

Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on August 9, 2022, in the Board of Supervisors meeting room located at the Franklin County Government Center.

THOSE PRESENT:

Debbie Crawford- Vice Chair, Union Hall District

David Clements- Rocky Mount District

David Pendleton- Blackwater District

Cheryl Ege- Gills Creek District

Angie McGhee- Boone District

OTHERS PRESENT:

Lisa Cooper- Director, Planning

Tim Mack – Senior Planner

Megan Fenner – Clerk

Chris Dadak - County Attorney

THOSE ABSENT:

Sherrie Mitchell- Chair, Snow Creek District

C.W. Doss, Jr.- Blue Ridge District

The meeting was called to order by Vice-Chairwoman Crawford at 6:04 p.m.

The first order of business was the approval of the minutes from the July 12, 2022, meeting. Vice-Chairwoman Crawford asked the Planning Commission if there were any comments or corrections to the minutes as written. Ms. Cheryl Ege had submitted her corrections via email, and the corrections were made. Ms. Crawford added that there need to be a correction to Mr. Doss's title on page 7.

Department of Planning & Community Development



Vice-Chairwoman Crawford advised after the corrections have been made, the minutes will stand.

Vice-Chairwoman Crawford introduced the next item on the agenda and asked for the staff report.

APPLICATION for SPECIAL USE PERMIT – Application of John Linnert, Applicant and Owner, requesting a special use permit, with possible conditions, on an approximate 8.28 acres of property zoned RE, Residential Estates. The property is located at 145 Bellwood Lane in the Boone District of Franklin County and further identified by real estate records as Tax Map/Parcel # 0100004309. The purpose of this special use permit request is to allow for a second single-family detached dwelling. This property has a future land use designation of Agricultural, Forestry/Rural Residential (Case # SPEC-06-22-17366).

Mr. Timothy Mack presented the staff report.

The applicant is requesting a special use permit to allow for a second single-family detached dwelling on a property that is approximately 8.28 acres and located at 145 Bellwood Lane in the Boone district. There is currently an existing single-family detached dwelling, used and occupied by the applicant and property owner on full-time basis, and the second dwelling is intended for an immediate relative.

The property where the proposed second single-family detached dwelling sits along Bellwood Lane, a private road which branches off Truman Hill Road, from where both the existing and proposed dwellings would have access. The applicant currently accesses their property from Bellwood Lane, entering onto a long, private driveway; the proposed second dwelling would have access from Bellwood Lane on the other side of the property. The applicant is intending to construct the second dwelling out of the same materials as the existing dwelling (wood cabin) to match the current rustic aesthetic. The property is part of a large lot subdivision, zone RE, Residential Estates, where the minimum lot size is five (5) acres, and can range up to 20.

Nearby parcels are a mix of other large, single-family residences, rural, wooded and/or vacant lots, and zoned RE, Residential Estates, and A-1, Agricultural.

Department of Planning & Community Development



Vice-Chairwoman Crawford asked if the applicant would like to come up and address the commission.

Mr. John Linnert stated that the second house would be for his sister, Deedee. Mr. Linnert continued by discussing his sister's hardships and stated that she has now sold her land and is looking to move. Mr. Linnert stated his other sister lives in Maryland, but Franklin County would be a much better place for Deedee to call home.

Vice-Chairwoman Crawford asked if there was anyone in the audience who would like to speak regarding this application. There were none. Vice-Chairwoman Crawford announced they would now enter a closed session.

Vice-Chairwoman Crawford commented on the location of the property being far out in the country. No other commissioners had any comments or concerns.

Ms. Angie McGhee 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. McGhee moved to recommend approval of the applicant's request for a special use permit to allow for a second single-family detached dwelling with the six (6) conditions recommended in the staff report.

Mr. David Clements and Ms. Cheryl Ege seconded the motion.

The motion to approve was approved, 5-0-2-0; voting on the motion was as follows with the following conditions:

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

Vice-Chairwoman Crawford announced the next item on the agenda.

Department of Planning & Community Development



APPLICATION for SPECIAL USE PERMIT – Application of Taylor Odell, Applicant, and Jeffrey Smith, Owner, requesting a special use permit, with possible conditions, on two acres of an approximate 45 acres of property zoned A-1, Agricultural. The property is located at 2430 Golden View Road in the Union Hall district of Franklin County and further identified by real estate records as Tax Map/Parcel # 0450015700. The purpose of this special use permit request is to allow for the conversion of a single-family detached dwelling into a duplex. This property has a future land use designation of Agriculture, Forestry/Rural Residential (Case # SPEC-07-22-17380).

