



# **NELSON COUNTY PLANNING COMMISSION**

## **Meeting Agenda**

### **October 23, 2024**

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General District Courtroom, 3<sup>rd</sup> Floor, Nelson County Courthouse, Lovington

- **7:00 – Meeting Convenes / Call to Order**
- **Review of Meeting Minutes:**
  - **September 25, 2024 – Planning Commission**
- **Public Hearings**
  - **SUP 24-0239 – Dwelling Units in B-1 – Jesse & Alexandra Lopez Low**
- **Other Business**
  - **Discussion on Short Term Rentals**
- **Board of Supervisors Report**
- **Next Regularly Scheduled Meeting: November 20, 2024**



# Nelson County Planning Commission

## Meeting Minutes

### September 25, 2024

**Present:** Chair Mary Kathryn Allen and Commissioners Mike Harman, Robin Hauschner, Chuck Amante and Phil Proulx. Board of Supervisors Representative Ernie Reed

**Staff Present:** Dylan Bishop, Director

**Call to Order:** Chair Allen called the meeting to order at 7:00 PM in the General District Courtroom, County Courthouse, Lovingston.

#### **Review of August 28, 2024 – Joint Worksession Minutes**

Ms. Proulx made a motion to approve the August 28, 2024 Joint Worksession minutes. Mr. Harman seconded the motion.

Yes:

Mike Harman

Ernie Reed

Mary Kathryn Allen

Chuck Amante

Phil Proulx

Abstain:

Robin Hauschner

#### **Review of August 28, 2024 – Planning Commission Minutes**

Mr. Harman made a motion to approve the August 28, 2024 Planning Commission minutes. Mr. Hauschner seconded the motion.

Yes:

Mike Harman

Robin Hauschner

Ernie Reed

Phil Proulx

Mary Kathryn Allen

Chuck Amante

**Public Hearings:**

**SUP 24-0213 – Public Garage**

*Ms. Bishop presented the following information:*

**Nelson County  
Planning Commission**

**To:** Planning Commission  
**From:** Dylan M. Bishop, Director of Planning & Zoning *DME*  
**Date:** September 25, 2024  
**Re:** SUP #2400213 – Public Garage – 4365 Tye River Road

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**BACKGROUND:** This is a request for a special use permit for a public garage use on property zoned A-1 Agriculture.

*Public Hearings Scheduled:* PC – September 25; BOS – October 8 (tentative)

*Location / Election District:* 4365 Tye River Road / South District

*Tax Map Number(s) / Total Acreage:* 92-2-6 / 5.37 acre +/- total

*Applicant/Owner Contact Information:* Donna & Jay Hogston, 4365 Tye River Road, Amherst, VA 24521, (540) 448-8005 / (434) 907-9440, dgogston@gmail.com / cobrajh69yahoo.com

*Comments:* The owners are proposing to construct a 1,200 sf garage to utilize for automotive repair of 2-3 vehicles a year. The owners reside on the subject property and all vehicles will be screened from adjacent properties and roadways. A public garage is defined as “a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles.” Private garages are accessory to dwellings and utilized for storage only.

**DISCUSSION:**

*Land Use / Floodplain:* This area is primarily agricultural and low density residential in nature. Zoning in the vicinity is A-1 Agriculture, and the adjacent lots are currently undeveloped. There are no floodplains or streams located on this property.

*Access / Traffic / Parking:* The property is accessed by an existing entrance from Tye River Road and requires no improvements.

*Utilities:* There are no utilities proposed or required for the requested use.

*Comprehensive Plan:* This property is located in a Rural Area as designated by the Nelson 2042 Future Land Use Map. The core concept is the ensure the protection of the County's rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low density residential uses.

*Recommendation:* Should the Planning Commission recommend approval of SUP #240213 for a public garage, staff would recommend the following conditions:

1. There shall be no more than 5 project vehicles located on the property at one time.
2. All vehicles and equipment shall be screened from view by adjacent properties and roadways.

All applications for Special Use Permits shall be reviewed using the following criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Attachments:

Application  
Site Plan  
Zoning

Applicants/owners Donna and Jay Hogston, 4365 Tye River Road. Mr. Hogston noted it would be a 30x40 building for rebuilding salvage vehicles and is only planning on doing 2-3 vehicles per year. Their plan is to sell online or as rental cars. Rent-a-wreck is a program to save people money and still get them in a car. Also would like to help get some of these cars out of peoples' front yards and help clean it up and has equipment to move them. There would be no storage of these vehicles on the property. He noted that Mr. Harman visited the property and indicated that the project would not be visible from the road. There is a back entrance to the shop and they will put in a privacy fence. They have a Mazda outside which was totaled, they were able to restore it and enjoy driving it, and want other people in the county to be able to do the same things.

Chair Allen asked for clarification on the property lines being incorrect on GIS, how far the closest residence is, and confirmed which structure on the property is their dwelling. Mr. Amante asked if the clearing in the back is where they planning to build and if that's the reason they are proposing a privacy fence. Ms. Hogston noted that they are known to do restorations from Washington DC and enjoy what they do, and want to do it as part of their retirement.

Mr. Harman noted he visited the site today; Tye River Road is a long winding road and the property is several miles down, their house and business is well off the road and can't see anything from the road, surrounded by forest and trees and didn't see any homes nearby, looks like a good place for a small business and thinks the conditions are appropriate.

*Chair Allen opened the public hearing at 7:09 PM*

*Chair Allen closed the public hearing at 7:10 PM*

**Mr. Harman made a motion to recommend approval of SUP #24-0213 with the following conditions:**

- 1. There shall be no more than 5 project vehicles located on the property at one time.**
- 2. All vehicles and equipment shall be screened from view by adjacent properties and roadways.**

**Mr. Amante seconded the motion.**

**Yes:**

**Phil Proulx**

**Mike Harman**

**Robin Hauschner**

**Ernie Reed**

**Mary Kathryn Allen**

**Chuck Amante**

**Other Business:**

**MSP 1100 – The Delander at Nelson**

Ms. Bishop noted that they have to break ground by October 11 for their SUP to remain valid, they have all the approvals from various agencies except Planning & Zoning. Mr. Harman confirmed that all agencies have approved the site plan; Ms. Bishop confirmed and noted that the Stormwater Plan was approved by DEQ, Erosion and Sediment Control Plan approved by Building Inspections, Health Department, and VDOT have also approved. Ms. Proulx asked if this site plan reflected the amendment requested by the applicants regarding the location of the fencing. Ms. Bishop checked the site plan and confirmed that this was the case. She reminded the Commissioners that the applicants requested an amendment to a condition on the SUP that previously required fencing along the property lines.

