

SMYTH COUNTY LOCAL BOARD OF BUILDING CODE APPEALS
Tuesday, January 5, 2021

The Smyth County Local Board of Building Code Appeals met on Tuesday, January 5, 2021, at 6:00 p.m. in the Smyth County Office Building.

Members Present: Brian Reynolds, Cameron Wolfe Jr, Bill Huber (via phone) and Jim May (via phone)

Members Absent: Les Whitt

Staff Present: Clegg Williams and Sarah Parris

Clegg Williams read the procedure for members participating via electronically. Bill Huber and Jim May joined via phone.

At approximately 6:00 p.m., Chairman, Cameron Wolfe called the meeting to order and appointed Clegg Williams as temporary Chair for the election of Chairman for 2021.

Election of Officers:

Chairman: Clegg Williams opened the floor for nominations of Chairman for calendar year 2021. Brian Reynolds nominated Cameron Wolfe Jr. for Chairman; it was seconded by Jim May and following vote was recorded:

3 yeas:	Reynolds, Huber, May
0 nays	
1 abstain	Wolfe
1 absent	Whitt

Vice Chairman: Chairman, Cameron Wolfe opened the floor for nominations of Vice-Chairman for calendar year 2021. Brian Reynolds nominated Bill Huber; it was seconded by Jim May and following vote was recorded:

3 yeas:	Wolfe, Reynolds, May
0 nays	
1 abstain	Huber
1 absent	Whitt

Secretary: Chairman Cameron Wolfe opened the floor for nominations of Secretary for calendar year 2021. Jim May nominated Brian Reynolds; it was seconded by Bill Huber and following vote was recorded:

3 yeas:	Wolfe, Huber, May
0 nays	
1 abstain	Reynolds
1 absent	Whitt

Adopt January 7, 2020 Minutes: Bill Huber made a motion to adopt the minutes as presented, it was seconded by Brian Reynolds and following vote was recorded:

4 yeas: Wolfe, Huber, Reynolds, May
0 nays
1 absent Whitt

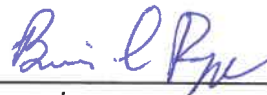
Adopt By-Laws: Bill Huber made a motion to adopt the by-laws as presented, which was seconded by Brian Reynolds and following vote was recorded:

4 yeas: Wolfe, Huber, Reynolds, May
0 nays
1 absent Whitt

Schedule next meeting: It was agreed the next meeting would be the first Tuesday of each month as needed. Should there be no applications in 2021, the next meeting was scheduled for Tuesday, January 4, 2022, at 6:00 p.m. Bill Huber made a motion which was seconded by Jim May and following vote was recorded:

4 yeas: Wolfe, Huber, Reynolds, May
0 nays
1 absent Whitt

Adjournment: Chairman, Cameron Wolfe asked for a motion to adjourn the meeting at approximately 6:10 p.m. Jim May made the motion to adjourn and was seconded by Brian Reynolds. All were in favor.



Secretary

Smyth County Board of Zoning Appeals Tuesday, May 4, 2021

The Smyth County Board of Zoning Appeals met Tuesday, May 4, 2021, at 5:30 p.m. in the Smyth County Office Building.

BZA Members Present: Newell Johnson, Royal Oak District, Vice Chairman; Kim Davidson, Chilhowie District, Secretary; Daniel Sturgill, Rye Valley District; Jerl Armstrong, North Fork District; Robert Shults, Alternate; and Bill Moss, Alternate

BZA Member Absent: John DeBusk III, Saltville District, Chairman

Staff Members Present: Clegg Williams and Sarah Parris

At approximately 5:30 p.m. Newell Johnson called the meeting to order.

Adopt Agenda: Mr. Shults made the motion to adopt the agenda as presented, and seconded by Mr. Moss. The following vote was recorded:

6 yeas:	Johnson, Davidson, Sturgill, Armstrong, Shults, Moss
0 nays	
1 absent	Debusk

Approval of minutes: Mr. Moss made the motion to approve the minutes of January 5, 2021, and seconded by Mr. Sturgill. The following vote was recorded:

6 yeas:	Johnson, Davidson, Sturgill, Armstrong, Shults, Moss
0 nays	
1 absent	Debusk

Notice of Public Hearing: Clegg Williams read the advertisement as placed in the Smyth County News and Messenger.

NOTICE OF PUBLIC HEARING BEFORE THE SMYTH COUNTY BOARD OF ZONING APPEALS

The Smyth County Board of Zoning Appeals will conduct a public hearing on Tuesday, May 4, 2021, at 5:30 P.M. or as soon after 5:30 P.M. as an application may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application(s) to the Zoning Ordinance of Smyth County, Virginia:

An application from Robert J. Cregger and Patsy R. Cregger for a variance to §3-2.4(a): front lot set-back minimum distances. The property is located at 102 Crisp Road in Marion, zoned Agricultural/Rural (A/R) and identified as Tax Map Number 58A-3-9.

