

MONTGOMERY COUNTY BOARD OF ZONING APPEALS
APRIL 6, 2021 5:00PM
Multipurpose Room 2, Government Center
755 Roanoke Street, Christiansburg VA

I. CALL TO ORDER

II. DETERMINATION OF A QUORUM

III. ELECTION OF OFFICERS

IV. APPROVAL OF MINUTES

- a. December 4, 2018

V. OLD BUSINESS

VI. PUBLIC HEARING

- a. **SUP-2021-00151**- A request by 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).

VII. NEW BUSINESS

- a. By-Laws Discussion – Revise meeting day

VIII. NEXT MEETING

- a. May 4, 2020 (Tentative)

IX. ADJOURNMENT

AT A MEETING OF THE MONTGOMERY COUNTY BOARD OF ZONING APPEALS HELD ON DECEMBER 4, 2018, AT 5:00 PM IN THE MULTIPURPOSE ROOM, SECOND FLOOR, MONTGOMERY COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER

Mr. DiSalvo called the meeting to order at 4:59 p.m.

Present: Richard DiSalvo, Chair
Michael Reilly, Vice-Chair
Charles (Chuck) Shorter, Member
David Moore, Member
Bob Miller, Alternate Member
Zach Milton, Member
Dari Jenkins, Planning & Zoning Administrator
Leann Nester, Program Assistant

Mr. Reilly established the presence of a quorum.

APPROVAL OF MINUTES

On a motion made by Mr. Shorter and seconded by Mr. Milton and unanimously carried, the minutes of the November 13, 2018 meeting were approved.

PUBLIC HEARING

Mr. DiSalvo introduced the request by **Cory L. Roberts** and **Laura A. Roberts** for a Special Use Permit (SUP) on approximately 1.4 acres in a Residential (R-2) zoning district, with possible conditions, 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 30 ft. x 40 ft. detached garage (for personal use) will have an overall height of 19' – 3" which exceeds the height of the principal structure to accommodate storage of daily use and classic vehicles, hobby space and a future vehicle lift. The property is located at **363 Rolling Hills Drive**, and identified as Tax Parcel No. 077-B 4 14 (Parcel ID #007874), in the Riner Magisterial District (Election District B).

Ms. Jenkins shared a brief staff report on the details of the applicant's SUP request to allow a garage (an accessory structure) to exceed the height of the residence (principal structure). She confirmed the building size was 1,200 square feet and the overall height was 19 feet - 3 inches. The accessory structure will be located at 363 Rolling Hills Drive in Christiansburg, Virginia in the Rolling Hills Subdivision, Section 5, Lot 14. The parcel is zoned Residential (R-2). The surrounding parcels vary in size between 0.39 and 1.4 acres. The applicants' lot is the largest in Section 5. To the west of the parcel is a 66 acre agricultural parcel.

She presented various maps and photos to indicate the parcel's location in the county as well as within the subdivision. The lot size is 1.40 acres and the owner's residence is located on the parcel. The proposed size of the one-story detached garage will be 30 feet by 40 feet with an overall height of 19 feet - 3 inches, making the actual height of the structure 4 feet - 5 ½ inches higher than the residence. The garage will provide desired storage for personal vehicles, both classic and daily use vehicles, space for vehicle

restoration, wood work, etc. No commercial use of the structure is proposed. The projected material needed to build the garage consist of a concrete slab, tan vinyl siding to complement the existing residence and dark brown metal roof.

Ms. Jenkins 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 1,200 sq. ft. in total area and the overall height of the structure shall not exceed 20 feet measured at the ridge of the structure.
2. The proposed accessory structure shall generally comply with the architectural plans and site plan submitted by the applicant.
3. No commercial work shall be permitted at the site and/or within the structure.
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.

She confirmed that the adjoining property owner notices were mailed, legal advertisements were processed and staff received no phone inquiries regarding this application; however, some adjacent property owners or other interested parties may be present to share their view of this request.

Ms. Jenkins inquired if the Board had any questions regarding the SUP request.

Mr. DiSalvo asked Ms. Jenkins to verify the garage height verses the home again. She stated that the accessory structure will be 4 ft. – 5 ½ inches taller than residence; however, due to the topography of the property and the proposed location of the structure, staff believes that the proposed garage height will blend nicely with the height of the existing dwellings.

With no other comments or questions from the Board for Staff, Mr. DiSalvo opened the public hearing. Mr. Kurt Roberts of 2291 Lupine Loop, adjacent property owner and brother to applicant Cory Roberts, shared his support of his brother's request.