**Ms. Proulx made a motion to approve MSP 1100 for The Delander at Nelson (multifamily dwellings) dated August 6, 2024. Mr. Amante seconded the motion.**

**Yes:**

**Phil Proulx**

**Mike Harman**

**Robin Hauschner**

**Ernie Reed**

**Mary Kathryn Allen**

**Chuck Amante**

Ms. Bishop noted that she provided copies of the meeting flyer for the public engagement sessions to the Commissioners. The first one will be Tuesday, October 22 at RVCC; the second one will be Wednesday, October 30 at the Nelson Center, both from 6-8pm. She encouraged the Commissioners to attend if possible. Renaissance Ridge has not acquired documentation from FEMA yet so the plan will not be revisited at the Planning Commission's October meeting. At the earliest this would be on the November agenda. Ms. Bishop noted that Mr. Hauschner and Ms. Proulx have attended the first session of the Certified Planning Commissioner Training. The Commissioners discussed which locality's Planning Commission meeting they would attend as part of the course's curriculum. Ms. Bishop provided a copy of the Planning Commission's bylaws and noted they were amended in 2015. She noted that they should have a copy to review. Ms. Bishop noted that there was some interest from the Board to discuss short term rentals and if there could be some amendments made in the interim since the full ordinance update will take some time. She asked for direction from the Planning Commission on holding a worksession on the topic or including this on October's regular agenda. Chair Allen noted that with extra

meetings scheduled, it would make the most sense to have this discussion on the October meeting agenda. Ms. Proulx noted that the market for short term rentals has declined recently but doesn't have an issue with discussing this. Chair Allen noted that there are a multitude of issues that need to be addressed, and could potentially address short term rentals during the lull before it changes again. Ms. Bishop noted she would put some materials together. She then noted that there was one public hearing scheduled for October for dwellings in the B-1 Business district on Front Street.

Chuck Amante noted that this would be his last meeting. He has enjoyed meeting and working with the other Planning Commissioners. In light of the recent drama with Mr. Reed, he needs to address the real reason he is stepping down. He planned to step down after the Comp Plan was adopted and was convinced to stay. He was hesitant to approve the draft of the June minutes because in other business, his statement that Ernie was on the PC for 3 years was not included in the public record. He noted that it is not unprecedented but is rare that a Board member sat on a Planning Commission for 2 years in a row, but not 3, and this is patently unfair to all the other districts in the county. An agreement was made (not in writing) that Mr. Reed would stay to finish the comp plan and would then step down and allow the next Board appointment. He asked his supervisor why Mr. Reed was still on, made it an official matter at the meeting in June, and it was never addressed. He approached Mr. Reed as to why he was still here and his response was "I know, I know," and claimed that no one has complained about his being here and that no one else wants to serve, which are false statements. He noted that Dr. Ligon is here to take Mr. Reed's place whenever he is willing to step down, and said it could be done tonight. Aside from that, he noted he does not have 2 years left of honest effort to put into the zoning ordinance, has too many other things on his plate to make a promise he can't keep, and the ordinance deserves more attention. He then compared Commission meetings to coming to a couples' divorce session and asked to take sides. He noted the necessity of common sense, and respect for individual liberty and private property. When Thomas Jefferson wrote the Declaration of Independence, he said we hold these truths to be self-evident, not voted on. Without respect of private property, there is no path to happiness.

Chari Allen noted she appreciated all the time Mr. Amante has dedicated to Planning Commission; it's a lot of work and the public doesn't always see that, including the extent of the Certified Planning Commissioner training. It's a lot of effort and time devoted for little reward or pay and Mr. Amante's time is appreciated.

#### **Board of Supervisors Report:**

Mr. Reed noted that at the Board's September 10 meeting, they voted (2-1) to remove him from Planning Commission appointment, approved the SUP for St. Dunstan's sawmill, as well as the North Fork AFD. The Board of Supervisors retreat was last Thursday, and there was a motion made to rescind the motion to remove him from the Planning Commission appointment and passed unanimously. He noted that the Virginia Code only allows the removal of an appointed Commission member only under certain circumstances which were not met. At the Board retreat, they had a report from Davenport \* Company financial advisors and discussed debt service, margins, and investments. They have provided numerous updates over the years looking at capital planning. He noted that they completed an exercise on a year in review – what went well and what didn't. They also did an exercise to look at comp plan

implementation matrix, ranked short term priorities and strategies, and discussed short term rentals as well as prioritizing things that were not ordinance based. He indicated that he stopped by Belties today to meet with the project team, who indicated they dug a well for water which is a good thing.

Ms. Proulx asked if the Belties project ended up utilizing Aqua Virginia for sewer, or a septic drainfield, as there was concern regarding extending

Chair Allen noted that for capital improvements, she hopes there is some plan for youth complex. She noted that her kids won't benefit from this at their age, but will continue to advocate for youth activities that bring and keep younger residents and visitors here. She noted that many are playing sports outside of the county.

Mr. Reed noted that this topic was at the forefront and working on infrastructure; another priority is housing. He noted that the debt service would be lowered in another 2 years which will increase the county's borrowing power, and there are other funding opportunities that need to be considered. He then noted that they discussed the budget and will have requests submitted sooner in order to meet with departments and staff regarding their funding requests for the next fiscal year.

**Ms. Proulx motioned to adjourn the meeting at 7:41 PM. Chair Allen seconded the motion.**

**Yes:**

**Phil Proulx**

**Mike Harman**

**Robin Hauschner**

**Ernie Reed**

**Mary Kathryn Allen**

**Chuck Amante**

Respectfully submitted,

A handwritten signature in black ink that reads "Dylan M Bishop". The signature is written in a cursive, flowing style.

Dylan M. Bishop

Director of Planning & Zoning



## Nelson County Planning Commission

**To:** Planning Commission

**From:** Dylan M. Bishop, Director of Planning & Zoning *DMB*

**Date:** October 23, 2024

**Re:** SUP #2400239 – Dwellings in B-1 – 622 Front Street

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**BACKGROUND:** This is a request for a special use permit for dwellings on property zoned B-1 Business.

*Public Hearings Scheduled:* PC – October 23; BOS – November 14 (tentative)

*Location / Election District:* 622 Front Street / East District

*Tax Map Number(s) / Total Acreage:* 58B-3-2 / 5.37 acre +/- total

*Applicant/Owner Contact Information:* Jesse & Alexandra Lopez Low / 4526 Turkey Sag Road, Shadwell, VA / 434-996-9681, [jllopezlow@gmail.com](mailto:jllopezlow@gmail.com) / 831-229-8070, [amlopezlow@gmail.com](mailto:amlopezlow@gmail.com)

*Comments:* The owners are proposing to renovate an existing structure at 622 Front Street, to be utilized for mixed use: two long term residential rental units, and commercial space for lease on the lower level. The property previously held a Special Use Permit for a dwelling, which has expired after more than 2 years of vacancy.

