

TOWN OF CHARLOTTE COURT HOUSE
Joint Public Hearing of the Charlotte Court House Town Council
and the Charlotte Court House Planning Commission
Monday, August 12, 2013
MINUTES

Town Council Members present: Mayor Stephen Walker, Vice-Mayor David Watkins, Kermit Jones, Brenda Haskins
Town Council Members absent: Wayland Dunn, Chase Parsons, Debra Andrews

Planning Commission Members Present: Robert Reynolds, Nichelle Harris, Claudia Koch, David Watkins, Andy Carwile. Planning Commission Members Absent: Bobby Howard

Others Present: Robert Hendrick, Town Zoning Administrator ; Karen Price, (Interim) Clerk

Vice-Chairman Robert Reynolds called the Planning Commission Public Hearing to order.

Mayor Stephen Walker called the Town Council Public Hearing to order and stated that he would defer the leadership responsibilities to the Planning Commission (PC).

PC Vice-Chairman Reynolds stated that anyone wishing to speak for or against the applications that have been presented would be allotted three minutes to make their remarks. He stated that the first application was from Mr. & Mrs. Hall to rezone their property located at 252 David Bruce Avenue, in Charlotte Court House from Limited Residential (R-1) to Light Business (B-1). He offered the floor to Mr. Hall to elaborate on his request to rezone.

Harry Hall stated that they came to Charlotte Court House looking to build a business and were issued a business license for three things: lodging, bed & breakfast style accommodations and a conference center. It was determined that the license was issued in error and not valid. They applied for a variance to operate their businesses and to have a sign and the Planning Commission recommended approval on all but one request. However, it was determined that a "variance" was not the correct means by which to accomplish their requested zoning changes, and they were advised to apply for conditional use permits. It was then determined that the zoning ordinance did not allow conditional use permits for their business endeavors and new applications were submitted. Mr. Hall stated that they have held numerous events, they have had people from all over the country stay there, and they have received positive feedback. He stated that they employ local people and that he has paid taxes to the Town. Mr. Hall stated that other businesses have opened in Town without incident and asked that the Town approve his zoning requests.

Hazel Smith offered support for the request to rezone stating that the Halls have hosted fundraisers and helped the American Cancer Society meet their goal. She stated that the business is a real asset.

Rhonda Jones offered support for the request to rezone stating that they have made an impact in the County. She listed several organizations that have benefited from fundraisers held there or used their facilities to hold events. She stated that the church has no problem with them.

Jack Reynolds offered support for the zoning request stating that the Charlotte Methodist Church has no problem with a business located next to the church and stated that events have been beneficial.

Kary Reynolds offered support for the zoning request stating that they are an asset to the community. She also stated that they have "beautified" the area.

Christy Bailey offered support for the zoning request stating that she didn't understand what the problem was with the Town Council, Board, etc. She stated that Ms. Dietrich-Hall was a fine Christian woman and she asked all to consider the revenue coming into the county.

Jim Watkins stated his opposition to the request to rezone stating that the Limited Residential R-1 district is a crucial means of preserving quiet, spacious and family oriented living. He stated that lessoning the footprint of R-1 would be short sighted and a mistake. Mr. Watkins stated that he would support a traditional Bed & Breakfast, but not one that practices other commercial activity.

Pamela Watkins stated her opposition to the rezoning request and urged the Council to uphold the current zoning ordinance. She stated that changing the zoning would be discriminatory and an arbitrary act to benefit the Halls. Mrs. Watkins stated that while she didn't dispute the good things the Halls have done, the problem was that they are doing it in a residential district.

William Evans stated his opposition to the rezoning request stating that the first notion he had that they intended operate more than a Bed & Breakfast was when the sign was installed advertising several businesses. He stated that the owners' attitude has been that they can do anything they want. He stated that his property value has decreased by twenty percent due to Diamond Hill.

Stephen Walker read a letter from Terrill Ramsey stating his opposition to all zoning requests submitted by the Halls.

With no further comments, the public hearing was closed.

Planning Commission member C. Koch motioned to defer making a recommendation on the request to rezone until more information could be obtained. The motion was seconded by C. Nichelle Moseley-Harris. The motion carried by voice vote: 4 ayes, 0 nays.

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Vice-Chairman Robert Reynolds opened next public hearing to address the request to amend the zoning ordinance by adding "Bed & Breakfast" (B&B) to uses in the R-1 Limited Residential district, with a Special Use Permit.

(Planning Commission member Andy Carwile arrived.)

Hazel Smith offered support for the zoning request stating that the Halls have been operating as a B&B and that it is good to have a B&B because there are few accommodations in Charlotte Court House.

Jack Reynolds offered support for the zoning request stating that as a member of the Methodist Church he has no problem with it and that it would be an asset to the county.

Kary Reynolds offered support for the zoning request stating that it was a beautiful, historic home that all should be proud of.

Christy Bailey offered support for the zoning request stating that she is "all in favor of the change."

Marge Bailey offered support for the zoning request stating that there is nothing to worry about and the revenue is needed by the county.