Mr. DiSalvo asked the Board members if they had any questions for the applicant. Mr. Reilly responded that he had looked at the property and has no problem with the request.

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

On a motion made by Mr. Shorter, seconded by Mr. Reilly 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 conditions as recommended:

1. The proposed accessory structure shall not exceed 1,200 sq. ft. in total area and the overall height of the structure shall not exceed 20 feet measured at the ridge of the structure.

2. The proposed accessory structure shall generally comply with the architectural plans and site plan submitted by the applicant.
3. No commercial work shall be permitted at the site and/or within the structure.
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, Milton

Nays: None

Abstain: None

OLD BUSINESS

Mr. DiSalvo asked Ms. Jenkins for an update on the Sportsman. She revealed that a letter documenting the BZA's decision on his appeal was sent to Mr. Mosser, but he had not responded. She stated that she would be following up with Mr. Mosser regarding the corrections of the violations.

NEW BUSINESS

Ms. Jenkins confirmed that Mr. Shorter, Mr. Miller and Mr. Reilly have completed the necessary documentation for reappointment to the Board of Zoning Appeals.

NEXT MEETING

Ms. Jenkins shared that no new applications had been submitted this month for the BZA's review; therefore, there would be no meeting in January 2019.

With no additional business, Mr. DiSalvo adjourned the meeting at 5:15 PM.

TO: Board of Zoning Appeals
FROM: Brea Hopkins, Planning and Zoning Administrator
DATE: March 30, 2021
RE: **Staff Analysis – COMPTON Special Use Permit Request; SU-2021-00151**

Nature of Request

Joy F Compton has requested approval of a Special Use Permit (SUP) on approximately 33.397 acres in an Agricultural (A1) zoning district, with possible conditions, to allow an accessory structure exceeding the square footage and/or height of the principal structure per Code Section 10-41(1)(a).

The request is for approval to construct a 40 ft. x 60 ft. (2,400 sq. ft.) storage building for personal use with an overall wall height of 12' to accommodate storage of furniture, mowing equipment and other items necessary for upkeep of property. The property shares a driveway with 2026 Ellett Road, which is owned by Wayne and Sherry Compton. There are a two dwelling units located on the parcel; a two story primary dwelling, and a vacant manufactured home (proposed for removal). The primary dwelling is approximately 1,786 square feet and 18-20 ft. in overall height. Also located on the property is a 1930's barn/garage, storage building, and a picnic shelter that is used to store various items.

Location

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.

This 33.397 acre property is situated .5 mile South of the Smart Road on property adjacent to the Virginia Tech Foundation Inc. property associated with the Smart Road. To the south/south east is an undeveloped 88.531 acre parcel. Remaining properties are zoned Agricultural (A1) and consist of single-family residences.

Background

Staff received an application for a special use permit to allow a bed and breakfast inn with associated events. The owner originally intended to use the existing primary dwelling as a three room bed and breakfast inn with the proposed accessory structure used for associated events such as weddings, social parties/gatherings, etc. The application was reviewed with VDOT, Department of Environmental Services, and the Department of Inspections. From that meeting a list of all required items to allow the proposed uses was generated and sent to the owner. That SUP request was subsequently withdrawn as the owner felt it was not financially feasible to move forward with the necessary improvements. Staff then received the attached SUP application for the proposed accessory structure.

Industrious | Diverse | Steadfast | Helpful | Integrity

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. The applicant owns approximately thirty-four (34) acres of property and the structure will have minimal visibility from any existing dwellings (other than those on the subject property).

With the exception of the side setback adjoining the property to the south, the setbacks are greater than 100 ft. to the property lines. The side setback to the south has been noted to be 50' from the property line; however, after visiting the site staff believes it may be closer than that distance. The ordinance requires a ten (10) foot side setback for accessory structures. Consideration should be given to that requirement based on the size of the structure.

The proposed use as stated in the application is for storage of furniture, mowing equipment, and other items necessary for the upkeep of the property. In the past, the dwelling has been rented (fully furnished). There are plans for a family member to move into the house and use her own furnishings, so additional storage will be needed for the furniture currently in the dwelling. Since the owner does not currently live on-site, it is reasonable to consider that storage for equipment to maintain the remaining property would be necessary.