### DISCUSSION:

*Land Use / Floodplain:* This area is primarily mixed use in nature. Zoning in the vicinity is B-1 Business and R-2 Residential. There are no floodplains or streams located on this property.

*Access / Traffic / Parking:* Per Section 12-7-3, this area is exempt from minimum off-street parking requirements.

*Utilities:* The Service Authority is aware of the proposal, and the applicant will be required to comply with NCSA requirements prior to issuance of a building permit.

*Comprehensive Plan:* This property is located in Lovingson, which is designated as a *Community Hub* by the Nelson 2042 Future Land Use Map. The core concept is to “prioritize regional scale development, redevelopment, and infill within Lovingson to protect the rural landscape, ensure more efficient and effective provision of community services, bolster economic development, and improve quality of life.” Primary land use types include all types of housing, mixed use units, commercial, professional and offices, among others.

Relevant planning guidelines in this area include preserving existing structures while allowing for a mix of uses, fostering development of a variety of housing types, and encouraging infill development and retrofitting of existing buildings.

*Recommendation:* The Planning Commission should recommend approval of SUP #240239 for a dwelling units in B-1 Business at 622 Front Street to the Board of Supervisors.

All applications for Special Use Permits shall be reviewed using the following criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Attachments:

Application  
Narrative  
Site Plan  
Zoning  
Aerial



# PERMIT APPLICATION:

## Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: SUP # 240239  
application type application number

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Special Use Permit            | <input type="checkbox"/> Subdivision       |
| <input type="checkbox"/> Rezoning from _____ to _____             | <input type="checkbox"/> Site Plan – Minor |
| <input type="checkbox"/> Conditional Rezoning from _____ to _____ | <input type="checkbox"/> Site Plan – Major |
| <input type="checkbox"/> Other: _____                             |  |

Reason(s) for request:

Requesting building currently zoned commercial to be used for mixed residential and commercial use.

(Please use reverse or attach additional sheet if more space is needed.)

### 2. Applicant(s) and Property Owner(s):

(Please provide names of applicants and property owners and indicate applicable title; if applicant is not the property owner, please show relationship, i.e. lessee, contract purchaser, etc.)

☒ Applicant ☒ Property Owner Name: Jesse Lopez Low

Mailing Address: 4526 Turkey Sag Rd

Telephone #: 434-996-9681 Email Address: jllopezlow@gmail.com

Relationship (if applicable):

☒ Applicant ☒ Property Owner Name: Alexandra Lopez Low

Mailing Address: 4526 Turkey Sag Rd

Telephone #: 831-229-8070 Email Address: amlopezlow@gmail.com

Relationship (if applicable):

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)

### 3. Location and Characteristics of Subject Property:

a. Address of Property (specific location, route numbers, street names, voting district, etc.):  
622 Front St, Lovingson, VA 22949

b. Official tax map number: 58B 3 2

c. Acreage of property: 0.13 acres

d. Present use: Single family home and commercial space

e. Present zoning classification: 4 - commercial/indust

f. Zoning classification of surrounding properties: commercial and multi-family

**4. Affidavit:** The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

*(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)*

**5. Additional information:** *(Please attach separate sheet for additional details, explanations, etc.)*

**6. Please note:** In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

-----TO BE COMPLETED BY PLANNING & ZONING STAFF-----

Pursuant to Article \_\_\_\_\_, Section \_\_\_\_\_ of the Nelson County Zoning Ordinance.  
Pursuant to Section \_\_\_\_\_, Subsection \_\_\_\_\_ of the Nelson County Subdivision Ordinance.

○ Completed application and fee (\$ 200 ) received on 9/9/24

○ Hearing Notice published on \_\_\_\_\_

○ Planning Commission action: Date of Meeting / Hearing: \_\_\_\_\_

Recommendation: \_\_\_\_\_

○ Board of Supervisors action: Date of Hearing: \_\_\_\_\_ Date of Decision: \_\_\_\_\_

Action: \_\_\_\_\_

#### Nelson County Planning & Zoning Department

*(Mailing Address)* P.O. Box 558, Lovingson, Virginia 22949 | *(Physical Address)* 80 Front Street, Lovingson, Virginia 22949

*(Telephone Number)* 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | *(Fax Number)* 434 263-7086

<http://www.nelsoncounty-va.gov/departments/planning-zoning/>

622 Front St  
Alexandra and Jesse Lopez Low

**Project Description**

We would like to restore the property at 622 Front St and request a special use permit to allow mixed residential and commercial use. The building is currently zoned commercial and has a commercial space on the lower level, but also has a residential home on upper levels. We propose to maintain the commercial space and convert residential space into two separate units for long term rentals. We will also be restoring the outside of the building and replacing the roof, with the goal of maintaining the current aesthetic of the building.

**Comprehensive Plan**

Our proposed project aligns perfectly with the Comprehensive Plan of Nelson County. In the Comprehensive Plan, the top three identified growth areas for Lovingson can all be addressed with this project - retail/restaurant, apartment/condos, and mixed use. Public engagement cited Lovingson as the preferred site for new housing including apartments. Chapter 5 Section 5.17 of the plan specifically sites the need to identify revitalization and neighborhood improvement strategies.

**Applicable Zoning District**

The building is currently zoned commercial although the top two floors of the building already exist as residential space. We request a special use permit to allow residential rental of that space, and will maintain the lower level as commercial.

**Surrounding Properties**

Surrounding properties will not be disturbed as the external involvement of this project is minimal.

**Neighborhood Conditions**

Lovingson and the surrounding buildings are currently in a phase of revitalization and this project aligns perfectly with this goal. We aim to add value to the neighborhood with a well maintained building, usable and rented commercial space, and increased housing.

**Traffic Patterns**

There is ample street parking available for residents. We have confirmed with VDOT they have no concerns regarding parking or traffic patterns.

