

# Department of Planning & Community Development



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

## **THOSE PRESENT:**

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

## **OTHERS PRESENT:**

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

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

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

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

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

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

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

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

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

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

- 1) This special use permit authorizing the short term rental dwelling on tax parcel # 0330003609 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.
- 2) The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code.
- 3) The County Building Official and Fire Marshall shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
- 4) Prior to using the property as a short term rental use, the property owner shall provide documentation from the Virginia Department of Health and Franklin County Building Official that the home and septic system is approved for a four bedroom home.

Mr. Sandy offered to answer any questions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. This special use permit authorizing the short term rental dwelling on tax parcel # 0330003609 shall only apply to the existing dwelling on the property. No future dwelling on the property shall be used for short term rental unless this special use permit shall be revised by the Board of Supervisors after review and recommendation of the Planning Commission.
2. The owner shall always comply with the supplementary regulations for short term rentals found in Section 25-138 of the Franklin County Code.
3. The County Building Official and Fire Marshall shall inspect the proposed short term rental use within 30 days of the approval of the special use permit for the short term rental. No short term rental of the property shall be authorized until these inspections take place, and the property is found to be compliant with the applicable county building and fire codes.
4. Prior to using the property as a short term rental use, the property owner shall provide documentation from the Virginia Department of Health and Franklin County Building Official that the home and septic system is approved for a four bedroom home.
5. The operation of short term rentals on the property shall not include any commercial uses, organized events, or gatherings of any kind that involve a large number of people (50 people or more).

Mrs. Crawford seconded the motion.

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

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

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

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

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

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

The Planning Commission members had discussion among themselves.

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

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

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

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

Hannah L. Powell, Clerk  
Franklin County Planning Commission

Date 09/08/2020