Comprehensive Plan

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

Analysis

The proposed 2,400 sq. ft. garage will provide the space requested for storing items such as furniture, mowing equipment and many other items necessary for the upkeep of the property. The plans indicate the garage to be 60' x 40' or 2,400 sq. ft. with an overall wall height of 12 feet. This exceeds the square footage of the dwelling by 614 sq. ft.; however, does not exceed the height of the two-story dwelling. The property is zoned Agricultural (A1); however, the owner has stated there are no agriculture activities on site. The land is maintained in its present state as open/forested lands.

No commercial or residential use of the structure has been proposed with this application. Based on the previously filed application, it should be made clear that the structure shall not be used as a public venue. Private events such as family reunions, family weddings, etc. would be allowed; however, even in those cases other permits may still be necessary depending on the size and type of event.

Staff Recommendation

Staff's preliminary recommendation is to approve the Special Use Permit 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.

To date, the Planning Department has received one inquiry regarding the applicant's request for approval of a SUP for an oversized accessory building. That letter has been included in your packet. 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
Application Materials
Correspondence from Dorothy Shannon dated 3/26/2021



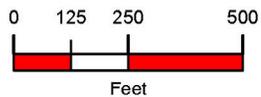
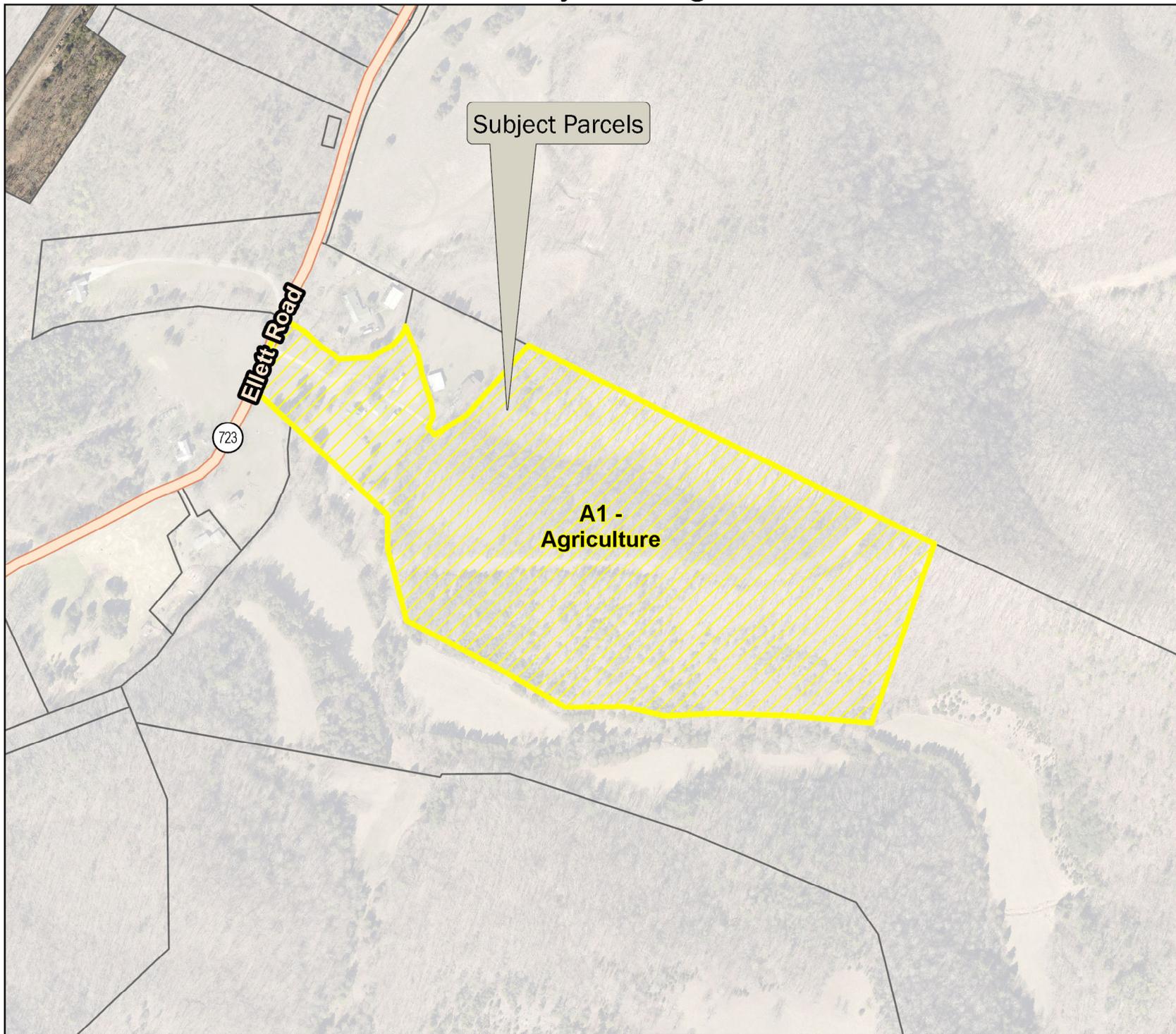
County Zoning