Customer Jesse Lopez Address 622 Front Street  
 Building Address 622 Front Street Type of Occupancy \_\_\_\_\_  
 Development Name \_\_\_\_\_ Tax Map No. \_\_\_\_\_ Parcel No. \_\_\_\_\_  
 Applicant \_\_\_\_\_ Signature \_\_\_\_\_  
 Title/Company \_\_\_\_\_ Daytime Phone # \_\_\_\_\_  
 I certify that the information on this form is true and correct.  
 Applicant's Signature: \_\_\_\_\_

Fixture	Fixture Value @ 95 psi		No. of Fixtures	Fixture Value
Bathtub	8	x	_____	= _____
Bedpan Washers	10	x	_____	= _____
Combination Sink and Tray	3	x	_____	= _____
Dental Unit	1	x	_____	= _____
Dental Lavatory	2	x	_____	= _____
Drinking Fountain	1	x	_____	= _____
	- Cooler	2	x	= _____
	- Public	2	x	= _____
Kitchen Sink	- 1/2" Connection	3	x	= _____
	- 3/4" Connection	7	x	= _____
Lavatory	- 3/8" Connection	2	x	= _____
	- 1/2" Connection	4	x	= 12
Laundry Tray	- 1/2" Connection	3	x	= _____
	- 3/4" Connection	7	x	= _____
Shower Head (Shower Only)		4	x	= 8
Service Sink	- 1/2" Connection	3	x	= _____
	- 3/4" Connection	7	x	= _____
Urinal	- Pedestal Flush Valve	35	x	= _____
	- Wall Flush Valve	12	x	= _____
	- Trough (2 Ft. Unit)	2	x	= _____
Wash Sink (Each Set of Faucets)		4	x	= 12
Water Closet	- Flush Valve	35	x	= _____
	- Tank Type	3	x	= _____
Dishwasher	- 1/2" Connection	4	x	= 8
	- 3/4" Connection	10	x	= _____
Washing Machine	- 1/2" Connection	5	x	= 10
	- 3/4" Connection	12	x	= _____
	- 1" Connection	25	x	= _____
Hose Connection (Wash Down)	- 1/2"	6	x	= _____
	- 3/4"	10	x	= _____
Hose (50 Ft. Wash Down)	- 1/2"	6	x	= _____
	- 5/8"	9	x	= _____
	- 3/4"	12	x	= _____
Other: _____			x	= _____
Combined Fixture Value Total	= <u>50</u>			

## 5. Appendices

### 5.1 Appendix A - Water Meter Sizing


- A. Determine the number and type of water fixtures needed and list on following form as appropriate.
- B. Determine the combined fixture value. Multiply the fixture values times the number of fixtures to obtain the Total Fixture Value for each type. Add all total fixture values and place answer in the space provided on the form.
- C. All other demands not listed in the sizing form shall be substantiated with data furnished by the Applicant's Engineer or his agent. If it is necessary to have a fixed demand or an irrigation demand, Applicant's Engineer or his agent must include information, in the appropriate location, on the water meter sizing form.
- D. In completing the water meter sizing form, all water demands necessary for the building(s) or its intended use must be included. When fixed flows are to be combined with flows determined by fixture values, the following procedures shall be utilized. Convert fixture values to flow using figure 4.4 or 4.5 from AWWA M22. Add the fixed flow with the flow determined from fixture values to determine total flow. Using figure 4.4 or 4.5 from AWWA M22, convert the total flow back to fixture units. Size the meter based on the County's meter sizing policy.
- E. The meter size necessary to serve a structure shall be determined on the basis of a fixture count. The fixture count to meter size equivalency is as follows:

<u>Meter Size</u>	<u>Fixture Count Value</u>
5/8"	0 - 50
1"	51 - 100
1-1/2"	101-250
2"	251 - 600
3" and larger	By Professional Engineer.

Meters three inches (3") and larger shall be sized by a licensed Professional Engineer. Meter sizing shall be in accordance with the requirements AWWA M22.

scale 1"=20'

Graphic scale:



