

BOARD OF SUPERVISORS



THURSDAY, MAY 27, 2021

7:00 P.M.



Smyth County, Virginia
121 Bagley Circle, Suite 100
Marion, VA 24354
(276) 783-3298 p

Atkins District
Chilhowie District
North Fork District
Park District
Royal Oak District
Rye Valley District
Saltville District

Charles E. Atkins
Michael L. Sturgill
Charles P. Stevenson
Kristopher S. Ratliff, DPH
Judy Wyant
Lori H. Deel
Roscoe D. Call

County Administrator
Assistant County Administrator

Shawn M. Utt
Alicia Richardson

MEETING AGENDA SMYTH COUNTY BOARD OF SUPERVISORS

Thursday, May 27, 2021
7:00 PM

- 1) **CALL MEETING TO ORDER** Chairman
- 2) **JOINT PUBLIC HEARING** Chairman
 - a. Application from James Craig Harper for a Special Use Permit for a Service Business located at 174 South Wood Lane, Saltville
- 3) **PAYMENT OF INVOICES** Chairman
 - a. Supplemental Appropriation Request
- 4) **ADJOURNMENT** Chairman



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County Administrator
Assistant County Administrator

Shawn M. Utt
Alicia Richardson

May 21, 2021

To: Members, Smyth County Board of Supervisors

CC: Smyth County Leadership Team

From: Shawn M. Utt, Smyth County Administrator

RE: Packet summary – May 27, 2021 Meeting & Joint Public Hearing with Planning Commission

Below are summaries related to specific agenda items. Should additional information become available, we will provide as quickly as possible:

1. **Call to Order**

2. **Joint Public Hearing**

- a. Application from James Craig Harper for a Special Use Permit for a Service Business located at 174 South Wood Lane, Saltville – **enclosed** is the packet information that was sent with the Planning Commission's meeting packet.

3. **Payment of Invoices** – Appropriations and accounts payable items provided for your consideration and approval are as follows:

- a. Town of Saltville EMS – the initial payment of the funding approved at the May 11th meeting in the amount of \$40,000. The Town has decided to move cautiously with the purchase of the equipment and begin by working to equip the new ambulance. We would like to request the Board to appropriate \$40,000 in the General Fund for this expense.
- b. Back of the Dragon Overlook Project – the contractor for the Back of the Dragon has submitted an invoice that they meant to submit about 30 days ago (issue with staff members being out of the office for extended leave). I would like to get them paid quickly and not make them wait an addition 2 to 3 weeks. This is grant funded and the amount is \$35,950. We would like to request the Board to appropriate this amount from Fund 502 (Capital Projects).

4. **Adjournment**



Smyth County Planning Commission

121 Bagley Circle, Suite 120, Marion, VA 24354
Phone (276) 706-8316 Fax (276) 783-9314

Hazel Wagoner, Atkins District
Graham Davidson Jr., Chilhowie District
Robert Campbell, North Fork District
Joel Pugh, Park District
Tony Dean, Royal Oak District
Paul Shepherd, Rye Valley District
David Spence, Saltville District
Clegg Williams, Zoning Administrator
Sarah Parris, Administrative Assistant

AGENDA

Thursday, May 27, 2021

6:30 p.m.

1. Call Meeting to Order
2. Adoption of Agenda
3. Adopt Minutes of April 22, 2021 meeting
4. BZA Follow-up
5. Citizens Time
6. Other Business, if any
7. Questions/Comments from Commissioners
8. Recess

JOINT PUBLIC HEARING

WITH BOARD OF SUPERVISORS

7:00 p.m.