SUP for 2400 sq ft
accessory structure
Joy C Compton

Parcel ID 004164
2020 Ellett Rd

-  Subject Parcel
004164
-  Tax Parcels
- Zoning
-  A1 - Agriculture



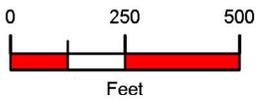
Scale 1:5,000



SUP for 2400 sq ft
accessory structure
Joy C Compton

Parcel ID 004164
2020 Ellett Rd

-  Subject Parcel 004164
-  Tax Parcels



Scale 1:5,000

Prepared by Montgomery County,
VA GIS & Planning Services
3/11/2021



2018 9 inch imagery flown by Eagleview







February 21, 2021
Joy C. Compton
1386 Jennelle Road
Blacksburg, VA 24060
540-558-8382
Comptonjoy58@yahoo.com

Ms. Brea Hopkins, CZA, CTM
Planning & Zoning Administrator
755 Roanoke Street, Suite 2A
Christiansburg, VA 24073

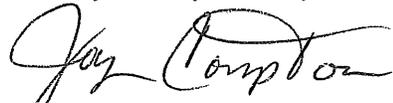
Subject: Revised Building Permit for 2020 Ellett Road, Christiansburg, VA 24073

Ms. Hopkins,

Thank you for your response to my request for the Special Use Permit for the Bed and Breakfast with Events. After looking over the attached requirements that is expected for this permit, I will not be able to proceed with this endeavor. The cost will be too expensive for me to meet your list of expectations. Therefore, I need to pass on the Event Center and Bed and Breakfast. Thank you for your time spent with me in preparing the application and questions.

I still want to continue in obtaining a building permit for the 40 foot by 60 foot building (see attachment) for my property on 2020 Ellett Road, Christiansburg, VA 24073. The building will be used for storage on such items as furniture, mowing equipment and many other items necessary for the upkeep of my property. Please let me know if the money paid (\$510.00) can be used for this building permit.

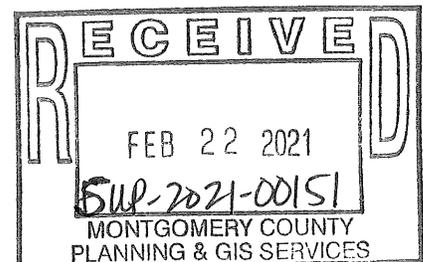
Thank you for your cooperation.



Joy Compton

Attachment 1

CC: Wayne C. Compton, (Cliff)
Planning Commission/Board of Supervisors





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): <i>Jay Craig Compton</i>	Address: <i>1386 Jennelle Road Blacksburg, VA 24060</i>
Telephone: <i>540-358-8382 Cell 540-382-3949 Home</i>	Email: <i>Comptonjay58@yahoo.com</i>

Applicant Name: <input type="checkbox"/> Owner <input type="checkbox"/> Contract Purchaser/Lessee	Address:
Telephone:	Email:

Representative Name and Company:	Address:
Telephone:	Email:

Property Description:

Location or Address: (Describe in relation to nearest intersection) <i>2020 Elliott Road, Christiansburg, VA 24013</i>		
Parcel ID Number(s): <i>004164</i>	Acreage: <i>33.397</i>	Existing Zoning: <i>A-1</i>
Comprehensive Plan Designation: <i>Rural</i>	Existing Use: <i>Single Family Rental</i>	

Description of Request: (Please provide additional information on attached sheet if necessary)

Proposed Use(s) including acreage:
Storage Building 40 ft by 60 ft 2400 sq. ft.

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.