0 12 25 50

Lot area: 0.13 Acres

	C7	ZT	C
3			

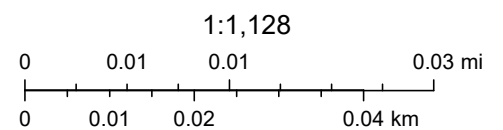


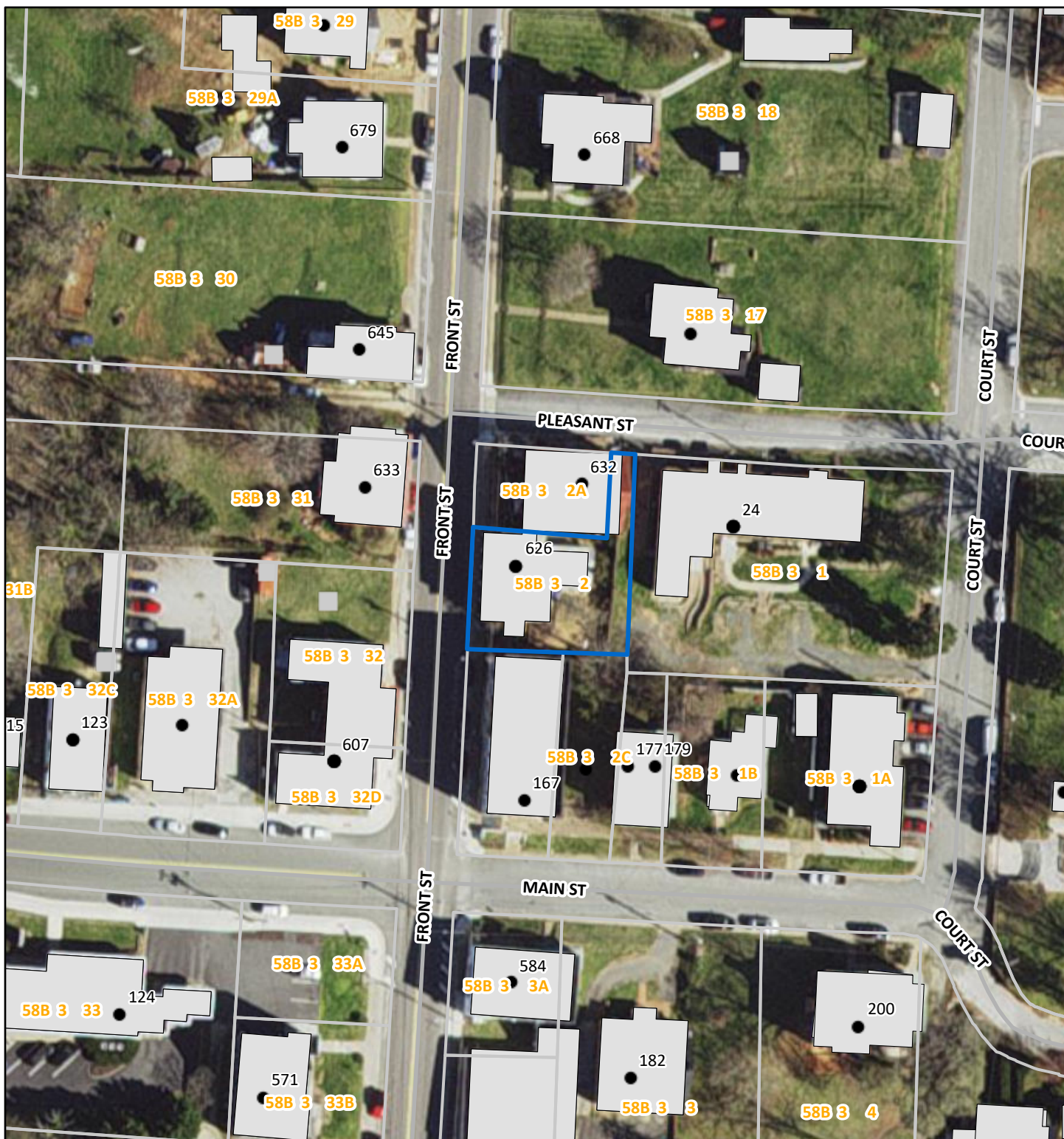
VICINITY MAP



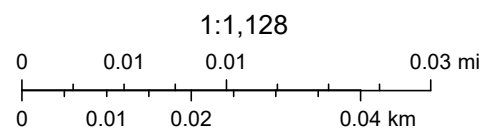


October 17, 2024





October 17, 2024



## Materials for Discussion on Short-Term Rentals (STR):

- Charlottesville Homestays FAQs
- Amherst County Ordinance
- Rocky Mount Ordinance (provided by Berkley Group)
- Pittsylvania County Ordinance (provided by Berkley Group)

## Notes:

The General Assembly recently passed additional regulation concerning STRs in §15.2-983(D) that reads *“No local ordinance enacted after December 31, 2023, or any subsequent amendment, shall require that a special exception, special use, or conditional use permit be obtained for the use of a residential dwelling as a short-term rental where the dwelling unit is also legally occupied by the property owner as his primary residence.”*

This basically means that you cannot require special use permits for a STR operating as a homestay, meaning that someone is renting out a portion of their home as an STR.

## Potential Interim Solutions:

- Update definition / terminology for “vacation house” – currently defined as, “A house rented to transients. Rental arrangements are made for the entire house, not by room. Vacation houses with more than five (5) bedrooms are subject to the requirements contained in Article 13, Site Development Plan.”
- Evaluate where permitted by-right and by SUP:
  - o Currently by-right in A-1 Agriculture, SE-1 Service Enterprise, B-1 Business in an existing nonconforming dwelling or with approved SUP for dwelling, and R-1 Residential when property is dual-zoned with majority being A-1 (no performance standards)
  - o SUP in R-1 when fully or majority zoned R-1, R-2
- Establish performance standards (examples include limiting number of guests, signage, parking, proximity to other dwellings, etc.)
- Proof of permanent residency / affidavit required for by-right short-term rentals
- Establish acreage minimum and limit number of short term rentals permitted. Example:
  - o If dwelling is the owner’s primary residence, STR by-right
  - o If dwelling is owner’s primary residence and the property contains a minimum of 5 acres, one additional STR of second dwelling permitted by-right
  - o Any primarily commercial STR requires SUP
  - o Establish performance standards (proof of residency, etc.)



# CHARLOTTESVILLE HOMESTAYS: FREQUENTLY ASKED QUESTIONS

Homestays are a controversial topic in Charlottesville-area housing discussions. After extensive research and data collection to better understand this complicated issue, Livable Cville has developed recommendations to maximize the beneficial aspects of homestays while also minimizing the problems associated with them.

Charlottesville's current regulations center around allowing homestays at a homeowner's primary residence, but enforcement of these regulations has been inadequate. Our primary recommendation is for the city to improve enforcement by expanding its zoning administration staff and investing in software that enables better tracking of homestays. Our secondary recommendations involve fine tuning the regulations to make enforcement easier."

The city completed the [Cville Plans Together](#) process in late 2023 and is now examining related policy areas, including homestay regulations. This document is intended to answer common questions around homestays and to identify practical solutions to ongoing issues. We hope you find it helpful. Please send any questions or comments to [livablecville@gmail.com](mailto:livablecville@gmail.com)

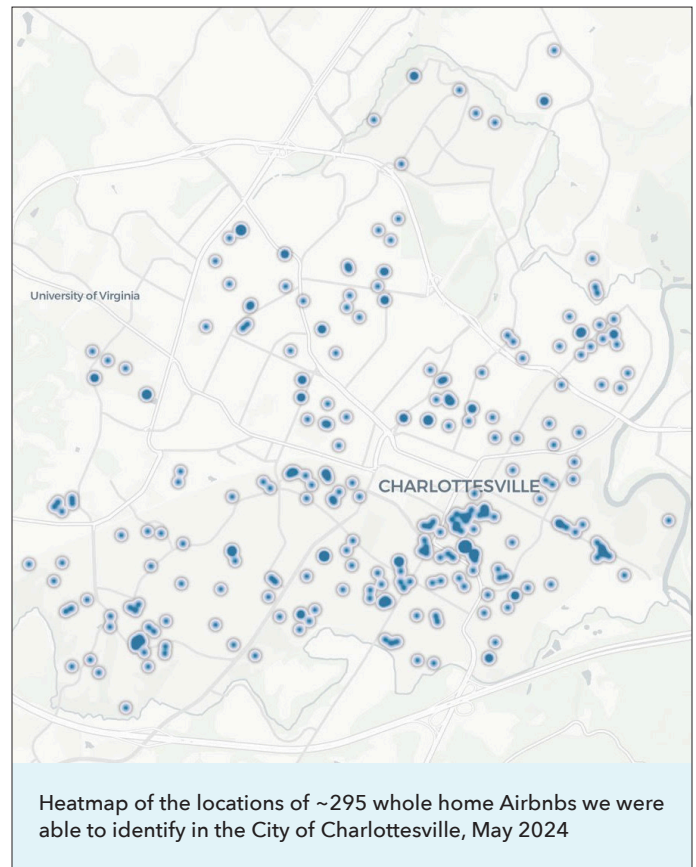
## **Q: What are homestays? How do they differ from other types of lodging or housing?**

**A:** Homestays are a type of short-term lodging typically secured through vacation rental companies, Airbnb, VRBO, or even directly from an individual operator. Homestays rent for less than 30 days and are in a different category from rental housing, where a lease is signed. In Charlottesville's [zoning code](#), homestays fall under "Accessory Uses," which are ways a property can be used for a secondary purpose. Under the City of Charlottesville's definition, homestays are also distinct from hotels, bed-and-breakfasts and hostels.

