embarrassment when you drive along 122. The berm cannot be maintained as built as it sits on a rise, it is overgrown and full of weeds. The fence is overgrown, missing in some areas and was not required with the development of the Bojangles and the bank. I don't believe the berm/trees can be removed without the removal of most of the fencing as they are all intertwined.
- 3) **Safety:** As anyone who uses Lake Watch Drive or First Watch drive can attest, turning out of either if these puts your life at risk. The trees/Berm block all visibility to any approaching traffic. The turnout of First Watch Drive next to Bojangles, if you are going to turn left you put your life at risk on every attempt.
- 4) **Economic Impact:** The removal of the berm could only have a positive impact. It would dramatically help with any future development of local businesses along Lake Watch and would even help with the sale of properties within the development.

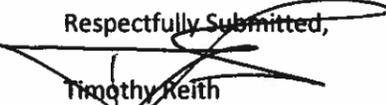
What I propose is not to add any new entrances or ask for any exceptions, I would just like the 122 corridors along Lake Watch Plantation to have the same restrictions and guidelines as are prevalent in all other areas of the county. Have developers submit their building plans and landscape planes for your approval as any other development or developer would.

If you look at what is there today and then look at how beautiful the lower berm and landscaping is at both Bojangles and the Bank of Botetourt along the frontage of Lake Watch – that is what we are asking for. It is a Win/Win as the developers and owners will have the opportunity to sell and/or develop their properties and the county picks up a tax base as well as future employment opportunities.

I have personally contacted every owner and all are in agreement with the request for the removal or reduction of the berm and the removal of the fence and trees. I have attached comments and support for this proposal from all the businesses owners as well as Tom Gulick, owner of the shopping center at Lake Watch, Phyllis Johnson Associate Broker/Remax and Bill Walker Commercial Developer:

PARCEL #	Entity	Owner
1. 0151600400	Ginger Investments	L.T McGhee
2. 0151600300	Donald Mullendore	Donald Mullendore
3. 0151202800	Ginger Investments	L.T. McGhee
4. 0151202600	Reith/Mullins/Williamson	Timothy Reith – Petitioner
5. 0151202200	Bank of Botetourt – Berm and trees already removed with new landscaping	
6. 0151600200	Top Notch Ventures	Michael Hoots
7. 0151201601	Arrington Enterprises	David Arrington
8. 0151200100	Arrington Enterprises	David Arrington
9. 0151200200	Gills Creek Marina	Tom Staab
10. 0151200300	Gills Creek Marina	Tom Staab
11. 0151200400	Gills Creek Marina	Tom Staab

Respectfully Submitted,

  
Timothy Reith  
24 Watch Tower Drive  
Moneta VA 24121  
[treith@aol.com](mailto:treith@aol.com)  
54-314-9008

FRANKLIN COUNTY  
ZONING MAP AMENDMENT APPLICATION

(Type or Print)

I/We, Tim REITH, as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors for a zoning map amendment on the property as described below:

Petitioner's Name: TIMOTHY REITH

Petitioner's Address: 24 WATCH TOWER DR, MONETA VA 24121

Petitioner's Phone Number: 540-314-9008

Petitioner's E-mail: TREITH@AOL.COM

Property Owner's Name: Tim Reith / Allen Mullins / Steve Williamson

Property Owner's Address: 24 WATCH TOWER DR, MONETA VA 24121

Property Owner's Phone Number: 540-314-9008

Property Owner's E-mail: TREITH@AOL.COM

Directions to Property from Rocky Mount: 122 N TO ENTRANCE TO LAKE WATCH PLANTATION ON THE LEFT. PROPERTY IS ON THE (R) AT THE ENTRANCE @ FIRST WATCH DRIVE

