# MONTGOMERY COUNTY BOARD OF ZONING APPEALS MAY 6, 2021 5:00PM

## **Board of Supervisors Meeting Room, Government Center 755 Roanoke Street, Christiansburg VA**

- I. CALL TO ORDER
- II. DETERMINATION OF A QUORUM
- III. APPROVAL OF MINUTES
  - a. April 6, 2021
- IV. OLD BUSINESS
- V. PUBLIC HEARING
  - a. SUP-2021-00168- A request by Jacquelyn Hopkins Pugh for a Special Use Permit (SUP), with possible conditions, on approximately 1.551 acres in an Agricultural (A1) zoning district to allow an existing dwelling to be converted to an accessory structure exceeding the square footage and/or height of the proposed principal structure per Code Section 10-41(1)(a). The existing dwelling to be used for storage (for personal use) has an overall height of 20 ft. and is approximately 1622 sq. ft. in area. The proposed primary dwelling has an overall height of approximately 16 ft. and 1586 sq. ft. in area. The property is located at 4970 Blue Springs Road, and identified as Tax Parcel No. 126-A-41 (Parcel ID #008976), in the Riner Magisterial District; (Election District D). The property lies in an area identified as Resource Stewardship in the Montgomery County Comprehensive Plan.
- VI. NEW BUSINESS
- VII. NEXT MEETING
- VIII. ADJOURNMENT

AT A MEETING OF THE MONTGOMERY COUNTY BOARD OF ZONING APPEALS HELD ON APRIL 6, 2021, AT 5:00 PM IN THE MULTIPURPOSE ROOM, SECOND FLOOR, MONTGOMERY COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

#### **CALL TO ORDER**

Chair DiSalvo called the meeting to order at 5:03 p.m.

Present: Richard DiSalvo, Chair

Michael Reilly, Vice-Chair

Charles (Chuck) Shorter, Member

David Moore, Member

Bob Miller, Alternate Member

Brea Hopkins, Planning & Zoning Administrator

Kim Wright, Planning Coordinator

Ms. Hopkins introduced Ms. Wright to the group and updated the BZA members on staff changes including Dari Jenkins' retirement, and Ms. Hopkins promotion.

Mr. Reilly established the presence of a quorum.

#### **ELECTION OF OFFICERS**

The floor was opened for nominations. Chair DiSalvo announced his intent to not seek re-election as Chair.

Mr. Moore nominated Mr. Miller, who is not eligible as he serves on the Planning Commission, nomination was withdrawn.

Mr. Shorter nominated Mr. Reilly to serve as Chair, the motion was seconded by Chair DiSalvo, and upheld.

Mr. Shorter nominated Mr. Moore to serve as Vice Chair, the motion was seconded by Mr. Reilly, and upheld.

#### **APPROVAL OF MINUTES**

On a motion made by Mr. Shorter and seconded by Mr. Reilly and unanimously carried, the minutes of the December 4, 2018 meeting were approved.

#### **OLD BUSINESS**

None

#### **PUBLIC HEARING**

Chair DiSalvo welcomed all present and introduced the request by the property owner, Joy F Compton, for a Special Use Permit (SUP), with possible conditions, on approximately 33.397 acres in an Agricultural (A1) zoning district to allow an accessory structure exceeding the square footage and/or height of the principal structure per Code Section 10-41(1)(a). The proposed storage building is 40 feet x 60 feet, has an overall height of 12', and overall size of 2,400 square feet. The primary dwelling is 1,705 square feet. The proposed structure will be used to accommodate storage of furniture, mowing equipment and other

items necessary for upkeep of property and is for personal use only. The property is located at 2020 Ellett Road, and identified as Tax Parcel No. 080- A 6 (Parcel ID #004164), in the Shawsville Magisterial District; (Election District C).

Ms. Hopkins shared a brief report on the details of the applicant's SUP request to construct a 2400 sq ft Accessory Structure. The proposed structure exceeds the square footage of the primary dwelling which is approximately 1,786 sq. ft.

Ms. Hopkins presented maps and photos of the property. The parcel is designated as Rural and the request would be in compliance with the Comprehensive Plan.

