

MONTGOMERY COUNTY PLANNING COMMISSION

October 13, 2010 @ 7:00 P.M.

Board Room, Government Center

AGENDA

CALL TO ORDER:

DETERMINATION OF A QUORUM:

APPROVAL OF AGENDA:

PUBLIC ADDRESS:

PUBLIC HEARING:

Request by **Bryan & Katie Katz** to rezone approximately 1.653 acres from Agricultural (A-1) to Community Business (CB), with possible proffered conditions, to allow an office for bus operations with an apartment. The property is located 3653 Peppers Ferry Road; identified as Tax Parcel No. 064-A-92, (Account No. 002869) in the Riner Magisterial District (District D). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and is further identified as Mixed Use within the Belview Village Plan.

OLD BUSINESS:

NEW BUSINESS:

MEETING ADJOURNED:

UPCOMING MEETINGS:

October 20, 2010 Planning Commission Regular Meeting (7:00 pm)

October 28, 2010 Annual Planning Commission Dinner @ German Club, Virginia Tech (6:30 pm)

November 10, 2010 Planning Commission Public Hearing (7:00 pm)

November 17, 2010 Planning Commission Site Visit (To be determined)
Planning Commission Regular Meeting (7:00 pm)



MONTGOMERY COUNTY PLANNING & GIS SERVICES

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

MEMORANDUM

TO: Planning Commission

FROM: Planning Staff *Steve*

DATE: October 7, 2010

RE: **Staff Analysis (RZ-2010-08177)**

A request by **Bryan & Katie Katz** to rezone approximately 1.653 acres from Agricultural (A-1) to Community Business (CB), with possible proffered conditions, to allow an administrative office for a travel agency with an apartment. The property is located 3653 Peppers Ferry Road; identified as Tax Parcel No. 064-A-92, (Account No. 002869) in the Riner Magisterial District (District D). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and is further described as Mixed Use within the Belview Village Plan.

I. Nature of Request

The applicants, Bryan & Katie Katz, are requesting rezoning of approximately 1.653 acres from Agricultural (A-1) to Community Business (CB), with possible proffered conditions, to allow an administrative office for a travel agency with an apartment.

The proposed use of the structure on the property would be an administrative office for "University Travel" to conduct business. According to the applicant, this administrative office would be open to the public however few visitors to the office are expected. The primary function of the office would be to serve as an office area to handle the logistics of bus travel. The structure located at 3653 Peppers Ferry Road is proposed to be the new location for "University Travel". The business is no longer located on University City Blvd., in Blacksburg. The applicant also intends to store/park "University Travel" buses on site when not in use, as a permitted accessory use if the proposed rezoning is approved. Staff does not believe the storage/parking of large commercial buses is an allowable accessory use; however if this decision is challenged the Board of Zoning Appeals or Circuit Court would render a determination on the matter.

II. Location

The subject property is located at 3653 Peppers Ferry Road; identified as Tax Parcel No. 064-A-92, (Account No. 002869) in the Riner Magisterial District (District D). The subject parcel qualifies

for rezoning to Community Business (CB) per 10-29(2) of the Montgomery County Code, and there is currently a Community Business district to the east of the subject property. The parcel is bordered to the west and south by Agriculture (A-1) zoned property and to the north by Peppers Ferry Rd. (Rt. 114).

III. Background

In April 2010, the applicants purchased the property which they subsequently rented to Ms. Sara Anderson, the owner of University Travel/All American Tours. While the zoning of the property has always been Agriculture (A-1) the property once had a valid nonconforming commercial use (automobile vehicles sales) which has since been abandoned due to the discontinuation of use. Per the requirements of Section 10-47(4)(b), Discontinuation of Nonconforming Use, no commercial use can be re-established until proper zoning is approved.

In June 2010, the County received several telephone complaints regarding the storage and parking of large commercial buses and the general commercial use of the property. Specifically, neighbors reported concern with excessive amounts of dust being generated by use of the site. Additionally, neighbors complained about the noise generated by the buses returning from trips at night and departing in the early morning hours and the noise associated with parking on-site, specifically the bus back-up alarms.

Ms. Dari Jenkins, Zoning Administrator, conducted a site visit on June 25, 2010. During the site visit Ms. Jenkins met with the applicant as well as Ms. Sara Anderson, and observed one "University Travel" bus, one recreational vehicle, one construction van, one enclosed trailer, and six passenger vehicles parked on the site, as well as a "University Travel" roof sign on the structure. Ms. Jenkins further observed that there was no commercial entrance for the site.

Upon review of the Zoning Ordinance Ms. Jenkins determined that the commercial use was not permitted in Agriculture (A-1) and further the use of the property for the storage/parking of buses fit the definition of "truck terminal". A "truck terminal" is not a permitted use within the Agricultural (A-1) District, Section 10-21. Montgomery County Code, Section 10-61, Definitions, defines "truck terminal" as follows:

Truck terminal: Any structure or land devoted principally to the servicing, fueling, repair, storage, sales and/or leasing of two (2) or more large trucks or similar heavy equipment such as tractor-trailers or tandem or tri-axle dump trucks or grading equipment; or any structure or land devoted principally to any activity involving a substantial and routine traffic consisting of trucks or passenger buses, such as a gasoline or fuel oil distributor, a freight or shipping business, a bus depot, a moving business, or similar activities, but not including other principal uses specified in a zoning district where a truck terminal is permitted.

Based on the information gleaned from the site visit, a notice of violation was sent on July 12, 2010 (copy attached), summarizing the conversation Ms. Jenkins had with the applicant on June 25, 2010, and stating that the travel operation did not have the appropriate zoning, nor a site plan approved to use the property commercially. Additionally, roof signage was installed on the structure in violation of Section 10-45(4), Prohibited Signs.

The property was determined to be in violation of Section 10-21, Agricultural (A-1) District, and Section 10-53, Required Development Approvals, of the Montgomery County Code. Therefore the property owners were instructed to cease use of the property for storage of buses and the business office, as well as to remove the roof sign from the structure. No appeal of the Zoning Administrator's decision was filed.