4. Tax Map and Parcel Number: 015.12 026.00

5. \_\_\_\_\_ Magisterial \_\_\_\_\_ District

6. Property Information:

A. Size of Property: 1.37 AC

B. Existing Zoning: PCD

C. Existing Land Use: OPEN LAND

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

7. Proposed Zoning Map Amendment Information:

A. Proposed Land Use: ~~PCD~~ N/A

B. Size of Proposed Use: \_\_\_\_\_

C. Other Details of Proposed Use: \_\_\_\_\_

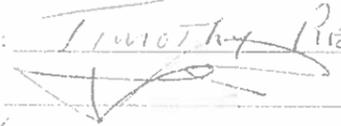
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Checklist for completed items:**

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

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

Petitioner's Name (Print): TIMOTHY REITH

Signature of Petitioner: 

Date: 2/20/20

Mailing Address: 24 Watch Tower Dr  
Monroe LA 70121

Telephone: 504-314-9002

Email Address: TRITH@AOL.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. #: \_\_\_\_\_

July 14, 2020

Re: Lake Watch Retail Center

Dear Franklin County Board,

My name is Tom Gulick and I am the proprietor of the Lake Watch Retail Center. As the landlord to multiple tenants providing various services for the Franklin County residents, I would like to request the commission consider leveling the hills in front of my establishment. The hills prohibit a clear view of the Lake Watch Retail Center from the road, and for those travelers unfamiliar with the area, it can result in a loss of revenue for many of tenants. With the precarious economic situation, any assistance to promote the business success of my tenants will not only benefit my tenants, but in turn will benefit the community through the addition of jobs, tax revenue, etc. Please take into consideration my request to have the hills leveled, to provide clear view of the Lake Watch Retail Center in an effort to promote more business.

Sincerely,

Cheng Tung (Tom) Gulick

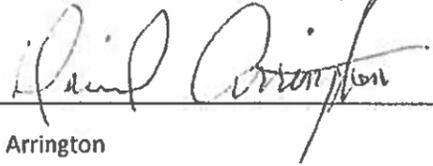
Tim

I also agree that the berm along Lake Watch Plantation has created a dangerous situation as it limits site visibility at the Bojangles intersection. It is hard to get out of this intersection without being ran all over. The elimination of the berm would improve the site visibility.

The berm limits most retail business's interest in the property as it deters access to the site as well as it blocks visibility to the site. Remove the berm and watch the retail businesses move in.

I do support the language in the application and support the removal of the berm.

To address the height of the berm I would look to the height in front of the Bojangles as an example of what could be done and what that may look like.

x 

David Arrington

President of Arrington Enterprises, Inc and Property Owner

Franklin County Planning & Zoning  
Franklin County Board of Supervisors

I am in support of the Petition being filed by Tim Reith to change the proffers for the road frontage of Lake Watch Plantation located in Moneta, VA.

We are supporting the change to eliminate the requirement of the +/- 10' road buffer, fence and the restrictions as to what can or cannot be built on the properties.

We feel that the change would be a Win/Win for all parties and the County, both economically and enhance the look and feel of that section along 122 that fronts Lake Watch.

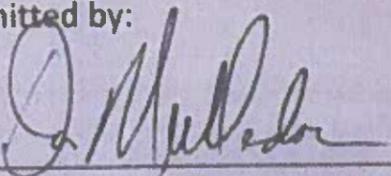
Respectfully Submitted



August 18 2020

I, Donald Mullendore of Wirtz VA, owner of Tract #3 – Parcel #0151600300 - with 13.93 acres located in Lake Watch Plantation, support the petition filled by Timothy Reith. We would like to have the Proffer #6 to be removed and allow in the future to lower the existing berm to a maximum height of +/- 2 feet and have the ability to remove the trees and any fencing. The current road along Lake Watch on 122 has blocked views of the development, ugly unkept trees and in certain areas an unkept white fence.

