

Department of Planning & Community Development



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

THOSE PRESENT:

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

THOSE ABSENT:

None

OTHERS PRESENT:

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

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

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

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

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

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

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

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

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

- 1) This special use permit authorizing the short term rental dwelling on tax parcel # 0050007901 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.
- 2) The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code
- 3) The County Building Official and Fire Marshal shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
- 4) Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

Mr. Harrington offered to answer any questions.

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

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

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

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

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

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

Mrs. McGhee made a motion to approve, stating that she found that the approval of SPEC-0220-16500 authorizing the short term rental of a structure located at 220 Ridgeway Road in the Boone District with the conditions recommended by the staff, is consistent with the purpose and intent of the County's adopted comprehensive plan and good zoning practice and will not result in substantial detriment to the community. I therefore recommend approval of this SUP with the following conditions:

1. This special use permit authorizing the short term rental dwelling on tax parcel # 0050007901 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.
2. The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code.
3. The County Building Official and Fire Marshal shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
4. Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

Mrs. Crawford seconded the motion.

The motion to approve the request was approved.

Voting on the motion was as follows:

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

NAYES: None

ABSENT: None

ABSTAIN: None

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

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

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

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

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

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

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

- 1) This special use permit authorizing the short term rental dwelling on tax parcel # 0320005800 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.
- 2) The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code.
- 3) The County Building Official and Fire Marshall shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
- 4) Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

Mr. Harrington offered to answer any questions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chairman Webb then closed the public hearing and the members had discussion among themselves. Mr. Colby made a motion to deny, stating that he found that the approval of SPEC-02-20-16509 is inconsistent with the purpose and intent of the County's adopted comprehensive plan and good zoning practice and will result in substantial detriment to the community. I therefore recommend denial of the special use permit.

The motion was not seconded.

The motion to deny the request failed.

Voting on the motion was as follows:

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

Mrs. Crawford made a motion to approve, stating that she found that the approval of SPEC-02-20-16509 authorizing the short term rental of a structure located at 601 Strawberry Banks Drive in the Gills Creek district with the conditions recommended by the staff, is consistent with the purpose and intent of the County's adopted comprehensive plan and good zoning practice and will not result in substantial detriment to the community. I therefore recommend approval of this SUP with the following conditions:

1. This special use permit authorizing the short term rental dwelling on tax parcel # 320005800 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.
2. The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code
3. The County Building Official and Fire Marshall shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
4. Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

Mrs. McGhee seconded the motion.

The motion to approve the request was approved.

Voting on the motion was as follows:

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

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

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

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

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

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

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

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

- 1) This special use permit authorizing the short term rental dwelling on tax parcel # 0710005300 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.
- 2) The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code
- 3) The County Building Official and Fire Marshal shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
- 4) Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a one bedroom home.

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

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

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

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

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

Chairman Webb then closed the public hearing and discussion between the members ensued. Mrs. Crawford made a motion to approve, stating that she found that the approval of SPEC-02-20-16504 authorizing the short term rental of a structure located at 1027 Ty Valley Lane in the Glade Hill District with the conditions recommended by the staff, is consistent with the purpose and intent of the County's adopted comprehensive plan and good zoning practice and will not result in substantial detriment to the community. I therefore recommend approval of this SUP with the following conditions:

1. This special use permit authorizing the short term rental dwelling on tax parcel # 0710005300 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.
2. The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code.
3. The County Building Official and Fire Marshal shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
4. Prior to using the property as a short term rental use, a certified professional engineer shall evaluate the existing septic system serving the house and provide the county with a report that certifies that the system is functioning properly and can meet the demands of a two bedroom home.

Mr. Doss seconded the motion.

The motion to approve the request was approved.

Voting on the motion was as follows:

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

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

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

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

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

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

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

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

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

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

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

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

Hannah L. Powell
Hannah L. Powell, Clerk
Franklin County Planning Commission

03/25/20
Date