The business use of the property and storage of buses has ceased. The sign has also been removed. It has since been determined that the applicants are compliant with all county ordinances per Section 10-52(1) (c) of the Montgomery County Code.

IV. Impacts

The impacts associated with rezoning the property identified as Tax Parcel No. 064-A-92, (Account No. 002869) are discussed below. The proposed use of the property, if the rezoning application is granted, is to allow the operation of an administrative office for a travel agency with an apartment from the subject property. The applicant also proposes the parking/storage of large commercial buses on the property as an accessory use.

TRANSPORTATION

The uses proposed for this site do not generate enough vehicle trips per hour to require a review under the Virginia Department of Transportation (VDOT) Chapter 527 Regulation. However, the possible change from Agricultural (A-1) to Community Business (CB) zoning and the permissible uses under the Community Business zoning district, as well as the storage/parking of large commercial buses could represent a significant change in traffic to the site.

In a letter dated July 7, 2010, John Thompson, VDOT Land Use Engineer stated that the entrance currently used to access the property could continue, unless the use and intensity of use of the property was changed. This letter was based on the use that was occurring on the property referenced in the Zoning Administrator's notice of violation dated June 25, 2010.

However, at the time of plan review on September 16, 2010, VDOT officials stated that the local office has received complaints regarding the intensity and use of the existing entrance by large commercial buses. The applicant was advised to contact the local VDOT office and request a sight distance review of the proposed entrance. Furthermore, the applicant was advised by VDOT representatives that the proposed change in use of the property may require a commercial entrance review and permit from VDOT. Staff requested that the applicant obtain a revised letter from VDOT outlining the requirements for the property entrance, should the parcel be approved for rezoning. At the date that this report was issued, a revised letter from VDOT has not yet been received.

INFRASTRUCTURE

According to a letter from Mr. Bob Fronk, PSA Director, dated September 8, 2010, public sewer is provided for the subject property, and public water can be provided by a minimum eight-inch water line extension of approximately 900 feet along Peppers Ferry Road to this property from the existing water main located near the northeast property corner of 117 Garland Drive to the east of the property.

Furthermore, increased sewer service can be provided for the existing building to accommodate the proposed change in use and would be billed at the difference between proposed and existing service fees. During the plan review process, concern was expressed by the PSA that an uncapped sewage cleanout was in the parking area of the subject parcel. Mr. Fronk relayed safety concerns with the potential for sewage gas leaks and the unprotected cleanout area to the applicant. At the time this report was written, Mr. Fronk stated he had been in contact with the applicant about the issues on the site. He further stated that a solution to the issue had been decided upon; however the site has not yet been inspected to verify the issue has been resolved.

The applicant has requested a rezoning to Community Business (CB) because there are no plans, by the applicant or the PSA, to extend public water to the property. This site does not qualify for rezoning to General Business (GB) because GB zoning requires that this site be served by or planned for public water and sewer.

SCHOOLS

The applicant is proposing no impact to the school system as he intends to use the property for commercial use. Therefore, no comments have been received from Montgomery County Public Schools.

V. Comprehensive Plan

The subject parcel is located within an area designated as Mixed Use within the Belview Village in the 2025 Comprehensive Plan.

The Belview Village Plan encourages commercial development which is compatible with the surrounding area and rural community character of Belview, the vision of the village's future, and is generally consistent with the Belview Village Plan Map (BVW 1.12). Section BVW 1.3.2 states that commercial development should focus on a mixture of live-work, commercial/residential units, professional offices, and single commercial units, such as the use proposed with this application. The intended use of an administrative office and apartment is consistent with the Belview Village Plan; however, an accessory use that includes storage of large commercial buses would not appear to be compatible with the surrounding area and rural community character.

When rezoning applications are considered within the Village of Belview, section BVW 1.1.6 specifies that proffers should be expected to help mitigate any potential impacts of higher intensity development. While the intended use for office and apartment meets the intent of Mixed Use designation there are many site design issues such as landscaping, parking, lighting, etc. that will need to be addressed at the time of site plan review.

VI. Analysis

The proposed zoning change will not present a significant change in land use compared to the surrounding community. If the structure on the site is utilized for office and residential use only, there should be minimal change to the current character of the surrounding area. However, the parking/storage of buses on the site would represent a significant change in the use of the property and would not appear to be compatible with the Belview Village Plan.

The applicant has voluntarily proffered to exclude the following uses allowed in Community Business if this application is approved:

1. Cemetery
2. Crematorium
3. Custom meat cutting, processing, and sales
4. Funeral home
5. Homeless Shelter
6. Telecommunications tower, attached

There are several concerns expressed by staff related to the site access, public water and potential accessory use of the property for parking and storage of buses. It is the opinion of staff that these items need to be clarified before taking action on this request.

VII. Staff Recommendations

Staff recommends tabling the proposed rezoning of 1.653 acres from Agriculture (A-1) to Community Business (CB) until the following items can be addressed:

1. Due to the potential impacts associated with the proposed accessory use the applicant should clarify whether or not the applicant intends to park/store buses on the site if the property is rezoned.
2. A Letter from VDOT that indicates what entrance improvements may be necessary if the property is rezoned to Community Business (CB).
3. Consideration of additional proffered conditions to eliminate certain uses including but not limited to restaurant, medical care facility, school, which would be best served by public water supply or commitment to extend the public water to the property for those uses.

At the time this report was issued, the Planning and GIS Services office had been contacted regarding this request by one (1) adjoining property owner on October 1, 2010, requesting additional information on the request. Adjoining property owners were notified in accordance with Montgomery County Code Section 10-52(3). However, consideration should be given to adjacent property owners or other interested citizens attending the public hearing to express their views regarding this request.