Submitted by:

  
\_\_\_\_\_ 8/26/20

Donald Mullendore

I, as property owner of commercial lot (Parcel ID 0151600200) along Route 122 within the Lakewatch Plantation community, do hereby agree with the application dated September 1, 2020 to amend proffered condition #6 of the final order of the Franklin County Board of Supervisors (Case # R 05-10-01) dated December 12, 2005 to reduce the overall height of the required berm from +/- 10 feet to +/- 2 feet. I do, however, request that the reduction of the height of the berm be optional.

Sincerely,

Michael Hoots

Top Notch Ventures, LLC



**L. T. MCGHEE & CO.**



P. O. BOX 667, 1211 HARDY ROAD, VINTON, VA 24179, PH 343-5718

"One of the Most Successful Real Estate Companies"

**WE BUY HOUSES**

August 18, 2020

Franklin County Planning & Zoning  
Franklin County Board of Supervisors  
1255 Franklin Street  
Suite 112  
Rocky Mount, VA 24151

Dear Sirs:

I am the owner of 1 acre (tax map # 0151202800) with over 200 feet of road frontage in Lake Watch Plantation. This property has an ugly berm, white pines, and an old white fence on the road frontage. The developer, Trey Park, had proffered this in the development plan (see attached photos), but it now needs to be removed.

We would like to be able in the future to remove this berm, ugly white pines, and dilapidated fencing from the front of our property. There are currently two existing businesses in Lake Watch Plantation that front Rt. 122 – Bojangles and Bank of Botetourt. Neither of these businesses have the berm in front of them. They are not hidden by large white pines and do not have an old white fence in front of them. We would like our property to be treated like these two existing businesses.

Since 2005, there have been no new businesses built on the Rt 122 corridor from Hales Ford Bridge to Westlake. We have had no inquiries about our property; businesses must be seen from the highway and will not develop a property that is hidden by a berm, trees, etc.

In summary, please remove the proffer concerning the berm, trees and fencing on Rt. 122 that the original developer placed on Lake Watch Plantation. We need all the help we can get to have a business locate on this property.

Sincerely,

Ginger Investments, LLC  
Leon T. McGhee, President



101 Albemarle Avenue, SE  
Roanoke, VA 24013  
Ph: (540) 344-6160

From the desk of  
*Bill Walker*

Franklin County Planning & Zoning  
Franklin County Board of Supervisors

I am in support of the Petition being filed by Tim Reith to change the proffers for the road frontage of Lake Watch Plantation located in Moneta, VA.

We are supporting the change to eliminate the requirement of the +/- 10' road buffer, fence and the restrictions as to what can or cannot be built on the properties.

We feel that the change would be a Win/Win for all parties and the County, both economically and enhance the look and feel of that section along 122 that fronts Lake Watch.

Respectfully Submitted

*Bill Walker* 8/11/2020

August 20, 2020

To:

Franklin County Planning Commission and Franklin County Board of Supervisors

From: Phyllis Johnson/ Remax Lakefront Realty

I am writing today in support of removing the berm at Lakewatch Plantation. Lakewatch took a huge hit during the recession and there is still a lot of vacant property. I am one of the real estate agents that has three of the commercial lots co-listed in Lakewatch. The lots are C2, C3 and C4 and border Booker T Washington Hwy. and located beside the Bojangles.

Since we have had the lots listed, we have had two interested parties to make offers with the contingency that the berm and trees could be removed because they would not have exposure from Rt. 122. I contacted Steve Sandy and had several conversations about how this was affecting the growth in this subdivision, especially the commercial growth.

I am very excited to have a new supervisor that seems to understand the problem at Lakewatch for the commercial lot owners. I think the location is perfect for additional commercial businesses and would definitely be much more appealing if businesses could be seen from Booker T Washington Hwy.

I hope you will approve to allow the berm and trees to be removed and that the use can also be open to all kinds of businesses, especially since we now have a trash/recycling site at Lakewatch.

Thank you for your time and consideration for helping Lakewatch Subdivision become a great area for commercial growth.