Ms. Hopkins explained that staff originally received a Special Use Permit application from Ms. Compton to allow a Bed and Breakfast Inn with associated events; however, once it was reviewed with other departments and agencies, Ms. Compton decided it was not a financially feasible project. Her granddaughter will be moving to the property soon, and the accessory structure will be used for storage of furniture from the home, and property maintenance items.

Little to no significant impacts are anticipated, citing minimal visibility from any other existing dwellings nor by drivers on Ellett Road. Proposed setbacks are greater than 100 feet to the property lines, except the side to the South, which is requested to be 50 feet. There are no flood impacts anticipated due to the placement of the proposed structure.

The property is zoned A-1 with no agricultural activities onsite. It is mostly forested land to the rear. No commercial or residential use has been proposed with this application. Staff wants to note that the structure shall not be used as a public venue. Private Family events will be allowed, but may require event permits and will be evaluated per occasion.

Ms. Hopkins shared a letter submitted by Dorothy Shannon regarding the location of the sturcture, and confirmed the location of Ms. Shannon's property in relation to the applicant's property.

Ms. Hopkins stated that the staff recommends approval of the SUP request for an accessory structure with the following conditions:

- 1. The proposed accessory structure shall not exceed 2,400 sq. ft in total area. The overall height of the structure shall not exceed an overall height of 15 feet.
- 2. The side setback for the accessory structure shall be increased to a minimum of twenty-five (25) feet.
- 3. No commercial uses shall be permitted at the site and/or within the structure. This includes rental of and/or utilization of the structure as a venue for public events.
- 4. The structure shall not be used as a dwelling, accessory or otherwise, without obtaining the proper permits and approvals from the Zoning Administrator, Health Department, and Building Official.

Mr. Miller asked if Ms. Shannon visits or lives there on the adjacent lot. Ms. Hopkins responded that there is no dwelling on the Shannon property.

Chair DiSalvo noted that the proposed wall height is 12', the overall height may need to be adjusted both on the plans and in the conditions. Ms. Hopkins explained the measuring formula used to calculate height of structure. Chair DiSalvo asked the applicant if she knows the pitch of the roof and recommended that the overall height not exceed 20'.

Board of Zoning Appeals Minutes April 6, 2021

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Chair DiSalvo opened the public hearing.

With no one coming forward to comment, Chair DiSalvo closed the public hearing.

Mr. Shorter stated he did not see any problems with issuing the SUP.

Mr. Reilly stated he had visited the property and believes that the site cannot be seen from the road.

Mr. Shorter asked if this property was near where Ms. Compton lived, she explained it is her homeplace where she was raised. She further explained that her grand-daughter will be getting out of the Army the end of September and moving here, they will need the storage building for when they move in.

On a motion made by Mr. Reilly, seconded by Mr. Shorter and carried by vote of (5-0), the Board of Zoning Appeals approved the request for a Special Use Permit (SUP) to allow an accessory structure exceeding the square footage and/or height of the principal structure with the following recommended conditions, amended to allow for an overall height of no greater than 20 feet:

- 1. The proposed accessory structure shall not exceed 2,400 sq. ft in total area. The overall height of the structure shall not exceed an overall height of 20 feet.
- 2. The side setback for the accessory structure shall be increased to a minimum of twenty-five (25) feet.
- 3. No commercial uses shall be permitted at the site and/or within the structure. This includes rental of and/or utilization of the structure as a venue for public events.
- 4. The structure shall not be used as a dwelling, accessory or otherwise, without obtaining the proper permits and approvals from the Zoning Administrator, Health Department, and Building Official.

Ayes: DiSalvo, Reilly, Shorter, Moore, Miller

Nayes: None Abstain: None

#### **NEW BUSINESS**

Ms. Hopkins discussed the potential to change the BZA Meeting days and location. The first Tuesday is in conflict with the School Board meetings. By moving the meeting date to the first Wednesday or Thursday of the month the Board Room will be available for meetings. The Board discussed potential conflicts and determined Thursday was the best day.

A motion was made by Mr. Reilly, seconded by Mr. Shorter, and upheld to change the Bylaws to reflect meeting dates on the first Thursday of each month, as needed.