9. Chairman of the Board and Chairman of the Planning Commission call the joint public hearing to order.
10. Application from James Craig Harper which has been forwarded to the Board of Supervisors of Smyth County, Virginia, requesting a special use permit for a service business.
11. Adjourn public hearing
12. Reconvene Planning Commission meeting to deliberate case.
13. Adjournment

APPLICATION FOR SPECIAL USE PERMIT

Service Business – Towing Business

Applicant: James Craig Harper
Site: Beside 174 Southwood Lane; Saltville, VA
Tax Map No.: Tax Map No. 41A-4-2

Background Information

James Craig Harper is applying for a special use permit to establish a service (towing) business on a tract of land located beside 174 Southwood Lane in Saltville. The proposed plan will have a 100' x 100' fenced area for vehicle storage and a 30' x 50' garage.

Relevant Zoning Ordinance Sections

Section 3-2	Agricultural/Rural District
Article X	Definitions
Article VI	Special Use Permit

Adjoining Property Owners

Melissa Brown Parsons ETALS
18 Old Quarry Road
Saltville, VA 24370

James W. & Madeline Carter
130 Valley Road
Saltville, VA 24370

Jared D. & Kristen M. Haynes
648 Possum Hollow Road
Saltville, VA 24370

William & Nanine Woodward
P.O. Box E
Saltville, VA 24370

Jerry L. & Kitty H. Tolley
P.O. Box 144
Saltville, VA 24370

Jerry L. & Berlinda Hess Olinger
4089 Bluegrass Trail
Saltville, VA 24370

Mark Allen & Mary Sue Hess
1289 Valley Road
Saltville, VA 24370

Midway Development Corp
P.O. Box 501
Meadowview, VA 24361

SMYTH COUNTY BUILDING AND ZONING DEPARTMENT
121 BAGLEY CIRCLE, SUITE 120, MARION, VA 24354
Telephone (276) 706-8316
Facsimile (276) 783-9314

APPLICATION FOR SPECIAL USE PERMIT
Article VI of Zoning Ordinance

Date: 4/30/2021

Application Fee: \$250.00

Name of Applicant:	<u>James Craig Harper</u>
Mailing Address:	<u>160 Harper Lane</u>
	City: <u>Saltville</u> State: <u>VA</u> Zip: <u>24370</u>
Phone:	(Home): (____) ____ - ____ (Cell) <u>(276) 706 - 0060</u>
Email:	_____

Property Owner's Name (if not Applicant)	<u>Ramona Grace Harper ETAL</u>
Mailing Address:	<u>160 Harper Lane</u>
	City: <u>Saltville</u> State: <u>VA</u> Zip: <u>24370</u>
Phone:	(Home): (____) ____ - ____ (Cell) (____) ____ - ____
Email:	_____

Preferred Method of Contact (circle one): Home Cell E-mail

911 Site Address or Adjoining 911 Address:	<u>Beside 174 South Wood Lane</u>
	City: <u>Saltville</u> State: <u>VA</u> Zip: <u>24370</u>
Tax Map No.	<u>41A-4-2</u>

Existing Use of Property:	<u>Agricultural</u>
Proposed Use as defined in the Zoning Ordinance:	<u>Tow Business</u>
Uses of immediately adjoining properties:	<u>Residential, Retail Store, Storage Business, Farming</u>
Source of Water:	<u>County</u>
Means of Sewage Disposal:	_____

Attach a Site Plan showing the following information:
a. Shape and dimensions of lot
b. Existing structures with distances to lot lines.
c. Dimensions and locations of all proposed buildings or structures (including additions or alterations) with distances to lot lines.
d. Existing and intended uses of the land and of each building or part of a building
e. Significant natural features, such as woods, streams, etc.
f. Existing and proposed roads and driveways
g. Existing public water and sewer lines
h. Off-street parking spaces

Zoning District: A/R

Attach a list of names and addresses of all abutting property owners and property owners directly across the street.

AFFIDAVIT:

I swear that: (check one)

X No member of the Smyth County Planning Commission or Smyth County Board of Supervisors or no member of the immediate household of any member of the Planning Commission or the Board of Supervisors has any interest in the property for which this Special Use Permit is requested, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust;
or

_____ Members of the Smyth County Planning Commission or Smyth County Board of Supervisors or members of the immediate household of members of the Planning Commission or the Board of Supervisors who have an interest in the property for which this Special use permit is requested, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust are listed below.

