

*Minutes of the Town of Bedford*

**PLANNING  
COMMISSION**

The Planning Commission held a regularly scheduled meeting on Thursday, May 4, 2023, at 5:30 p.m. in the Town Municipal Building Council Hall.

Planning Commission members present: Jason Horne, Chair; Lonnie R. Bailey, Vice Chair; Frances Coles, Secretary; Brock Malcolm; and Cynthia Gunnoe

Planning Commission members absent: Darren Shoen, Town Council Representative; and Curtis Marshall

Town Staff present: Mary Zirkle, Director of Planning and Community Development and Cathy Johnson, Clerk of the Commission

Town Staff absent: None

**CALL TO ORDER:**

Mr. Horne, the Chairman, called the meeting to order at 5:30 p.m.

**DETERMINATION OF QUORUM:**

There was a quorum to conduct business with five members present.

**REMARKS BY CHAIRMAN & MEMBERS:**

None.

**APPROVAL OF MINUTES:**

Upon a motion by Mr. Malcolm and seconded by Ms. Coles, with five members voting aye, the April 6, 2023, minutes were approved as presented.

**STAFF & COMMITTEE REPORTS:**

Ms. Zirkle introduced Rebecca Hensley, an Intern, working with her and Anne Cantrell in Finance.

## **PUBLIC HEARINGS:**

The Chairman opened the public hearing to consider a request of rezoning 1333 Longwood Avenue, Bedford, VA 24523 (Tax Parcel 156-A-10T), consisting of approximately 0.5490 acres from R-2, Medium Density Residential to B-2, General Business to park three tiny homes on trailers for display before selling. The request is being made by Appalachian Homes, 1333 Longwood Avenue, Bedford, VA.

Mark and Hope Metzger, the owners of Appalachian Homes, Inc., were present at the meeting and discussed the reason for requesting a zoning map amendment (rezoning) at 1333 Longwood Avenue to permit retail sales of prefabricated “tiny home” structures from the site.

Mr. & Mrs. Metzger stated that they owned the site since 2017 and it is currently a real estate office. They have partnered with an Amish family and they want to offer tiny homes as a dealer in addition to the real estate business. Mrs. Metzger stated that she can not sell anything from the site unless it is rezoned B-2, General Business.

Mrs. Metzger stated that there is a circular entrance and there is plenty of space to allow three “tiny homes” to be displayed at a time. She said at least one will be nice to display for sale. She stated that the use should not generate traffic since the “tiny homes” are considered a specialty item.

When asked about the appearance, Mrs. Metzger replied that the “tiny homes” look like a house with a front porch. The tiny homes displayed on the site will be less than 400 square feet on a trailer.

The Planning Commissioners had the following questions and concerns:

- Ms. Bailey asked Mr. & Mrs. Metzger to talk to Chris Blair to “park” the “tiny homes” at his location.
- The Commissioners discussed that the rezoning is considered “spot zoning” and if the property is rezoned, it would open up to more intensive commercial uses allowed in a B-2, General Business district surrounded by single-family residential houses, churches, and a senior living facility.
- Ms. Gunnoe stated that she noticed food trucks parked at the location and asked have the food trucks created more traffic.
- Mr. Malcolm asked what was the prior zoning before the current R-2, Medium Density Residential? Staff stated that a zoning permit for a “Change of Use from Florist to Office” was granted in March 2017 because staff viewed the office use as a less intensive commercial use from retail sales. Staff stated that the current office use is allowed in a residential district as a non-conformity.
- Ms. Coles asked if the “tiny homes” are placed in the front yard, would the adjacent property owners see the homes from their house? Mrs. Metzger stated that the “tiny homes” can not be seen by the neighbor on that side.

The Chair opened the floor for any citizens present to speak for or against. The following were present:

Amanda Gardner at 1334 Longwood Avenue was present to speak against the rezoning. She stated that the rezoning request was not appropriate for the neighborhood. She was concerned about the traffic issues and property value. While present, she presented a revised letter from her neighbor, Ms. Carole Lacy for the records.

Ms. Zirkle stated that Ms. Carole Lacy of 1330 Longwood Avenue sent an opposition letter dated May 2, 2023, stating concerns about spot zoning that was given to the Planning Commissioners.

She stated that Mr. Sean Murphy at 1335 Longwood Avenue sent an opposition letter dated May 4, 2023, stating how the rezoning would cause traffic increase and change the character of the community. A copy of his letter was presented prior to the meeting at each member seat.

Samantha Booker, an agent at Magnolia Mountain Realty, stated that the appearance of the property is kept neat. She stated that the use will bring people to Town and will generate revenue all around.

Since there were no further citizens present to speak, the Chair closed the public hearing.

