

# Morgan County Planning Commission

Minutes  
Regular Meeting  
April 28, 2016  
7:00 p.m.

PRESENT: Dennis Myers, Starr Sheppard, Connie Booth, John McMahon, Faye Craft, Joe Cardwell, Scott Campbell

NOT PRESENT: Maryann Dartnell, Wes Holt, Brian Lehman

ALSO PRESENT: Chuck Jarrell, Tara Cooner, Members of the public

## PUBLIC HEARING

### ADMINISTRATIVE BUSINESS:

- I. Acceptance of Minutes from March 18, 2016 work session.

Motion: Mr. Campbell made a motion to approve the March 18, 2016 Minutes as presented.

Second: Mr. Meyers

Vote: 3:0 The vote to approve the March 18, 2016 Minutes as presented was unanimous. Ms. Craft, Mr. Cardwell, and Mr. McMahon abstained from the vote.

- II. Acceptance of Minutes from March 24, 2016 regular meeting.

Motion: Mr. Myers made a motion to approve the March 24, 2016 Minutes as presented.

Second: Mr. McMahon

Vote: 5:0 The vote to approve the March 24, 2016 Minutes as presented was unanimous. Ms. Craft abstained from the vote.

- III. Staff Report on prior zoning actions.

Chuck Jarrell provided an update on the actions of the Morgan County Board of Commissioners.

### UNFINISHED BUSINESS:

There is no unfinished business.

### NEW BUSINESS:

- I. Carolyn S. Crafts is requesting conditional use approval to operate a Farmstay on 50 acres located at 2070 Fieldcrest Lanes, between Madison and Buckhead (Tax Parcel 044-058A).

Mr. Jarrell presented the staff report and explained that the applicant's property was 50 acres at the end of a private road subdivision. He noted that the application was for the

## Morgan County Planning Commission

Farmstay use only and that accommodations would be inspected at a later date should the use be approved. The Zoning Map and Future Land Use Map were presented, and Mr. Jarrell confirmed that the Comprehensive Plan supported agri-tourism. He informed the Planning Commission that several concerns had been voiced from neighbors regarding the proposed use and briefly reviewed the issues, including the fear that guests will wander onto other properties, that guests will sue the HOA, that the Farmstay will disrupt other businesses in the neighborhood and that undesirable people will visit. Mr. Jarrell displayed an aerial showing the distance from the applicant's proposed accommodations to the neighbor's residences, the closest of which was 850'. The Planning Commission confirmed that the application met the requirements for a Farmstay.

Carolyn Crafts (applicant), 2070 Fieldcrest Lane, expounded on the complaints that Mr. Jarrell had mentioned, as well as others that she had heard. She explained how AirBnB vets applicants and that her maximum number of guests for the two proposed accommodations is four people. She assured the Planning Commission that she would be present on the property when guests were there and that she considered the property her primary residence. She described the number of visitors to her farm for agricultural reasons, apart from the Farmstay.

Anne Hightower, 1181 Fieldcrest Lane, spoke in favor of the application. She noted that concerns had been raised regarding the proposed use, but that she felt all of the issues had been adequately addressed. She stated that she felt the applicant was conscientious and dedicated.

Cotton Cummings, 3001 Fieldcrest Lane, spoke in opposition to the application and explained his concerns regarding the private road's maintenance and potential safety issues on a gravel road. He also mentioned concerns about liability, noise, and safety of the neighborhood with unknown people coming into the area. He noted that he represented the other residents in the subdivision.

Acting Chairman Ms. Booth informed Mr. Cummings that she had received a petition with the signatures of 4 other neighborhood residents in support of the application. There was a brief disagreement about who was located in the subdivision. Mr. Jarrell confirmed that the signatures belonged to neighbors, even if they were not officially part of the Fieldcrest Farms subdivision. The Planning Commission confirmed that the road, although privately maintained, was a publicly accessible road and Mr. Cummings answered questions regarding maintenance of the road.

Bob Hughes, 1020 Fieldcrest Lane, spoke in opposition to the application and stated that he was concerned about the potential domino effect. He asked, if the applicant was approved, could she expand into an event facility or offer wine tours. He also stated concerns regarding the lack of vetting visitors and no maximum night stay. Ms. Booth addressed the vetting concern and noted that she had never heard of any other lodging facility with such concerns. She also expressed concern that the opposition's complaints were supposition and not facts.

## Morgan County Planning Commission

Vic Stewman, 1070 Fieldcrest Lane, spoke in opposition to the application and described his concerns regarding the private road, which he identified as a driveway. He also mentioned valuation of property and asked how the Farmstay would affect the neighborhood. Mr. Stewman also expressed indignation that the applicant had already been renting her property without the neighbor's knowledge.

