

MONTGOMERY COUNTY PLANNING COMMISSION
December 10, 2008
SITE VISIT AGENDA

4:30 PM **Depart Government Center**

4:45 PM **3824 Truman Ave.**

A request by **Richard A. Rose** for a Special Use Permit (SUP) on approximately 0.234 acres in a Residential (R-3) zoning district to allow a Manufactured Home, Class A (doublewide). The property is located at 3824 Truman Ave., and is identified as Tax Parcel No(s). 090-1BK-B-12E (Acct No. 100531), in the Riner Magisterial District (District D). The property currently lies in an area designated as High Density residential in Plum Creek Village in the Comprehensive Plan.

5:30 PM **Dinner at Amelia's, Cambria**

MONTGOMERY COUNTY PLANNING COMMISSION
December 10, 2008 @ 7:00 P.M.
Board Room, Government Center

AGENDA

CALL TO ORDER:

DETERMINATION OF A QUORUM:

PUBLIC ADDRESS:

APPROVAL OF AGENDA:

APPROVAL OF CONSENT AGENDA:

PUBLIC HEARING:

1. SU-2008-06314- request by **Riverbend Water Company** for a Special Use Permit (SUP) on approximately 4.006 acres in an Agricultural (A-1) zoning district to **allow an accessory structure greater than 1,200 square feet in area and 18 feet in height**. The property is located at 895 Union Valley Road, and is identified as Tax Parcel No(s). 120-A-37H (Acct No. 080602), in the Riner Magisterial District (District D). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.
 - a. Staff Presentation (Jamie MacLean)
 - b. Applicant Presentation
 - c. Public Comment
 - d. Discussion/Action
2. SU-2008-06313- request by **Riverbend Water Company** for a Special Use Permit (SUP) on approximately 4.006 acres in an Agricultural (A-1) zoning district to **allow a home business**. The property is located at 895 Union Valley Road, and is identified as Tax Parcel No(s). 120-A-37H (Acct No. 080602), in the Riner Magisterial District (District D). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.
 - a. Staff Presentation (Jamie MacLean)
 - b. Applicant Presentation
 - c. Public Comment
 - d. Discussion/Action
3. SU-2008-06316- request by **Roland S. Wright, Jr. & Mary H. Wright** for a Special Use Permit (SUP) on approximately 0.511 acres in a Residential (R-3) zoning district to **allow a Manufactured Home, Class A (doublewide)**. The property is located at 3850 Poppy Lane, and is identified as Tax Parcel No(s). 127-8-7B (Acct No. 140688, in the Riner Magisterial District (District D). The property currently lies in an area designated as Rural in the Comprehensive Plan.
 - a. Staff Presentation (Kevin Byrd)
 - b. Applicant Presentation
 - c. Public Comment
 - d. Discussion/Action

4. An Ordinance Amending Chapter 10 entitled Zoning, Section 10-61, Definitions, Of The Code Of The County of Montgomery By Amending The Definitions For Home Business and Home Occupation by Allowing Such Activity in the Dwelling And In The Accessory Structures And By Adding Boarding House and Transition House As Defined words, terms or phrases in the Zoning Ordinance.
 - a. Staff Presentation (Kevin Byrd)
 - b. Public Comment
 - c. Discussion/Action

5. An ordinance amending Chapter 10 entitled Zoning, Section 10-28, General Business (GB), and Section 10-29, Community Business (CB) of the Code of the County of Montgomery, Virginia by adding Boarding House and Transition House as uses permitted by right in the General Business and Community Business Districts.
 - a. Staff Presentation (Kevin Byrd)
 - b. Public Comment
 - c. Discussion/Action

6. An ordinance amending Chapter 10 entitled Zoning, Section 10-21, Agriculture District (A1), Section 10-24, Residential District (R-1), Section 10-25, Residential District (R-2), Section 10-26, Residential District (R-3) and Section 10-27, Multiple Family Residential District (RM-1) of the Code of the County of Montgomery, Virginia by adding Boarding House and Transition House as uses permitted with a special use permit in the Agriculture District (A-1), Residential District (R-1), Residential District (R-2), Residential District (R-3) and the Multiple Family Residential District (RM-1).
 - a. Staff Presentation (Kevin Byrd)
 - b. Public Comment
 - c. Discussion/Action

7. An Ordinance amending Chapter 10 entitled Zoning, Section 10-35 PUD-RES Planned Unit Development-Residential District of the Code of the County of Montgomery, Virginia, by reducing the minimum required acreage to qualify for inclusion in the PUD-RES Planned Unit Development-Residential District from 50 acres to 10 acres for lands designated in the urban expansion area and from 20 acres to 5 acres for lands designated in the village or village expansion area.
 - a. Staff Presentation (Kevin Byrd)
 - b. Public Comment
 - c. Discussion/Action

OLD BUSINESS:

NEW BUSINESS:

- Nominating Committee Report

WORKSESSION:

- Oak Forest MHC, LLC

LIAISON REPORTS:

- Board of Supervisors- John Muffo
- Agriculture & Forestal District- Bob Miller
- Blacksburg Planning Commission – Walt Haynes
- Christiansburg Planning Commission – Bryan Rice
- Economic Development Committee- David Moore
- Public Service Authority – Malvin Wells
- Parks & Recreation- Steve Howard
- Radford Planning Commission- Steve Cochran
- School Board- Bill Seitz
- Transportation Safety Committee- Malvin Wells
- Planning Director's Report- Steve Sandy

MEETING ADJOURNED:

UPCOMING MEETINGS:

- | | |
|------------------|--|
| January 14, 2009 | Planning Commission Public Hearing 7:00 pm |
| January 21, 2009 | Planning Commission Site Visit (To be determined)
Planning Commission Regular Meeting 7:00 pm |

**MONTGOMERY COUNTY PLANNING COMMISSION
CONSENT AGENDA
December 10, 2008**

A. APPROVAL OF MINUTES

- November 19, 2008

ISSUE/PURPOSE:

The above listed minutes are before the Planning Commission for approval.

B. SCHEDULE PUBLIC HEARINGS

1. A request by **Richard A. Rose** for a Special Use Permit (SUP) on approximately 0.234 acres in a Residential (R-3) zoning district to allow a Manufactured Home, Class A (doublewide). The property is located at 3824 Truman Ave., and is identified as Tax Parcel No(s). 090-1BK-B-12E (Acct No. 100531), in the Riner Magisterial District (District D). The property currently lies in an area designated as High Density Residential in Plum Creek Village in the Comprehensive Plan.

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON NOVEMBER 19, 2008 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Miller, Chair called the meeting to order and Mr. Seitz, Secretary, established the presence of a quorum.

Present: Robert Miller, Chair
Walt Haynes, Vice Chair
William Seitz, Secretary
Bryan Rice, Member
Steve Cochran, Member
Frank Lau, Member
Steve Howard, Member
David Moore, Member
Malvin Wells, Member
John Muffo, Board of Supervisors Liaison
Steve Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Brea Hopkins, Zoning Technician
Jamie MacLean, Development Planner
Kevin Byrd, Comprehensive Planner

Absent: None

PUBLIC ADDRESS:

None

APPROVAL OF AGENDA:

On a motion by Mr. Seitz, seconded by Mr. Cochran and unanimously carried the agenda was approved as amended to include appointment of a nominating committee.

APPROVAL OF CONSENT AGENDA:

On a motion by Mr. Seitz, seconded by Mr. Cochran and unanimously carried the consent agenda was approved as presented.

PUBLIC HEARING:

No speakers.

OLD BUSINESS:

SU-2008-06129 - Request by Oak Forest MHC, LLC (Agent: Gay & Neel, Inc.) to amend existing special use permit to eliminate condition number (s) 3, 5, 7, 8, and 10 approved on February 23, 2004 at Oak Forest Mobile Home Park located at 1156 Hightop Road in the Planned Mobile Home Residential Park (PMR) zoning district.

Mr. Sandy stated the public hearing was held in October. Additional information had been submitted by the applicant regarding some of the issues discussed at the previous meeting. Potential road designs to meet VDOT criteria have been investigated. VDOT will not accept the road into the state system because it is owned by one entity and does not serve individual properties. Based on the requirements of the ordinance, the proposed expansion of the park would require that roads be upgraded to meet VDOT standards. Staff has researched the possibility of applying for a variance; however, the request would not meet the requirements of the state code.

Mr. Lau stated that since it is an existing park, the proposed units would be considered a build out, not expansion.

Mr. Sandy stated it was an interpretation issue. The county attorney and the zoning administrator have interpreted it to mean that since the use is expanding from 186 units to 214 units then the road should be upgraded.

Mr. John Neel, Gay & Neel, stated that the ordinance refers to expansion areas not the expansion of a park. The area in question is within the existing park, if the park was expanding to another piece of property the ordinance requirement would apply. The current park has 196 units which were approved in the 1960's prior to the establishment of the Planned Mobile Home Residential (PMR) zoning district. There are mitigating circumstances for constructing a road. He discussed the limitations such as grade, existing infrastructure, and topography. He presented plans for a private street and discussed the grade that could be obtained. This access point would be located 200 ft. from the existing access and would have a 19% grade. He discussed storm water management and noted that the developer would work with church to obtain their approval of the plan in writing. The church board has reviewed and discussed the plan and found it acceptable. The plan will not increase any storm water issues that have been experienced by the church.

Mr. Sandy stated that the project does meet the intention of affordable housing and was approved before with condition that the road would be upgraded to meet the ordinance requirements. The original park was approved for 186 units. The park had 196 units at the time of the application for the special use permit so the property was in violation. As part of the SUP approval the Board of Supervisors allowed those 10 units once other conditions were met and then approved further expanding to 219 units once the remaining conditions were met.

Mr. Miller stated the resolution approved by the Board of Supervisors does define the additional units as an expansion.

Mr. Moore stated the mobile home park is non-conforming. There should be other options for alleviating the nonconformity and allowing the additional units. Some examples being a pull off area for school children, bus shelter, additional recreation areas, etc. The use complies with and meets the goals of the comprehensive plan. It's not reasonable to construct a road.

Mr. Rice stated he was pleased that the applicant met with the church and is working to resolve the storm water problems. The field is the perfect location to add additional units. Reasonable effort has been made to bring the property in compliance. A new road is not feasible.

Mr. Miller noted that additional units mean additional children at an already dangerous bus stop.

Mr. Neel stated Montgomery County Schools has been contacted about alternatives and the possibility of allowing the bus to come into the park. The schools would not agree to any of the suggestions made. The owner will be willing to provide a bus shelter. The additional units would be a by-right density and do not exceed the allowable density. The existing entrance is as close to a VDOT entrance as possible.

Mr. Howard stated it appeared the main question was whether or not the proposed units are considered an expansion or a build out. Since no additional land is being acquired the proposal would not be an expansion.

Mr. Rice noted if they could not meet requirements maybe they can mitigate the impact.

Mr. Moore stated plans for improvements should be made available prior to approving the project.

Mr. Haynes stated the Board of Supervisors addressed the expansion because it is over the 196 allowed units.

Mr. Seitz stated that the regulations were there for a reason.

On a motion by Mr. Seitz, seconded by Mr. Howard and carried by a 8-1 vote (Lau opposed) the Planning Commission recommended denial of the request by Oak Forest MHC, LLC (Agent: Gay & Neel, Inc.) to amend existing special use permit to eliminate condition number (s) 3, 5, 7, 8, and 10 approved on February 23, 2004 at Oak Forest Mobile Home Park located at 1156 Hightop Road in the Planned Mobile Home Residential Park (PMR) zoning district.

NEW BUSINESS:

Mr. Sandy introduced Jamie MacLean, Development Planner and Kevin Byrd, Comprehensive Planner.

HS Tejas Preliminary Subdivision Approval

Mr. Sandy stated the Board of Supervisors approved the use of private streets with several conditions. The area for the helicopter landing will be maintained by the homeowners association and located on the Roanoke County portion of the property. The plat has been approved by staff and there are minor comments that need to be addressed. The applicant is requesting preliminary approval with conditions. Once conditions are met the final plat will be submitted for approval of the Planning Commission and Board of Supervisors.

Mr. Wells asked if the county could require citizens in Montgomery County to maintain a helipad in Roanoke County.

Mr. Sandy stated that the county attorney has stated that it could be required.

Mr. Rice stated a note on the plat is needed to indicate that the roads are private.

Mr. Neel noted it is the intent to notify everyone that purchases property within the subdivision to be fully aware that the road is private and will not be taken over. A note could be added to the actual plat.