Disclosure of Ownership of Property for which this Special Use Permit is requested:

Names of all owners of the property, including in the case of corporate ownership, the name of stockholders, officers and directors, and in any case the names and addresses of all of the real parties of interest. (Requirement of listing names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.)

Ramona Grace Harper & Jayson Craig Harper

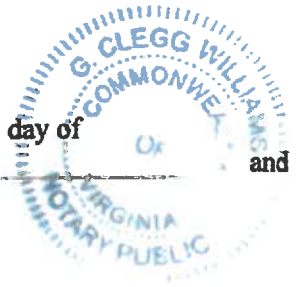
4-30-21 Date James C. Harper Signature of Applicant

NOTARY PUBLIC

STATE/Commonwealth of VA
City/County of Smyth

The foregoing signature(s) were subscribed and sworn before me this 30 day of _____, 2021 by James Craig Harper and

G. Clegg Williams
Notary Public



My Commission Expires 4/30/22 My Registration No. 315307

RECEIVED
CIRCUIT COURT CLERK
SMYTH COUNTY VIRGINIA

20th AUG 22 PM 3:58

PREPARED BY: BRANDON R. BOYLES, ESQ. - V.S.B. Number 72755
RETURNED TO: Blue Ridge Title & Settlement Agency, LLC
TAX MAP NO.: 41A-4-2 TAX MAP NO.: 41A-4-1
Tax Assessed Value: \$12,200 Tax Assessed Value: \$1,400

THIS DEED OF GIFT, Made this 22nd day of August, 2019, by and between JAMES CRAIG HARPER, Grantor, and RAMONA GRACE HARPER and JAYSON CRAIG HARPER as joint tenants, whose address is 160 Harper Lane, Saltville, Virginia 24370, Grantees.

-WITNESSETH-

That for and in consideration of a gift, the said Grantor does hereby grant and convey unto the said Grantees **EXPRESSLY RESERVING UNTO HIMSELF A LIFE ESTATE IN SAID PROPERTY, in fee simple, with General Warranty and Modern English Covenants of Title and as joint tenants with the right of survivorship as at common law, the following described property, to wit;**

That certain tract or parcel of land lying and being in North Fork District, Smyth County, Virginia, and described as follows:

"Those certain lots or parcels of land designated as Lot 1 and Lot 2 as shown on plat of the Lyons Gap Estates by E. C. Holmes, C.L.S., dated September 1978, and recorded in the Clerk's Office of Smyth County, Virginia, in Plat Book 9, Page 72, and further described from said plat as follows:

Brandon R. Boyles, P.C.
108 Courthouse Street, Suite A
P.O. Box 253
Independence, Virginia 24348

Beginning at a point which is the southernmost point of intersection between Virginia State Secondary Highway 773 and Virginia State Highway 107, which said point is the southwestern most point of a 60-ft. future right-of-way as shown on the abovementioned map; thence with the 60-ft. right-of-way on a slight curve to the right with a radius of 25-ft. to a point; thence continuing with said right-of-way N 81° 07' E 379.74 feet to a point; thence as a division line between the property herein conveyed and other property of the party of the first part S 10° 8' E. 259.47 feet to a point; S 1° 35' 55" E 325.66 feet to a point; N 43° 09' 40" W 157.39 feet to a point; S 47° 00' W 69.30 feet to a point in the northeastern line of Virginia Highway 107; thence with said Highway N 35° 13' 07" W 148.86 feet to a point; thence N 35° 13' 07" W 284.91 feet to a point; N 26° 31' 23" W 82.94 feet to a point; N 15° 30' 42" W 1.16 feet to the point of beginning, and containing 3.40 acres, more or less."

AND BEING that same property conveyed to Carl P. Brickey, Jr. and Sue H. Brickey, husband and wife as tenants by the entirety with the right of survivorship as at common law, by Deed from C. Preston Brickey, III and Robin E. Brickey, dated May 22, 2003, filed for record in the Clerk's Office of the Circuit Court of Smyth County, Virginia in Deed Book 627, Page 515.

