

Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on Tuesday, February 14, 2023, in the Board of Supervisors Conference Room located at the Franklin County Government Center.

THOSE PRESENT:

Sherrie Mitchell- Chair, Snow Creek District

Debbie Crawford- Vice Chair, Union Hall District

David Clements- Rocky Mount District

David Pendleton- Blackwater District

Angie McGhee- Boone District

C.W. Doss- Blue Ridge District

Cheryl Ege- Gills Creek District (By Phone)

OTHERS PRESENT:

Lisa Cooper- Director, Planning

Chris Dadak - County Attorney

Megan Fenner – Clerk

THOSE ABSENT:

None

The meeting was called to order by Chairwoman Sherrie Mitchell at 6:00 p.m.

The first order of business was the approval of the minutes from the January 10, 2023, meeting. Chairwoman Mitchell asked if there were any changes or corrections to the minutes.

Ms. Cheryl Ege pointed out the wording on page five (5) and page eight (8), at the end of the motions made it states "...serves public necessity, convenience, general welfare, and good zoning practice." Ms. Ege asked if that is proper wording.

Mr. Chris Dadak advised that without proper punctuation, the motion may read awkward,

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but it refers back to the amendment, meaning that the amendment serves public necessity, convenience, general welfare, and good zoning practice.

The Commission collectively decided to table the approval of the minutes until the wording can be reviewed and revisions can be made.

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

APPLICATION for SPECIAL USE PERMIT – Application of Rachel Love and Kyle Walter, Applicants and Owners, requesting a special use permit, with possible conditions, on an approximate 0.72 acres of property zoned A-1, Agricultural. The property is located at 1970 Morewood Road, in the Gills Creek Election District of Franklin County and further identified by real estate records as Tax Map/Parcel # 0150600300. This property is located in the Westlake Hales Ford Designated Growth Area. The purpose of this special use permit request is to allow for the short-term tourist rental of a dwelling. This property has a future land use designation of Suburban Residential 2 Units per Acre (SPEC-12-22-17523).

Director Lisa Cooper presented the staff report.

The applicants are requesting a special use permit to allow for the short-term tourist rental of a dwelling on a property that is approximately 0.72 acres and located at 1970 Morewood Road in the Gills Creek Election District. This is the only dwelling located on the parcel and where the short-term rental would take place.

The dwelling is a one and a half-story, single-family residence built in 1999, and consists of four (4) bedrooms, three (3) full-bathrooms and one (1) half-bathroom and has a total living area of approximately 3,900 square feet. The real estate records show the single-family dwelling having three (3) bedrooms instead of four (4) bedrooms. The sewage disposal system operation permit issued by VDH on March 1, 1999, is only for three (3) bedrooms. The septic system would have to be upgraded for the fourth bedroom for rental. The applicant does not currently reside in the primary dwelling on the property full-time.

In the applicants' letter of application, they have owned and operated two (2) short-term rental properties through Airbnb in Moneta and Lynchburg. The following have been submitted for your review with the application: contact person and phone number for immediate issues, emergency evacuation plan, Sewage Disposal System Operation Permit, and two (2) examples of Home Guides used at other rentals.

Nearby parcels include other single-family residences, wooded and/or vacant lots, and commercial enterprises; nearby zoning designations include A-1, Agricultural, R-1, Residential Suburban Subdivision, and B-2, General Business. The subject property is located along a state-maintained road with a private driveway and a hard-surface parking area. The property abuts Smith Mountain Lake to the rear, with access to a

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private dock. There are two off-site dwellings adjacent to the subject property; one of the adjacent dwellings to the proposed short-term rental dwelling is an approximate 65 feet away (to the west) and the other adjacent dwelling is approximately 270 feet away (across Morewood Road).

Chairwoman Sherrie Mitchell asked if the Commission had any questions for staff.

Chairwoman Sherrie Mitchell requested to view an aerial map of the property. Ms. Mitchell wanted to see where the road ended and the lay of the lake. Ms. Mitchell asked if the road was public or private. Ms. Mitchell asked if the nearby dock belonged to the house numbered 1944. Director Lisa Cooper advised the dock that is 90-feet from the property does belong to 1944. Ms. Mitchell also wanted to know where Morewood Road ended. Director Cooper was able to show through maps that Morewood Road ended at Indian Pointe Marina and Westlake Inn. Ms. Mitchell wanted to know where visitors could turn around at if they drove by the proposed property accidentally. Director Cooper said probably at Indian Point Marina.

Chairwoman Sherrie Mitchell advised they would now hear from the applicant.