Enclosures: Aerial Map
 Zoning Map
 Application Materials
 Letter from Bob Fronk, Montgomery County PSA, dated September 8, 2010
 Letter from John C. Thompson, VDOT, dated July 7, 2010
 Letter of Violation from Dari Jenkins, dated July 12, 2010



Bryan J. Katz
Request For Rezoning
(A1 to CB)

Parcel ID: 002869

- Legend**
- State Roads
 - Interstate Highway
 - Private Roads (Named)
 - Planned Highway
 - Railroad
 - Hydrology
 - Tax Parcels
 - Subject Property (Katz)
- County Zoning**
- A1 - Agriculture
 - CB - Community Business
 - Variances



PREPARED FOR:
BRYAN J. KATZ
114 PEPPERS FERRY RD
NORFOLK, TN 37857
TEL: 615-892-1111
WWW.KATZANDASSOCIATES.COM

PROJECT:
REQUEST FOR REZONING
FROM A1 TO CB
114 PEPPERS FERRY RD
NORFOLK, TN 37857

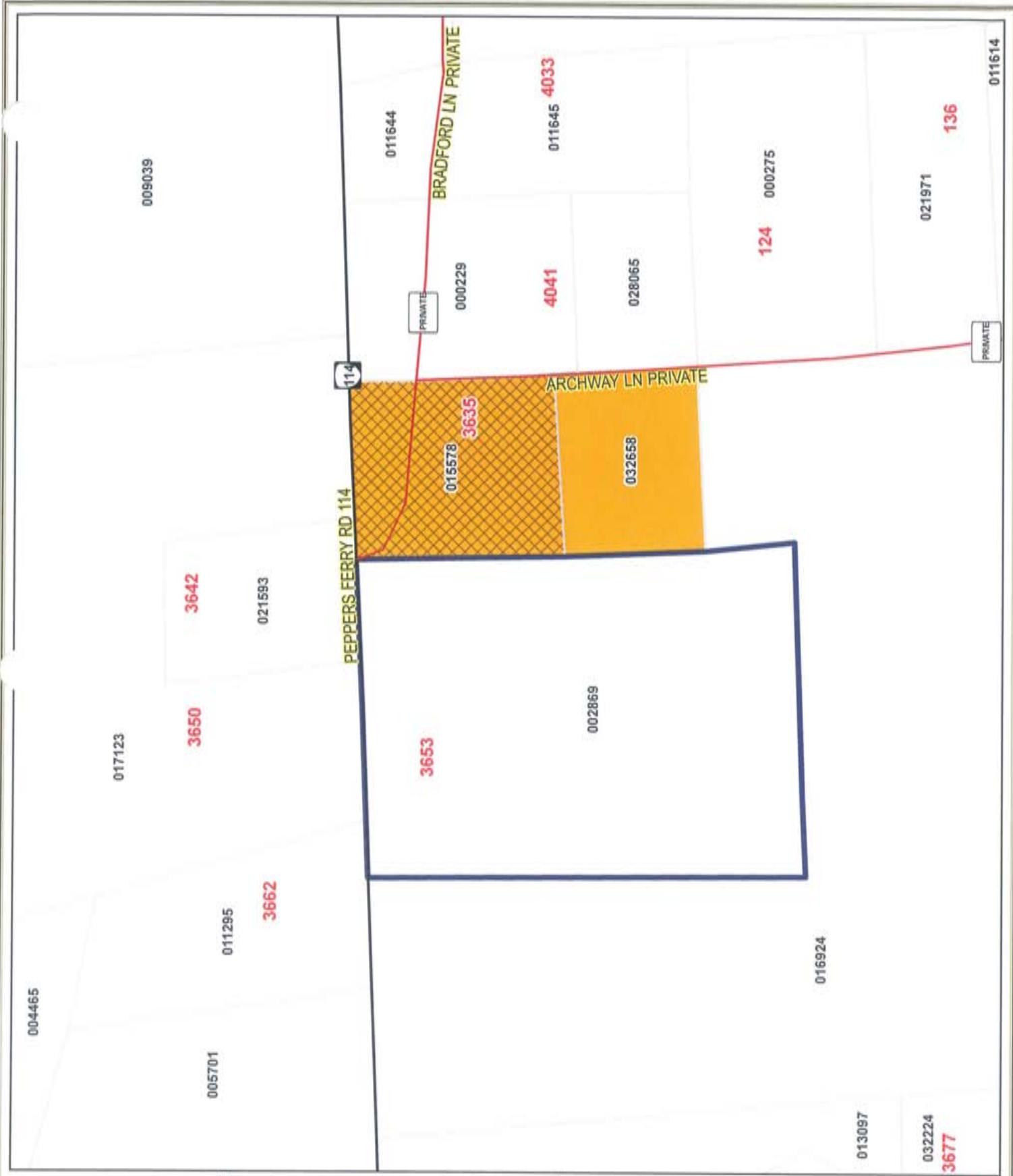
DATE:
10/20/2023

SCALE:
AS SHOWN

NOTES:
1. THIS MAP IS A PRELIMINARY REPRESENTATION OF THE PROPOSED REZONING AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES.
2. THE REZONING IS SUBJECT TO THE APPROVAL OF THE PLANNING AND ZONING COMMISSION AND THE BOARD OF COMMISSIONERS.
3. THE REZONING IS SUBJECT TO THE PAYMENT OF ALL APPLICABLE FEES AND TAXES.
4. THE REZONING IS SUBJECT TO THE COMPLETION OF ALL NECESSARY PERMITS AND APPROVALS.
5. THE REZONING IS SUBJECT TO THE COMPLETION OF ALL NECESSARY STUDIES AND REPORTS.
6. THE REZONING IS SUBJECT TO THE COMPLETION OF ALL NECESSARY PUBLIC HEARINGS AND NOTICES.
7. THE REZONING IS SUBJECT TO THE COMPLETION OF ALL NECESSARY LEGAL AND TITLE WORK.
8. THE REZONING IS SUBJECT TO THE COMPLETION OF ALL NECESSARY RECORDING AND FILING.