An application from Mark Roberts and James Perry for a variance to §3-2.3(a): lot size requirements. The properties are located at 35, 39, and 43 Old Quarry Road in Saltville, zoned Agricultural/Rural (A/R) and identified as Tax Map Number 41B-3-1, 41B-3-2, 41B-3-3, 41B-3-4, 41B-3-5, 41B-3-6, 41B-3-7, 41B-3-7A, 41B-3-8, 41B-3-8A, 41B-3-9, 41B-3-9A, 41B-3-10, and 41B-3-10A

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

Copies of the application(s) along with their maps/drawings are on file in the Smyth County Building and Zoning Department at the address given above, and may be viewed during regular business hours Monday through Friday.

In compliance with the Americans with Disabilities, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Building and Zoning Department at (276) 706-8315 at least 48 hours prior to the hearing.

Done by order of the Smyth County Board of Zoning Appeals
John Debusk III, Chairman

Rule and Procedures of Hearing: Clegg Williams read the rules and procedures of the hearing. He also highlighted the Standards for a Variance from the Smyth County Code.

Variance Request from Robert J. and Patsy R. Cregger: Mr. Williams presented a variance application submitted by Robert and Patsy Cregger. The Cregger's reside at 102 Crisp Road in Marion. They recently placed a carport on their property 14' feet from the center of Crisp Road. The property is zoned A/R and section 3-2.4(a) requires a minimum setback of 40'. He stated he had received some general questions regarding the request, but no one asked him to convey anything to the board. While processing the application, he stated he learned from VDOT that Crisp Road is a 30' prescriptive ROW.

Mr. Williams read the recommendation from the Planning Commission who met on April 22:

Mr. Davidson made the motion to recommend approval for Mr. and Mrs. Cregger's variance to the Board of Zoning Appeals. It was seconded by Mr. Spence and the following vote was recorded.

*Vote: 7 yeas Pugh, Davidson, Jr, Wagoner, Shepherd, Dean, Spence, Campbell
0 nays
0 absent*

Mr. Cregger spoke concerning his carport. He indicated the carport helps to block the smoke from the neighbor's chimney. He presented a doctor's note (issues with breathing) and photos to the board.

Mrs. Cregger spoke and stated the carport is not on the edge of the road and there is a ditch between the carport and Crisp Road.

Tom Williams 1502 Highway 16, Marion, Virginia is an adjoining property owner. He spoke about concerns with the Cregger's pulling out of their driveway and driving on his yard. He stated he is filling in patches in his yard daily due to the tire tracks. He contacted the Virginia State Police and the officer told him "no one can drive on your yard, without your permission". He has put up engineering tape to keep Mrs. Cregger from driving in the yard. Mr. Tom Williams stated his chimney [where the smoke is coming from] installed at Highway Sixteen has been inspected and approved by the Building and Zoning Department.

Questions and Comments from the BZA Members:

- Mr. Sturgill questioned the change of use on the church beside of the Cregger's. Mr. Clegg Williams stated it is grandfathered from zoning setback requirements and Mr. Tom Williams had obtained permits for the change of use of the building.
- Mr. Sturgill asked if a single carport could meet the required setback? Mr. Clegg Williams stated it would not.
- Mr. Davidson suggested a fence as a barrier, but Mr. Cregger stated it would have to be a 100-foot tall and he felt it wouldn't fix the smoke issues.

Variance Request from Mark Roberts and James Perry: Mr. Williams presented a variance application submitted by Mark Roberts and James Perry. Mr. Roberts and Mr. Perry recently

purchased a 1.34-acre parcel of land in Saltville that is comprised of 14' small tracts. On this parcel, there were five homes. They removed one of the homes and would like to divide the property into four (4) tracts with one of the remaining homes on each tract. Three of the proposed tracts do not meet the minimum lot size requirements found in Section 3-2.3(a). They contacted the Health Department and obtained a copy of the septic tank permit issued for each home. From there, they hired a surveyor and had him divide the property so each proposed tract contained a home, its approved septic system, and driveway. In addition, he kept our setback requirements in mind and maintained the required 15' from any new line to the existing homes. Mr. Williams did not receive any comments on this case.

Mr. Williams read the recommendation from the Planning Commission who met on April 22:

Mr. Campbell made the motion to recommend approval for Mr. Roberts' and Mr. Perry's variance to the Board of Zoning Appeals. It was seconded by Mr. Spence and the following vote was recorded.

*Vote: 7 yeas Pugh, Davidson, Jr, Wagoner, Shepherd, Dean, Spence, Campbell
0 nays
0 absent*

Mr. Roberts spoke concerning his application. He asked for approval on the properties so they can be remodeled and sold. He stated the property has been cleaned up and Billy Robbins surveyed the properties and divided to accommodate the septic systems on each tract. Mr. Perry spoke and reiterated Mr. Roberts comments.

Questions and Comments from the BZA Members:

- Mr. Sturgill questioned the septic systems. If one would fail, he asked if there would be enough property to install a new system.

Close the Public Hearing: At 6:07 p.m. Mr. Johnson closed the public hearing.