Sincerely,

*Phyllis Johnson*

Associate Broker

Remax Lakefront Realty

# LakeWatch

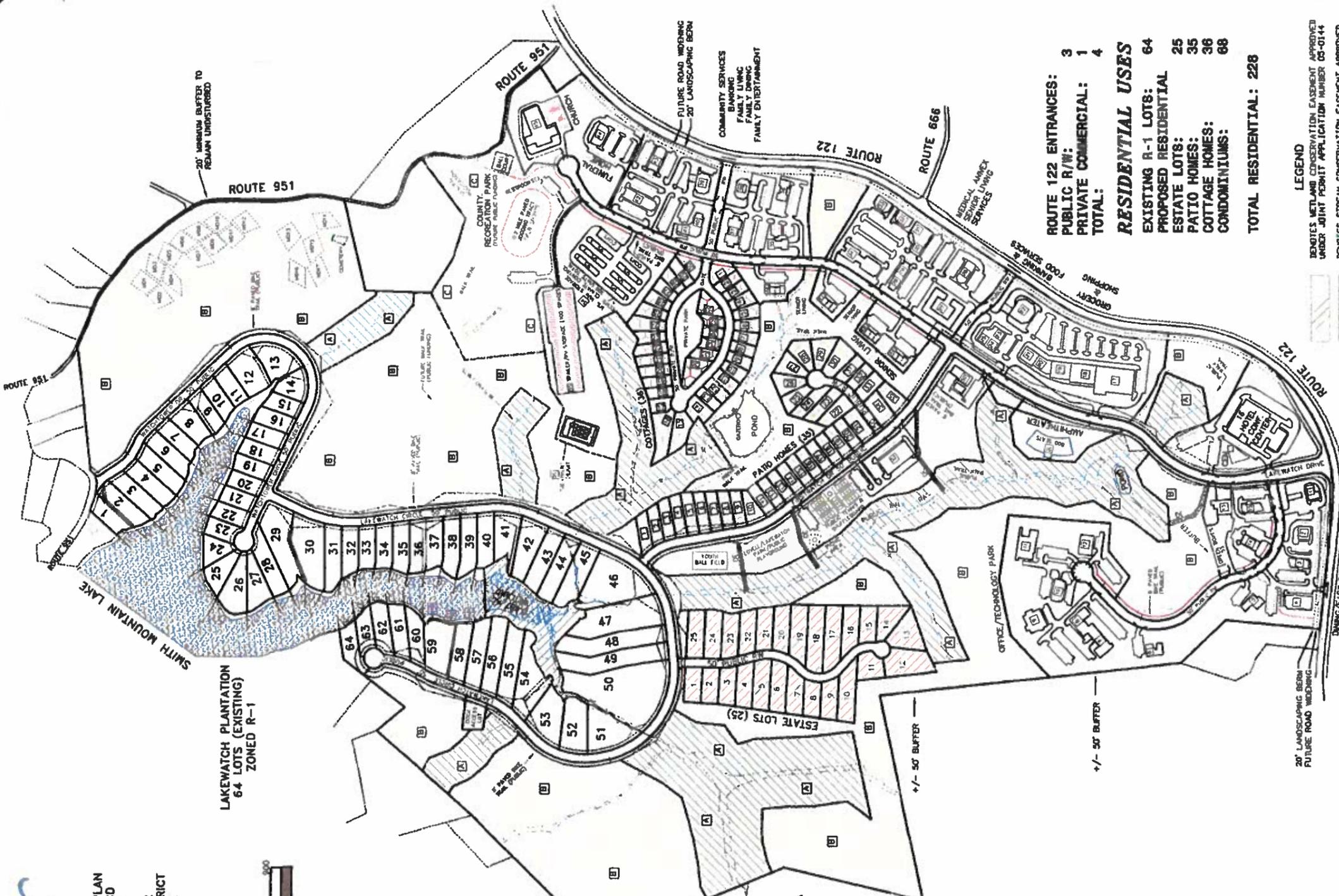
PLANTATION

REZONING REQUEST CONCEPT PLAN  
 +/- 398 ACRES A-1 TO PCD  
 ALL OF TAX PARCEL 15-41  
 PORTION OF TAX PARCELS  
 15-39, 15-40, AND 15-42  
 GILLS CREEK MAGISTERIAL DISTRICT  
 FRANKLIN COUNTY, VIRGINIA  
 AUGUST 27, 2005