Mr. Ralph Clements, Gay & Neel, stated the attorney prepared a document that has all legal terminology that is conveyed to all owners indicating the maintenance of the road.

On a motion by Mr. Haynes, seconded Mr. Howard and carried by a 7-2 vote (Moore and Lau opposed) the Planning Commission approved the Preliminary Plat for H.S. Tejas Subdivision (Gay & Neel, Inc., Job No. 1703.1 dated October 31, 2008) subject to the following seven (7) conditions:

1. The Virginia Department of Health shall review and approve private septic systems to be located on each of the lots they serve.
2. The County GIS Analyst shall approve the street names and E-911 addresses.
3. The County Attorney shall review and approve covenants and restrictions and road maintenance agreement for compliance with approved resolution (R-FY-09-31)

4. All remaining items on the Subdivision Application Report dated 11.12.08 shall be addressed.
5. The existing private road shall be covered by a Road Maintenance Agreement. This Road Maintenance Agreement shall include all members of the Homeowner's Association and shall specify that the cost of maintenance will be born by all members of the Association.
6. The County Attorney shall review and approve the "Notice to all potential purchasers" as described in R-FY-09-31 to ensure that said notice is attached to Covenants and deed restrictions, deed, and deed of all subsequent purchases.
7. A prominent note will be added to sheet 1 of Final Plat of Subdivision indicating that the subdivision is served by private roads.

Nominating committee

Mr. Miller appointed Mr. Moore, Mr. Haynes, and Mr. Cochran to serve as the nominating committee and present their report at the December meeting.

WORKSESSION:

On a motion by Mr. Lau, seconded by Mr. Rice and carried unanimously the planning commission entered into work session

Possible Zoning Ordinance Revisions

Mr. Byrd discussed draft amendments to the ordinance. The proposed amendments include:

- Home Occupation and Home Business definitions to allow the business to be conducted within an accessory structure.
- Boarding House and Half-Way House add definitions to the ordinance. Add use(s) to the zoning district(s) as by-right or special use permit.
- Planned Unit Development (PUD-Res) zoning district- change the qualifying land requirements.
- Airport Overlay District- modifications based on new airport plan and new FAA requirements
- Landscape Ordinance- revisions needed based on experience with implementation.
- Cluster Provisions- changes needed to meet the state requirements shall be by-right with administrative approval.
- Village Zoning- analyze data to determine how to best address the village zoning for implementation.

Mr. Byrd stated staff would like to schedule the minor amendments for public hearing in December and continue to research the other amendments.

It was the consensus of the planning commission to proceed.

VDOT Proposed Access Management Regulations

Mr. Sandy reviewed the proposed VDOT regulations for minor roads, collector streets, etc. that are scheduled to become effective October 2009. The requirements for major public roads have been implemented.

On a motion by Mr. Seitz, seconded by Mr. Cochran and carried unanimously the planning commission closed the work session

LIAISON REPORTS:

Board of Supervisors

No Report.

Agriculture & Forestal District

No Report.

Blacksburg Planning Commission

Mr. Haynes stated the BPC had several SUP requests and the council had approved Sonic Drive-In with conditions.

Christiansburg Planning Commission

Mr. Rice stated the commission was discussing requirements for parking garages.

Economic Development Committee

No Report.

Public Service Authority

Mr. Wells stated a special meeting was held on the 14th because Court Rosen had requested payment of facility fee be changed. The board agreed to allow him to pay 25% in fees up front and the remainder at the time the building permits are approved. A similar request from Henry Brabham has been made.

Parks & Recreation

Mr. Howard stated the parks and recreation committee discussed a planned proposal for a park next to the Elliston Fire Department. The meeting was hosted by Elliston Fire Department. The committee discussed repairs needed at the frog pond.

Radford Planning Commission

No Report.

School Board- Bill Seitz

No Report.

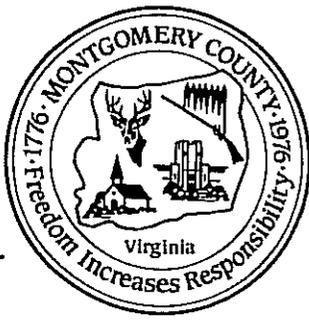
Transportation Safety Committee- Malvin Wells

Mr. Wells stated the committee met in October; however, there was no planning related business.

Planning Director's Report

Mr. Sandy stated the annual PC dinner would be held on November 20, 2008 at Mountain Lake. Due to the holidays the planning commission meeting scheduled for December 17th would be cancelled.

There being no further business, the meeting was adjourned at 9:30 pm.



MONTGOMERY COUNTY DEPARTMENT OF
PLANNING COMMISSION

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Planning Commission

FROM: Planning Staff *gpr*

DATE: December 3, 2008

RE: Staff Analysis – Riverbed Water Company SU-2008-06314—Accessory Structure

A request by **Riverbend Water Company** for a **Special Use Permit (SUP)** on approximately 4.006 acres in an Agricultural (A-1) zoning district to allow an **accessory structure greater than 1,200 square feet in area and 18 feet in height**. The property is located at 895 Union Valley Road, and is identified as Tax Parcel No(s). 120-A-37H (Acct No. 080602), in the Riner Magisterial District (District D). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

I. Nature of Request

The applicant is requesting a Special Use Permit (SUP) to allow a 2,800 square foot, 20 foot in height accessory structure in an Agricultural (A-1) zoning district. The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

II. Location

The property is located at 895 Union Valley Road and is identified as Tax Parcel No(s). 120-A-37H (Acct No. 080602), in the Riner Magisterial District (District D).

III. Impacts

The impacts associated with permitting an accessory structure greater than 1,200 square feet in area and 18 feet in height on the parcel proposed should be minimal. No immediate threat to public health, safety, or welfare will result as a result of the construction of the larger accessory building. The building plans, dated May 20, 2008, and revised November 22, 2008, show a building which appears will fit well with the agricultural feel of the surrounding parcels.

IV. Comprehensive Plan

The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan. The designation of Resource Stewardship Areas delineates rural areas with "high resource value based on soil types, environmental sensitivity, or other unique land characteristics. These areas also include land that is preserved from future development through public or private conservation efforts."

value based on soil types, environmental sensitivity, or other unique land characteristics. These areas also include land that is preserved from future development through public or private conservation efforts.”

The land use policies governing Resource Stewardship (PLU 1.2.1, page 35) are as follows:

- a. The preferred land uses for Resource Stewardship Areas include agriculture, forest uses, outdoor recreational uses; other natural resources based uses and accessory uses directly related to the support of the preferred land uses.
- b. Low density residential development will be permitted, but not encouraged, as a secondary use in Resource Stewardship Areas.**
- c. Private and public conservation efforts and farmland retention programs, such as agricultural and forestall districts, should be focused in Resource Stewardship Areas.
- d. Non-residential uses, except those incidental to and supportive of agriculture, forest, outdoor recreational or other preferred land uses, will be discouraged in Resource Stewardship Areas.
- e. Rezoning to allow higher intensity in Resource Stewardship Areas will be discouraged.
- f. The County may permit new non-agriculturally related institutional uses by special use permit provided the use is comparable in scale and intensity with agricultural and rural uses, poses no threat to public health, safety, welfare, and if the use helps preserve farmland, open space or historic, scenic or natural resources.

V. Analysis

The applicant is requesting a Special Use Permit (SUP) on approximately 4.006 acres in an Agricultural (A-1) zoning district to allow an accessory structure greater than 1,200 square feet in area and 18 feet in height. An accessory structure greater than 1,200 square feet in area and 18 feet in height may be permitted by Montgomery County Code 10-21(4)(ii)(a) as a special use in an A-1 district, and is subject to the requirements of Montgomery County Code 10-21.

The property is located at 895 Union Valley Road, and is identified as Tax Parcel No(s). 120-A-37H (Acct No. 080602), in the Riner Magisterial District (District D). The impact on surrounding properties should be minimal, due to the architectural nature of the building, which will blend with the agricultural surroundings; provided the structure is built in substantial conformance with plans drafted May 23, 2008 and revised November 22, 2008. The accessory structure sketched in the plans drafted by Doug Collins, shows a building resembling a barn. An alternative type of door has been proposed in the staff recommendations to help the building fit well with surrounding properties.

According to Montgomery County Code 10-21, as well as the Comprehensive Plan PLU 1.2.1, the use requested by Riverbend Water Company may be permitted by the Montgomery County Planning Commission and governing body.

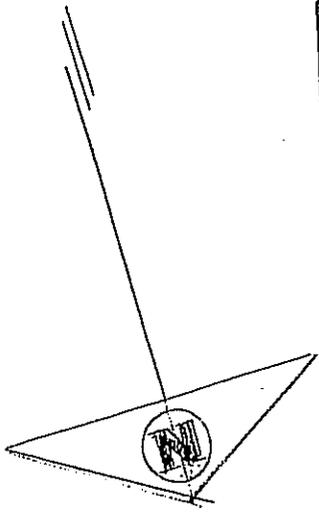
VI. Staff Recommendation

Staff recommends approving the applicant's request a Special Use Permit (SUP) on approximately 4.006 acres in an Agricultural (A-1) zoning district to allow an accessory structure greater than 1,200 square feet in area and 18 feet in height, provided that the conditions listed below are met:

1. The residence shall be built prior to, or concurrently with, the construction of the accessory structure.
2. The accessory structure shall be built in substantial conformance with the plans provided, dated November 22, 2008, with the same type and color of siding as shown on the photograph provided at the Plan Review Meeting on November 20, 2008.
3. The accessory structure shall be connected to a septic system in conformance with Virginia Department of Health regulations and standards.
4. No exterior storage of equipment and/or materials shall be permitted.
5. The owner shall plant a double offset row of Leyland Cypress trees along the north, east, and south sides of the structure, as well as landscaping along the west side of the structure. The trees shall be a minimum of six (6) feet tall at the time of planting on 25' centers. The rows shall be 15' feet apart. Per sketch provided, dated December 2, 2008, and attached.
6. The proposed accessory structure shall not exceed 2800 sq. feet in total area and the overall height of the structure shall not exceed 20 feet.
7. No commercial work shall be permitted in the building.
8. The structure shall not be used as a principal or accessory dwelling.
9. Garage doors shall be Amarr Garage Doors, model S1-Santiago-Closed arch, or similar (photo attached). This style of garage door will help the building conform to the agricultural setting and characteristics of the area. Garage doors shall be approved by the Zoning Administrator.

As of December 3, 2008, no correspondence from adjoining property owners has been received. Consideration should be given to adjacent property owners or other interested citizens attending the public hearing to express their views regarding this request.

Enclosures: Buffering Sketch
 Garage Door Photo



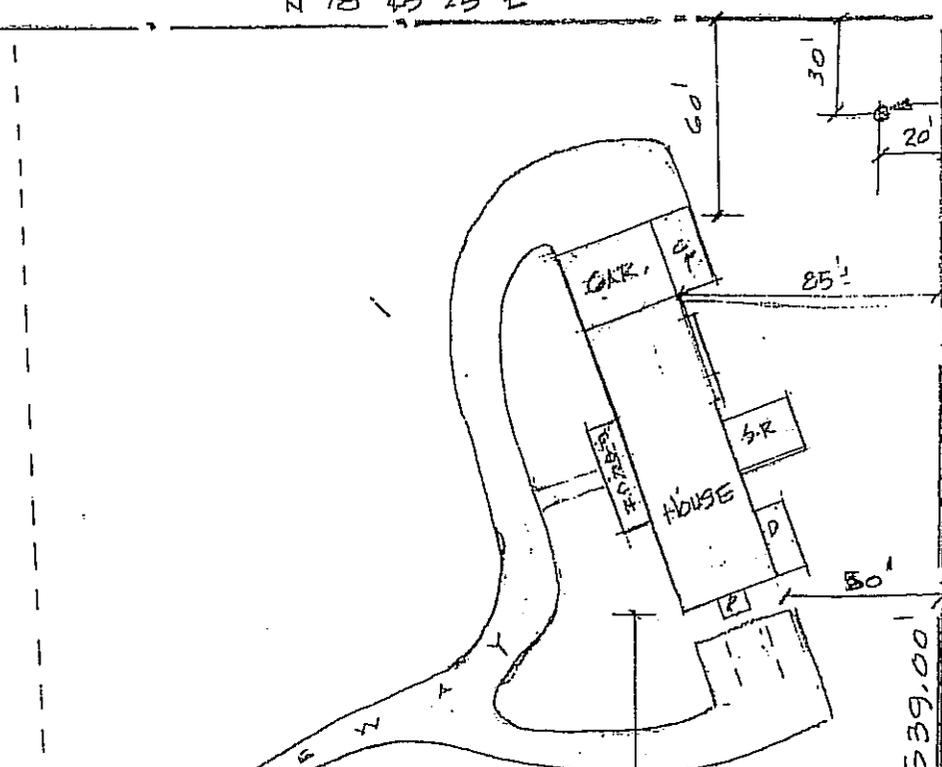
1.R.