Harry Hall stated that if he must be limited to the rules of a B&B, then others must be too.

Jim Watkins stated that he was opposed to the zoning request.

Pamela Watkins stated opposition to the zoning request saying that the definition they supplied was an attempt to operate a multi-faceted business under a guise of a B&B. She stated that she would support a traditional B&B and requested that the Halls definition be denied.

William Evans stated opposition to the zoning request saying that the Halls do not live on the premises and that the ancillary uses listed in their definition would be the primary uses of the property, not the B&B.

With no further comments, the public hearing was closed.

Planning Commission member C. Koch motioned to defer making a recommendation on the request to add "Bed & Breakfast" (B&B) to uses in the R-1 Limited Residential district, with a Special Use Permit until more information could be obtained. The motion was seconded by David Watkins. The motion carried by voice vote: 5 ayes, 0 nays.

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Vice-Chairman Robert Reynolds opened next public hearing to address the request to amend the zoning ordinance by adding "Bed & Breakfast" with the following definition (see below) to Article 18 – Definitions of Words and Terms of the Zoning Ordinance:

Bed and Breakfast-Overnight accommodation and a morning meal provided in a single-family detached residence in which five (5) or fewer rooms are rented to transient guests. Bed and Breakfast may have weddings, receptions and business meetings on premises as an ancillary use. Food and beverages may be served in connection with weddings, receptions and business meetings on premises. If anticipated attendants of events exceed 150 people, Town Council approval a month in advance shall be required. Parking spaces shall be ten spaces or less, and shall otherwise adhere to Article II of this ordinance. Gift Shop located in the Bed and Breakfast shall also be an ancillary use. There shall also be included a sign that advertises the aforementioned uses of the property that measures 37 inches wide and 67 inches tall.

Hazel Smith offered support for the zoning request stating that many B&Bs have other activities in addition to sleeping arrangements. She stated that having other functions brings additional revenue to the County and Town.

Jack Reynolds stated his support for the zoning request.

Kary Reynolds offered support for the zoning request stating that [the Halls] have beautified an historic building and are bringing much needed revenue to the county.

Christy Bailey stated her support for the zoning request.

Jim Watkins stated his opposition to the zoning request citing that approving it as written could set a dangerous precedent.

Harry Hall stated that the definition was written by the Town zoning administrator and his lawyer.

Zoning Administrator Robert Hendrick stated that he didn't help write the proposed definition.

Vellie Dietrich-Hall stated that the original application was for lodging, a conference center and retail store.

William Evans stated his opposition to the zoning request saying that residents depend on the Town to protect them through the zoning ordinance. He stated that they seem to have a venue to do whatever they want to do.

Pamela Watkins stated her opposition to the zoning request citing that it violates the Town zoning ordinance definition of R-1, which prohibits activity of a commercial nature and is low density. She stated that hosting 150 people is not low density and requested that the Halls definition of B&B not be approved.

With no further comments, the public hearing was closed.

Planning Commission member Claudia Koch motioned to defer making a recommendation on the request to add "Bed & Breakfast" with the supplied definition to Article 18 – Definitions of Words and Terms of the Zoning Ordinance until more information could be obtained. The motion was seconded by David Watkins. The motion carried by voice vote: 5 ayes, 0 nays.

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Vice-Chairman Robert Reynolds opened next public hearing to address the request for a Special Use Permit to operate a Bed & Breakfast (B&B).

Hazel Smith offered support for the zoning request stating that it was a wonderful place to have lodging and that other retailers are benefited.

Jack Reynolds stated his support for the zoning request.

Kary Reynolds stated her support for the zoning request.

Christy Bailey stated her support for the zoning request.

Harry Hall stated that the board requested that he apply and he fulfilled what was asked.

Jim Watkins voiced opposition to the zoning request stating that until the zoning ordinance was changed to add B&B to the Limited Residential district with a special use permit, it didn't make sense to apply for the special use permit.

Pamela Watkins voiced opposition to the zoning request stating that if it is approved as written, the Halls could hold functions every weekend where there could be 150 or more people in attendance. She stated that most who have spoken in favor of the zoning request do not live in Charlotte Court House and "don't have this in their backyard."

William Evans voiced opposition to the zoning request stating that he has had two Diamond Hill guests come into his kitchen looking for a wedding. He said that the parking situation is pretty bad. He concluded by saying that he is unilaterally opposed to the zoning requests.

Allyson Watkins voiced opposition to the zoning request stating that "it is not in your back yard." She asked that the Town Council and Planning Commission adhere to the Zoning ordinance and "look out after us."

With no further comments the public hearing was closed.

Planning Commission member Claudia Koch motioned to defer making a recommendation on the application for a Special Use Permit to operate a Bed & Breakfast until more information could be obtained. The motion was seconded by David Watkins. The motion carried by voice vote: 5 ayes, 0 nays.

With no further citizen comments Mayor Walker stated that the Town Council public hearing was closed.

ATTEST:

Stephen D. Walker Mayor

Karen K. Price, (Interim) Clerk of Session