Prepared by Blount County, TN
Planning & GIS Services, 10/20/23



RZ-2010-08177

RECEIVED
SEP 1 2010

B: JRM

MONTGOMERY COUNTY, VIRGINIA



Application to Planning Commission and Board of Supervisors

Application For: (check appropriate boxes)	
<input checked="" type="checkbox"/> Rezoning	<input type="checkbox"/> Rezoning & Special Use Permit
<input type="checkbox"/> Special Use Permit	
Owner/Applicant Information: (Use current mailing/contact information for <u>all</u> property owners. An additional sheet may be attached for multiple owners.)	
Property Owner: <u>Bryan and Katie Katz</u>	Agent: _____
Address: <u>310 Grandview Dr.</u>	Address: _____
<u>Blacksburg, VA 24060</u>	_____
Phone 1: <u>(540) 641-4175</u>	Phone 1: _____
Phone 2: <u>bkatz@vt.edu</u>	Phone 2: _____
Email: _____	Email: _____
Location of Property/ Site Address: <u>3653 Peppers Ferry Road</u>	
Legal Record of Property: Total Area: <u>1.653</u> Acres Magisterial District <u>Riner</u>	
Parcel ID: <u>002869</u>	Tax Parcel Number(s): <u>064-A92</u>
Rezoning Details: Current Zoning District: <u>A-1</u> Requested Zoning District: <u>CB</u>	
Desired Use(s): <u>Travel Agency / Tour Bus Operator with attached Residence</u>	
<u>Desired Use as Office.</u>	
Special Use Permit: Current Zoning District _____ Total Area/Acres: _____	
Desired Use(s): _____	
Comprehensive Plan Designation: <u>Village Expansion</u>	
Traffic Impact Analysis Required: <input type="checkbox"/> Yes (payment enclosed) <input type="checkbox"/> No	
<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>	
<u>[Signature]</u>	_____
<u>K. Katz</u>	<u>8/30/2010</u>
Property Owner(s) Signature	Date
_____	Agent's Signature
_____	Date

FOR OFFICE USE ONLY

Date Received: _____ Application Number: _____

Traffic Impact Analysis and Payment Received: Yes No Date Submitted to VDOT: _____

REZONING JUSTIFICATION
for property located at
3653 PEPPERS FERRY ROAD, RADFORD, VA 24141
TAX MAP 064-A-92

In accordance with the Montgomery County Virginia Zoning Ordinances, Bryan and Katie Katz, owners of property located at 3653 Peppers Ferry Road in Radford, Virginia, are requesting a rezoning of the property from Agricultural (A1) to Community Business (CB) for the purpose of allowing University Travel / All America Tours to operate its travel agency and tour operations from the location.

Background

The site is the former site of John's Auto Lot and the property has been used as an automotive sales and repair lot as well as a furniture shop for many years. In April 2010, the current owners Bryan and Katie Katz purchased the property and is currently rented to Sara Anderson, the owner of University Travel / All America Tours. At the point of the sale, the property was being taxed as "Commercial/Industrial" by Montgomery County (**Exhibit A**) and was listed as a commercial property by the real estate agent (**Exhibit B**). The real estate assessment has recently been changed. Upon review by the Montgomery County Planning Department, although its use has been different in the past, the property is zoned A1 and is not currently zoned for the use that is intended by the owner and renter.

Concept Development Plan

Unlike typical plans for future development, the existing structure and corresponding parking lot as currently built and used by John's Auto Lot is all that is required for use by the owner and renters. The existing structure is intended to be used as an office for University Travel / All America Tours with attached home for use by the owners. The owners and renters would like the ability to use the adjacent gravel parking lot as a parking lot for the company's buses as an incidental business use of the property. There are no plans for any additional development beyond the existing conditions at this time. Existing site features are illustrated as **Exhibit D**.

Comprehensive Plan Justification

The property is located in the Village of Belview adjacent to a church located at 3635 Peppers Ferry Road which is already zoned CB – Community Business. The parcel is indicated as Village Expansion (PLU 1.6) and is classified as "Mixed Use" in the 2025 Comprehensive Plan Map for Montgomery County. Mixed Use as per the Belview Village Plan encourages infill development (using existing sites and structures), should be a mix of residential, commercial, and office uses, encourages live / work units, and minimizes the impact of road improvements. Our property uses the existing structure which has been in place since the 1940s and does not require any additional buildout for serving the purpose of the owners and tenant. If approved,

the property will continue to be used as a residence and commercial use which encourages live / work units as part of the Belview Village Plan and has less impact on the community visually, environmentally, and traffic-wise compared to its past uses.

The lot complies with the minimum lot size of 1 acre and when adding in the adjacent lot zoned as Community Business (CB), the total contiguous size would be 2.237 acres. Public Sewer is located on the site and water is obtained through the use of a well located on the property. The proposed rezoning will not require any current or future educational facility or program needs for the County.

Evidence of Water Supply and Sewage Disposal

The site already has public sewer and private water available for the residence and former office already located on the premises. The intended use does not vary from that of the existing design as used by previous owners over the last several decades.

Transportation Impacts

An entrance already exists on the property and the intended use of the property generates less traffic than previous uses. The Virginia Department of Transportation has written a Commercial Entrance Letter and has determined that the existing entrance is adequate given the intended use (see **Exhibit C**).

Conditional Rezoning Statement

In the interest of preserving the community desires for the Village of Belview, the owners are voluntarily proffering the restriction of several uses that could normally be conducted by right under the zoning of Community Business. The property will NOT be available for the following uses:

- Cemetery
- Crematorium
- Custom Meat Cutting, Processing, and Sales
- Funeral Home
- Homeless Shelter
- Telecommunications Tower, Attached

Additional uses may be proffered by the owners at the suggestion of the local community or based on concerns by others.