N 78° 45' 25" E

1.R.

N 13° 00' 00" W
539.09'

539.00'

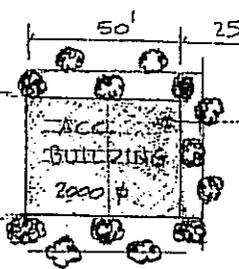


APPROX. LOC.
PROP. DRAIN FIELD
PERMIT NO 10-00-0534

40' R/W TO
BACK PROP.

6' LEYLAND CYPRESS
ON 25' CTR, ROWS 15'
APART

PARCEL "H"
4.0061 AC.



BUSINESS SIGN
4'x4' NO LIGHT

308.29'

N 78° 45' 25" E

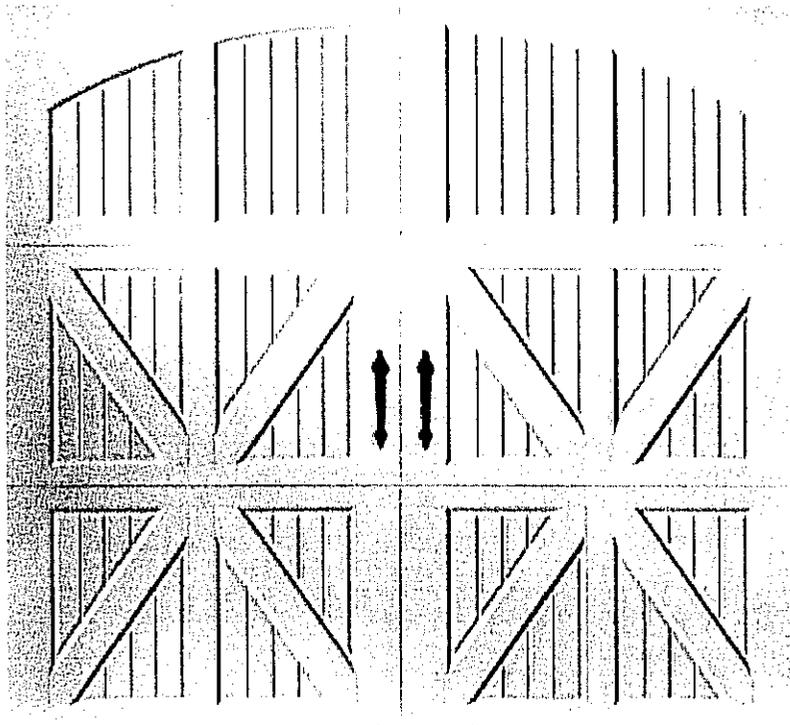
DECEMBER 2, 2008 1.R.

1.R.

STYLE GUIDE



S1 - SANTIAGO - CLOSED ARCH



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**Riverbend Water Company
Request for
Special Use Permit**

Legend

- State Roads
- Interstate Highway
- Private Roads (Named)
- Planned Highway
- Hydrology
- Dwellings
- Subject Property
- Property Line
- County Zoning

Zoning Class

- A1 - Agriculture

Aerial Photography 2007



FEDERAL AVIATION
ADMINISTRATION OF THE
DEPARTMENT OF TRANSPORTATION

Montgomery County, Virginia
DISCLAIMER

INFORMATION SHOWN HEREIN IS FOR REFERENCE PURPOSES ONLY. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ANY INFORMATION SHOWN HEREIN. THE INFORMATION IS NOT TO BE USED AS A LEGAL OR OFFICIAL DETERMINATION OF ANY PROPERTY RIGHTS OR INTERESTS. THE INFORMATION IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS PROVIDED. THE INFORMATION IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS PROVIDED. THE INFORMATION IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS PROVIDED.

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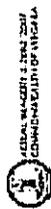


**Riverbend Water Company
Request for
Special Use Permit**

Legend

- State Roads
- Interstate Highway
- Private Roads (Named)
- Planned Highway
- Hydrology
- ◻ Subject Property
- Property Line

Aerial Photography 2007



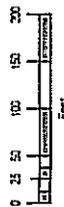
Virginia Department of Transportation
Division of Planning

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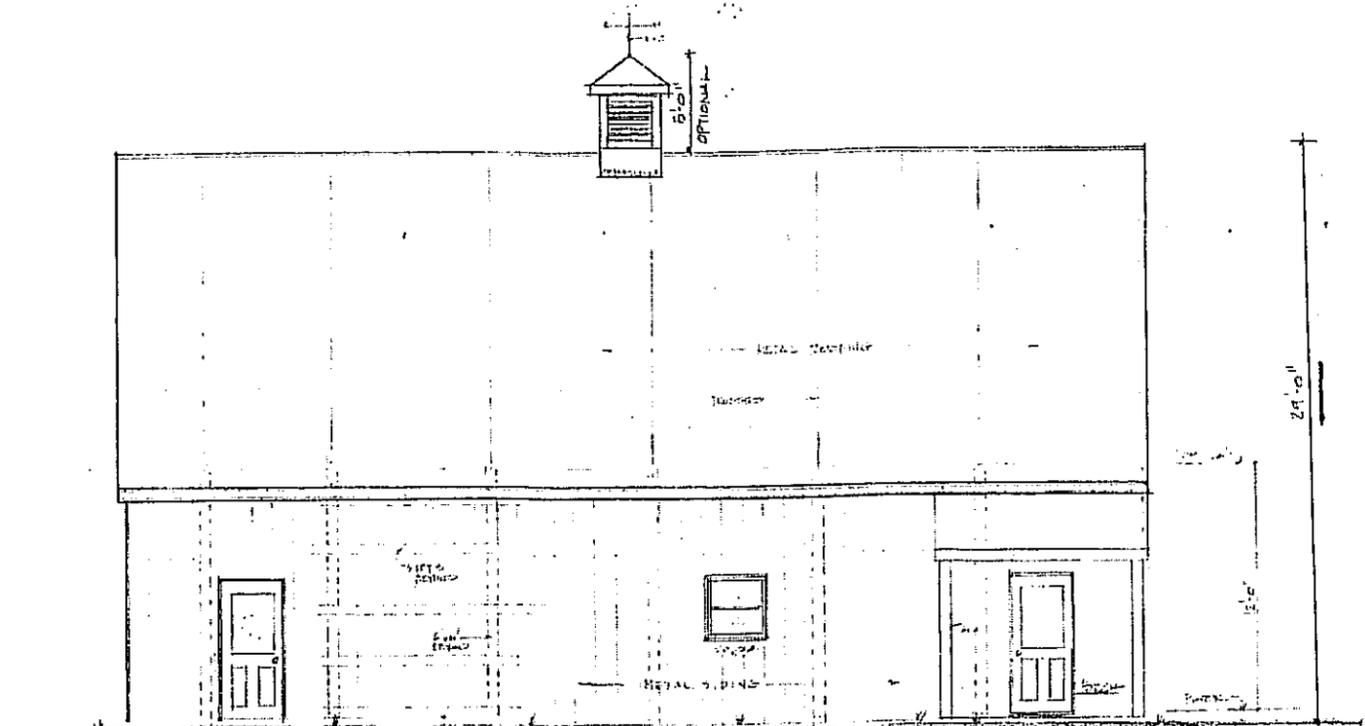
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EACH LOCATION OF ANY FLOOD HAZARD TO BE IDENTIFIED BY LICENSED LAND SURVEYOR, ENGINEER, OR ARCHITECT. CONSULTORS SHOULD BE PROVIDED WITH REFERENCE TO AVOID THE RISK OF MISINTERPRETATION, UNPAID RESULTS AND/OR DELAYS. CONSULTORS SHOULD BE ADVISED THAT THIS INFORMATION SHOULD BE USED FOR LAND DEVELOPMENT, SURVEY AND ENGINEERING PURPOSES.

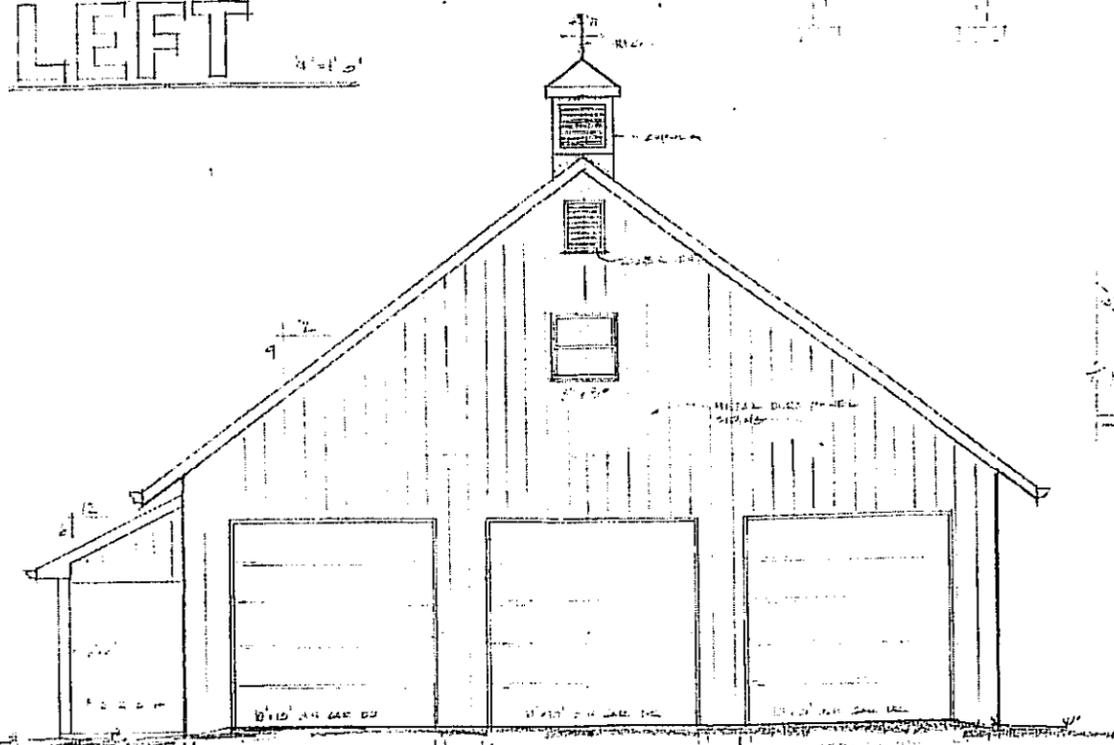


Prepared by Montgomery County, Va
Planning & GIS Services, 10/31/08

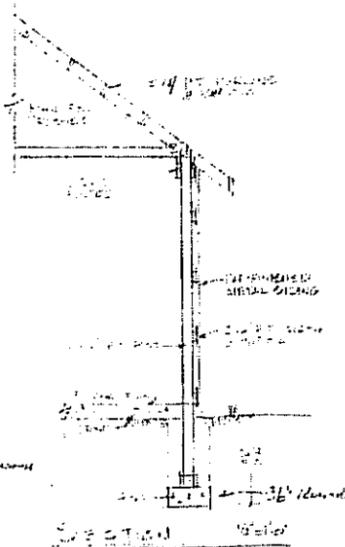




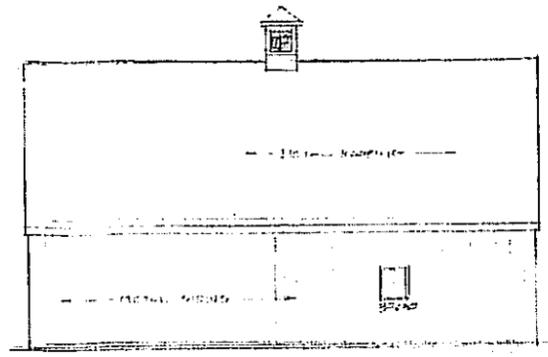
SOUTH
LEFT 4'-0"