OVERALL LAYOUT  
 SHEET 4 OF 4



SCALE: 1" = 300'  
 REDUCED SCALE PLOT



## PROPOSED USES

- INDICATES PROPOSED USE
- OPEN SPACE
- A CONSERVATION EASEMENT
- B UNDEVELOPED AREA
- C COUNTY RECREATION PARK
- DINING/FAST FOOD RESTAURANTS
  - 1 CONVIENIENCE STORE/FAST FOOD
  - 2 FAST FOOD RESTAURANT/DRIVE THRU
  - 3 FAST FOOD RESTAURANT/DRIVE THRU
  - 4 FINE DINING RESTAURANT
- OFFICE/TECHNOLOGY PARK
  - 5 OFFICE
  - 6 OFFICE
  - 7 OFFICE
  - 8 OFFICE
  - 9 OFFICE
  - 10 OFFICE
  - 11 OFFICE
  - 12 OFFICE
- 13 FIRE STATION
- 14 AUTO SERVICE CENTER
- 15 FAMILY DINING RESTAURANT
- 16 HOTEL/CONFERENCE CENTER
- GROCERY/SHOPPING
  - 17 GROCERY
  - 18 PHARMACY
  - 19 RETAIL
  - 20 RETAIL
  - 21 RETAIL
- BANKING/FOOD SERVICES
  - 22 BANK
  - 23 FOOD/CARRY OUT
  - 24 FAST FOOD/CARRY OUT
  - 25 FAST FOOD/CARRY OUT/DRIVE THRU
  - 26 MEDICAL ANNEX
- SENIOR LIVING/SERVICES
  - 27 RETAIL SHOPS 15114 CONDOMINIUMS, 2ND FLOOR
  - 28 IDENTIFY
  - 29 IDENTIFY
  - 30 MEDICAL
  - 31 MEDICAL
  - 32 MEDICAL
  - 33 MEDICAL
- COMMUNITY SERVICES/BANKING
  - 34 COMMUNITY SERVICES/BANKING
  - 35 COMMUNITY SERVICES/BANKING
  - 36 COMMUNITY SERVICES/BANKING
  - 37 COMMUNITY SERVICES/BANKING
  - 38 COMMUNITY SERVICES/BANKING
  - 39 COMMUNITY SERVICES/BANKING
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  - 41 COMMUNITY SERVICES/BANKING
  - 42 COMMUNITY SERVICES/BANKING
  - 43 COMMUNITY SERVICES/BANKING
  - 44 COMMUNITY SERVICES/BANKING
  - 45 COMMUNITY SERVICES/BANKING
- SENIOR LIVING
  - 46 COMMUNITY SERVICES/BANKING
  - 47 COMMUNITY SERVICES/BANKING
  - 48 COMMUNITY SERVICES/BANKING
  - 49 COMMUNITY SERVICES/BANKING
  - 50 COMMUNITY SERVICES/BANKING
  - 51 COMMUNITY SERVICES/BANKING
  - 52 COMMUNITY SERVICES/BANKING
- 53 GREEN BOXES
- 54 MINI-STORAGE WAREHOUSES
- 55 RV STORAGE LOT
- 56 TREATMENT PLANT

ROUTE 122 ENTRANCES: 3  
 PUBLIC R/W: 1  
 PRIVATE COMMERCIAL: 1  
 TOTAL: 4

**RESIDENTIAL USES**  
 EXISTING R-1 LOTS: 64  
 PROPOSED RESIDENTIAL ESTATE LOTS: 25  
 PATIO HOMES: 35  
 COTTAGE HOMES: 36  
 CONDOMINIUMS: 68