Jay Craig Compton
 Owner 1 Signature

2/21/2021
 Date

Owner 2 Signature (for add'l owners please attach separate sheet) _____ Date _____

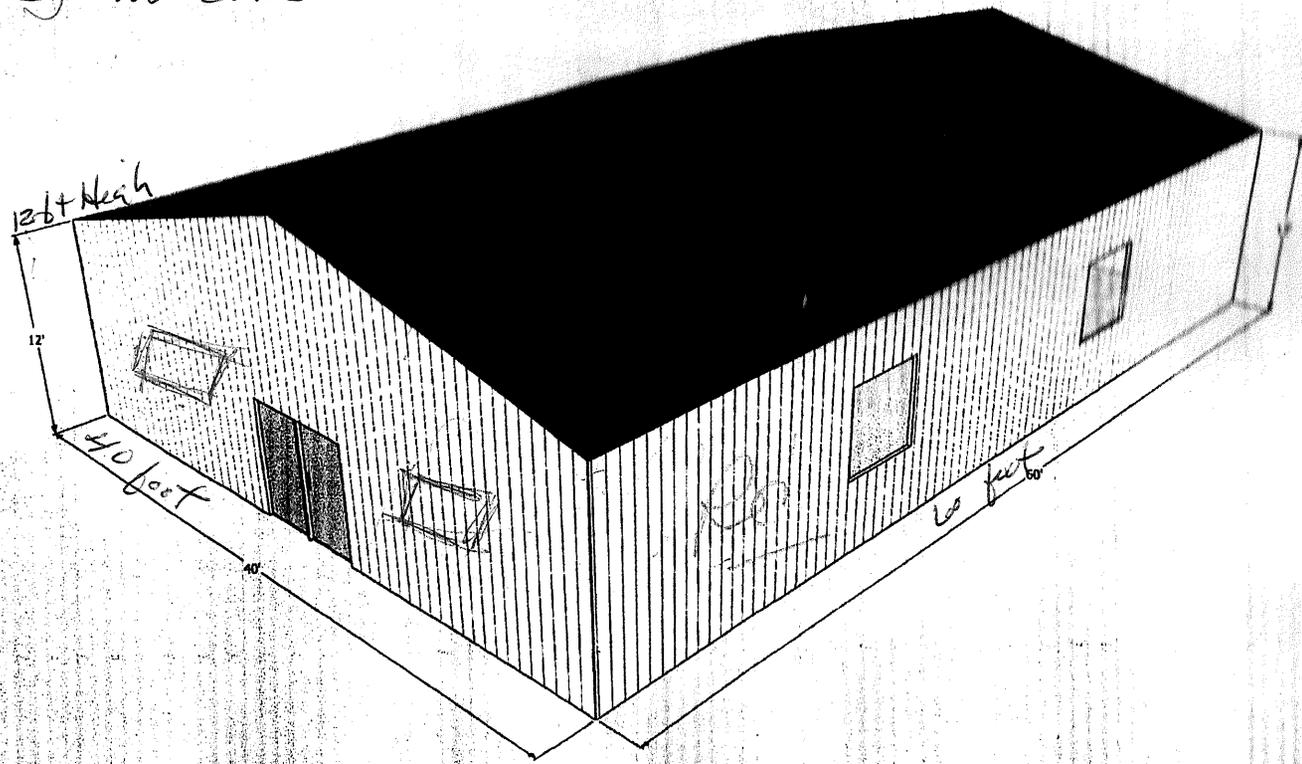
Applicant Signature _____ Date _____

Representative/Agent Signature _____ Date _____

burg.