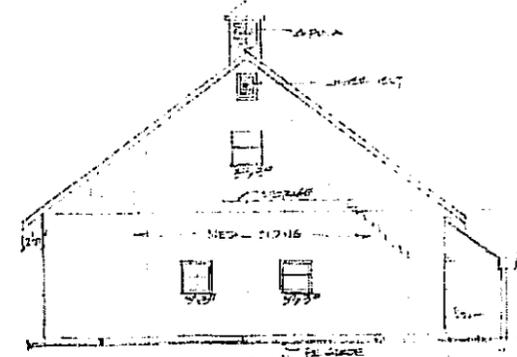
EAST
FRONT 4'-0"



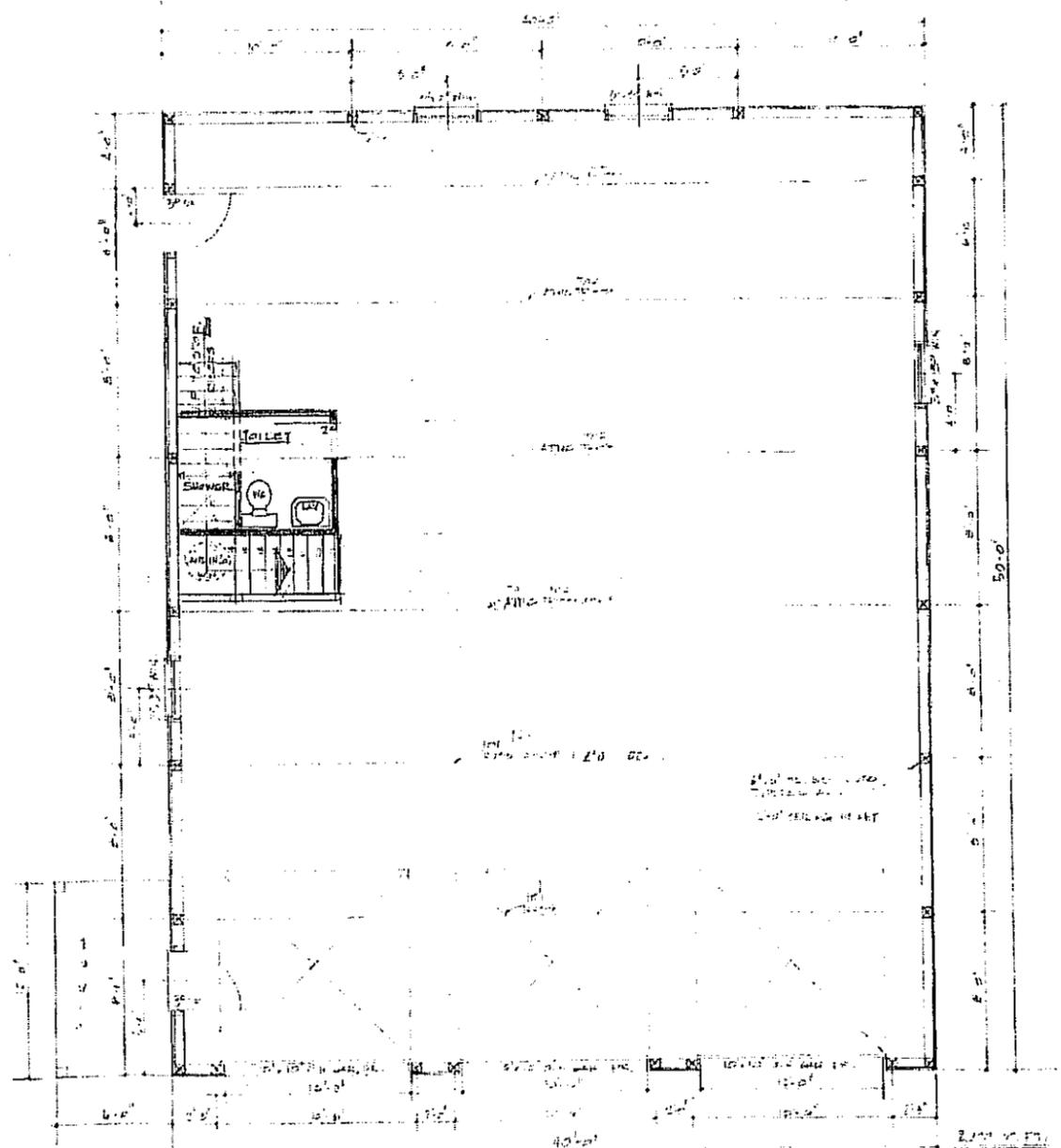
SECTION



NORTH
RIGHT 4'-0"
TO FACE UNION VALLEY ROAD



WEST
BACK 4'-0"



FLOOR PLAN 4'-0"

POST FRAME BUILDING

DATE	10/15/10
BY	J. W. [unclear]
CHECKED	[unclear]
SCALE	AS SHOWN
REVISIONS	
SHEET	1



The Intended Use Of The Building
895 Union Valley Road, Riner, Va.

One Antique truck

two antique cars

One boat

Lawn mower

Farm tractor(I have two farms on Huffville Road)

UPSTAIRS

Weavers loom

Spinning wheel

Saddles

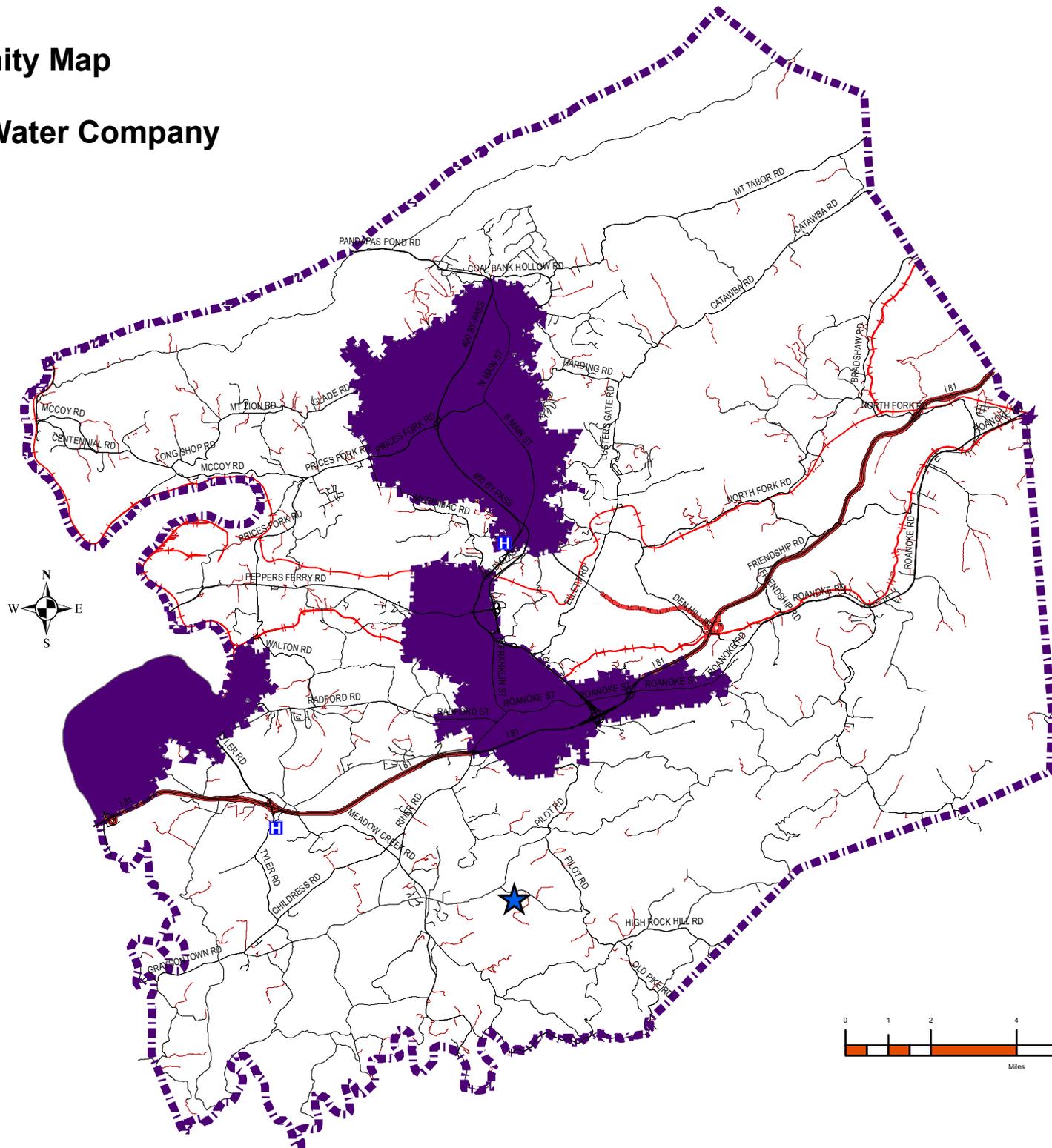
Some antiques

Wifes valuables

to Tipus R

Vicinity Map

Riverbend Water Company





Riverbend Water Company Request for Special Use Permit

Legend

- State Roads
- Interstate Highway
- Private Roads (Named)
- Planned Highway
- Hydrology
- Dwellings
- Subject Property
- Property Line

County Zoning

Zoning Class

- A1 - Agriculture

Aerial Photography 2007



AERIAL IMAGERY © 2007
COMMONWEALTH OF VIRGINIA

Montgomery County, Virginia
DISCLAIMER

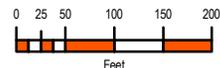
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Prepared by Montgomery County, Va
Planning & GIS Services, 10/31/08





Riverbend Water Company Request for Special Use Permit

Legend

- State Roads
- Interstate Highway
- Private Roads (Named)
- Planned Highway
- Hydrology
- Subject Property
- Property Line

Aerial Photography 2007



AERIAL IMAGERY © 2000-2007
COMMONWEALTH OF VIRGINIA

Montgomery County, Virginia
DISCLAIMER

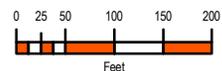
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Prepared by Montgomery County, Va
Planning & GIS Services, 10/31/08



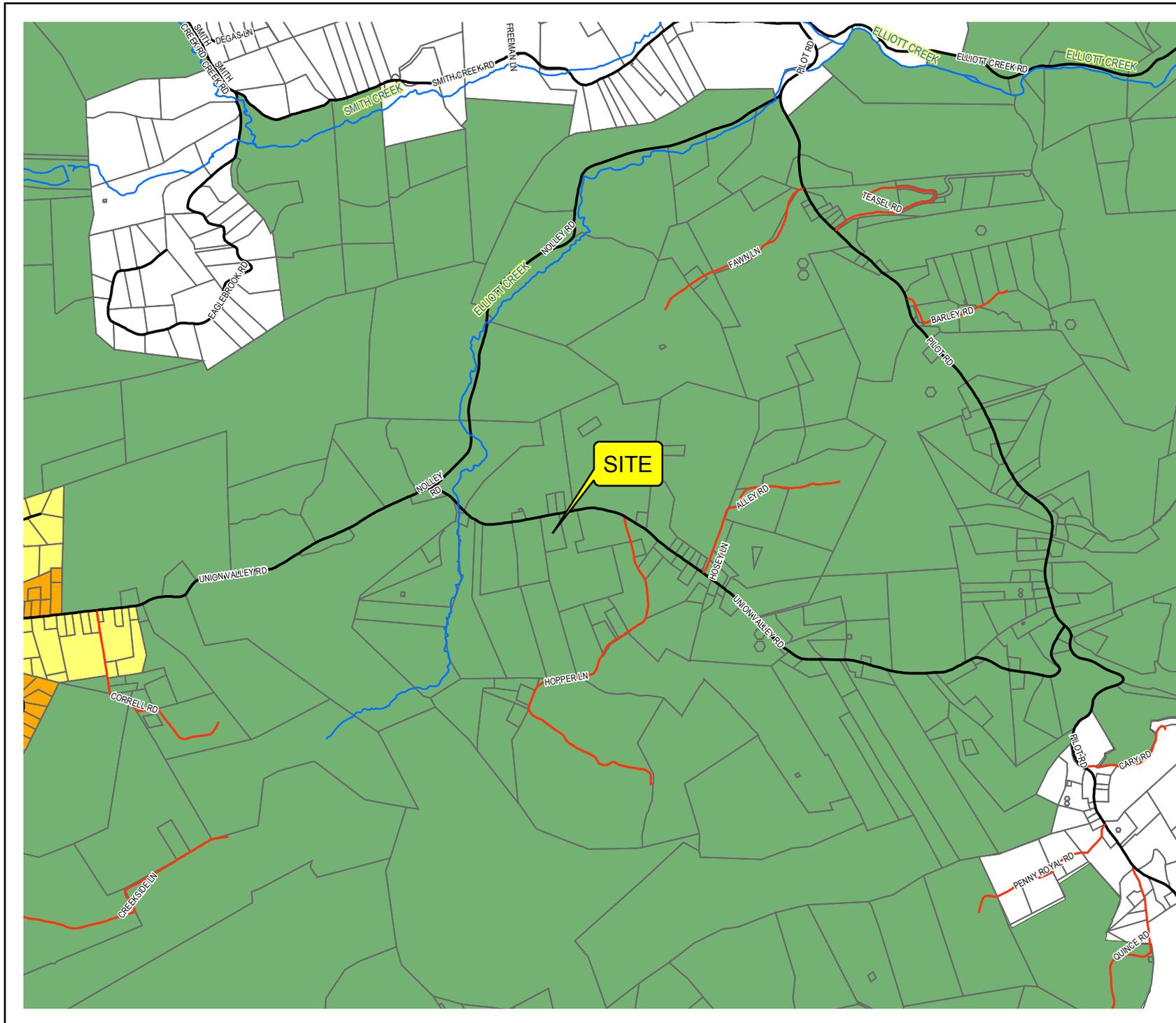
Montgomery County, Virginia - 2025 Comprehensive Plan Map