#### **NEXT MEETING**

The BZA will meet Thursday, May 6, 2021 in the Board of Supervisors Meeting Room.

With no additional business, Chair DiSalvo adjourned the meeting at 5:33 PM.



755 Roanoke Street, Suite 2A Christiansburg, VA 24073

**TO:** Board of Zoning Appeals

**FROM:** Brea Hopkins, Planning and Zoning Administrator

**DATE:** April 26, 2021

RE: Staff Analysis – Pugh Special Use Permit Request; SU-2021-00168

#### **Nature of Request**

Jacquelyn Pugh has requested approval of a Special Use Permit (SUP) on approximately 1.551 acres in an Agricultural (A1) zoning district, with possible conditions, to allow an accessory structure exceeding the square footage and/or height of a proposed principal structure per Code Section 10-41(1)(a).

The request is for approval to convert the existing 2-story farmhouse, (1622) sq. ft with an overall height of approximately 20 ft., into a storage building for personal use. The owner is planning to place a doublewide, 1568 sq. ft and 16 ft. in height, on the property which will be used as the primary residence.

#### Location

The property is located at 4970 Blue Springs Road, and identified as Parcel ID: 008976 (Tax Map 126-A-41), in the Riner Magisterial District.

This 1.551 acre property is situated on the east side of Blue Springs Road (Rt. 613) .25 mile south of the Graysontown Road (Rt. 693) intersection. The surrounding properties are generally large properties zoned Agricultural (A1) and consist of farm-land with a few single-family residences.

#### **Impacts**

Used as an accessory to the residential use of the property, this accessory structure should have little to no significant impact on surrounding properties. Other than the placement of the doublewide, there will be no visible changes to the property and the applicant has documented all setbacks for the proposed dwelling can be met.

The proposed dwelling will be connected to the existing septic system. The Health Department has issued approval for the new dwelling to be connected to the septic system with a condition that the existing house has to be disconnected.

The proposed use as stated in the application is for storage of furniture, and other personal items. Removal of the kitchen and the lack of a septic system connection will ensure the unit cannot be considered a dwelling nor could it be rented as such.

Industrious | Diverse | Steadfast | Helpful | Integrity

#### **Comprehensive Plan**

The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan. This request for an accessory structure in support of a private residential use located in an agricultural zoning district would be in compliance with the Comprehensive Plan.

#### **Analysis**

According to the owners the existing farmhouse is 121 years old and has been in the family for many years. The owners currently occupy the home; however, all bedrooms are on the 2<sup>nd</sup> floor of the dwelling and due to medical issues, the owners are no longer able to navigate stairs. Due to the age of the structure and existing floor plan, renovations to accommodate a first-floor bedroom are not feasible. By removing the kitchen from the structure, it would no longer be classified as a dwelling unit according to Montgomery County Code. The owners have purchased a doublewide manufactured home and have stated they will continue to utilize the existing structure for storage.

#### **Staff Recommendation**

Staff's preliminary recommendation is to approve the Special Use Permit request for an accessory structure with the following conditions:

- 1. The existing farmhouse to be converted to an accessory building shall not be further enlarged.
- 2. The kitchen shall be removed from the existing farmhouse structure within sixty (60) days of occupancy of the proposed Class A Manufactured Home (doublewide).
- 3. No commercial uses shall be permitted at the site and/or within the structure.
- 4. Prior to the proposed accessory structure being converted back to a dwelling, the Class A manufactured home shall be removed from the property. All permits and approvals from the Zoning Administrator, Health Department, and Building Official shall be obtained.

To date, the Planning Department has not received any inquiries regarding the applicant's request for approval of a SUP for an oversized accessory structure. Adjacent property owners or other interested parties may also be present at the public hearing to present their views on this request.