EXHIBIT A:
Montgomery County, Virginia Parcel Description

Montgomery County, VA

Page 1 of 1

Parcel ID: 002869

KATZ BRYAN J KATZ KATIE R
3653 PEPPERS FERRY RD

Owners

Owner1	KATZ BRYAN J
Owner2	KATZ KATIE R
Mailing Address	310 GRANDVIEW DR
Mailing Address2	
City, State, Zip	BLACKSBURG VA 24060

Parcel

Tax Map Number	064- A 92
Property Address	3653 PEPPERS FERRY RD
City, State, Zip	RADFORD VA 24141
Neighborhood Code	MC330000
Class Code/Description	4000/Commercial/Industrial
Use Code/Description	499/OTHER COMMERCIAL STRUCTURES
Primary Zoning Code/Desc	A1/AGRICULTURAL
Restriction Code/Description 1	/
Restriction Code/Description 2	/
Restriction Code/Description 3	/
Land Use Program	NO
Notes:	1048-0534
Notes:	
Notes:	
Notes:	
Notes:	3
Notes:	

Legal Description

Legal Description 1	PEPPERS FERRY RD
Legal Description 2	
Tax District Code/Description	MR/RINER
Deeded Acres	1.653
Deed Book	2010
Page	003303

EXHIBIT A:

Montgomery County, Virginia Parcel Description

MAY 26, 2009
02:12 PM

RESIDENTIAL / RURAL REVIEW DOCUMENT

PAGE: 1
CA320VAMON

PARCEL 002869
ALT ID 064 A 92
TAX CODE A
ADDRESS 3533 WYVENS FIGHT RD
NEIGHBORHOOD MC130000
LAND USE CODE 499
LIVING UNITS 1
CLASS 4000
PREVENS FIGHT RD

CARD NO. 1 OF 1
MONTGOMERY, VA
FIELD REVIEW FLAG
JURISDICTION MONT

2010 VIEWBACK

STORY HEIGHTS
EXT. WALL 6 ALUM/VINYL 1.0
STYLE 23 BISCALO
YR BILT/SM/L/FF 19ED / / 1948
TOT RM 4 ROOM 2 FMS 0
FRMS 1 HFTS 0 ADDN 0 TOT-FIX 3
ATT/HAIR PROL

SALES INFORMATION
DATE 05/30/04 D 2008 003728
01/01/99 D 1048 0034

PRICE VAL 142,000

SEC BOOK PAGE
01/07/06 2 1 LE
09/30/01 5 MWF

ENTRANCE INFORMATION
DATE CODE INFO CD LD
01/07/06 2 1 LE
09/30/01 5 MWF

PROPERTY FACTORS
TOPO 6 / / ROLLING /
UTILITY 1 / / ALL PDB /
STR/RDS 2 / / ASPHALT /
PRT 3 / /

USED ACRES: 1.653 SF

BUILDING PERMIT RECORD
AMOUNT PURPOSE O/C
NUMBERS

QUANTITY PROXIMITY
/ 50FT LOC
/ PROXIMITY

DATE BUILDING PERMIT RECORD
NUMBERS PURPOSE O/C

NOTE CD: 3 BOOK - PAGE
NOTE CD: 1048-0034
NOTES:
NOTES:
NOTES:

CALL TABLE
BASE RATE
40000.00
10000.00
10000.00

DISC /EGR BSM
CHS
40000.00
40000.00
10000.00

LN CD ACRES
1 09 1.0000
2 16 .6530

FRONT DEPTH 1.0000
PRICE INFL-FAC 1
PRICE INFL-FAC 1

SIZE CLASS 1
1

40000.00
40000.00
10000.00

LAND-VAL 40,000
6,500

LEVEL
TYPE VIEW CLASS
COMPLEX NO:
STYLE CODE # IN-WALL SPACE #FSS
Additional exterior
Roof Structure GABLE
Roof Cover METAL
Interior Wall 1 PANNELING
Interior Wall 2
Floor Code 1 CARPET
Floor Code 2 VINYL
Structural Frame WOOD
WALL SRED GARAGE

--- C O N D O M I N I U M D A T A ---
LEVEL
TYPE VIEW CLASS
COMPLEX NO:
STYLE CODE # IN-WALL SPACE #FSS
Additional exterior
Roof Structure GABLE
Roof Cover METAL
Interior Wall 1 PANNELING
Interior Wall 2
Floor Code 1 CARPET
Floor Code 2 VINYL
Structural Frame WOOD
WALL SRED GARAGE

GRAB FACTOR 29 1,416
COST/USUBA FACTOR .85
CUB AV %

NOTES1 JERNS AUTO/PSE & DFC
NOTES2 USED CAR LOT, REAT-
C.F.L.A.
GRADE FACTOR 29 1,416
COST/USUBA FACTOR .85
CUB AV %

MISC. IMPROV 0
TOTAL GRY & MISC IMPROV. VALUE 9,500
GROSS BUILDING SUMMARY VALUE 0
GROSS BUILDING SUMMARY VALUE 0

LAND-VAL 46,500
TOTAL LAND-VALUE 46,500
UTILITY 0 STREET 0

IN FL- PAC
LOC 0
2000 ZONE 0
ACRES N/NDL 2000 ZONE 0
LAND ADJ

LN CD VALUE
1.6530
1.6530

GROSS TOTAL ACRES 1.6530
TOTAL ACRES 1.6530
TOTAL SIZE

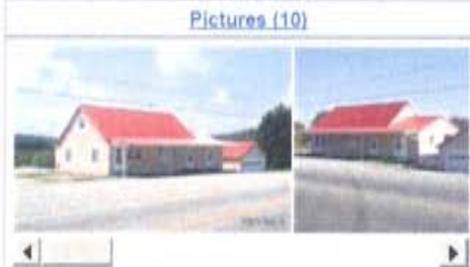
EXHIBIT B

New River Valley MLS Commercial Listing

Listing Summary			
Listing #204509 \$139,900 (LP) \$129,900 (SP) Price/SqFt: 108.25 SP % LP: 92.85	3653 Peppers Ferry Rd, Radford, VA 24141 Closed (04/29/10) DOM/CDOM: 17/17 Sq Ft: 1200 Area: Radf	Closed (04/29/10) DOM/CDOM: 17/17 Lot Sz: 1.653ac Yr: 1948	