## **Q: How many homestays does Charlottesville have?**

**A:** We gathered data focused on Airbnb because it is the most common homestay service in Charlottesville, representing the vast majority of homestays here. After an initial data scrape in May 2024, we manually reviewed hundreds of Airbnb listings to determine how many homestays (compliant and non-compliant) are in Charlottesville.

Out of roughly 600 Airbnb listings in town, we found 295 whole-home homestays, 92 private



room rentals and 143 listings we cannot clearly identify, plus 72 rentals in parts of the city where city law allows short-term rentals that do not need to be owner occupied (a group not considered homestays by city regulations). These numbers are a snapshot in time and could be higher or lower depending on the season. We also found significant differences in Airbnb frequency by neighborhood (see map).

For context, Charlottesville contains [roughly 21,400 dwellings](#). Our data collection suggests roughly 2.8% of homes in the city are used at least occasionally as homestays or short-term rentals.

### **Q: What are Charlottesville's homestay regulations?**

**A:** Regulating homestays in Charlottesville [has been a challenge](#) almost since they became common around 2009. In 2015, in an effort to capture the benefits of homestays while mitigating the downsides, the city instituted [new regulations](#) limiting homestays to a host's primary residence, with fewer than 30 days per guest rental, and requiring homeowners to live on-site (currently 185 days a year). Homestays can have a maximum of six adults at a time, and food cannot be prepared and served to guests by the owner/operator. A violation of homestay rules can result in a fine and potential revocation of the homestay's license. A stay lasting more than 30 days is no longer considered a homestay and also no longer subject to the transient occupancy tax.

The city finalized these regulations after months of engagement with local hosts, neighbors, and government officials. Many local homestay hosts welcomed these regulations and helped to draft the text, feeling they helped ensure both guests and neighbors were comfortable with their activities. These regulations are a middle ground between allowing homestays everywhere and banning them altogether, with the aim of reducing displacement of residents by homestay conversions and preserving long-term rental and homeownership possibilities.

### **Q: Are homestay operators required to register with the city?**

**A:** Yes. The city requires all homestay operators to register for a [homestay permit](#), which currently costs \$100 a year. Additionally, all homestays in operation for more than six nights a year also

require a [business license](#), which costs \$35 per year. Licensing and registration requirements enable the city to create and maintain a database of homestay units for code enforcement and transient occupancy tax collection.

According to City records, there were 193 homestay permits issued in 2023, bringing in \$19,300 in revenue. However, as of May 30, 2024, that number dropped to 117 permitted homestays (\$11,700). So far in 2024, 235 business licenses have been sold to homestay and short-term rental operators for a total of \$8,225 in revenue.

### **Q: Are homestay rules being followed?**

**A:** Based on our findings that the city likely has more than 400 Airbnb homestays, yet only 117 permitted homestays, it appears there is an increasingly high rate of non-compliant homestay listings, with around 70% of city homestays operating without appropriate licenses.

The reasons for non-compliance vary, including a lack of awareness of city regulations, and intentional violations of city requirements. Airbnb does not always provide homestay operators with clarity about whether all of their tax obligations have been taken care of. Regardless, the high rate of non-compliance limits the city's ability to ensure that homestays operate within the constraints of city regulations, and is leading to homes being pulled out of the housing market into illegal homestay use.

### **Q: Why is enforcement of Charlottesville's homestay regulations so challenging?**

**A:** The primary challenge is that Airbnb, the predominant homestay platform in the area, does not provide Charlottesville with adequate information about the properties where it operates. This has been an issue [since at least 2019](#). Instead of providing an itemized list of rental dates and addresses when they remit local transient lodging taxes, Airbnb only provides an aggregated sum of rental revenue with no attribution. Of note, VRBO provides itemized details with payment to the city as required by Virginia law. Because of the lack of details from Airbnb, the city has no practical auditing method to verify that all taxes have been collected and to determine if homestay hosts are compliant with regulations. This problem is not unique to Charlottesville: [municipalities across Virginia](#) have been unable to get detailed

information from Airbnb, despite state legislation requiring this data be provided.

As a consequence, it is challenging for the city to enforce its homestay regulations, requiring dedicated staff and/or help from specialized firms. Monitoring hundreds of properties with current staffing is practically impossible as listings are constantly added, changed, or removed. Address data is hidden from listing details and in photos, making it time-consuming to locate the exact properties to enforce permitting requirements.

**Q: What is a transient occupancy tax? How much occupancy tax does Charlottesville receive annually from homestays?**

**A:** A transient occupancy tax is a sales tax on the rental of rooms as required by Charlottesville law. The concept of an occupancy tax is relatively straightforward: guests at a hotel, bed-and-breakfast, or homestay pay an additional amount as a percentage of their lodging rate, and that tax is then paid by the business owner (or by a rental site like VRBO or AirBnB) to local governments on a monthly or quarterly basis. Charlottesville's transient occupancy tax rate increased from 8% to 9% in July 2024. The city received just over \$8 million in revenue from this tax in 2023: \$6.8 million from hotels and \$1.4 million from homestays and short-term rentals. By [state law](#), the city is unable to publicly report the specific businesses or locations that these lodging revenues come from, so we are unable to know exactly how much of the \$1.4 million comes from homestays.

**Q: How do homestays impact local housing markets and affordability?**

**A:** The [research on the topic](#) tends to confirm the existence of what has been called the "Airbnb Effect," where an increase in homestays reduces the availability and increases the cost of housing. However, this effect tends to be [less significant than other factors](#) that increase housing costs, particularly inadequate housing supply. One [study from the Harvard Business Review](#) found that Airbnb rentals contribute to increased rent and conversion of rental properties from long-term rentals to homestays. The study notes particular impact in areas that are popular for tourists and have high percentages of renters, both of which apply to many parts of Charlottesville.

We have observed that when enforcement is effective, non-conforming homestays in Charlottesville cease to be homestays and return back onto the housing market. Charlottesville needs improved measures in place to prevent instances of speculative investment that transitions homes from owner occupied or long-term rentals into non-conforming homestays.

**Q: If homestays are such a problem, why doesn't the city just ban them?**

**A:** Charlottesville has considered banning homestays, and one [draft of the new zoning code](#) incorporated a total ban. While there is an appeal to banning homestays, particularly given Airbnb's unwillingness to be a good partner, a ban would come with some negative consequences and complications. First, it would negatively impact the families who are following the rules and rely on the revenue from homestays to remain in their primary residences. Banning homestays would likely create a housing hardship for some community members. Second, it would create an administrative problem for the city, in which the zoning office would be in charge of enforcing the ban, while the revenue department would still need to collect lodging tax revenue from non-compliant homestays, unless the City were to decide to no longer collect the hundreds of thousands of dollars it receives annually from homestay lodging taxes. Third, it would likely hurt city tourism revenue, as [research indicates](#) that in the absence of homestays, one-third to half of potential homestay travelers would choose not to travel. This could cost the city additional tax revenue beyond lost lodging taxes.