Enclosures: Zoning Map

Aerial Map Site Photos VDH Approval Application Materials



BZA - Jacquelyn Pugh

Parcel ID 008976 4970 Blue Springs Rd

Subject Parcel

Tax Parcels Hydrography

Special Flood Hazard Area

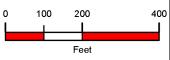
Zone A

Zone AE

**FLOODWAY** 

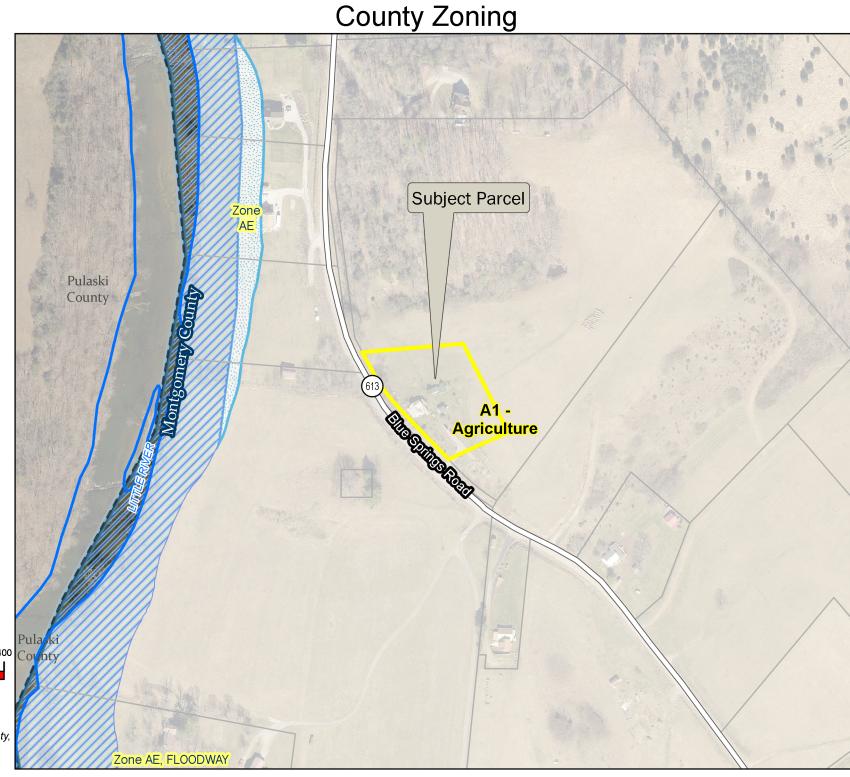
Zoning

A1 - Agriculture



Scale 1:3,000

Prepared by Montgomery County, VA GIS & Planning Services 4/5/2021

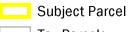






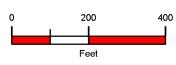
BZA - Jacquelyn Pugh

Parcel ID 008976 4970 Blue Springs Rd



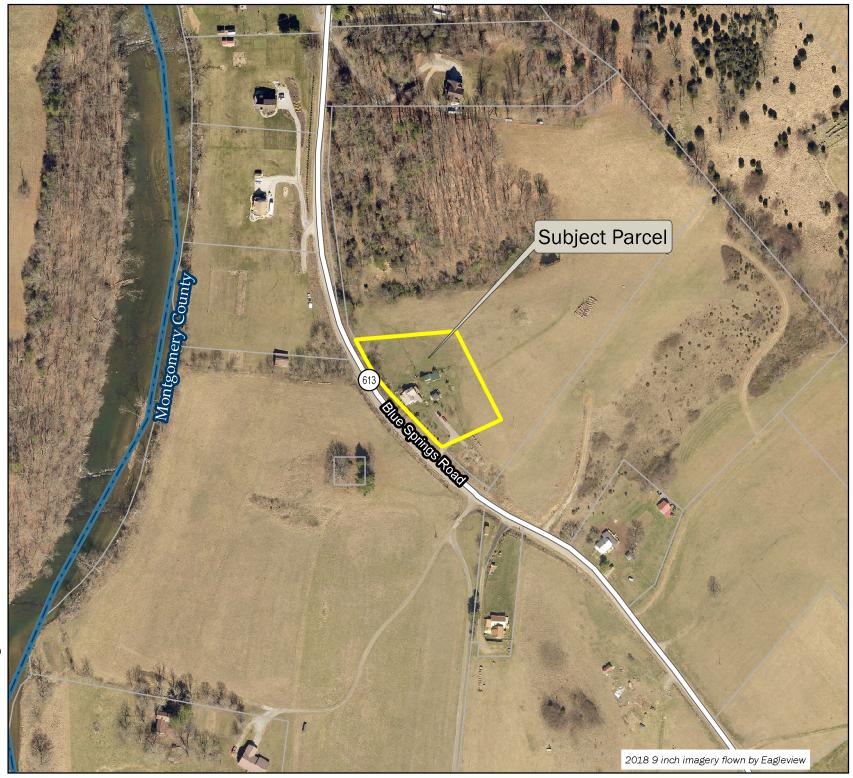
Tax Parcels

Corporate Line

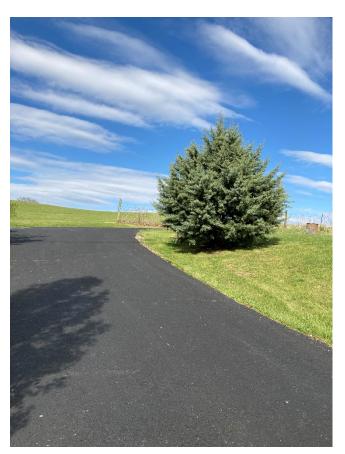


Scale 1:3,000

Prepared by Montgomery County, VA GIS & Planning Services 4/5/2021















Floyd County Health Department 123 Parkview Road, NE Floyd, VA 24091 Phone: 540-745-2142 Fax: 540-745-4929

Pulaski County Health Department

1704th Street, NW

Pulaski, VA 24301 Phone: 540-440-2188

Fax: 540-994-5036

Giles County Health Department 1 Taylor Avenue Suite 4 Pearisburg, VA 24134 Phone: 540-235-3135 Fax: 540-921-1335



Noelle Bissell, MD, Health Director

Montgomery County Health Department 210 South Pepper Street, Suite A Christiansburg, VA 24073 Phone: 540-585-3300 Fax: 540-381-7104

Radford City Health Department 220 East Main St Radford, VA 24141 Phone: 540-267-8255 Fax: 540-831-6109

Pulaski County Environmental Health 143 3<sup>rd</sup> Street, NW, Suite 4 Pulaski, VA 24301 Phone: 540-440-2166 Fax: 540-944-5039



March 24, 2021

Jackie Waddell 4970 Blue Springs Rd Hiwassee, VA 24347

Subject: Sewage Disposal System SAP Review: 121-STS-12526 Property Location: 4970 Blue Springs Rd, Hiwassee 24347

Tax Map ID: 126-A 41

Subdivision:

Section:

Lot:

Dear Jackie Waddell

Please find enclosed the SAP Review Approval for your sewage disposal system, I.D. No. 121-STS-12526. We would advise that you keep these documents in a safe place for reference in the event that you this information is needed. Also included are maintenance suggestions for helping you to take care of the system. Listed below are links to excellent online resources regarding septic systems:

www.epa.gov/septic/how-care-your-septic-system

www.nesc.wvu.edu/pdf/ww/septic/pl\_fall04.pdf

Please call the local health department (540) 585-3383 if we can be of further assistance to you.

Sincerely,

Jonathan Snelson

Environmental Health Specialist, Sr.



Commonwealth of Virginia	VDH Use only
Application for: Sewage System Water Supply	Health Department ID# Due Date
Owner Jacquelyn Hopkins Waddell	Phone (540) 505-2393
Mailing Address	Phone (540) 392- 1445
	Fax
Agent Clayton Homes of Dublin	Phone (540) 674-1509
Mailing Address 4810 Clehume Blud.	Phone
Dublin VA 24084	Fax
Site Address 4970 Blue Springs Rd	
Hiwassee VA 24347	Email (307 @ Claytonhomes,
Directions to Property: 81 to Exit 109 T-2 go to stop	Take Childress to Blue springs /4 on L
Subdivision Section	Block Lot
Tax Map 126-19-41 Other Property Identification 008976	Dimension/Acreage of Property
Sewage System	
Type of Approval: Applicants for new construction are advised to apply for a suitable for a sewage system and to apply for a construction pennit (valid for I	certification letter to determine if land is
Occrification Letter Construction Permit O Voluntary Upgrade O R	Lepair Permit Minor Modification
Proposed Use: SAP	
Single Family Home (Number of Bedrooms 2) Multi-Family Dy	welling (Total Number of Bedrooms)
Other (describe)	
Basement OYc No Walk-out Basement OYc ONo	Fixtures in Basement Oves ONo
Conditional permit desired OYes No If yes, which conditions do	-
Reduced water flow Limited Occupancy Intermittent or seasonal use	Temporary use not to exceed 1 year
Reduced water flow Limited Occupancy Intermittent or seasonal use	Temporary use not to exceed 1 year
Reduced water flow Limited Occupancy Intermittent or seasonal use	Temporary use not to exceed 1 year
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GMP #2017-03 September 1, 2017 Page 11 of 29