Remarks

Excellent Commercial Potential, Endless Possibilities, Very High Traffic Count. Was a former car lot and furniture store. New Bright Red Metal Roof really makes this property stand out. Living space available with bathroom, kitchen, and 2 bedrooms large floored attic. Land in the back has a water spigot and fenced with a 5 stall barn. Located on RT 114 convenient to RT 11 RT 460 &



Agent	Paul DiMaio (ID: dimaio) Home: 540-230-5065 Home: 540-230-5065 Home: 540-230-5065		
Office	Coldwell Banker Townside-Bburg (ID: 10) Phone: 540-552-6500, FAX: 540-552-2635		
Property Type	Commercial	Property Subtype(s)	Business Service
Status	Closed (04/29/10)		
Listing Type	Excl Right to Sell		
Area	Radford		
Subdivision			
Commission	Buyer Agent 2.5%	Sub Agent 2.5%	Variable Commission No
County/City	Montgomery	Parcel Num	064A92
Year Built	1948		
Pass to Internet	Yes		
Listing Date	03/16/10		
Original Price	139,900		
Occupancy	Vacant		
Occupant Name		Occupant Phone	
Owner Name	Jason Stephan	Owner Phone	
School District	Montgomery (Elementary: Belview, Middle: Christiansburg, High: Christiansburg)		
Legal Description	002869 Parcel Number		
Directions to Property	7 miles past NRV Mall towards Radford. Peppers Ferry Road. Building has red metal roof.		
Showing Instructions	NRV Lockbox, Sign, Vacant		
Contingencies	Financing, Home Inspection		

Selling Information			
Selling Price	129,900	Selling Date	04/29/10
Listing Price	139,900	Pending Date	04/01/10
SP % LP	92.85	Original Price	139,900
Financing	Conventional		
Comments			

EXHIBIT B

New River Valley MLS Commercial Listing

Selling Agent	Paul DiMaio (dimaio)	Selling Office	Coldwell Banker Townside-Bburg (10)
Selling Co-Agent		Selling Co-Office	
Other Closing Info	none		
Seller Concessions	0.00		
Seller Repairs	0.00		
Foreclos/Short Sale	No		

Contract Information	
Owner/Agent	No
Limited Service	No
Exclusions	No
Seller Disclosure	Yes
Duplicate Listing	No

General Property Description	
Apx Unfinished SqFt	0
Apx Mfg SqFt	0
Apx Upper Sqft	1200
Apx Bsmnt Sqft Fin	0
Apx Bsmt Sqft Unfin	1200
Apx Office Sqft	1200
Apx Warehouse SqFt	0

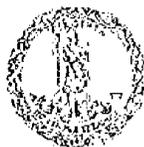
Location, Tax & Legal	
Zoning	Other- See Remarks
Taxes	\$959.92
Tax Year	2009
Deed Bk/Pg Instrumnt	0000/0000

Remarks & Misc.	
Lease Remarks	Very high traffic count makes for excellent rental investment opportunities

Building Information	
\$/SqFt Lease	\$0.00
\$/SqFt Sale	\$0.00
# Bays	1
# Buildings	2
# Restrooms	1
Ann Assoc Fee	0.00
Ann Gross Income	0.00
Ann Operate Expense	0.00
Lease Years	0
Main Road Frontage	350
Monthly Lease Paymnt	\$0.00
Net Operate Expense	\$0.00
Parking Spaces	50
Traffic Count	0

Property Information	
HOA Annual Dues	\$0.00
Type of Business	Auto Service, Business Services, Other- See Remarks, Professional Service, Restaurant, Retail, Transportation, Wholesale
Construction	Block, Wood Frame
Roof Systems	Aluminum Covering
Flooring	Wood
Heating	Other- See Remarks
Air Conditioning	Window Unit(s)
Water Heater	Electric
Water	Well
Sewer	Public System
Parking	Private Over 10
Loading	Ground Level Door
Road Frontage	Divided, State Road
Equipment	Partially Fenced
SqFt Search	Off Bid <= 5,000 SF, Retail Bid >= 5,000 SF
Miscellaneous	Any Type Invest Prop, Building and Land, Living Space Avail, One Story, Outside Storage, Reception Area
Access Transport	US Highway
Lockbox Location	Railing
Possession	At Closing

EXHIBIT C
VDOT Commercial Entrance Letter



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
PO Box 3071
Salem VA 24153-0560

GREGORY A. WHIRLEY
ACTING COMMISSIONER
July 7, 2010

Mr. Brian Katz
310 Grandview Drive
Blacksburg, Virginia 24060

RE: COMMERCIAL ENTRANCE
Route 114, Montgomery County

Dear Mr. Katz:

Please be advised that the commercial entrance located on your property on Route 114 can remain the same unless the use changes in the future. In a telephone conversation with John Jones of this office you indicated that the traveling public seldom uses this location, and the buses actually load personnel at an alternate location. Should any of those factors change, we will look at the entrance again at that time. If you have any questions, please contact John Jones at (540) 381-7198.

Sincerely,

A handwritten signature in black ink, appearing to read "J. G. Thompson".

John G. Thompson, P.E.
Area Land Use Engineer

JCI/gat

cc: Dari Jenkins, County of Montgomery



MONTGOMERY COUNTY
PUBLIC SERVICE AUTHORITY

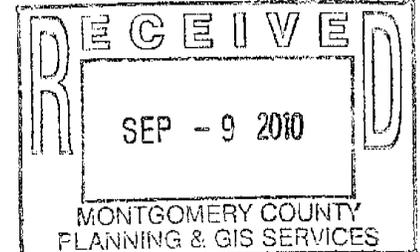
Government Center
Suite 2I
755 Roanoke Street
Christiansburg, VA 24073-3185

Gary D. Creed, Chair
James D. Politis, Vice-Chair
Mary W. Biggs, Secretary-Treasurer
Annette S. Perkins, Member
William H. Brown, Member
John A. Muffo, Member
Douglas W. Marrs, Member

Robert C. Fronk, PE
PSA Director

September 8, 2010

Mr. Bryan Katz
310 Grandview Drive
Blacksburg, VA 24060



RE: Availability No. 10-64
3653 Peppers Ferry Road
Tax Map No. 064- A 92
Parcel ID 002869
Water/Sewer

Dear Mr. Katz:

Public water can be made available while sanitary sewer is currently provided to this proposed commercial property at 3653 Peppers Ferry Road, Tax Map No. 064- A 92.