Ms. Rachel Love introduced herself and her husband Kyle Walter. Ms. Love stated they no longer have their rental property in Lynchburg, as they sold the property to purchase the proposed property in the application. Ms. Love stated they will now only manage two (2) properties if the special use permit is granted. Ms. Love stated they wanted to eventually move to Smith Mountain Lake, and they want to be invested in the community. Ms. Love stated that it is very important to them to put themselves in the shoes of the community and try to model their rentals after what they would want to live next to. Ms. Love stated when issues arise, they respond in person. They also have a friend who lives in the neighborhood that could assist with issues if they arise.

Ms. Debbie Crawford pointed out that the applicants did a great job putting together their packet.

Ms. Cheryl Ege also agreed that the packet the applicants presented was comprehensive and well thought out.

Chairwoman Sherrie Mitchell advised they would open the floor to public comment.

Ms. Debra Reardon stated she owns the property located at 1939 Morewood Road. Ms. Reardon stated that the applicants approached her to let her know about their intentions with the property and wanted to know if she had any concerns. Ms. Reardon stated that she did not have any concerns, and stated that she thinks the more rental properties there are in the area the better it is. Ms. Reardon also added that she sees many people

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turn around at the marina and inn daily, and doesn't believe the business owners have had any issues. Ms. Reardon stated that she thinks the short-term rental would be a great opportunity and would breathe new life into the community.

Mr. Robert McAuley stated that he lives across the code 1177 Redbud Lane. Mr. McAuley stated he is the owner of nine (9) rental properties, but he stays away from Air B&Bs because of the littering, parties and damage that occurs. He stated that he disagrees with the staff analysis, stating that revenue will be lost to the nearby inn. Mr. McAuley stated the lost income could have been income taxed by Franklin County. He was concerned with noise disturbances that occur late at night. Mr. McAuley also raised concerns about untrained boaters in the small cove that his grandchildren play in. His last point was that the applicants have not taken into consideration the neighbors across the cove.

Ms. Laura McAuley stated when she heard about this application, she first thought of her grandchildren that play in the water. Ms. McAuley was concerned about who she could call when there are issues such as noise. She further stated she doesn't know who would want to live across the water from this property. She also stated that she doesn't want there to be different people at the property every weekend and doesn't know what kind of people this will bring.

Mr. Mark Valette stated he lives at 1055 Redbud Lane. Mr. Valette stated that he just bought a house in Bedford County, because they allow rentals and everyone knows the expectations of the rentals. Mr. Valette stated he purchased a property because he knew that short-term rentals were not allowed near his property. Mr. Valette stated in his work, he deals with public interest and public safety. He didn't see how a short-term rental would serve either the interest or safety of the public. Mr. Valette stated while living in Bedford County they witnessed inexperienced boaters and even had to rescue a few. Mr. Valette questioned how many more short-term rentals were going to be approved in Franklin County, and if his whole community was going to become short-term rentals.

Ms. Angela Byrne stated she owns the property at 1949 Morewood Road. Ms. Byrne stated after talking to the applicants, it is her understanding that this will be a high end rental which would not take business away from the inn down the street. Ms. Byrne stated that there is a difference in clients between the two. Ms. Byrne stated she is confident that the property will be well managed, and it's not going to turn into a party house. She further stated they have a sheriff's deputy that lives up the road, and the applicants have given out their personal contact information in case there is an issue.

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Ms. Shannon Fair stated she also lives 1944 Morewood Road, and is frequent contact with the applicants. Ms. Fair stated she has been able to know the applicants well enough that when a package arrives next door, she goes over there to put deliveries in the house for them. Ms. Fair stated she is confident the applicants will select their clients carefully and has been informed of their strict rental practices and the termination of problem renters. She stated her previous neighbor who bought the property was more problematic than the occasional rental.

Ms. Kate Valette stated she lived at 1055 Redbud Lane with her husband. Ms. Valette raised additional concerns regarding the ongoing issues with inexperienced boaters they have in the summer. Ms. Valette stated it doesn't matter if the property is a high-end rental, that vacationers will stay there with their families and want to be on the water. She stated there's a tremendous upkeep of their docks and the banks of the lake due to damage caused by boaters.

Chairwoman Sherrie Mitchell asked if the applicant would like to come up and address any issues raised by citizens.