Policy Map

Legend

- State Roads
 - Private Roads
 - Planned Highway
 - Hydrology
 - Railroads
 - Tax Parcels
 - Rural Community
 - Village Core
 - Resource Stewardship
 - Rural
 - Residential Transition
 - Urban Expansion
- TYPE**
- Civic
 - Low Density Residential
 - Medium Density Residential
 - High Density Residential
 - Traditional Neighborhood Design (TDC)
 - Mixed Use
 - Open Space
 - Right of Way



Comprehensive Plan Policy Map Amendments

RESOLUTION	DESCRIPTION	DATE
FY 04-04	Adoption by Board of Supervisors	10-22-04
FY 05-220	Childress Farms, Inc.	5-9-05
FY 06-12	Proctor Farm Village Plan	11-16-05
FY 07-19	Virginia Waggin	1-8-07
FY 07-20	Ann Yates	1-8-07
FY 07-21	Ronald E. & Tammy Salmons	1-8-07
R-FY 07-192	Bentley Village Plan	6-11-07
R-FY 07-193	Plum Creek Village Plan	6-11-07
R-FY 07-191	Shawsville Village Plan	6-11-07
R-FY 07-201	Elston & Lafayette Village Plan	6-25-07
R-FY 07-202	Rene Village Plan	6-25-07
R-FY 07-203	Village Transportation Links (VTL) Plan	6-25-07
R-FY 08-21	Future Elementary School (Elison/Lafayette)	8-27-07
FY 08-15	Che-Min to Shing (Hoppers Ferry Townhomes LLC)	11-14-07
FY 08-14	John Darrin & Tabitha Dawn Greear	11-14-07
FY 08-20	Kindwood Development, LLC	8-12-08
FY 08-27	Linda S. Caswell, et al. (Almgren & Borgart, PLLC)	5-12-08

0 950 1,900 3,800 5,700 7,600

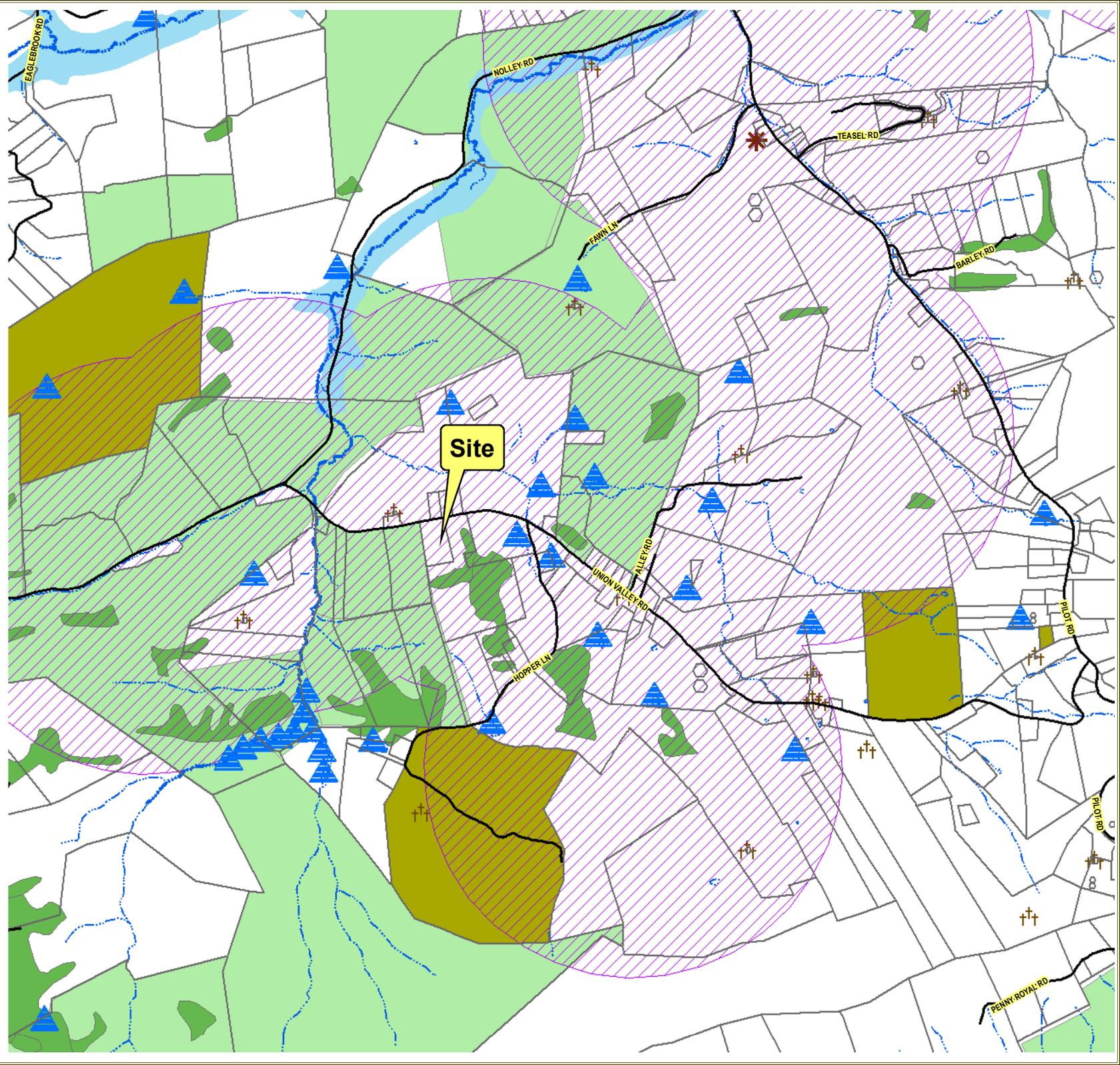


Critical Features Map



Legend

-  Historic Districts
-  Historic Resources
-  Mines and Prospects
-  Karst
-  Cemeteries
-  Wetlands
-  Agricultural and Forestal Districts
-  Conservation Easements
-  Prime Farmland Soils
-  Floodplain
-  Threatened and Endangered Species
-  Hydrography
-  County Roads
-  Tax Parcels
-  Village Area
-  Public Lands



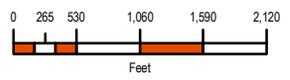
Montgomery County, Virginia
DISCLAIMER

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EXACT LOCATION OF FLOOD ZONE TO BE CERTIFIED BY LICENSED SURVEYOR, ENGINEER, OR ARCHITECT.



SU-2008-06314

Building
Plan scanned
under PRE-2008-0631

MONTGOMERY COUNTY, VIRGINIA



Application to Planning Commission and Board of Supervisors

Application For: (check appropriate boxes)

Rezoning

Rezoning & Special Use Permit

Special Use Permit

Comprehensive Plan Amendment

Applicant Information:

Property Owner: Riverbend Water Co.

Agent: Tom Poff

Address: 895 Union Valley Rd.
Riner VA

Address: ~~XXXXXXXXXXXXXXXXXXXX RD~~
~~XXXXXXXXXXXXXXXXXXXX VA~~

Phone 1: (540) 382-4940

Phone 1: (MALLING Address)

Phone 2: 230-0877

Phone 2: _____

Email: _____

Email: _____

Location of Property: 895 Union Valley Road

Legal Record of Property: Total Area: 4 Acres Magisterial District RINER

Account ID: 080602 Tax Parcel Number(s): 120-A 37H

Rezoning Details: Current Zoning District: A-1 Requested Zoning District: A-1

Desired Use(s): _____

Special Use Permit: Current Zoning District A-1 Total Area: 4 ACRES Acres

Desired Use(s): To put a 70x40 (2800 sq ft) GARAGE ON
The property. 1200 sq ft allowed by right.

Comprehensive Plan Amendment(Description): _____

I certify that the information supplied on this application and on the attachments provided (maps or other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of Montgomery County and State of Virginia to enter the above property for the purposes of processing and reviewing the above application.

[Signature] _____
Property Owner's Signature Date

Agent's Signature Date

FOR OFFICE USE ONLY

Application Number: _____

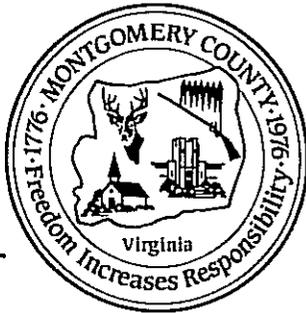
Date Received: _____ Fee Paid: _____ Reviewed by: _____

To: Mr. Jamie MacLean
Development Planner
Montgomery County Dept. of Planning Commission
755 Christiansburg, VA 24073-3177

From: Mr. N. Thomas Poff

Subject: Justifications for Special Use Permits
SU-2008-06313
SU-2008-06314

10. The SUP will not result in the destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature.
11. The SUP should not affect the welfare of the public.
12. The SUP should not affect traffic movement or safety. One or two vehicles per day is the projection of added traffic.
13. Not applicable.
14. The SUP will be served by private water and sewer.
15. The groundwater supply should not be affected.
16. There are no problems with the soil's structural capacities.
17. The proposed use should not affect safe road development or transportation.
18. The SUP will not effect sensitive land or natural features, wildlife, vegetation, water quality or air quality. The site is open grass field with only minimum elevation change.
19. The SUP will result in the continuation of a desirable employer and tax base for the county. The business has been in operation in Christiansburg for over 50 years.
20. Not applicable.



MONTGOMERY COUNTY DEPARTMENT OF PLANNING COMMISSION

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Planning Commission
FROM: Planning Staff
DATE: December 3, 2008
RE: **Staff Analysis – Riverbend Water Company SU-2008-06313—Home Business**

A request by **Riverbend Water Company** for a **Special Use Permit (SUP)** on approximately 4.006 acres in an Agricultural (A-1) zoning district to **allow a home business**. The property is located at 895 Union Valley Road, and is identified as Tax Parcel No(s). 120-A-37H (Acct No. 080602), in the Riner Magisterial District (District D). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

I. Nature of Request

A request by Riverbend Water Company for a Special Use Permit (SUP) on approximately 4.006 acres in an Agricultural (A-1) zoning district to allow a home business. The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

II. Location

The property is located at 895 Union Valley Road and is identified as Tax Parcel No(s). 120-A-37H (Acct No. 080602), in the Riner Magisterial District (District D).

III. Impacts

The impacts on adjacent parcels associated with the allowance of a home business should be nominal if all requirements of home business are met. The applicant is proposing an office area in his home for his building and construction company. The in-home office will be utilized for bookkeeping and business meetings.

There will be no more than two (2) outside employees employed out of the home business. No noise, out of the ordinary, will emanate from the site. No glare or light will be generated as a result of the business. No odors will be generated as a result of the business. No excessive traffic movement will be generated on Union Valley Road. The applicant projects one (1) to two (2) additional vehicle(s) per day as a result of the home business. The business office will be open Monday through Friday from 7:00 am-6:00 pm, and by appointment. (Per "Justifications for SUP" received 11.22.08).