Mr. Timothy Mack presented the staff report.

The applicant is requesting a special use permit to allow for the conversion of a single-family detached dwelling into a duplex. The proposed use would apply to a two (2)-acre portion of an approximate 45 acres of property zoned A-1, Agricultural, and located at 2430 Golden View Road in the Union Hall district. This is the only dwelling located on the parcel, in addition to an existing barn and shed.

This special use permit request is in conjunction with another petition from the applicant: a request for a special use permit to allow for the short-term tourist rental of a dwelling. Both petitions are to be presented at the August 9th Planning Commission hearing and, tentatively, at the subsequent Board of Supervisors on September 20th. Neither of the petitions are mutually binding, meaning the approval of one does not depend on the other.

The dwelling is a one-story, single-family residence. It consists of the original structure, built in 1938 and comprising of two (2) bedrooms, one (1) bath, as well as an addition – completed by the previous owner. There are no existing building permits on file for the addition, but the applicant reports that it consists of one (1) bedroom, one (1) bath, and a second kitchen. Also reported are separate entrances for the addition and the original structure. In summary, below is an enumerated list of all bedrooms, bathrooms, and kitchens, as well as their permitting status:

- Original structure (2 BDR and 1 BR, 1 Kitchen)

Department of Planning & Community Development



- The addition (1 BDR and 1 BR, 1 Kitchen) no permits on file for the additional bedroom or kitchen
- The Commissioner of Revenue's Office reports the structure as a 2 BDR/2 BR dwelling; this more than likely suggests that unpermitted work has been done on the structure

Nearby parcels consist of other single-family residences, with a mix of large, small, vacant, wooded and open-spaced lots, all zoned A-1, Agricultural.

In December 2020, the Franklin County Board of Supervisors ratified a zoning amendment to the A-1, Agricultural district's list of allowed uses, allowing duplexes with an approved special use permit, subject to the special requirement of a minimum lot size of one (1) acre.

Vice-Chairwoman Crawford asked the applicant if they wanted to come up and address the commission.

Ms. Taylor Odell addressed the commission and introduced the property owner, Mr. Jeffery Smith. Ms. Odell stated that the structure is already designed to be a duplex. Ms. Odell stated that the first side is currently being rented long term, and the second side is not being used at this time. Ms. Odell stated they would like the structure to officially be converted into a duplex so that the space can be used.

Ms. Deborah Crawford asked the applicant for clarification on the entrances to each portion of the duplex. Ms. Taylor Odell was able to explain that the first entrance is located at the front of the structure, the portion that is being occupied has an entrance located to the side of the structure.

Vice-Chairwoman Crawford asked if there was anyone in the audience that would like to speak. There were none. Vice-Chairwoman Crawford announced they would now enter a closed session.

No commissioners had any concerns or comments.

Mr. David Pendleton motioned that the use will not be of substantial detriment to adjacent properties, that the character of the zoning district will not be changed

Department of Planning & Community Development



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. Mr. Pendleton moved to recommend approval of the applicant's request for a special use permit to allow for the conversion of a single-family detached dwelling into a duplex with the five (5) conditions recommended in the staff report.

Mr. David Clements seconded the motion.

The motion to approve was approved, 5-0-2-0; voting on the motion was as follows with the following conditions:

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

Vice-Chairwoman Crawford announced the next item on the agenda.

APPLICATION for SPECIAL USE PERMIT – Application of Taylor Odell, Applicant, and Jeffrey Smith, Owner, requesting a special use permit, with possible conditions, on two acres of an approximate 45 acres of property zoned A-1, Agricultural. The property is located at 2430 Golden View Road in the Union Hall district of Franklin County and further identified by real estate records as Tax Map/Parcel # 0450015700. 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 Agriculture, Forestry/Rural Residential (Case # SPEC-07-22-17379).

Mr. Timothy Mack presented the staff report.

The applicant is requesting a special use permit to allow for the short-term tourist rental of a dwelling. The proposed use would apply to a two (2)-acre portion of an approximate 45 acres of property zoned A-1, Agricultural, and located at 2430 Golden View Road, a state-maintained road, in the Union Hall district. This is the only dwelling located on the parcel, in addition to an existing barn and shed.

This special use permit request is in conjunction with another petition from the

Department of Planning & Community Development



applicant: a request for a special use permit to convert the structure into a duplex. Both petitions are to be presented at the August 9th Planning Commission hearing and, tentatively, at the subsequent Board of Supervisors on September 20th. Neither of the petitions are mutually binding, meaning the approval of one does not depend on the other.