The said Carl P. Brickey, Jr., departed this life on the 3rd day of September, 2009 and by virtue of the survivorship provision in the aforesaid Deed, title vests in his widow, Sue H. Brickey.

Reference is further made to that Deed to James Craig Harper from Sue H. Brickey, dated August 22, 2019 and to be filed for record prior to this conveyance.

Reference to said survey and deed is here made for a more definite description of the property herein conveyed and for chain of title.

This property is SUBJECT to such rights-of-way or easements for access by others or utilities which are of record in the aforesaid Clerk's Office or are apparent to observation.

Brandon R. Boyles, P.C.
108 Courthouse Street, Suite A
P.O. Box 253
Independence, Virginia 24348

This conveyance is subject to and includes all other easements, covenants and restrictions of record as they may lawfully apply to the aforesaid property, including but not limited to those noted on plat of record in the Clerk's Office of Smyth County, Virginia in Plat Book 9, Page 72.

This deed is exempt from recording tax pursuant to Section 58.1-811(D) 1950 code of Virginia, as amended.

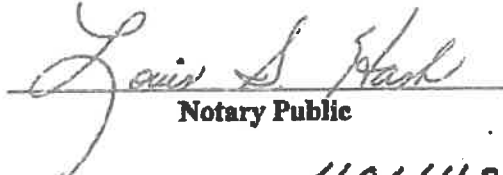
This deed was prepared without the benefit of a title search by the preparer.

WITNESS the following signature and seal.

 (SEAL)
JAMES CRAIG HARPER

STATE OF Virginia
CITY/COUNTY OF Smyth to-wit:

The foregoing instrument was acknowledged before me this 22nd day of August, 2019, by James Craig Harper.


Notary Public

Registration No. 4066426

My commission expires: 12-31-2022

Brandon R. Boyles, P.C.
108 Courthouse Street, Suite A
P.O. Box 253
Independence, Virginia 24348



LOUIS S. HASH
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
COMMISSION NO. 4066426

INSTRUMENT 190001966
RECORDED IN THE CLERK'S OFFICE OF
SMYTH CIRCUIT COURT ON
AUGUST 22, 2019 AT 04:01 PM
JOHN H. GRAHAM, CLERK
RECORDED BY: AAM

RECEIVED
CIRCUIT COURT CLERK
SMYTH COUNTY VIRGINIA

PREPARED BY: BRANDON R. BOYLES, ESQ. - V.S.B. Number 72755
RETURNED TO: Blue Ridge Title & Settlement Agency, LLC
TAX MAP NO.: 41A-4-2 TAX MAP NO.: 41A-4-1
Tax Assessed Value: \$12,200 Tax Assessed Value: \$1,400

2019 AUG 22 PH 3:58

THIS DEED, Made this 22nd day of August, 2019, by and between TOTSIE SUE BRICKEY, a/k/a SUE H. BRICKEY, Grantor, and JAMES CRAIG HARPER, whose address is 160 Harper Lane, Saltville, Virginia 24370, Grantee.

-WITNESSETH-

That for and in consideration of the sum of TWENTY NINE THOUSAND FIVE HUNDRED DOLLARS (\$29,500.00), cash in hand paid, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, in fee simple, with General Warranty and Modern English Covenants of Title, the following described property, to wit;

That certain tract or parcel of land lying and being in North Fork District, Smyth County, Virginia, and described as follows:

"Those certain lots or parcels of land designated as Lot 1 and Lot 2 as shown on plat of the Lyons Gap Estates by E. C. Holmes, C.L.S., dated September 1978, and recorded in the Clerk's Office of Smyth County, Virginia, in Plat Book 9, Page 72, and further described from said plat as follows:

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with said right-of-way N 81° 07' E 379.74 feet to a point; thence as a division line between the property herein conveyed and other property of the party of the first part S 10° 8' E. 259.47 feet to a point; S 1° 35' 55" E 325.66 feet to a point; N 43° 09' 40" W 157.39 feet to a point; S 47° 00' W 69.30 feet to a point in the northeastern line of Virginia Highway 107; thence with said Highway N 35° 13' 07" W 148.86 feet to a point; thence N 35° 13' 07" W 284.91 feet to a point; N 26° 31' 23" W 82.94 feet to a point; N 15° 30' 42" W 1.16 feet to the point of beginning, and containing 3.40 acres, more or less."