Motions for Variances:

Bill Moss made a motion to approve the variance presented by Robert and Patsy Cregger, and was seconded by Jerl Armstrong. The following vote was recorded:

5 yea(s): Johnson, Davidson, Armstrong, Shults, Moss
1 nay(s): Sturgill
1 absent Debusk

Robert Shults made the motion to approve the variance presented by Mark Roberts and James Perry, and was seconded by Bill Moss. The following vote was recorded:

6 yea(s): Johnson, Davidson, Sturgill, Armstrong, Shults, Moss
0 nay(s):
1 absent Debusk

Other business, if any: None

At approximately 6:26 pm Mr. Sturgill made a motion to adjourn the meeting, seconded by Mr. Davidson. All were in favor.


Secretary

Smyth County Board of Zoning Appeals
Tuesday, November 9, 2021

The Smyth County Board of Zoning Appeals met Tuesday, November 9, 2021, at 5:30 p.m. in the Smyth County Office Building.

BZA Members Present: John DeBusk III, Saltville District, Chairman; Kim Davidson, Chilhowie District, Secretary; Daniel Sturgill, Rye Valley District; Jerl Armstrong, North Fork District; Robert Shults, Alternate; and Bill Moss, Alternate

BZA Member Absent: Newell Johnson, Royal Oak District, Vice Chairman

Staff Members Present: Clegg Williams and Sarah Parris

At approximately 5:30 p.m. John Debusk called the meeting to order.

Adopt Agenda: Mr. Shults made the motion to adopt the agenda as presented and seconded by Mr. Sturgill. The following vote was recorded:

6 yeas:	Debusk, Davidson, Sturgill, Armstrong, Shults, Moss
0 nays	
1 absent	Johnson

Approval of minutes: Mr. Shults made the motion to approve the minutes of May 4, 2021 and seconded by Mr. Moss. The following vote was recorded:

6 yeas:	Debusk, Davidson, Sturgill, Armstrong, Shults, Moss
0 nays	
1 absent	Johnson

Notice of Public Hearing: Clegg Williams read the advertisement as placed in the Smyth County News and Messenger.

NOTICE OF PUBLIC HEARING
BEFORE THE SMYTH COUNTY BOARD OF ZONING APPEALS

The Smyth County Board of Zoning Appeals will conduct a public hearing on Tuesday, November 9, 2021, at 5:30 P.M. or as soon after 5:30 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 Michael K. Beverly for a variance to §3-4.4(b): side set-back minimum distances. The property is located at 2828 Highway 107 in Saltville, zoned Commercial and identified as Tax Map Numbers 41B-3-32A and 41B-3-31B

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

Copies of the application(s) along with their maps/drawings are on file in the Smyth County Building and Zoning Department at the address given above and may be viewed during regular business hours Monday through Friday.

In compliance with the Americans with Disabilities, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Building and Zoning Department at (276) 706-8315 at least 48 hours prior to the hearing.

Done by order of the Smyth County Board of Zoning Appeals
John Debusk III, Chairman

Variance Request from Michael K. Beverly: Mr. Williams presented Mr. Beverly's variance request for an addition to an existing business. The property is addressed as 2828 Highway 107 in Saltville. The proposed addition will be approximately 40'x60' and approximately 0' from the lot line.

Mr. Williams read the recommendation from the Planning Commission who met on October 28, 2021:

After the Planning Commission Meeting on Thursday, October 28, 2021, the following motions was rendered:

Michael Beverly – Application for Variance Request: *Mr. Williams presented Mr. Beverly's application for an addition to an existing business. The property is addressed as 2828 Highway 107 in Saltville. The proposed addition will be approximately 40'x60' and approximately 0' from the lot line; therefore, Mr. Beverly is requesting a variance to the side lot setback of 15'.*

Mr. Spence made a motion to recommend the Board of Zoning Appeals approve the variance as presented. Mr. Shepherd seconded the motion. The following vote was recorded.

*Vote: 7 yeas Pugh, Davidson, Jr., Wagoner, Shepherd, Dean, Spence, Campbell
0 nays
0 absent*

Mr. Beverly spoke regarding the proposed addition to his business. He stated he had spoken with the adjoining property owners on the east and back of the property. He indicated there were no objections to the proposed addition.

Questions and Comments from the BZA Members:

- Mr. Armstrong questioned if the owner on the same side as the proposed addition decided he/she would like to build along the property, what would be the process. Mr. Williams explained it would be the same process and, they would need to apply for a variance.

Close the Public Hearing: At 5:45 p.m. Mr. Debusk closed the public hearing.

Motion for Variances:

Mr. Shults made a motion to approve the variance presented by Michael K. Beverly and was seconded by Mr. Davidson. The following vote was recorded:

6 yeas: Debusk, Davidson, Sturgill, Armstrong, Shults, Moss
0 nays
1 absent Johnson

Other business, if any: None

Adjournment: At approximately 5:50 pm Mr. Debusk made a motion to adjourn the meeting, seconded by Mr. Sturgill. All were in favor.


Secretary