#### **NEW BUSINESS:**

The Chair opened discussion to recommend or not recommend a consideration of rezoning 1333 Longwood Avenue, Bedford, VA 24523 (Tax Parcel 156-A-10T), consisting of approximately 0.5490 acres from R-2, Medium Density Residential to B-2, General Business to park three tiny homes on trailers for display before selling. The request is being made by Appalachian Homes, 1333 Longwood Avenue, Bedford, VA.

The Chair asked for a motion. Ms. Bailey moved to deny the consideration of rezoning 1333 Longwood Avenue (Tax Parcel 156-A-10T), consisting of approximately 0.5490 acres from R-2, Medium Density Residential to B-2, General Business. Mr. Malcolm seconded.

Ms. Bailey stated that her motion is based on the fact that the rezoning request is spot zoning. Mr. Malcolm stated that he is against an historically residential area being changed and the spot zoning will change the character.

The Chair asked the Clerk for a roll call vote:

Ms. Coles	Aye
Mr. Malcolm	Aye
Ms. Gunnoe	Aye
Ms. Bailey	Aye
Mr. Shoem	Absent
Mr. Marshall	Absent
Mr. Horne	Aye

With five members present, the Planning Commission voted 5-0, to deny rezoning 1333 Longwood Avenue (Tax Parcel 156-A-10T), consisting of approximately 0.5490 acres from R-2, Medium Density Residential to B-2, General Business to Town Council.

## UNFINISHED BUSINESS:

Mr. Todd Gordon, Senior Planner of EPR, PC, was on Zoom to discuss the zoning ordinance updates. At its April 6, 2023, meeting the Planning Commission had asked Mr. Gordon to help regulate “Bed & Breakfast” use versus “short-term rentals” requirements as a priority topic for Special Provisions. Mr. Gordon agreed to bring forth requirements for discussion and consideration.

The Planning Commission reviewed the draft May 4, 2023 – Discussion of Homestay Regulations and Section 909. Homestays with Mr. Gordon and discussed the recommendations presented by EPR, PC. The following were questions and/or concerns:

- The Town wanted to promote growth but do not restrict property rights. The “homestay” restrictions may be harsh, but should be balanced enough to protect neighbors and tourism.
- Sec. 909(a) Applicability. The Planning Commission discussed not allowing “Homestays” in a R-3, High Density Residential. The Planning Commission reasoned that an apartment use in a R-3 could turn into a hotel.
- Sec. 909(c)(5) No outdoor signs in conjunction with the homestay. The Planning Commission considered that many people name their estate or property. Could that be considered as signage?
- Sec. 909(c)(6) Regarding parking. Mr. Gordon struck through a mistake ... “or on the property...”. The Planning discussed “off-street” parking in residential districts. Mr. Gordon agreed to revise the text for clarity.
- Sec. 909(d) Safety regulations. The Building Official will review the draft to determine if the homestay meets building code where he did review the draft the Commission reviewed.
- Sec. 909(e) Enforcement. Since the Police Department is called after regular business hours, we should think about the Police Department staff and its enforcement.
- Sec. 909(g) Civil Penalty. Staff discussed the appeal process.
- In the Phase 2 reversion area residents are primarily on septic systems. The Planning Commission saw a need to include provisions and septic system inspection requirements in the ordinance. They added a requirement that the septic system is required to be inspected within 7 years and the provision is to provide proof to staff for annual renewal.
- Sec. 909(c)(1) Use regulation. The Planning Commission discussed omitting that the dwelling shall be the primary residence of the host occupant since it is not defined or in the body of the text.
- Sec 909(f) Registration suspension or cancellation. The Planning Commission wanted to modify Sec. 909(f)(1)(b) from 12-month period to 6-month period.
- Sec. 909(c)(4) Change the required age of the primary guest from 18 to 21 years of age.
- Sec. 909(c)(7) Post the name of the host or host’s designee within the homestay unit or a managing company if one is used.
- Sec. 909(f)(4) Appeal. Ms. Zirkle made a suggestion that the decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals and not Town Council as written like other zoning actions.
- Sec. 909(f)(2) Violations. Staff and the Planning Commission discussed what constitutes a violation. Ms. Zirkle stated that the standard notice or Notice of Violation process

would be used and the appeal process. It was asked if the applicant violates the signage requirement, would it count towards Sec. 909(f)(1)(b) for three or more substantiated complaints? Staff stated shall the Planning Commission consider major versus minor violations as substantiated complaints. Could 6 sign violations trigger a substantiated complaint?

Mr. Gordon stated that the Special Provision sections and the Zoning Map will be discussed at the next meeting.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 6:48 p.m. The next regularly scheduled meeting is Thursday, June 1, 2023.

Respectfully submitted,  
Cathy Johnson, Clerk of the Commission

Approved on June 1, 2023.



Frances B. Coles, Secretary