**TOTAL RESIDENTIAL: 228**

**LEGEND**  
 DENOTES MET/AMB CONSERVATION EASEMENT APPROVED UNDER JOINT PERMIT APPLICATION NUMBER 05-0144  
 DENOTES STREAM CONSERVATION EASEMENT APPROVED UNDER JOINT PERMIT APPLICATION NUMBER 05-0144  
 TOTAL AREA 38,800 ACRES. AREA IS SUBJECT TO REQUIRED UTILITY CROSSINGS AND PUBLIC WALK TRAILS CONSTRUCTED OF PERMISSIBLE MATERIALS  
 DENOTES +/- 151.2 ACRES OF UNDEVELOPED AREA SUBJECT TO UTILITY CROSSINGS, SEPTIC FIELDS, WALK TRAILS, BIKE TRAILS, AND OTHER PUBLIC RECREATIONAL USES  
 DENOTES +/- 16 ACRES OF PROPOSED ESTATE LOTS WITH +/- 1.6 ACRES IN PUBLIC RIGHT OF WAY  
 TOTAL NUMBER LOTS 25  
 MINIMUM LOT SIZE 0.25 ACRES < 60,000 SQ FT  
 AVERAGE LOT SIZE +/- 0.6 ACRES < 26,000 SQ FT  
 AVERAGE LOT COVERAGE +/- 6,000 SQ FT (23%)  
 DENOTES +/- 13 ACRES OF PROPOSED PATIO HOME LOTS WITH 0 ACRES IN PUBLIC RIGHT OF WAY  
 TOTAL NUMBER LOTS 35  
 MINIMUM LOT SIZE 0.230 ACRES < 10,000 SQ FT  
 AVERAGE LOT SIZE +/- 0.37 ACRES < 16,000 SQ FT  
 AVERAGE LOT COVERAGE +/- 4,300 SQ FT (27%)  
 DENOTES +/- 10 ACRES OF PROPOSED COTTAGE HOME LOTS WITH +/- 4.8 ACRES IN PRIVATE RIGHT OF WAY AND +/- 1.1 ACRES IN PROPOSED PRIVATE PARK  
 TOTAL NUMBER LOTS 36  
 MINIMUM LOT SIZE 0.180 ACRES < 8,000 SQ FT  
 AVERAGE LOT SIZE +/- 0.28 ACRES < 12,000 SQ FT  
 AVERAGE LOT COVERAGE +/- 3,400 SQ FT (28%)  
 DENOTES OPEN SPACE WITH LANDSCAPING AND LOW IMPACT DEVELOPMENT FACILITIES