IV. Comprehensive Plan

The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan. The designation of Resource Stewardship Areas delineates rural areas with "high resource value based on soil types, environmental sensitivity, or other unique land characteristics. These areas also include land that is preserved from future development through public or private conservation efforts."

The land use policies governing Resource Stewardship (PLU 1.2.1, page 35) are as follows:

- a. The preferred land uses for Resource Stewardship Areas include agriculture, forest uses, outdoor recreational uses; other natural resources based uses and accessory uses directly related to the support of the preferred land uses.
- b. Low density residential development will be permitted, but not encouraged, as a secondary use in Resource Stewardship Areas.**
- c. Private and public conservation efforts and farmland retention programs, such as agricultural and forestall districts, should be focused in Resource Stewardship Areas.
- d. Non-residential uses, except those incidental to and supportive of agriculture, forest, outdoor recreational or other preferred land uses, will be discouraged in Resource Stewardship Areas.
- e. Rezoning to allow higher intensity in Resource Stewardship Areas will be discouraged.
- f. The County may permit new non-agriculturally related institutional uses by special use permit provided the use is comparable in scale and intensity with agricultural and rural uses, poses no threat to public health, safety, welfare, and if the use helps preserve farmland, open space or historic, scenic or natural resources.

Based on land use policies governing Resource Stewardship (PLU 1.2.1, page 35) this use may be permitted in the Resource Stewardship district, subject to Planning Commission approval.

V. Analysis

Riverbend Water Company is requesting a Special Use Permit (SUP) on approximately 4.006 acres in an Agricultural (A-1) zoning district to allow a home business. The property is located at 895 Union Valley Road, and is identified as Tax Parcel No(s). 120-A-37H (Acct No. 080602), in the Riner Magisterial District (District D). The proposed home business will be used for business meetings and bookkeeping for the applicant's home construction business. The majority of adjoining parcels are low density residential and agricultural in nature and use. The home business proposed should not interfere with current uses of adjoining parcels.

Montgomery County code, section 10-61 defines a home business as: "A business activity carried on by the resident(s) of the dwelling and up to two (2) nonresident employees, as a clearly incidental and subordinate use of the residential dwelling or accessory dwelling, in which the one-site business is conducted wholly within the dwelling, with no exterior impacts such as traffic, parking demand, noise, vibration, glare, odors, or electrical interference, and the residential appearance of the dwelling and the character of the neighborhood is maintained." The project proposed by Riverbend Water Company appears to meet the definition of a home business, as defined in section 10-61 of the Montgomery County Code.

Furthermore, according to section 10-21(4)(i)(t) a home business is a use which is permitted by the Board of Supervisors as a special use, subject to the requirements of Chapter 10-21, and all other applicable regulations.

According to the Comprehensive Plan of Montgomery County, "non-residential uses, except those incidental to and supportive of agriculture, forest, outdoor recreational or other preferred land uses, will be discouraged in Resource Stewardship Areas."

However, the plan also states that "low density residential development will be permitted, but not encouraged, as a secondary use in Resource Stewardship Areas".

Thus, according to Montgomery County Code 10-21, as well as the Comprehensive Plan PLU 1.2.1, page 35, the use requested by Riverbend Water Company may be permitted by the Montgomery County Planning Commission and governing body, if they interpret the home business as a low density residential use.

VI. Staff Recommendation

Staff recommends approving the applicant's request for a Special Use Permit (SUP) on approximately 4.006 acres in an Agricultural (A-1) zoning district to allow a home business, provided that the following conditions listed below are met:

1. The office space within the home shall not exceed 25% of the gross floor area of the dwelling unit, and be in substantial compliance with sheet three (3) of four (4) with the plans drawn by Doug Collins, received November 22, 2008.
2. No more than two (2) outside employees shall be permitted to work in the home.
3. No contractor's storage yard may be established as a result of the home business. No outside storage of materials or equipment related to the home business shall be permitted.
4. Sign permit must be obtained from the Zoning Administrator of Montgomery County prior to construction and posting of proposed 4 x 4 unlighted business sign.

As of December 3, 2008, no correspondence from adjoining property owners has been received. Consideration should be given to adjacent property owners or other interested citizens attending the public hearing to express their views regarding this request.

Enclosures: None

SU. 2008. 06313

MONTGOMERY COUNTY, VIRGINIA



Application to Planning Commission and Board of Supervisors

Application For: (check appropriate boxes)

Rezoning

Rezoning & Special Use Permit

Special Use Permit

Comprehensive Plan Amendment

Applicant Information:

Property Owner: Riverbend Water Co. Agent: Tom Poff

Address: 895 Union Valley Rd Address: ~~360 READING RD~~
Riner VA ~~CHATHAMSBURG VA~~

Phone 1: (540) 382-4941

Phone 1: (MAILING Address)

Phone 2: 230-0877

Phone 2: _____

Email: _____

Email: _____

Location of Property: 895 Union Valley Rd

Legal Record of Property: Total Area: 4 Acres Magisterial District Riner

Account ID: 080602 Tax Parcel Number(s): 120-A-37H

Rezoning Details: Current Zoning District: A-1 Requested Zoning District: A-1

Desired Use(s): _____

Special Use Permit: Current Zoning District A-1 Total Area: A-1 Acres

Desired Use(s): Allow home business

Comprehensive Plan Amendment(Description): _____

I certify that the information supplied on this application and on the attachments provided (maps or other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of Montgomery County and State of Virginia to enter the above property for the purposes of processing and reviewing the above application.

[Signature]
Property Owner's Signature

11/10/08
Date

Agent's Signature

Date

FOR OFFICE USE ONLY

Date Received: _____ Fee Paid: _____ Reviewed by: _____

COMPLETE request. Schedule for _____ Planning Commission Meeting.

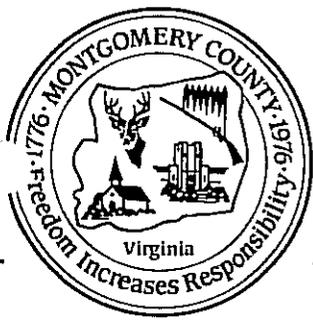
INCOMPLETE request. Applicant has until _____ to re-submit application to be considered for _____ meeting.

To: Mr. Jamie MacLean
Development Planner
Montgomery County Dept. of Planning Commission
755 Christiansburg, VA 24073-3177

From: Mr. N. Thomas Poff

Subject: Justifications for Special Use Permits
SU-2008-06313
SU-2008-06314

10. The SUP will not result in the destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature.
11. The SUP should not affect the welfare of the public.
12. The SUP should not affect traffic movement or safety. One or two vehicles per day is the projection of added traffic.
13. Not applicable.
14. The SUP will be served by private water and sewer.
15. The groundwater supply should not be affected.
16. There are no problems with the soil's structural capacities.
17. The proposed use should not affect safe road development or transportation.
18. The SUP will not effect sensitive land or natural features, wildlife, vegetation, water quality or air quality. The site is open grass field with only minimum elevation change.
19. The SUP will result in the continuation of a desirable employer and tax base for the county. The business has been in operation in Christiansburg for over 50 years.
20. Not applicable.



MONTGOMERY COUNTY DEPARTMENT OF
PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Planning Commission
FROM: Planning Staff (KB)
DATE: December 3, 2008
RE: A request by **Roland S. Wright, Jr. and Mary H. Wright** for a Special Use Permit (SUP) on approximately 0.511 acres in Residential (R-3) zoning district to allow a Manufactured Home, Class A (doublewide). The property is located at 3850 Poppy Lane, and is identified as Tax Parcel No(s). 127-8-7B (Acct No. 140688), Riner Magisterial District (District D). The property currently lies in an area designated as Rural in the Comprehensive Plan.

I. Nature of Request

The applicant is requesting a Special Use Permit (SUP) on approximately 0.511 acres zoned Residential (R-3) to allow a Manufactured Home, Class A (doublewide).

II. Location

The property is located on the north side of Poppy Lane, less than one-half mile east of Childress Road and Fairview Church Road intersection, identified as Tax Parcel No(s) 127-8-7B (Acct No. 140688), Riner Magisterial District (District D). The property currently lies in an area designated as Rural in the Comprehensive Plan.

III. Impacts

This Special Use Permit should have minimal impacts on the surrounding land uses. Residential (R-3) zoning surrounds the property on all sides. A non-connected subdivision zoned Rural Residential (RR) is in close proximity; 15' to the southwest of the subject parcel.

The parcel is currently vacant and is 0.511 acres in size. It was subdivided from the parcel to the north on August 29, 2007. The surrounding land uses are single family residential. Four of the five adjacent properties are stick-built homes.

A site visit has revealed the following:

- The site is vacant and has mature vegetation, in part, along adjacent property lines.
- Four of the five adjoining properties are stick-built homes with either masonry or vinyl siding.
- A wooden fence exists midway along the western property line.
- The adjoining parcel to the east is completing an addition to their home to include more interior square footage, a deck and a garage beneath the deck.
- The parcel slopes toward Poppy Lane with a driveway proposed to connect to the existing 50' right of way.

The site is not served by Montgomery County PSA public water and public sewer. A private well is proposed on the south corner of the lot. A private septic system is to be constructed on site. The system will gravity feed toward the front of the lot where it will be pumped to the drainfield in the rear of the lot.

Staff received comments from VDOT on November 18, 2008 indicating an entrance permit is required for any new connections to Poppy Lane.

IV. Comprehensive Plan

The site is located within an area designated as *Rural* on the future policy map of the comprehensive plan. The comprehensive plan defines Rural Areas as areas of the County, not generally served by public utilities, where agricultural and rural residential uses are predominant and should be preserved and stabilized. These areas include low-density rural residential subdivisions and active agriculture on secondary agricultural soils. Agricultural uses in these areas are often fragmented and subject to encroaching rural residential development.

The Rural Areas Land Use Policy also states, new low-density rural residential development will be permitted, but not encouraged, in Rural Areas. Where such development does occur, the County will encourage compact or clustered development to preserve open space and natural resources.

Given the site is in an established subdivision and could be considered infill development, the property does qualify for consideration of the Special Use Permit to allow a manufactured home in a Residential (R-3) District.

V. Analysis

The applicant is requesting approval of a Special Use Permit (SUP) to allow a Manufactured Home, Class A (doublewide) in a Residential (R-3) zoning district. In regards to residential uses, by right the applicant can construct a single-family or a two-family dwelling. Both Class A and Class B Manufactured Homes are permitted by Special Use Permit in this district.

The site is within an existing subdivision off of Childress Road. All adjoining parcels in the subdivision contain residential dwellings. Four of the five adjoining parcels are stick-built construction with either masonry or vinyl siding. One parcel to the north contains a double-wide manufactured home. This double-wide was installed in 2007 and was permitted without a Special Use Permit because the parcel contained a double-wide previously. Upon a site visit, the existing double-wide fronts on Childress

Road and has a covered front porch, skirting or foundation similar in appearance to masonry product, mature vegetative buffering, and a concrete parking area.

The applicant intends on providing exterior features to maintain neighborhood continuity with adjoining properties. The goal is to provide a consistent residential look by utilizing a split-face block foundation, gutters with downspouts, gravel driveway, landscaping, stepping stone walkway, vinyl railings on front porch and grading the site.

The proposed use should have a minimal impact on the adjoining parcels provided conditions are met.

VI. Staff Recommendation

Staff recommends approval of the Special Use Permit (SUP) to allow a Manufactured Home (Class A) on approximately 0.511 acres in Residential (R-3) with the following conditions:

1. No Class B (singlewide) structures shall be permitted.
2. Installation of a covered front porch finished to match the structure with vinyl railings is required. The covered front porch shall be at least 6' x 6' and installed prior to the final inspection performed by Montgomery County Building Inspection.
3. Split-face block or other masonry product shall be used for foundation on all sides of the structure. No block piers or skirting will be permitted.
4. Guttering and downspouts shall be installed.
5. If a fireplace is installed, the chimney shall be boxed in to match the structure.

Consideration should be given to adjacent property owners or other interested citizens attending the public hearing to express their views regarding this request.