The dwelling is a one-story, single-family residence. It consists of the original structure, built in 1938 and comprising of two (2) bedrooms, one (1) bath, as well as an addition – completed by the previous owner. There are no existing building permits on file for the addition, but the applicant reports that it consists of one (1) bedroom, one (1) bath, and a second kitchen. Also reported are separate entrances for the addition and the original structure. In summary, below is an enumerated list of all bedrooms, bathrooms, and kitchens, as well as their permitting status:

- Original structure (2 BDR and 1 BR, 1 Kitchen)
- The addition (1 BDR and 1 BR, 1 Kitchen) no permits on file for the additional bedroom or kitchen
- The Commissioner of Revenue's Office reports the structure as a 2 BDR/2 BR dwelling; this more than likely suggests that unpermitted work has been done on the structure

Nearby parcels consist of other single-family residences, with a mix of large, small, vacant, wooded and open-spaced lots, all zoned A-1, Agricultural.

Ms. Deborah Crawford asked Staff if it was ok to use one side of the duplex as a short-term rental, and the other side as a long-term rental. Mr. Timothy Mack answered in the affirmative, advising that they could do any combination of short or long-term rentals.

Vice-Chairwoman Crawford asked the applicant to come back up.

Ms. Deborah Crawford asked the applicant what their plans were for driveways and parking areas. Ms. Taylor Odell stated that they plan on adding a second driveway. There were no other questions for the applicant.

Department of Planning & Community Development



Vice-Chairwoman Crawford asked if there was anyone in the audience that wanted to speak. There were none. Vice-Chairwoman Crawford stated they would enter a closed session.

Ms. Deborah Crawford asked if there had to be a zoning change for a duplex. Ms. Lisa Cooper stated since the Commission has already approved the Special Use Permit for the duplex, the applicant will need to adhere to the conditions set on the permit. Ms. Cooper also stated the applicant will also have to adhere to the building code and there would be a change of use. Ms. Cooper stated the Building Official, Mr. John Broughton, will guide them through that process.

Mr. David Pendleton 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. Mr. Pendleton 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 six (6) conditions recommended in the staff report.

Ms. Angie McGhee seconded the motion.

The motion to approve was approved, 5-0-2-0; voting on the motion was as follows with the following conditions:

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

Vice-Chairwoman Crawford opened the floor to any citizen who would like to address the Planning Commission on any topic. Hearing none, and seeing none, Vice-Chairwoman Crawford asked if there was any other business to address.

Ms. Lisa Cooper stated that Staff has been discussing short-term rentals. Staff is going to start writing code, and hopefully will have something ready for a work session during the next meeting. Ms. Cooper stated there will likely be multiple work sessions for short-term rentals.

Department of Planning & Community Development



Ms. Lisa Cooper announced the Solar Ordinance Amendment and the Solar Comprehensive Plan passed at the last Board of Supervisor's Meeting. Ms. Cooper noted that they also need to send out the updated ordinance on duplexes.

Ms. Angie McGhee asked for the process of applying for a short-term rental. Ms. Lisa Cooper was able to explain the process of how they direct a citizen depending on their unique situation. Ms. McGhee suggested a checklist for processing short term rentals. Ms. McGhee listed the following as what she would like to see on the list: copy of the survey, septic information, water source information, restricted covenants, HOA/POA, liability policy, and floor plan. Ms. McGhee stated she would like to see the floor plan marked for emergency exits. Ms. Cooper stated an emergency plan is already part of the requirements along with safety equipment like a fire extinguisher.

Ms. Deborah Crawford requested a list of the inspection requirements. Mr. Timothy Mack stated he would email that to commissioners.

Ms. Lisa Cooper stated the liability policy is not required until after the Special Use Permit is granted. Ms. Cooper asked the commissioners if they wanted proof of insurance prior to granting the Special Use Permit. Ms. Angie McGhee stated she would just like to know the applicants have agreed to get the insurance. Ms. Cooper explained that if obtaining liability insurance is a condition the applicant must uphold it or else they cannot move forward. Ms. Cooper added that the applicant must also put their septic information in their short-term registry.

Ms. Lisa Cooper asked if there was a reason Ms. Angie McGhee wanted to see the restricted covenants. Ms. McGhee stated she would just want to know if they were applicable to the property in question. Ms. Cooper explained that even with a restricted covenants in place, citizens still have a right to apply for a Special Use Permit. Ms. Cooper stated the county cannot enforce restricted covenants, since they are a civil matter. It would be up to the HOA or the residents of the subdivision to enforce restricted covenants or take them to court.

Meeting adjourned at 6:45 pm