AND BEING that same property conveyed to Carl P. Brickey, Jr. and Sue H. Brickey, husband and wife as tenants by the entirety with the right of survivorship as at common law, by Deed from C. Preston Brickey, III and Robin E. Brickey, dated May 22, 2003, filed for record in the Clerk's Office of the Circuit Court of Smyth County, Virginia in Deed Book 627, Page 515.

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Reference to said survey and deed is here made for a more definite description of the property herein conveyed and for chain of title.

This property is SUBJECT to such rights-of-way or easements for access by others or utilities which are of record in the aforesaid Clerk's Office or are apparent to observation.

This conveyance is subject to and includes all other easements, covenants and restrictions of record as they may lawfully apply to the aforesaid property, including but not limited to those noted on plat of record in the Clerk's Office of Smyth County, Virginia in Plat Book 9, Page 72.

Brandon R. Boyles, P.C.
108 Courthouse Street, Suite A
P.O. Box 253
Independence, Virginia 24348

This deed was prepared without the benefit of a title search by the preparer.

WITNESS the following signature and seal.

Totsie Sue Brickey (SEAL)
TOTSIE SUE BRICKEY

STATE OF Virginia
CITY/COUNTY OF Smyth, to-wit:

The foregoing instrument was acknowledged before me this 22nd day of August, 2019, by Totsie Sue Brickey.