Attachment 2b: Request for Health Department Review To Be Completed By Property Owner Or Agent:

Owner Name: \A_I \II \II \II	The state of the s	
Owner Name: Jacky, Waddell	Home Talanhan	Etc. a
Mailing Address: 4970 Alm Scrop Rd.	Office Telephone:	540-505-2393
e-mail address:	Cell Phone:	
c-man address:	OCH FROME:	
Angert blance S 44		
Agent Name: Southwest Six Inc.	Home Telephone:	
Forming Address: 305 Dek St.	Office Telephone:	
Mailing Address: 305 Oak St. G-mail address: 4 Herile VA 24143	Cell Phone:	276-728-3222
c-mail address:	esen i none;	
Property Location (marris)		
Property Location (provide directions from local h	ealth department):	
4970 She Spring Read	limissee 1/4	
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Tax Map: 26-A-41 Subdivision Name (if applicable):		to be broad a second and a second as a sec
Subdivision Name (if applicable):	rin#	the care and the c
Subdivision Name (if applicable):  Current Use tinchule # of Parkers		
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Has property bearing recent records of onsite system (F	ump-outs or thouse	
Has properly been occupied during previous 30 day. The septic tank and distribution box are processed.	period: On Operation	and Maintenance Reports).
To provent notate the first that the provent notate of	for inspection (C)	N Components will be uncovered by tilate).
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utilities. The septic tank and distribution box should Jacovering the septic tank and distribution box wor	be carefully again	N Components will be uncovered by tdate).  s first contact Miss Utility for marking any underground.
and distribution box way	The same of the sa	DV hand I
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Examples of hardship: system is relatively new, recomponents.)  Celated Building Permit #:  LEASE READ CAREFULLY:	ently pumped, accurate Health Depart	ship: Y or N If Y reasons for hardship:  records exist, or excavation would likely damage  nent I.D.#: 83-160-0232
Examples of hardship: system is relatively new, recomponents.)  Celated Building Permit #:  LEASE READ CAREFULLY:	ently pumped, accurate Health Depart	ship: Y or N If Y reasons for hardship:  records exist, or excavation would likely damage  ment I.D.#: 83-160-0232
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Examples of hardship: system is relatively new, recomponents.)  Celated Building Permit #:  LEASE READ CAREFULLY:  this report is only intended to address the above the recedures for sewage systems being sold thresed as part of a subdivision.	ently pumped, accurate  Health Depart  ove referenced requiring	ship. Y or 11 Y reasons for hardship:  records exist, or excavation would likely damage  nent I.D.#: 83-160-0232  est and does not address evaluation.
Examples of hardship: system is relatively new, recomponents.)  Celated Building Permit #:  LEASE READ CAREFULLY:  this report is only intended to address the above as part of a subdivision.	ently pumped, accurate  Health Depart  ove referenced requiring	ship. Y or 11 Y reasons for hardship:  records exist, or excavation would likely damage  nent I.D.#: 83-160-0232  est and does not address evaluation.
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	chment 3a: Findings:
	Review pursuant to Va. Code 8 32.1-165
	e: Stephen Dalton
_	ne Number: 276 - 728 - 3222
	livision: (If Applicable)
_	ical Address: 4970 Blue Springs Rol. Hiwassee
oforming for	existing onsite sewage system safe, adequate and proper or approvable as nonconform oposed use?
	(YES) Comments: Sytic Tank and distribution box were extend and water tested on 3/11/21. System is equale, + proper for new home.
Section 2 Property Communication Communications	(NO) Comments:
•	Comments:
	ofe that each evaluation to be a
ide a	nent site visit. There is no guarantee given or implied that this sewage disposed exists
ıdı	ote that each evaluation is based on a case by case basis and may or may not include nent site visit. There is no guarantee given or implied that this sewage disposal syste to function properly in the future. In the event of a sewage disposal malfunction, the responsible for any repairs or other actions degreed processors.