Public water service can be provided by a minimum eight-inch water line extension of approximately 900 feet along Peppers Ferry Road to this property from the existing 8-inch water main located near the northeast property corner of 117 Garland Drive to the east of this property. At the point of connection, the static water pressure would be approximately 115 pounds per square inch (psi). This extension would require means to reduce the water pressure to 80 psi or less. A table providing facility fees per water meter size follows. Be advised that a separate fire service must be metered with cost of the meter installation also based upon actual costs to the PSA. Also be advised that a separate fire service is billed a monthly rate based upon meter size. It is your responsibility to install the service lines from the meter to the building under the provisions of the plumbing code. The installation and maintenance of the pressure-reducing valve shall be the owner's responsibility.

Public sewer is currently provided to this property for a standard residential service (5/8" water service). Increased sewer service for the existing building can be provided and would be billed at the difference of the proposed and existing service fees. Additional sewer connections for separate buildings on this property would be billed according to the standard fees. A table providing facility fees per water meter size follows. Be advised that this facility will discharge into a sewer system served by a public sewer pump station requiring a Sewer Pump Station Facility Fee. The owner would be responsible for the complete installation of the sewer lateral from the building to a sewer cleanout at the property line. **Since this is a non-residential facility, you will be required to complete and submit a non-residential sanitary sewer checklist prior to plan approval and install a sampling manhole on the sewer lateral.**

Page Two
Mr. Bryan Katz
September 7, 2010

A selection of water and sewer fees based upon water meter size is provided for your information:

Water Meter Size	Water Facility Fee	Sewer Facility Fee	Sewer Pump Station Facility Fee
5/8"	\$ 2,500.00	\$ 3,000.00	\$ 750.00
1"	\$ 6,250.00	\$ 7,500.00	\$ 1,875.00
1 1/2"	\$ 12,500.00	\$ 15,000.00	\$ 3,750.00
2"	\$ 20,000.00	\$ 24,000.00	\$ 6,000.00

The installation of the water main connection, meter vault, setter and water meter at the property line will be based upon actual costs to the PSA.

Please be advised that fire services are billed at a monthly rate according to the size of the service line. The fire service rates are as follows:

2" Meter/Service Line: \$32.00 / month 3" Meter/Service Line: \$60.00 / month
4" Meter/Service Line: \$100.00 / month 6" Meter/Service Line: \$200.00 / month

The water and sewer facilities must be designed to PSA standards by an engineer and approved by the PSA prior to construction. The owner would be responsible for the cost of the water main extension, any necessary water system appurtenances, public easements, highway permits, and any other associated requirements. These designs should be incorporated into the site development plans for this development and submitted to the PSA for review. Payment of the water and sewer facility fees for all units of the development would be required prior to approval of the site plan. The PSA must inspect the water and sewer laterals between the water meter and public sewer to the building. You should coordinate the inspection of these laterals with the PSA prior to installation.

Please be advised that all PSA water and sewer systems have a fixed number of available connections. Connections are reserved by payment of facility and connection fees, provided service is currently available to the subject property.

Also be advised that this development must also meet all Montgomery County Planning and Zoning Department requirements. The availability of water and sanitary sewer facilities does not by itself authorize the development of this property.

If the owner wants to proceed with the water line extension and/or additional sewer facilities, please have your engineer contact me for details. ***This letter and stated fees are only valid to September 1, 2011.***

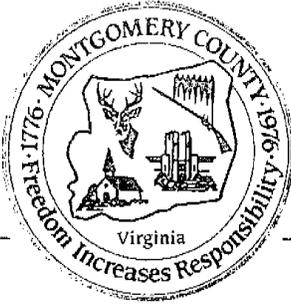
If you should have questions or need additional clarification of the above information, please call me at 381-1997.

Sincerely,



Robert C. Fronk, PE
PSA Director

cc: Montgomery County Planning & Zoning



MONTGOMERY COUNTY PLANNING & GIS SERVICES

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

July 12, 2010

Mr. Bryan J. Katz
Ms. Katie R. Katz
310 Grandview Drive
Blacksburg, VA 24060

CERTIFIED MAIL

RE: NOTICE OF VIOLATION - 3653 Peppers Ferry Road
Tax Map 064-A-92; Parcel ID 002869; 1.653 Acres
Zoned: Agricultural (A-1)

Dear Mr. and Ms. Katz:

During recent travel past your property located at 3653 Peppers Ferry Rd., staff observed a new business operating from the site. On June 25, 2010, I met with you and your tenants on site and discussed the bus business established there. Upon arrival I observed the following:

- One "University Travel" bus, one recreational vehicle, one construction van, one enclosed trailer, and six passenger vehicles parked on the site (photographs taken June 25, 2010).
- There is a "University Travel" roof sign on the structure.
- No commercial entrance exists for the site.

It is my understanding that several passenger buses are stored on the site when they are not being used for travel; however, passengers do not park there or board at this location. Bus drivers do park their vehicles on the property while away on a bus trip. The existing structure is being used partially as an office for the travel business and a residence for the tenants. There are nine (9) full and/or part-time employees associated with "University Travel". As we discussed, "University Travel" does not have the appropriate zoning, nor a site plan approved to use the property commercially.

Staff has researched the Zoning Ordinance and it appears the use of the property fits the definition of "truck terminal" due to the storage of buses on the site. A "truck terminal" is not a permitted use within the Agricultural (A-1) District, Section 10-21. Montgomery County Code, Section 10-61, Definitions, defines "truck terminal" as follows:

Truck terminal: Any structure or land devoted principally to the servicing, fueling, repair, storage, sales and/or leasing of two (2) or more large trucks or similar heavy equipment such as tractor-trailers or tandem or tri-axle dump trucks or grading equipment; or any structure or land devoted principally to any activity involving a substantial and routine traffic consisting of trucks or passenger buses, such as a gasoline or fuel oil distributor, a freight or shipping business, a bus depot, a moving business, or similar activities, but not including other principal uses specified in a zoning district where a truck terminal is permitted.