Ms. Rachel Love apologized for not contacting the neighbors across the cove and would like to offer the packet they have put together and any other information materials. Ms. Love stated that she understands the concern of bad renters and partying. She stated that although they try to be very careful when selecting renters, there's always the chance a problem could occur. Ms. Love stated luckily, they have not received any formal complaints from their previous rentals. Ms. Love stated at their property in Lynchburg they have called renters and informed them that they're being too loud. Ms. Love also stated they remind renters that the area is residential, and people live there full time and to be mindful of that. She further stated they try to provide as many informational materials for their renters, as well as safety equipment because it's in their best interests as the property owner as well. Ms. Love stated that some renters are boaters from other areas, who are experienced. Ms. Love stated she's happy to address any concerns after the meeting as well.

Chairwoman Sherrie Mitchell advised the time for public comment would now close. Ms. Mitchell advised that the Planning Commission would now enter discussions.

Ms. Cheryl Ege advised she was appreciative of the applicant putting forth the work and speaking with their close neighbors. Ms. Ege stated that it's her personal feelings that a short-term rental in a residential area is not an appropriate use. Ms. Ege also stated the Comprehensive Plan designates this area as a Suburban Residential. Ms. Ege stated in her

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mind that short-term rentals are a business and don't belong in a neighborhood.

Ms. Debbie Crawford stated she thinks the applicants have presented their information well through the packet, and this leads her to believe that they will be diligent in maintaining the property. Ms. Crawford stated that she too lives on the lake, and there's always been a problem with inexperienced boaters. Ms. Crawford stated that there needs to be a change in who can rent a boat, and that we need to educate people. Ms. Crawford stated that she's also witnessed people who live near her purchase a boat without any knowledge of how to use it.

Ms. Angie McGhee agreed with Ms. Debbie Crawford's statements. Ms. McGhee stated that she appreciates the work the applicants have put in, and this is a perfect example of what she would like to see their packets look like in the future.

Ms. Cheryl Ege stated that the packet and the location of the short-term rental are two different issues. Ms. Ege stated that in spite of the packet, the insurances of the applicant, and their track record, she does not believe that this is the right location for the short-term rental. Ms. Ege stated that this is a residential area, and some of the neighbors are concerned about the harmony of their community.

Ms. Cheryl Ege motioned that such use will be of substantial detriment to adjacent properties, 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 uses permitted by right in the zoning district, and with the public health, safety, and general welfare to the community. Ms. Ege moved to recommend denial of applicant's request.

There was no second. The motion failed.

Ms. Debbie Crawford motioned that the use will not be of substantial detriment to adjacent properties, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the uses permitted by-right in the zoning district, and with the public health, safety, and general welfare to the community. Ms. Crawford moved to recommend approval of the applicant's request for a special use permit to allow for the short-term tourist rental of a dwelling with the five (5) conditions recommended in the staff report.

Ms. Angie McGhee seconded the motion.

The motion to approve was approved, 6-1-0-0; voting on the motion was as follows:

AYES: Pendleton, Clements, Doss, McGhee, Crawford, Mitchell

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NAYES: Ege
ABSENT: None
ABSTAIN: None

Chairwoman Sherrie Mitchell announced they would now open the meeting to any citizen who wished to address the Planning Commission on any planning related topics not addressed during the meeting.

Ms. Tabitha Collison advised she resides at 396 Royal Estates Boulevard, directly across from 399 Royal Estates Boulevard. Mr. Elliot, the new owner of the property, plans to turn the property into a fisherman's motel consisting of ten rooms in the main house, and ten outdoor canvas tents. Ms. Collison also stated the plans include to build a large dock to accommodate guests. Ms. Collison is estimating there could be possibly 40 guests at one time. She is concerned that residents would see around 100 people each week travel through their small community. Ms. Collison also mentioned the large vehicles and trailered boats that would travel through their community, as the nearby marina does not allow overnight parking. She believes that the plans for this property will impact resident's safety and change their community. Ms. Collison stated the neighborhood is all zoned residential, except for Mr. Elliot's property. She further described their community as close knit, and even mentioned the school bus traffic that travels through their neighborhood. Ms. Collison also questions how Mr. Elliot plans on contributing to the maintenance and wellbeing of the neighborhood.

With no other speakers, Chairwoman Sherrie Mitchell closed the period for public comment.

Director Lisa Cooper advised that staff was working on a date to have another work session, as the March meeting could potentially be very busy.

Ms. Debbie Crawford wanted to know if the Board of Supervisors were reviewing their suggested amendments to the Comprehensive Plan and the Zoning Ordinance regarding solar at their next meeting. Director Lisa Cooper advised they would be reviewing the amendments at their February 21st meeting starting at 6:00pm.

Meeting adjourned at 7:06pm.