## COVERAGE SUMMARY

DESCRIPTION	NO LOTS	AVERAGE LOT SIZE	AVERAGE LOT COVER	TOTAL AREA	TOTAL COVER	TOTAL OPEN
CONSERVATION EASEMENT (C)				38,800	0	38,800
UNDEVELOPED AREA (B)				15,000	0	15,000
RECREATION PARK (C)				18,000	0	18,000
<b>TOTAL CONSERVATION EASEMENT/UNDEVELOPED/RECREATION AREA: +/- 229 ACRES</b>						
EXISTING R-1 LOTS	64	0.9	0.23	56,177	14,700	41,477
ESTATE LOTS	25	0.6	0.14	15,000	6,984	8,016
PATIO HOMES	35	0.6	0.14	16,000	3,400	12,600
PUBLIC R/W	1	1.0	0.5	0.9	0.5	0.4
PRIVATE PARK	36	0.28	0.08	10,000	2,800	7,200
OFFICE/TECH. PARK				4.8	4.8	0
OFFICE/TECH. PARK/FIRE STATION/DRIVE (1-15)				27.0	10.2	16.8
HOTEL/CONFERENCE/RESTAURANT (16)				27.0	10.2	16.8
FIRST WATCH DRIVE EXTENSION				7.6	3.1	4.5
GROCERY/SHOPPING/BANKING/FOOD (17-26)				0.6	0.3	0.3
LAKEWATCH DRIVE EXTENSION				12.8	7.0	5.8
MEDICAL ANNEX/SENIOR LIVING				3.0	1.5	1.5
COMMUNITY SERVICES/BANKING/FAMILY LIVING (24-38)				10.8	6.4	4.4
FUNERAL HOME/CHURCH (44-45)				6.0	2.9	3.1
SENIOR LIVING CONDOMINIUMS (46-49)				0.4	0.2	0.2
COMMUNITY CENTER RECREATION (50-52) PRIVATE FUNDING				4.2	1.5	2.7
GREEN BOXES (53) (PUBLIC FUNDING)				17.4	4.0	13.4
MINI-STORAGE/TREATMENT PLANT (54-56)				0.8	0.3	0.5
SUBTOTALS				12.8	6.1	6.7
TOTALS				265,707	89,384	180,323
BIKE TRAILS				0.6	0.6	0
WALK TRAILS				3.1	3.1	0
FOREDOLE TOTAL OPEN SPACE FOR WALK AND BIKE TRAILS				465,707	93,084	375,623

TOTAL COVERAGE: +/- 20% TOTAL OPEN: +/- 80%

**Department of Planning  
& Community Development**



**Memorandum**

Date: October 1, 2020

To: Planning Commission

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

RE: Proposed zoning amendments pertaining to duplexes

At the Board of Supervisors' August meeting, potential zoning amendments regarding duplexes was discussed. The Board referred this item to the Planning Commission for consideration and recommendation

A work session was held during your September meeting where the current County Code regulations for duplexes were evaluated as well as options for possible amendments that could be implemented. The present members determined that they would like to have staff provide language for suggested motions at their next meeting for them to review and discuss further when all members were in attendance.

Attached are draft motions for your review. I have also attached a spreadsheet documenting how some similar localities in Virginia handle duplexes.

Please feel free to contact me with questions or concerns.

Attachment

**(APPROVE)** I make a motion to schedule a public hearing to amend Section 25-179 of the Franklin County Code by adding *Duplexes* as a permitted use in A-1, Agricultural zoning districts, by issuance of a Special Use Permit by the Board of Supervisors. Duplexes shall continue to be allowed in the non-zoned areas of the County, and in Residential Multifamily Districts (RMF) and Residential Planned Unit Development Districts (RPD) as a permitted use. Duplexes shall not be allowed in any other areas of the County as a permitted use or with a Special Use Permit.

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**Duplex Spreadsheet October 2020**

County	Duplexes allow in Agricultural/Rural District by permitted use	Duplexes allow in Agricultural/Rural District by SUP	Density	Regulations and/or Restrictions	Duplexes not allowed by permitted use or SUP
Albermarle County	RA; Rural Districts		.5 du/ac	Minimum lot size of 2.0 acres/Min frontage public and private rds/yard min/	
Bedford County	AV; Agricultural Village Ctr		1 to 3 units per acre	Min lot size of 30,000 sq ft	AP; Agricultural/Rural & AR; Agricultural/Residential
Campbell County					Agricultural District
Hanover County					A-1; Agricultural District
Henry County	A-1; Agricultural District	RR; Rural Residential		Minimum lot size A-1-one acre; RR Minimum lot size-20,000 sq ft	
Pittsylvania County					A-1; Agricultural District
Roanoke County	AR; Agricultural/Residential; AV; Agricultural/Village Center			Minimum lot size AR; well and septic - 1 ac; public water or sewer 30,000 sq ft; public water and sewer 25,000 sq ft/Minimum lot size AV; well and sewer 25,000 sq ft; public water or public sewer 20,000 sq ft; public water and sewer 15,000 sq ft	
Rockingham County					A-1 and A-2