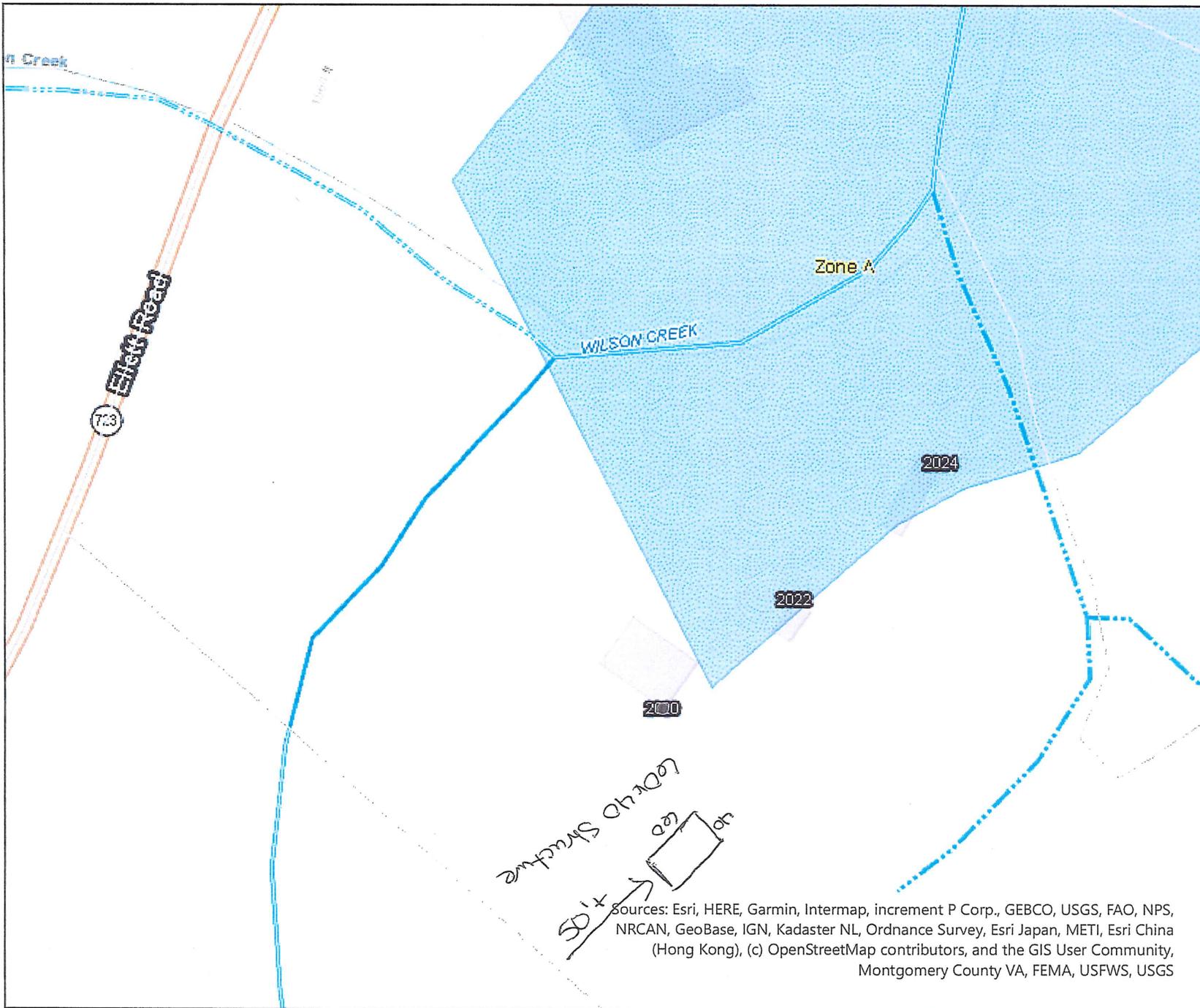
Joy C. Compton
2020 Ellett Road
Christiansburg, VA 24073
540-382-3949 Home
540-558-8382 Cell

Comptonjoy58@yahoo.com



12 foot high
40ft wide
60ft long

Parcel and Land Viewer

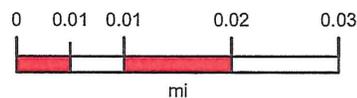


-  Corporate Line
-  Tax Parcels
-  Zone A
-  Hydrography
-  Minor Streams
-  Major Roads

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Montgomery County VA, FEMA, USFWS, USGS

*For reference purposes only.
Not to be used as an official
legal document.