owner will be responsible for any repairs or other actions deemed necessary by the Department to

Turn Document Over for Site Sketch and Signature.

correct the situation.



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Site Sketch:

SIGNATURE:
DATE: 3 (1)

An owner may challenge a denial by requesting an Informal Fact-Finding Conference (IFFC) within 30 days of receipt of a decision. All requests for an IFFC must be sent in writing to the District Fighth Director and cite the reason or reasons for the request.

STEPHEND. DALTON Lie. No. 1940001068 20



### **Special Use Permit Application Form**

Montgomery County, Virginia
755 Roanoke St. Suite 2A, Christiansburg, VA 24073
540-394-2148 | mcplan@montgomerycountyva.gov

Applicant Information: (PLEASE PRINT – if additional owners, please attach additional sheets) Owner of Record (attach separate page for add'l owners): Address: Jacquelyn Hopkins Pugh 4970 Blue Springs Road, Hiwassee, VA 24347 Telephone: Email: 540-392-1445 mtroads@verizon.net Applicant Name: Owner Contract Purchaser/Lessee Address: Owner Telephone: Email: Representative Name and Company: Address: Telephone: Email: Property Description: Location or Address: (Describe in relation to nearest intersection) 4970 Blue Springs Road Parcel ID Number(s): Existing Zoning: Acreage: 008976 1.551 A1 Comprehensive Plan Designation: Existing Use: Single Family Residence Description of Request: (Please provide additional information on attached sheet if necessary) Proposed Use(s) including acreage: Convert existing 2-story house to Storage 1622 sq. ft. and 20 ft. high. Doublewide is 1568 sq. ft. and 16 ft. high 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. Owner 2 Signature (for add'l owners please attach separate sheet) Date Applicant Signature Date Representative/Agent Signature Date

Planning and zoning

Attn: Bre Hopkins

We live at 4970 Blue Springs Rd Hiwassee Va 24347. We are asking for a special use permit to put a double wide mobile home on our property. I am 67 and have very bad copd on oxgen my wife is 66 we live in a two story farm house with no bed room down stairs and I can't go up and down stairs anymore

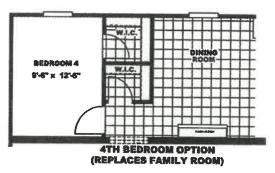
The farm house is 121 years old and has been in the family for a very long time. We don't want it removed plus we don't have the money to do that anyway. At the time we bought the double wide we.didn't know you couldn't have a storage building taller than your house we want to use it to store some of our things in. the double wide is a open floor plan which makes it easier to get around in with oxgen Thank you. Harvey and Jackie Waddell.

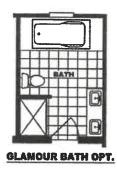


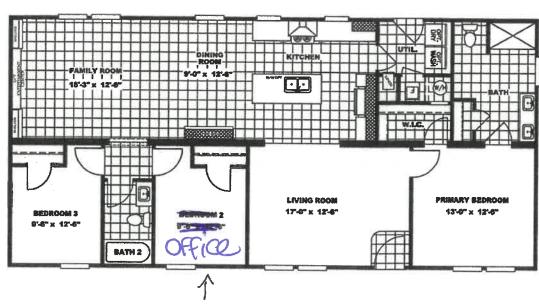
# Opening doors to a better life.

Nabdell

# **CLASSIC 56D - 25CLA28563DH**







### Plan Details

Bedrooms	82
Bathrooms	2
Sq Feet	1568
Width	28
Depth	56