Prior to changing the use of the property, Section 10-53, Required Development Approvals, of the Montgomery County Code requires a zoning permit and an approved site plan be issued as specified below:

No building permit or certificate of occupancy shall be issued, [no] building or structure shall be erected or occupied, no use, or change in use commenced, and no excavation or grading

commenced relating thereto unless a zoning permit therefore has been issued by the zoning administrator and is still valid; except that a conditional grading permit may be obtained prior to construction plans and profiles or site plan approval in accord with the prevailing adopted standards in applicable county ordinances including this chapter and the subdivision ordinance.

Roof signage has been installed on the structure in violation of Section 10-45(4), Prohibited Signs. Roof signage is not allowed. Except for signage exempted in Section 10-45(3), all signs require a zoning permit prior to installation of the sign.

Research of the property has revealed the following information:

1. The previous non-conforming commercial use (automobile vehicles sales) has been abandoned per the requirements of Section 10-47(4)(b), Discontinuation of Nonconforming Use, and cannot be re-established.
2. While no survey plat has been presented for review, it appears the existing dwelling and accessory structure located on the property may be nonconforming based on the front setback distance. The Agricultural (A-1) district front setback requirement is forty (40) feet. Section 10-47, Nonconformities, of the Montgomery County Code sets forth the regulations for the use and repair of structures which are determined to be nonconforming.
 - Section 10-47(5)(a), Repair or Reconstruction of Nonconforming Structure, states,

Repairs, restoration and maintenance, including structural repairs, may be made to a nonconforming structure to an extent not exceeding fifty (50) percent of the current replacement value of the structure, provided that the cubic volume of the structure as it existed at the time of passage or amendment of this chapter shall not be increased. If a nonconforming structure is damaged or destroyed, the owner may repair or replace such structure to the extent that the cost of restoration to its condition before the occurrence shall not exceed fifty (50) percent of the current cost of reconstructing the entire structure. It shall be restored only if it complies with the requirements of this chapter. Cost of land or any other factors other than the cost of the structure are excluded from determinations of cost of restoration and of reconstructing entire structure. Any restoration must be started and completed within twenty-four (24) months of the date of a specific damaging event or else shall be considered as to have been damaged by greater than fifty (50) percent of its value.

3. The County has received telephone complaints regarding the use of the property:
 - Neighbors are concerned about the excessive amount of dust being generated by use of the site.
 - Neighbors are complaining about the noise generated by the buses at night when they return from a trip and the back-up alarm comes on at 2:00 a.m. when they are parking onsite.

In summary, with the evidence of the obtained to date, the property has been determined to be in violation of Section 10-21, Agricultural (A-1) District, and Section 10-53, Required Development Approvals, of the Montgomery County Code. Please remedy the violations within **thirty (30) days** as outlined below:

- Cease use of the property for storage of buses and the business office for "University Travel".
- Remove the roof sign from the structure.

Failure to comply with the requirements specified above will result in legal action by the County.

Once the property is determined to be compliant with all county ordinances per Section 10-52(1)(c) of the code, this department will accept an application for rezoning of the property for consideration by the Board of Supervisors to allow other uses permitted by the Montgomery County Code, Chapter 10, Zoning, if desired. Please contact me at your convenience to discuss this process.

Section 10-55(2) of the Montgomery County Code provides that anyone aggrieved by this decision may appeal the decision to the Montgomery County Board of Zoning Appeals (BZA) within thirty (30) days. The appeal shall be received in writing along with a fee of \$435 on or before **August 12, 2010**. Failure to appeal this decision within thirty (30) days shall render this decision unappealable.

Please feel free to contact me at (540) 394-2148 or jenkinsds@montgomerycountyva.gov if you should have any questions regarding this matter.

Sincerely,

Dari Jenkins, CZO
Planning & Zoning Administrator

DJ

Enclosure(s): Technical Data Sheet – Agricultural (A-1)
Section 10-53, Required Development Approvals
Section 10-55, Procedures before the Board of Zoning Appeals
BZA Application

C: Steven M. Sandy, Planning Director
Bill Yeager, Building Official
John c. Thompson, P.E., Area Land Use Engineer, VDOT

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent to
MR BRYAN J KATZ
MS KATIE R KATZ
310 GRANDVIEW DR
BLACKSBURG VA 24060

Street, Apt. No., or PO Box No.
City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

7050 5224 0000 4225 0502

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:
MR BRYAN J KATZ
MS KATIE R KATZ
310 GRANDVIEW DR
BLACKSBURG VA 24060

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
B. Received by (Printed Name) Addressee
C. Date of Delivery

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail
 Registered
 Insured Mail
 Express Mail
 Return Receipt for Merchandise
 C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Article Number (transfer from service label) 7008 3230 0000 4225 0502

Domestic Return Receipt 102595-02-M-1640

EXHIBIT C
VDOT Commercial Entrance Letter



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
PO Box 3071
Salem VA 24153-0580

GREGORY A. WHIRLEY
ACTING COMMISSIONER
July 7, 2010

Mr. Brian Katz
310 Grandview Drive
Blacksburg, Virginia 24060

RE: COMMERCIAL ENTRANCE
Route 114, Montgomery County

Dear Mr. Katz:

Please be advised that the commercial entrance located on your property on Route 114 can remain the same unless the use changes in the future. In a telephone conversation with John Jones of this office you indicated that the traveling public seldom uses this location, and the buses actually load personnel at an alternate location. Should any of those factors change, we will look at the entrance again at that time. If you have any questions, please contact John Jones at (540) 381-7198.

Sincerely,

A handwritten signature in black ink, appearing to read "J. G. Thompson".

John G. Thompson, P.E.
Area Land Use Engineer

ICI/gat

c: Dari Jenkins, County of Montgomery