Scale: 1:1,128

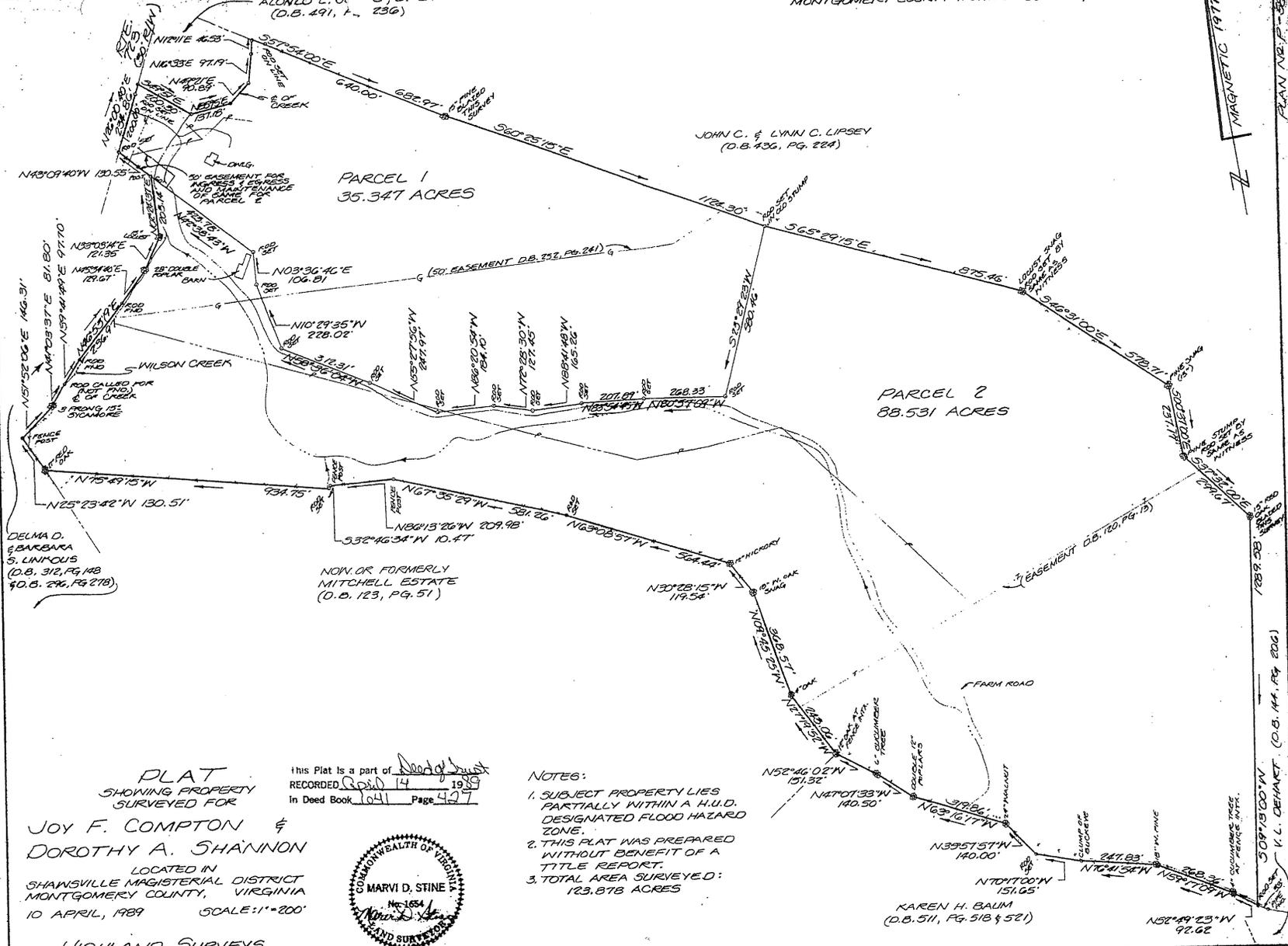


Map by Montgomery County VA web
map viewer 2/22/2021



ALONZO L. JONES, ET AL
(D.B. 491, P. 236)

REFERENCE: DEED BOOK 145, PAGE 84
MONTGOMERY COUNTY TAX MAP: 80-A-6 & 7



PARCEL 1
35.347 ACRES

PARCEL 2
88.531 ACRES

DELMA D. & BARBARA S. LINCOLN
(D.B. 312, PG 148
& D.B. 296, PG 278)

NON-OR FORMERLY
MITCHELL ESTATE
(D.B. 123, PG. 51)

KAREN H. BAUM
(D.B. 511, PG. 518 & 521)

V.L. DEHART (D.B. 144, PG. 200)

PLAT
SHOWING PROPERTY
SURVEYED FOR

Joy F. COMPTON &
Dorothy A. SHANNON

LOCATED IN
SHANVILLE MAGISTERIAL DISTRICT
MONTGOMERY COUNTY, VIRGINIA

10 APRIL, 1989 SCALE: 1" = 200'

This Plat is a part of
RECORDED Book 14 Page 497
In Deed Book 141 Page 497



- NOTES:
1. SUBJECT PROPERTY LIES PARTIALLY WITHIN A H.U.D. DESIGNATED FLOOD HAZARD ZONE.
 2. THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT.
 3. TOTAL AREA SURVEYED: 123.878 ACRES

MAGNETIC 1977

PLAN NO. P-58

PLAN NO. P-58

Board of Zoning Appeals

Sorry, I will not be at the public hearing concerning Joy Compton request. My main concern is location.

