

**City of Lewisburg**  
**Planning Commission Working Session**  
**Meeting Minutes ~ November 4, 2021, 5:30 p.m.**  
**942 Washington Street West, Lewisburg, WV**  
**Paul R. Cooley Council Chambers**

**PRESENT:** Davis Lewis, Tia Bouman (via ZOOM), Helen Harless, Dan Stevenson, Valerie Pritt, Margaret Gossard, Planning and Zoning Officer Marsha Cunningham, Recorder Sarah Richardson

**ABSENT:** Chair John Little

**VISITORS:** Christy DeMuth and Jesse Richardson of WVU Law (via ZOOM), and Skip Deegans

**CALL TO ORDER:** The meeting was called to order at 5:30 p.m. by Davis Lewis.

**APPROVAL OF MINUTES:** The minutes of October 14, 2021 meeting were approved with a motion from Margaret Gossard and a second from Dan Stevenson. With all in favor, the motion carried.

**PUBLIC COMMENT:** None

**Review and Discuss: Bed and Breakfast Regulations**

Christy DeMuth began by introducing Jesse Richardson, also of WVU Law, who was invited to this meeting to discuss “short term rentals.” Richardson presented three potential options to the commission regarding these rentals:

- 1) Adjusting/updating/tweaking the nuisance ordinance to address in the ordinance the things “that are mostly the complaints we hear about short term rentals,” said Richardson, “or they could be complaints about any other residential units including parking, litter, and things of that nature.” They cannot single out short-term rentals, but broad concerns are valid.
- 2) Update the definition of family from the standard language to adding “relatively permanent and non-profiting,” which isn’t direct language towards short-term rentals.
- 3) Redefine what constitutes a Bed and Breakfast. Does the owner of the building have to physically be present like with a traditional B&B? Or is it a standalone investment property? This can be addressed with B&BI and B&BII definitions.

Davis Lewis asked if they commonly see these three strategies used, Richardson answered you could choose “one or two, but I think, in my opinion, the most comprehensive way to do it is all three.”

Helen Harless asked Richardson to elaborate on short-term rentals as conditional uses for certain neighborhoods and how that would work. Richardson said “you have to be very careful [...] and that’s not something that we’ve tried before.” He said the main things that could be conditional use would be

whether the owner resides on the property, and how many people are allowed. Christy DeMuth said we already define that based on B&BI and B&BII definitions.

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Dan Stevenson said that he can't think of concrete criteria for limiting this to certain areas. As far as requiring owners to reside on the property for (x) days out of the year, he is concerned about "snowbirds" who might only physically live in Lewisburg half the year, but maintain their property year-round. Stevenson said that using noise ordinances and whatnot is useful after-the-fact, but not beforehand.

Richardson said that overall, it would be really difficult to do conditional use for this topic.

Marsha Cunningham asked if it would be possible to enforce that whoever rented the place online has to be the person checking in, instead of someone else, like their children. Richardson said that would be difficult to enforce. B&BI and B&BII being separated is already sort of along the lines of conditional use, in that different rentals are allowed in different categories.

Tia Bouman asked if you could say perhaps B&BI is not permitted in the historic district. Richardson said that was possible, since B&BI is addressing the bed and breakfast business aspect so HomeRule shouldn't be prevalent.

Christy DeMuth said the definition of "owner-occupied" depends on how the city chooses to write it, and could be for a set number of days of occupancy. Some places set 180 days out of the year, some 100, some 300. In the drafts of the ordinances, it currently states the person must have principle residence "208 nights" of each calendar year.

Helen Harless asked if HOA regulations on short-term-rentals might take precedence over other rulings. DeMuth said she believed so, since HOAs can set strict covenants to a certain degree. DeMuth mentioned one city she worked with didn't allow short-term rentals in the historic district, but did in other areas.

Stevenson said he would like to change the number of owner-occupied days down from 208 due to snowbirds. He again mentioned that noise violations are something that's addressed after-the-fact instead of beforehand.

Margaret Gossard said they should consider allowing B&BI in perhaps R1 and R2.

Overall, DeMuth said she believes the commission can only regulate B&BI based on where the city wants to allow them, how many nights they can stay, and if it's owner-occupied or not. Gossard noted that if it's

owner occupied they are less likely to have noise problems and other issues, and floats 180 days as a number for owner-occupied nights on the property.

DeMuth reviewed that, ideally, the city would like to allow B&BI to operation in R1 and R2 districts, and possibly OR, and with owner-occupied nights being set to 180 days, and not permitted in the historic

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district. DeMuth said the city will have to set hard boundaries on the historic district in town. She will add those boundary lines later for members to look at. She will potentially add a “historic overlay” that excludes the downtown business district with potential rentals on the second story that meet other regulations. Stevenson said that would be “advantageous to the businesses,” to have rentals above shops.

Margaret Gossard asked if there was a disadvantage to having no time limit on rentals, and DeMuth said if those weren’t in place the rental could be rented out “every single day of the year.” Gossard proposed that the city doesn’t limit rental stays, and everyone agreed.

For B&BII, the traditional B&B, the commission would like them to be allowed in the historic district, as well as R1, R2, and OR. Overall, the difference between B&BI and B&BII is that B&BI is not permitted in the downtown historic district, except for above businesses when the requirements are met.

#### **Review and Discuss: Permissible Use Table**

In moving down the list of additional categories of businesses to be added to the City of Lewisburg Zoning Ordinance Draft Use Table, DeMuth opened with the discussion of addressing Drive –Through Facilities. It was agreed to allow Drive-Through Facilities to be permissible in C1, C2, and I1.

For the Dwelling, Accessory category, DeMuth explained that this would replace two pre-existing categories: Dwelling, Conversion Apartment and Dwelling, Garage Conversion. It was determined to allow Dwelling, Accessory conditionally in R1, and permissible in R2 and OR.

For Event, Mass Gathering and Event, Special categories, DeMuth explained that mass events tend to be more county focused with 500+ people and camping or overnight lodging, and a special event is 50-500 people. Board members mentioned downtown events such as Taste of our Towns (TOOT), the Chocolate Festival, Literary Festival, and others. DeMuth said supplement regulations are possible for certain events and that is something to look at. No permitted or conditional uses were determined at this juncture.

#### **Review and Discuss: Scenic Overlay**

DeMuth said that the measurements back from the main roadways for the Scenic Overlay still need to be determined before the city can move forward. With Chairperson John Little absent, who was leading that effort, she suggested to discuss this further at the next meeting.

**COMMENTS from the COMMISSION:** None.

**COMMENTS from the ZONING OFFICER:** Marsha Cunningham noted that on Nov. 9 there will be a wayfinding signage meeting, and invited interested members to attend.

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The next Planning Commission Meeting will be Dec. 2, 2021, with a deadline of Friday, Nov.12, 2021.

**ADJOURNMENT:** The meeting was adjourned at 6:55 p.m. in a motion by Davis Lewis with a second from Commission member Helen Harless.

Respectfully submitted,  
Sarah Richardson  
Recording Officer