Enclosures: Current Zoning Map
Aerial Photo Map
Site Photos
Application
Site Plan



Application to Planning Commission and Board of Supervisors

Application For: (check appropriate boxes)			
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Rezoning & Special Use Permit		
<input checked="" type="checkbox"/> Special Use Permit	<input type="checkbox"/> Comprehensive Plan Amendment		
Applicant Information:			
Property Owner: <u>Roland S. Wright, Jr</u> <u>Mary H. Wright</u>	Agent: _____		
Address: <u>1237 Memorial Drive</u> <u>Pulaski VA 24301</u>	Address: _____		
Phone 1: <u>540 392-8908</u>	Phone 1: _____		
Phone 2: <u>540 392-8907</u>	Phone 2: _____		
Email: <u>Mary@NRVGateway.com</u>	Email: _____		
Location of Property: <u>3850 Poppy Ln, Christiansburg VA 24073</u>			
Legal Record of Property: Total Area: <u>.511</u> Acres Magisterial District <u>Riner</u>			
Account ID: <u>127-87B</u>		Tax Parcel Number(s): <u>140688</u>	
Rezoning Details: Current Zoning District: _____		Requested Zoning District: _____	
Desired Use(s): _____		<u>N/A</u>	
Special Use Permit: Current Zoning District <u>R-3</u> Total Area: <u>.511</u> Acres			
Desired Use(s): <u>Allow Doublewide mobile home (New)</u>			
Comprehensive Plan Amendment(Description): <u>N/A</u>			
<p><i>I certify that the information supplied on this application and on the attachments provided (maps or other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of Montgomery County and State of Virginia to enter the above property for the purposes of processing and reviewing the above application.</i></p>			
<u>Roland S. Wright, Jr</u> Property Owner's Signature	<u>10/27/08</u> Date	Agent's Signature	Date
<u>Mary Wright</u>	<u>10/27/08</u>		

FOR OFFICE USE ONLY

Application Number: _____

Date Received: _____ Fee Paid: _____ Reviewed by: _____



Montgomery County, Virginia

RESIDENTIAL (R-3)

R-3 District: A residential district intended to accommodate moderate density, suburban residential uses and a limited number of commercial and institutional uses. To qualify for R-3 zoning, the parcel must have at a minimum, two (2) acres and mapped as residential transition, village, village expansion or urban expansion in the Montgomery County Comprehensive Plan.

Single-Family Dwelling: A structure that is arranged or designed to be occupied by one (1) family and includes either stick-built or modular houses. Manufactured structures (mobile homes/trailers) are not included.

Two-Family Dwelling: A structure having only two (2) dwelling units arranged or designed to be occupied by two (2) families. A duplex.

Family: By definition, a family consists of one (1) or more people occupying a premise and living in a single-dwelling unit, as distinguished from an unrelated group occupying a boardinghouse, tourist home, or hotel. A family can include one (1) or more persons related by blood, marriage, adoption or guardianship, including servants or care givers, and no more than two roomers or boarders. A family can also consist of up to four (4) unrelated people. Finally, a family can have up to eight (8) either mentally or developmentally disabled persons living in a residential group home facility.

What can I do by right in an R-3 district?

The R-3 districts are designed to stabilize and protect the essential character of neighborhoods and to promote and encourage suitable environments for family life. A limited number of commercial and institutional uses are permitted as long as their scale and character will not create concentrations of traffic, crowds of customers, general outdoor advertising, or other uses that would conflict with the residential character of the neighborhood.

There are uses that are designated as "by right" which means you do not have to apply for a special use permit. The uses do, however, have to comply with all approved plans and permits, development standards, and performance Standards included in the 1999 Montgomery County Zoning Ordinance and with all other applicable regulations. The "by right" uses include:

- Churches
- Dwellings, Single-Family
- Dwellings, Two-Family
- Home Occupations
- Libraries
- Pets, Household
- Public Utility lines (water, sewer, or other).
- School
- Telecommunications Towers, attached

Retail activity in R-3 districts is sharply curtailed and the area is protected against encroachment of either general commercial uses. The district is residential in character, while allowing specific compatible public and semi-public uses.

What uses require a special use permit?

Some uses are allowed in the R-3 district with the permission of the Board of Supervisors through the Special Use Permit process (applications available from the Planning Dept.). These include:

- Bed and Breakfast Homestay
- Cemeteries
- Civic Clubs
- Country Clubs
- Day Care Centers
- Fire, Police, and Rescue Stations
- Funeral Homes
- Golf Courses
- Home businesses
- Manufactured Homes, Class A & B
- Medical Care Facilities
- Nursing Homes
- Parks and Playgrounds, Lighted and Unlighted
- Public Utility Plants (water, sewer- and other)
- Public Utility Substations

In addition, a special use permit is required from the Board of Zoning Appeals for the following:

- Accessory Structures greater than 1,200 sq. ft in area and/or 18 ft in height.

Building & Lot Requirements

Each zoning district has different lot and building requirements; which are meant to insure the compatibility of new development with the existing development in the surrounding area.

Minimum Lot Area

In R-3 districts, lots must be a minimum of 10,000 square feet, have a minimum width of eighty (80) feet at the setback line of the front yard, and must have a maximum length/width ration of five to one (5:1) on lots less than two (2) acres. (A setback is the distance of a building, structure, or other defined object from the front lot line or other lot line as specified.)

Lot Access

All R-3 lots must be accessed from a road in the Virginia Department of Transportation (VDOT) road system.

Total Impervious Coverage:

The impervious surface (a surface that does not absorb water, such as concrete, asphalt, stone, or roofing materials) can not cover more than fifty percent (50%) of the lot.

Maximum Building Coverage:

The buildings can not cover more than thirty percent (30%) of the lot

Minimum Yards:

- Front: twenty-five (25) feet
- Side: ten (10) feet
- Rear: twenty-five (25) feet (applicable to primary/ principal structures)

Accessory Buildings/Structures:

Accessory structures must be a minimum of ten (10) feet from side or rear lot lines.

Maximum Building Height:

Buildings may not exceed thirty- five (35) feet in height from the grade, with two exceptions:

- The height limit for dwellings may be increased up to ten (10) feet, provided that there are two (2) side yards for each permitted use, each of which is fifteen (15) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.
- A public or semipublic building (school, library, church, hospital) may be erected to a height of sixty (60) feet from grade, provided that required front, side, and rear yards shall be increased one (1) foot or each foot in height over thirty-five (35) feet.

Finally, all Residential (R-3) developments proposed after the adoption of the ordinance must be served by public water and sewer.

Compact Development Option:

Under the compact development option, lots must be a minimum of 7,000 square feet, have no more than a 5 to 1 length to width ratio, and be at least sixty (60) feet wide at the front setback line. Setbacks under the compact development option in R-2 are twenty (20) ft. in front, ten (10) feet on the sides for each principal structure, and twenty-five (25) ft. in the rear. Accessory structures can be located no closer than five (5) feet to the side and/ or rear lot lines and can not extend in front of the front setback line.

Greenspace requirements, under the compact development option, are 25% of the gross area of the parent tract. Greenspace lots shall not be less than 7,000 square feet in size and may include active or passive recreational uses, and may be either publicly or privately held.

**For additional information contact:
Montgomery County Planning & GIS Services
755 Roanoke Street Suite 2A, Christiansburg, VA 24073
Ph: 540-394-2148, Fax: 540-381-8897**



392-6903
FL

COMMONWEALTH OF VIRGINIA
VIRGINIA DEPARTMENT OF HEALTH
Montgomery County Health Department
210 Pepper Street, SW - Suite E
Christiansburg, Virginia 24073
(540) 381-7100 X117

✓ Joe Powers
Planning Director
Montgomery County
755 Roanoke St., Suite 2A
Christiansburg, VA 24073-3177

August 28, 2007

Re: Request for Review of Subdivision Proposal for: Roland Wright on Tax Map# 127-8-7 (ID# 008049) located on Poppy Lane (SR 788)

Dear Mr. Powers:

On July 19, 2007, the Montgomery County Health Department received a request to review the proposed lots in the above referenced subdivision for onsite wastewater system approvals [and water supplies]. This department has completed its review and approved the proposed subdivision and referenced plat for individual onsite sewage systems [and wells] in accordance with the provisions of the *Code of Virginia*, and the *Sewage Handling and Disposal Regulations* (12 VAC 5-610-10 et seq., of the "Regulations"). This request for subdivision review was submitted pursuant to the provisions of §32.1 - 163.5 of the *Code of Virginia* which requires the Health Department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer (PE) working in consultation with an AOSE for residential development. This subdivision is certified as being in compliance with the Board of Health's regulations by: John J. Simon AOSE# 14. This subdivision approval is issued in reliance upon that certification.

Pursuant to § 360 of the *Regulations* this approval is not an assurance that sewage disposal system construction permits will be issued for any lot in the subdivision identified above *unless* that lot is specifically identified on the above referenced plat as having an approved site and unless all conditions and circumstances present during this approval process are also present at the time of application for a septic system permit [and well]. Depending on the county's subdivision ordinance requirements, this subdivision may contain lots that do not have approved sites for onsite sewage systems.

The proposal included a plat by Marvi D. Stine, Land Surveyor, dated June 20, 2007, sealed August 23, 2007. The Montgomery County Health Department's approval is granted based on this plat, and therefore, any subsequent revisions to the plat must be reviewed and approved by this department. This subdivision approval is issued in reliance upon the certification that approved lots are suitable for "traditional systems," however actual system designs may be different at the time construction permits are issued. This subdivision approval does pertain to the requirements of local ordinances.

A copy of the final, recorded plat must be submitted to the health department before individual septic system and well permits can be issued.

Sincerely,

Marla D. Willis
Environmental Health Specialist, Senior

PC John J. Simon, PE/AOSE ✓
Marvi D. Stine, Surveyor ✓
Roland Wright, Developer ✓

11/2/07

Simon & Associates, Inc.

Soils and Environmental Consultants

P. O. Box 10007, Blacksburg, VA 24062-0007

540 951 4234

Certification Statement

Property Identification: Subdivision: 0 Lot: 7B
 Tax map: 127- 8 7
 County: Montgomery County Date: 7/11/2007
 Owner: Mary Wright
 Submitted by: Simon & Associates, Inc.

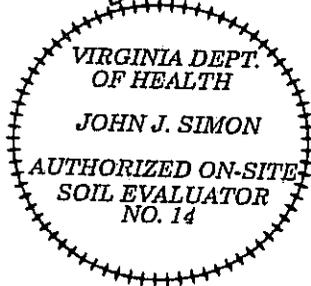
This is to certify according to §32.1-163.5 of the Code of Virginia that the work submitted for the referred property is in accordance to and complies with The Sewage Handling and Disposal Regulations and the Private Well Regulations (if applicable) of the Virginia Department of Health.

I recommend that a subdivision be approved.

NOTE: NOT VALID UNLESS ACCOMPANIED BY AN APPROVAL LETTER FROM THE VIRGINIA DEPARTMENT OF HEALTH

Certified by John J. Simon, Authorized On Site Evaluator No. 14
 (AOSE # 14)

Signature: _____ Date: 7/12/07



Soil Summary Report

General Information

Date: 7/3/2007 Submitted to: Montgomery County Health Department

Applicant: Mary Wright Telephone No: 540-392-8908

Address: 405 A North Franklin Street

Owner: Mary Wright Address: 405 A North Franklin Street

Location: 3850 Poppy Lane

Tax Map: 127-87 Subdivision: 0

Block: 0 Section: 0 Lot: 7B

Soil Information Summary

1. Position in landscape satisfactory Yes No
Describe sideslope

2. Slope 10-15 %

3. Depth to rock or impervious strata: Max. _____ Min. >35" None _____
RES >42"

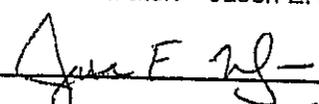
4. Depth to seasonal water table (gray mottling or gray color) No Yes >35 inches
RES >42 inches

5. Free water present Yes No _____ range in inches

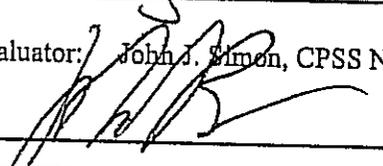
6. Soil percolation rate estimated Yes No Texture Group I II III IV
Estimated Perc rate 60 min/inch

7. Permeability test performed Yes No
If yes, note type of test performed and attach _____

Name and Title of evaluator: Jason E. McIlwee, Assistant Soil Scientist

Signature: 

Name and Title of evaluator: John J. Simon, CPSS No. 3401 000030 AOSE 14

Signature: 

Site Approved: Drainfield to be placed at 21 inches depth at site designated on permit

Site Disapproved:

- Reasons for Rejection:
- 1 Position in landscape subject to flooding or periodic saturation.
 - 2 Insufficient depth to suitable soil over hard rock.
 - 3 Insufficient depth of suitable soil to seasonal water table.
 - 4 Rates of absorption too slow.
 - 5 Insufficient area of acceptable soil for required drainfield, and/or Reverse Area.
 - 6 Proposed system too close to well.
 - 7 Other Specify

Soil Profile Description Sheet

Date of Evaluation: 6/13/07
 Subdivision: 3985 Childress Road
 Owner: Mary Wright

Tax Map: 127-87
 Lot: 7B

Where the local health department conducts the soil evaluation, the location of profile holes may be shown on the schematic drawing on the construction permit or the sketch submitted with the application. If soil evaluations are conducted by a private soil scientist, location of profile holes and sketch of the area investigated including all structural features, i.e., sewage disposal systems, wells, etc., within 100 feet of site (See Section 4) and reserve site shall be shown on the reverse side of the page or prepared on a separate page and attached on this form

See Application Sketch See Construction Permit See sketch on reverse side of page

Hole #	Horizon	Depth (inches)	Descriptions of, color, texture, etc.	Texture Group
Pit 1	Ap	0-14	Dark Yellowish Brown (10YR4/4), moderate fine granular, LOAM	2
	B1t	14-28	Yellowish Red (5YR4/6), moderate fine blocky, SILTY CLAY LOAM	3
	BC	28-42	Yellowish Red (5YR4/6), moderate medium blocky, SILTY CLAY LOAM	3
		42	bottom of pit	
			40% highly weathered silt stone	
Pit 2	A	0-14	Dark Yellowish Brown (10YR4/4), moderate fine granular, LOAM	2
	B1t	14-30	Yellowish Red (5YR4/6), moderate fine blocky, SILTY CLAY LOAM	3
	BC	30-45	Yellowish Red (5YR4/6), moderate medium blocky, SILTY CLAY LOAM	3
	C	45-54	Yellowish Brown (10YR5/8), moderate medium blocky, SANDY LOAM	2
		54	bottom of pit	
			50% weathered silt stone shale very friable, flakes of gray shale common, similar to Pulaski Thrust Fault Shale, no evidence of water table to 54	
Pit 3	A	0-12	Dark Yellowish Brown (10YR4/4), moderate fine granular, LOAM	2
	B1t	12-30	Yellowish Brown (10YR5/8), moderate fine blocky, CLAY LOAM	3
	BC	30-35	Yellowish Brown (10YR5/8), moderate fine blocky, CLAY LOAM	3
				40% weathered silt stone shale
Pit 4	A	0-12	Dark Yellowish Brown (10YR4/4), moderate fine granular, LOAM	2
	B1t	12-30	Strong Brown (7.5YR5/6), moderate fine blocky, SILTY CLAY LOAM	3
	BC	30-48	Strong Brown (7.5YR5/6), common brown (7.5YR4/4), common brown (7.5YR4/4), moderate fine blocky, SANDY CLAY LOAM	2

Abbreviated Design Form

Subdivision: 0
Tax Map: 127- B 7
Owner: Mary Wright

Lot: 7B

Proposed Sewage Disposal Method

Septic Tank ATU Drip Irrigation LPD

IF ATU: Advantex Whitewater

AX-20

Design Requirements

Drainfield

Reserve

A. Estimated Percolation Rate	<input type="text" value="60"/> min/in	<input type="text" value="60"/> min/in
C. Is reserve area required?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="text" value="50"/> %
D. Number of Bedrooms	<input type="text" value="3"/> bdrm	<input type="text" value="3"/> bdrm
E. Design flow	<input type="text" value="450"/> gal/day	<input type="text" value="450"/> gal/day
F. Trench bottom square feet required per bedroom (per GMP #114)	<input type="text" value="202"/> sq. ft./bdrm	<input type="text" value="202"/> sq. ft./bdrm
G. Total area required	<input type="text" value="606"/> sq. ft. (D*F)	<input type="text" value="303"/> sq. ft. (D*F)
H. Width of trench	<input type="text" value="3"/> ft	<input type="text" value="3"/> ft
I. Length of trench	<input type="text" value="56"/> ft.	<input type="text" value="56"/> ft.
J. Number of trenches	<input type="text" value="4"/>	<input type="text" value="4"/>
K. Slope	<input type="text" value="10-15"/> %	<input type="text" value="10-15"/> %
L. Center to center spacing	<input type="text" value="10"/> ft.	<input type="text" value="9"/> ft.
M. Available trench area (H*I*J)	<input type="text" value="672"/> sq. ft.	<input type="text" value="672"/> sq. ft.
N. Is there enough area?	<input type="text" value="yes"/>	<input type="text" value="yes"/>
O. Width required	<input type="text" value="33"/> ft. [L*(J-1)+H]	<input type="text" value="36"/> ft. [L*J]
P. Width available:	<input type="text" value="35"/> ft.	<input type="text" value="50"/> ft.
Q. Length available	<input type="text" value="60"/> ft.	<input type="text" value="56"/> ft.
R. Is there enough available length and width?	<input type="text" value="yes"/>	<input type="text" value="yes"/>
S. Sanitary Survey	Yes	No
Springs within 250 feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wells within 200 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Located on Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Commonwealth of Virginia

VDH Use Only Health Department ID # _____ Due Date _____
--

Application for: Sewage System Water Supply

Owner Mary Wright
 Mailing Address 405 A North Franklin Street
Christiansburg, VA 24073
 Agent Simon & Associates, Inc.
 Mailing Address P.O. Box 10007
Blacksburg, VA 24062
 Site Address 3850 Poppy Lane

Phone 540-392-8908
 Phone _____
 Fax 540-382-8835
 Phone 540-951-4234
 Phone _____
 Fax 540-951-4219
 Email slmonassoc@aol.com

Directions to Property: 1 81 S to Exit 109, left onto Tyler Rd, right onto Childress Rd, property is on left approximately 2 miles

Subdivision _____ Section _____ Block _____ Lot 7B
 Tax Map 127-87 Other Property Identification _____ Acreage 0.511

Type of Approval: Applicants for new construction are advised to apply for a certification letter to determine if land is suitable for a sewage system and to apply for a construction permit (valid for 18 months) only when ready to build.

For New Construction: Certification Letter Construction Permit
 For Existing Construction: Repair Modification Expansion Replacement

Proposed Use:
 Single Family Home Total Number of Bedrooms 4 Multi-Family Dwelling Total Number of Bedrooms _____
 Other (describe) _____

Will there be a basement? Yes No If yes, will there be fixtures in Basement? Yes No

Are any conditions proposed on this construction permit? Yes No
 If yes, please check or describe all proposed conditions that apply: Reduced water flow Intermittent use
 Limited occupancy Temporary use not to exceed 1 year Other (describe) House cannot have a basement unless it is 20ft from the nearest drainfield or reserve trench

Will the water supply be: Public Private Is the water supply: Existing Proposed

If proposed, is this a replacement well? Yes No Will the old well be abandoned? Yes No

Have any buildings within 100' of the proposed well been termite treated? Yes No

Proposed Sewage Disposal Method Septic Tank ATU Drip Irrigation LPD

Is this an AOSE/PE application? Yes No If yes, is the AOSE package attached? Yes No

In order for VDH to process your application you must attach a site sketch and plat of the property. The site sketch should show your property lines, actual and/or proposed buildings and the desired location of your well and/or sewage system. When the site evaluation is conducted, the property lines, building location, and the proposed well and sewage system sites must be clearly marked, and the property sufficiently visible to see the topography, otherwise this application will be denied.

I give permission to the Virginia Department of Health (VDH) to enter onto the property described during normal business hours for the purpose of processing this application and to perform quality assurance checks of evaluations and designs certified by an Authorized Onsite soil Evaluator (AOSE) or a Professional Engineer (PE) as necessary until the sewage disposal system has been constructed and approved.

By Simon & Associates for owner:

 Signature of Owner/Agent

 Date



MONTGOMERY COUNTY, VIRGINIA ZONING VERIFICATION LETTER

Katie Streeff

Predevelopment Application #: PRE-2007-04579

SECTION A - PARCEL INFORMATION:

Applicant Name: KATIE STREEFF SIMON & ASSOCIATES

Contact Phone: (540) 951-4234

Mailing Address: 3200 COMMERCE Street BLACKSBURG VA 24060

Current Parcel Owner: MORAN JAMES E III ETAL

Previous Owner:

Descriptive Location of Property or 911 address:

3850 POPPY Lane Christiansburg

Parcel size: acres Number of Existing Dwelling Units:

PROPOSED CONSTRUCTION

Single Family Dwelling:

Stickbuilt

Replacement of existing dwelling

Modular

Business

Manufactured Dwelling:

Industrial

Class A (Doublewide, etc. 2+ section)

Government

Class B (Singlewide 1 Section)

Other construction:

CERTIFICATION:

I certify that the information given above is correct and that I intend to begin construction in the near future (within 18 months).
Via Fax

Applicant's Signature _____

06/27/07

Date

SECTION B - To be completed by Planning & GIS Services:

3850 POPPY Lane Christiansburg

Tax Parcel Number: 127- 8 7 Parcel ID #: 008049

State Route #: _____

Zoning Designation: R-3

Minimum Setbacks:

25 feet Front Yard

25 feet Rear Yard

10 feet Left Side Yard

10 feet Right Side Yard

12 Side Street (if applicable)

 Side Through Street (if applicable)

Special

Conditions/Notes:

Note: Our records indicate James Moran as property owner rather than Mary Wright

Zoning Certification:

I certify that the proposed dwelling/construction complies with current county zoning regulations provided it meets the minimum setback requirements and conditions specified above.

Zoning Administrator's Signature _____

06/27/07

Date

ADDENDUM TO AOSE/PE CERTIFICATION STATEMENT
FOR PRIVATE WELL CONSTRUCTION PERMIT

Instructions: Please check one box in 1-3 below. Statement templates for item #2 and #3 are on the following pages.

The proposed well site shown herein,

1. Is located a minimum of 50 feet from all property lines.
2. Is located within 50 feet of the adjacent property line(s) but I have determined that the adjacent property is not used for an agricultural operation.
- i. Written affirmation from the adjacent property owner(s) that their property is not used for an agricultural operation.
- ii. Other confirmation that land use is not an agricultural operation, please describe: *Lot is surrounded by an existing residential subdivision*
3. Is located within 50 feet of an adjacent property line where the property is used for an agricultural operation. For confirmation, I have attached the appropriate documentation pursuant to § 32.1-176.5:2 of the *Code of Virginia*. (check one below)
- i. Written permission from the adjacent property owner(s) for the well construction.
- ii. I certify that no other site on the property complies with the Board's Regulations for the construction of a private well.

Proposed Ordinance Amendments

Last Revised December 3, 2008

10-61 Definitions

Boarding House-A single family dwelling, or part thereof, with 3 or more rooms that are rented individually or collectively by long-term residents (at least month-by-month tenants) as opposed to overnight or weekly guest. A boarding house may make provisions for serving meals.

Home Business-A business activity carried on by the resident(s) of a dwelling and up to two (2) nonresident employees, as a clearly incidental and subordinate use of the residential dwelling, in which the on-site business activity is conducted wholly within the dwelling **or accessory structure**, with no exterior impacts such as traffic, parking demand, noise, vibration, glare, odors or electrical interference, and the residential appearance of the dwelling and the character of the neighborhood is maintained.

Home Occupation-A business activity carried on solely by the resident(s) of a dwelling, as a clearly incidental and subordinate use of the residential dwelling or accessory ~~dwelling~~ **structure**, in which the on-site business activity generates no exterior impacts such as traffic, parking demand, noise, vibration, glare, odors or electrical interference, and the residential appearance of the dwelling and the character of the neighborhood is maintained.

Transition House-An establishment providing accommodations, rehabilitation, counseling, and supervision of up to six (6) persons suffering from alcohol or drug addiction or similar disorders, and/or to persons re-entering society after being released from a correctional facility or other institution, enabling them to live independently.

10-35 PUD Residential

PUD-Residential Qualifying Lands-Lands qualifying for inclusion in the district shall be PUD-RES on the date of passage of this chapter, or other lands within areas mapped as village, village expansion or urban expansion in the comprehensive plan which are served by or planned for connections to public sewer and water. The minimum area required to create a district shall be ~~fifty (50)~~ **ten (10)** net acres of total contiguous land in the urban expansion area and ~~twenty (20)~~ **five (5)** net acres in the village or village expansion area.