**Q: How can I report a homestay that is not following city regulations?**

**A:** If you suspect that a neighbor is hosting a homestay or short-term rental illegally, you can report it to city staff to help with enforcement efforts. For example, a homestay is illegal if its host does not live on the property for more than half of the year. Overcrowding and excessive noise can also be reported.

You will need the address of the possible violation (including unit number or floor number if known), dates and descriptions of potentially illegal activity, and any other relevant details that may be available, like the name of the possible host, or links to possible online listings, etc.

Please note that monthly rentals (stays of at least 30 days), are not considered homestays by city regulations. So, if a property is being advertised on a hosting website but all rentals for that property require a 30-day minimum stay, that would not be a homestay issue.

To report, call Neighborhood Development Services at 434-970-3995 or use the MyCville [app or website](#), which is a handy communication aid to let City staff know about any number of issues. See the option for "Homestay Rental."

**Q: What recommendations do we have for improving the homestay situation in Charlottesville?**

**A:** We recommend improvement in both enforcement and regulations.

**Enforcement:** We estimate conservatively that more than 250 homestays operating in the City are illegal in some manner. The city's current regulations generally navigate some of the competing challenges surrounding homestays, but the city has not fully invested in enforcement, creating a consistent problem. Enforcement of homestay regulation is the first and most critical step toward solving homestay issues in Charlottesville. To this end, the city should 1) expand its zoning enforcement staff and 2) invest in software that will enable better tracking of homestays.

**Regulations:** We have the following recommendations to improve current homestay policies:

- Increase the homestay permitting fee (currently \$100 a year) and provide the option to have multi-year permits. This would streamline the process for staff as well as for hosts, raise the bar for host compliance and commitment, and contribute to the staff budget for enforcement.
- Strengthen criteria required to demonstrate property is owner's primary residence by:
  1. Requiring permit applications to include four proofs of permanent residence in the home (ie: current car registration, valid driver's license (or similar), copy of the property deed, and current voter registration card or US passport showing the property address.)
  2. Requiring property owner to complete and sign a Primary Residence Affidavit.

- Require insurance certificate covering short-term rental activities.
- The application should stipulate that enforcement queries and zoning inspection requests may be issued at any time during the permit period to help confirm ongoing residence by the owner.
- Create uniformity between business and homestay licenses: business licenses are currently required only when a homestay operates more than six nights a year, whereas homestay licenses are required regardless of number of nights of operation.
- Increase the number of days per year a homestay operator must live on-site.

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## Amherst County, VA

### 916. Short-term tourist rental of dwellings.

The following regulations shall apply to all short-term rentals of residential dwelling units:

1. Site Plan. Before a building and zoning permit shall be issued for any dwelling to be rented to transients for any period less than thirty (30) consecutive days, a site plan of the proposed development shall be approved by the planning commission or the zoning administrator, whichever is applicable, in conformance with Section 1003 and Article XI herein. In addition to the requirements thereof, site plans pursuant to this section shall include a maintenance schedule proposed by the developer or property owner, and shall incorporate low impact development techniques, such as those about which information is available from the Virginia Department of Environmental Quality.
2. 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.
3. The maximum number of occupants in the dwelling unit for overnight accommodation shall be calculated as two (2) adults per bedroom. An adult, for the purpose of this regulation, is any person over the age of sixteen (16). The number of bedrooms shall be determined by reference to health department permits specifying the number of bedrooms or the certificate of occupancy issued by the Amherst County Department of Building Inspections. Private septic systems shall be pumped out or inspected once every three (3) years.
4. All vehicles of tenants shall be parked in driveways or parking areas designed and built to be parking areas. In the case of multi-family dwellings, all vehicles must be parked in spaces specifically reserved for the dwelling unit being rented. No vehicles shall be parked in, along, or on the sides of roads at any time.
5. All boats and trailers of tenants shall be parked on the lot on which the dwelling unit is located. In the case of multi-family dwellings, boats and trailers must be parked in areas specifically reserved for the dwelling unit being rented. No boats or trailers shall be parked in, along, or on the sides of the roads at any time.
6. There shall be a working, two-pound minimum, ABC rated, fire extinguisher located in a visible and readily accessible area (i.e., kitchen or hallway) within each dwelling unit. Working smoke detectors shall be installed in each bedroom of the dwelling unit as well as one (1) on each floor (including the basement) outside of any bedrooms.
7. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times.
8. Notice of the application for special exception, and the hearing thereon, shall be conspicuously posted on the property, in the same manner and for the same duration as though the property were the subject of an application for variance, rezoning, or conditional zoning.

(Ord. of 10-17-06(4); Ord. No. 2017-0006, § 1, 10-17-17)

**Permitted in A-1: Short-term tourist rental of dwellings per Section 916, provided that: (i) the dwelling is served by a single-access driveway on a state maintained road, and (ii) is a distance of at least five hundred (500) feet from the nearest dwelling.**



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*Staff Comments:*

Permitted in A-1 Agriculture: Short-term tourist rental of dwellings per Section 916, provided that (i) the dwelling is served by a single-access driveway on a state maintained road, and (ii) is a distance of at least five hundred (500) feet from the nearest dwelling.

Permitted in R-1 Residential and V-1 Village: Short-term tourist rental of dwellings per Section 916, provided that (i) the dwelling is served by a single-access driveway on a state maintained road, (ii) is a distance of at least five hundred (500) feet from the nearest dwelling, and (iii) adjoining property owners shall be notified per Section 1005.2.b.