Due to the size of the building, I think there should be a good distance from my property line to the building.

Sincerely

Dorothy A. Shannon
1316 - 39th Street
Rock Island, Illinois
61201-3111
March 26, 2021

**MONTGOMERY COUNTY
BOARD OF ZONING APPEALS**

BY-LAWS

ARTICLE I. OFFICERS:

- 1-1. The Board shall consist of five (5) residents of the County and shall organize and elect a Chairman, and Vice-Chairman annually in the month of January. (9/4/85), (10/2/01)
- 1-2. The Chairman shall preside at all meetings and hearings of the Board, he shall decide all points of order or procedure and shall appoint any committees that may be found necessary. (9/4/85)
- 1-3. The Vice-Chairman shall assume the duties of the Chairman in his absence.
- 1-4. The Zoning Administrator shall serve as the Secretary and shall conduct all official correspondence subject to these rules at the direction of the Board; shall send out all notices required by these rules of procedure; keep the minutes of the Board's proceedings; and keep a file on each case which comes before the Board. (10/2/01)
- 1-5. The Board shall have two (2) alternate members whose qualifications, terms and compensation shall be the same as those of regular members. A regular member when he knows he will be absent from a meeting shall notify the Secretary at least twenty-four hours prior to the meeting. The Chairman shall select an alternate to serve in the absence of a member and the records of the board shall so note. (10/2/01)

ARTICLE II. MEETINGS:

- 2-1. A Regular meeting of the Board of Zoning Appeals for the Hearing of cases shall be held on the first ~~Tuesday~~ Wednesday of each month at 5:00 P.M., unless no cases are pending, in which case no meeting shall be held. (9/4/85), (10/3/85), (10/2/01), (4/1/08)
- 2-2. Special meetings may be called by the Chairman, provided that at least five (5) days notice of such meeting is given each member (in writing); provided further that the requirement for five (5) days notice may be waived in writing and presence of a member shall be deemed a waiver of notice by him of any such meeting.
- 2-3. A quorum shall consist of three members or a simple majority if the Board has more than five (5) members.

- 2-4. The order of business at all Regular meetings of the Board shall be as follows: (a.) Ascertainment of quorum; (b.) Reading of the minutes of previous meeting; (c.) Unfinished business; (d.) Hearing of Cases; (e.) New Business.
- 2-5. The Board may adjourn a Regular meeting of all applications or appeals that cannot be disposed of on the day set, and no further public notice shall be necessary for such a meeting. (9/4/85)
- 2-6. Regular meetings of the Board may be continued to the following Tuesday if the chairman, or vice chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. (4/6/04)

ARTICLE III. PROCEDURE FOR HEARING CASES:

- 3-1. Appeals to the Board of Zoning Appeals may be taken by any person affected by any decision of the Zoning Administrator and by applicants for a variance to the zoning ordinance. Such appeal shall be filed with the Zoning Administrator. The Zoning Administrator will transmit the application to the Board along with all papers constituting the record upon which the action was taken. (9/4/85), (10/2/01)
- 3-2. The applicant shall provide the Secretary with such information and data as may be required to advise the Board fully with reference to the application. (10/2/01)
- 3-3. An application shall be given a case number within five (5) days from the date filed and scheduled for a public hearing within ninety (90) days. (10/2/01)
- 3-4. The Secretary of the Board shall notify the parties in interest of the time scheduled for the Public Hearing of the case and file public notice in a newspaper of general circulation in accordance with Section 15.2-2204 & 2205. (10/2/01)
- 3-5. At the time of the Public Hearing, the applicant may appear in his own behalf or be represented by counsel or agent. The applicant's statement shall be made, first, followed by that of the Zoning Administrator and any private citizen for or against the proposal.
- 3-6. Final decision on any variance or application for appeal to the Board of Zoning Appeals shall be in the form of a resolution which must be approved by a quorum of the membership of the Board. (10/2/01)

3-7. Within thirty (30) days after the hearing, the Board shall notify the parties of interest and the Zoning Administrator of its decision.

ARTICLE IV. RECORDS:

4-1. A file of all material and decisions relating to each case shall be kept by the Secretary as part of the records of the Board of Zoning Appeals.

4-2. All records of the Board shall be a Public Record.

ARTICLE V. AMENDMENT:

5.1. These bylaws may be amended from time to time as deemed necessary by a majority vote of the Board of Zoning Appeals.

Date of Approval of By-Laws:

October 13, 1969