The applicant requested the opportunity to rebut some of the opposition's comments. She explained how she was unaware of regulations and had contacted staff when she received a violation letter. She also explained how she had worked with staff to continue renting while going through the process. She stated that she did not want to rent more frequently than weekends, nor did she want more accommodations that she was currently offering. The Planning Commission asked her if her property was fenced, to which she answered yes.

John Bray, 2090 Fieldcrest Lane, spoke neither in support nor in opposition of the application, but asked if the county would consider taking over maintenance of the road. Mr. Jarrell responded that he could make inquiries at the Planning Office.

The Planning Commission discussed compromise options, including limiting the length of stay and number of guests. Mr. McMahan expressed disapprobation of a business use in a residential neighborhood. Mr. Cardwell stated that he understood the neighbor's concerns, but that the application met all of the requirements and criteria. Ms. Booth agreed with Mr. Cardwell when he stated that the traffic volume created by the Farmstay was not enough to raise sufficient concern. The Planning Commission noted that one of the neighbors sold ag-related products on their property, and that ag-related uses were supported by the Comprehensive Plan.

Rose Mary Hughes spoke from the audience regarding the educational requirement for a Farmstay, stating that she had such opportunities at her property. She asked how a Farmstay could be operated in the county without rules. The Planning Commission corrected her regarding the regulations and conditional use process. Ms. Hughes stated that the applicant was asking forgiveness instead of permission. Mr. Jarrell explained the Planning Office policy of working with an applicant during the conditional use process. Ms. Hughes attempted to discuss the proposed accommodations, but was informed that the structures would be handled separately.

Karen Cummings spoke in opposition to the application and made comments regarding the quality of people she feared the low rent would attract. Ms. Booth identified her comments as supposition and formally closed public comment.

The Planning Commission again discussed the criteria and possible compromises that could allay the fears of the neighbors. The applicant was amenable to the suggestions.

## Morgan County Planning Commission

Motion: Mr. Cardwell made a motion to recommend approval of the Conditional Use application for a Farmstay at 2070 Fieldcrest Lane with the conditions that 1. the approved use would end with the sale of the land; 2. the maximum number of people per stay would be four; and 3. the maximum number of days per stay would be two.

Second: Mr. Campbell

Vote: 5:1 The vote to recommend approval of the conditional use for a Farmstay at 2070 Fieldcrest Lane, with conditions, was approved. Mr. McMahon dissented.

- II. Karen Kerlin is requesting conditional use approval to operate a Farmstay on 10.83 acres located at 1230 Walker Road, Madison (Tax Parcel 048-014B).

Mr. Jarrell presented the staff report and explained that the property was not in a subdivision and was located on a public road. He stated that the applicant proposed a single accommodation: a cottage next to the main residence. The Zoning Map and Future Land Use Map was shown, and Mr. Jarrell stated that the Comprehensive Plan supported agri-tourism. He stated that the application met the regulations for a Farmstay. He noted that no comments had been received by the Planning Office regarding the application and confirmed that the dairy located next to the applicant was part of the Williams Dairy complex.

Karen Kerlin (applicant), 1230 Walker Road, informed the Planning Commission that one neighbor had asked her about the zoning sign out of curiosity. She confirmed that the maximum number of guests for her cottage was four, but declined to state a maximum number of days per stay, citing inexperience. She explained that she could, and had, turned down potential guests that she felt were inappropriate for her farm lodgings.

No one spoke in favor of, or in opposition to, the application.

The Planning Commission discussed whether conditions should be placed on the application that were similar to those placed on the first agenda item, in an effort to be fair. Ms. Craft pointed out that the applications were different and should be treated as such. Staff confirmed that no limiting conditions were placed on the Farmstay application approved in 2015.

Motion: Ms. Craft made a motion to recommend approval of the Conditional Use application for a Farmstay at 1230 Walker Road.

Second: Mr. Cardwell

Mr. McMahon and Mr. Campbell objected to the motion without a condition regarding a maximum number of guests per stay.

## Morgan County Planning Commission

Amended Motion: Ms. Craft made a motion to recommend approval of the Conditional Use application for a Farmstay at 1230 Walker Road with the condition that the number of guests per stay be limited to eight.

Second: Mr. Cardwell

Vote: 6:6 The vote to recommend approval of the conditional use for a Farmstay at 1230 Walker Road, with condition, was approved.

### ADJOURNMENT

The Acting Chairman called for a motion and second to adjourn the meeting.

Motion: Mr. Myers made a motion to adjourn the meeting.

Second: Ms. Craft

Vote: 6:0 The vote to adjourn the meeting was unanimously approved.

  
Brian Lehman, Chairman

Date 5/26/16

  
Tara Cooner, Secretary

Date 5-26-16