When above provisions are not applicable, Special Exception Permit (SEP) is required in A-1, R-1, V-1

SEP in R-2, R-3

## Rocky Mount, VA

### Short-Term Rental.

1. Definitions. The following shall apply as used in this section:
  - a. *Booking transaction*. Any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.
  - b. *Guest or transient*. A person who occupies a short-term rental unit.
  - c. *Owner (or host)*. The owner and operator of the short-term rental unit. In determining compliance with these regulations.
  - d. *Residential dwelling unit*. A residence where one or more persons maintain a household.
2. Registration and Other Requirements.
  - a. No host shall operate a short-term rental without having registered with the Administrator as required by Virginia Code § 15.2-983, as amended.
  - b. The Administrator will report all registrations to the Rocky Mount Director of Finance for the collection of all appropriate tax, including transient lodging tax, and any required business licensure fees.
  - c. The registration form shall include the following information:
  - d. The name, telephone number, address, and email address of the host.
  - e. A reminder about the importance of having appropriate levels of insurance that covers the short-term rental, the host, and the guests.
  - f. The registration shall be valid January 1<sup>st</sup> (or from whatever date the registration first occurs) through December 31<sup>st</sup> of the calendar year and shall be renewed annually.
3. Use regulations.
  - a. The unit shall meet all applicable building codes.
  - b. No signage shall be allowed in conjunction with this use.
  - c. A fire extinguisher and smoke detector(s) shall be installed in every dwelling.
  - d. The owner of a dwelling unit used for short-term rental shall give the Town written consent to inspect any dwelling used for short-term rental to ascertain compliance with all applicable use standards.
  - e. No recreational vehicles, buses, or trailers shall be used in conjunction with the short-term rental use to increase the occupancy of the rental unit.
  - f. The host shall not permit occupancy of a short-term rental unit for a period of less than overnight, or more than 92 consecutive days, including all

extensions and renewals to the same person or a person affiliated with the lessee, in accordance with Code of Virginia § 58.1-3510.4.

4. Parking.

- a. The physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the house and lot or to the surrounding neighborhood.
- b. All vehicles shall be parked in driveways or parking areas designed and built to be parking areas.

5. Registration Revocation.

- a. A registration may be revoked, suspended, or cancelled for the following reasons:
- b. Failure to collect and/or remit the transient occupancy tax or other business taxes required by the Town of Rocky Mount.
- c. Three (3) or more substantiated complaints (including, but not limited to, noise, excess trash, and use violations) within a rolling 12-month period.
- d. A formal complaint shall be filed with the Administrator to be considered received.
- e. If violations occur, as supplied in (C)(1), above, the Administrator may revoke, suspend, or cancel the registration.
- f. Before any suspension or cancellation can be effective, the Administrator shall give written notice to the short-term rental host.
- g. The notice of revocation, suspension, or cancellation issued under the provisions of this Ordinance shall contain:
  - i. A description of the violation(s) constituting the basis of the suspension or cancellation; and
  - ii. If applicable, a statement of acts necessary to correct the violation.
- h. In accordance with Article 3, Permits and Applications, of this Ordinance, an applicant may appeal the Administrator's decision for revocation, suspension, or cancellation of the registration.

6. Penalty.

- a. Any short-term rental business in violation of zoning regulations, including operation without registering, is subject to all relevant penalties as set forth by the Town of Rocky Mount.
- b. It shall be unlawful to operate a short-term rental:
- c. Without obtaining license and registration as required by this Article;
- d. After a registration has been suspended or cancelled; or
- e. In violation of any other requirement of this Article.

## Pittsylvania County, VA

### Short-Term Rental.

(A) **Definitions.** The following shall apply as used in this section:

- (1) *Guest or transient.* A person who occupies a short-term rental unit.
- (2) *Short-term rental.* A residential dwelling unit that is used or advertised for rent for transient occupancy in increments of fewer than 92 consecutive days. This use type does not include bed-and-breakfast establishments and does not apply to month-to-month extensions following completion of a year's lease.
- (3) *Primary resident (or host).* The owner of the short-term rental unit, or lessee of the short-term rental unit with a lease agreement that is one year or greater in length, who occupies the property as his or her principal place of residence and domicile. In determining compliance with these regulations, the host has the burden of demonstrating that the dwelling unit is his or her primary residence.
- (4) *Residential dwelling unit.* A residence where one or more persons maintain a household.

(B) **Registration and other requirements.**

- (1) No host shall operate a short-term rental business without having registered with the Administrator as required by Virginia Code § 15.2-983, as amended.
- (2) The Administrator will report all registrations to the Pittsylvania County Commissioner of the Revenue for the collection of all appropriate tax, including transient lodging tax, and any required business licensure fees.
- (3) The registration form shall include the following information:
  - (i) The name, telephone number, address, and email address of the host.
  - (ii) A reminder about the importance of having appropriate levels of insurance that covers the short-term rental, the host, and the guests.
- (4) The registration shall be valid January 1<sup>st</sup> (or from whatever date the registration first occurs) through December 31<sup>st</sup> of the calendar year and shall be renewed annually.

(C) **Use Regulations.**

- (1) The unit shall meet all applicable building codes.
- (2) One minor sign shall be permitted, in accordance with **Article VIII**, Community Design Standards, of this Ordinance.
- (3) No recreational vehicles, buses, travel trailers, or manufactured homes shall be used in conjunction with the short-term rental use to increase the occupancy of the rental unit.
- (4) The host shall not permit occupancy of a short-term rental unit for a period of less than overnight, or more than 92 consecutive days, including all extensions and renewals to the same person or a person affiliated with the lessee, in accordance with Code of Virginia § 58.1-3510.4, as amended.

- (5) The physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the house and lot or to the surrounding neighborhood.
- (6) All noise shall comply with Chapter 41, Noise Control, of the Pittsylvania County Code.
  - (i) There shall be no amplified music between 10:00 p.m. and 7:00 a.m., seven days a week.
- (7) All trash shall be stored in closed containers and properly disposed of upon the conclusion of each rental period.

**(D) Registration Revocation, Suspension, or Cancellation.**

- (1) A registration may be revoked, suspended, or cancelled for the following reasons:
  - (i) Failure to collect and/or remit the transient occupancy tax or other business taxes required by Pittsylvania County.
  - (ii) 3 or more substantiated complaints (including, but not limited to, noise and excess trash) within a rolling 12-month period.
- (2) A formal complaint shall be filed with the Administrator to be considered received.
  - (i) If violations occur, as supplied in (D)(1), above, the Administrator may revoke, suspend, or cancel the registration.
- (3) Before any revocation, suspension, or cancellation can be effective, the Administrator shall give written notice to the short-term rental host.
  - (i) The notice of revocation, suspension, or cancellation issued under the provisions of this Ordinance shall contain:
    - (a) A description of the violation(s) constituting the basis of the suspension or cancellation; and
    - (b) If applicable, a statement of acts necessary to correct the violation.
- (4) In accordance with Article III, Permits and Applications, of this Ordinance, an applicant may appeal the Administrator's decision for revocation, suspension, or cancellation of the registration.

**(E) Penalty.**

- (1) Any short-term rental business in violation of zoning regulations, including operation without registering, is subject to all relevant penalties as set forth by Pittsylvania County.
- (2) It shall be unlawful to operate a short-term rental:
  - (i) Without obtaining a business license and a registration as required by this Article;
  - (ii) After a registration has been suspended or cancelled; or,
  - (iii) In violation of any other requirement of this Article.