Louis S. Hash
Notary Public

Registration No. 4066426

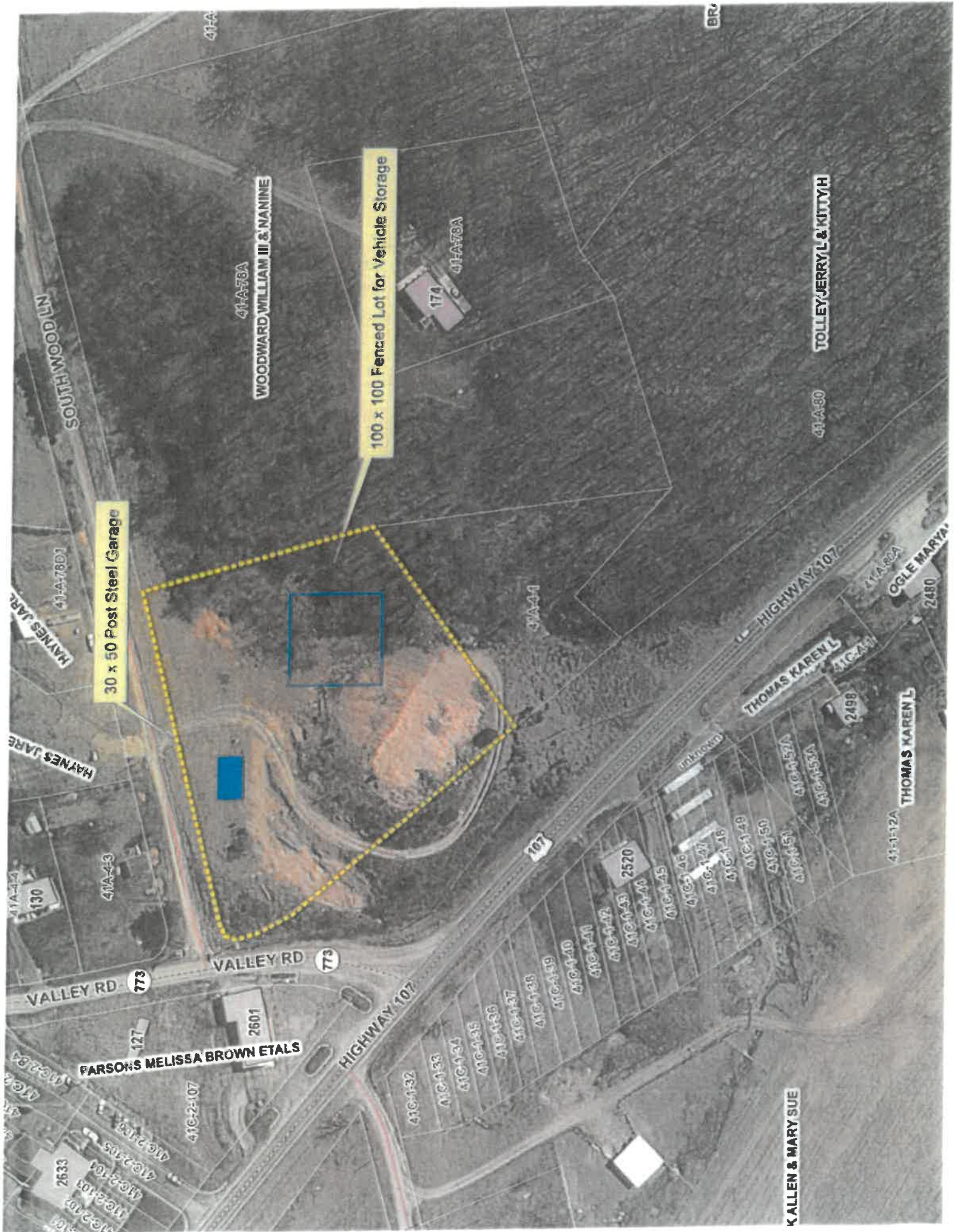
My commission expires: 12-31-2022.



LOUIS S. HASH
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
COMMISSION NO. 4086428

Brandon R. Boyles, P.C.
108 Courthouse Street, Suite A
P.O. Box 253
Independence, Virginia 24348

INSTRUMENT 190001965
RECORDED IN THE CLERK'S OFFICE OF
SMYTH CIRCUIT COURT ON
AUGUST 22, 2019 AT 04:00 PM
\$29.50 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$14.75 LOCAL: \$14.75
JOHN H. GRAHAM, CLERK
RECORDED BY: HAM



**James Craig Harper - Special Use Permit to establish a Service (*Towing*) Business
Beside 174 Southwood Lane in Saltville.**



View from the entrance to the property,
looking east on Southwood Lane



View toward 130 Valley Road



Looking at Rita's Store toward Highway 107



Looking toward entrance of South Wood Lane.



Looking toward entrance of South Wood Lane, from the above property.

**BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS AND
SMYTH COUNTY PLANNING COMMISSION**

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, May 27, 2021, at 7:00 P.M. or as soon after 7:00 P.M. as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application to the Zoning Ordinance of Smyth County, Virginia:

An application from James Craig Harper for a Special Use Permit for a Service Business. The property is located beside 174 South Wood Lane, Saltville Virginia, identified as Tax Map Number 41A-4-2 and zoned Agricultural/Rural.

At this public hearing, subject to the rules of procedure of the Board of Supervisors and Planning Commission of Smyth County, Virginia, any person may appear and state his/her views thereon.

Copies of the application along with their maps/drawings are on file in the Office of the County Administrator of Smyth County. Copies are also maintained by the County Zoning Administrator at the address given above, and may be viewed during regular business hours Monday through Friday.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in this hearing should contact Clegg Williams, ADA Coordinator, at (276) 706-8315 at least 48 hours prior to the hearing.

Done by order of the Board of Supervisors and the Planning Commission.

Shawn Utt, County Administrator
Joel Pugh, Chairman of the Planning Commission