

*Note from Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.*

**SMYTH COUNTY PLANNING COMMISSION**  
**Thursday, January 24, 2013**

The Smyth County Planning Commission met in their regular meeting on Thursday, January 24, 2013, at 6:00 P.M. in the Smyth County Office Building.

**Commissioners Present:** Norman Sparks, Graham Davidson, Joel Pugh, Wayne Venable, Charles Wassum and G. Blake Frazier

**Commissioner(s) Absent:** L. V. "Pokey" Harris

**Staff Present:** Clegg Williams, Becca Kirk and County Attorney Michelle Clayton

Mr. Sparks called the meeting to order.

**Adoption of Agenda:** Chairman Sparks opened the floor for motions to approve the agenda as presented. Mr. Davidson made a motion which was seconded by Mr. Venable and voted on as follows.

Vote: 6 yays	Venable, Davidson, Wassum, Frazier, Pugh, and Sparks
1 absent	Harris

Mr. Sparks opened the floor for nominations of temporary Chairman. Mr. Venable nominated Mr. Williams, seconded by Mr. Davidson, and with no other nominations it was unanimously carried that Mr. Williams act as temporary Chairman.

Vote: 6 yays	Venable, Davidson, Wassum, Frazier, Pugh, and Sparks
1 absent	Harris

**Election of Officers:**

**Chairman:** Mr. Williams then opened the floor for nominations of Chairman for calendar year 2013. Mr. Davidson nominated Mr. Sparks for Chairman; it was seconded by Mr. Venable. With no other nominations Mr. Sparks will serve as Chairman for 2013.

Vote: 5 yays	Davidson, Wassum, Venable, Pugh, and Frazier
1 abstain	Sparks
1 absent	Harris

**Vice Chairman:** Mr. Sparks opened the floor for nominations of Vice-Chairman for calendar year 2013. Mr. Venable nominated Mr. Frazier for Vice Chairman; it was seconded by Mr. Pugh. With no other nominations Mr. Frazier will serve as Vice Chairman for 2013, with the following vote recorded.

Vote: 5 yays	Davidson, Wassum, Venable, Pugh, and Sparks
1 abstain	Frazier
1 absent	Harris

**Secretary:** Mr. Sparks opened the floor for nominations of Secretary for calendar year 2013. Mr. Pugh nominated Mr. Venable; it was seconded by Mr. Davidson. With no other nominations Mr. Venable will serve as Secretary for 2013, with the following vote recorded.

Vote: 5 yays	Davidson, Wassum, Frazier, Pugh, and Sparks
1 abstain	Venable
1 absent	Harris

**Clerk:** Mr. Sparks opened the floor for nomination of Clerk for calendar year 2013. Mr. Venable nominated Becca Kirk; it was seconded by Mr. Davidson. With no other nominations Mrs. Kirk will act as Clerk for 2013. The following vote was recorded.

Vote: 6 yays	Venable, Davidson, Wassum, Frazier, Pugh, and Sparks
1 absent	Harris

**Set Calendar year 2013:** Mr. Pugh motioned to continue the meetings on the fourth Thursday at 6:00 p.m. with the exception of November and December due to holidays, which will be scheduled for November 21 and December 19. Mr. Frazier seconded the motion and the following vote was recorded.

Vote: 6 yays	Venable, Davidson, Wassum, Frazier, Pugh, and Sparks
1 absent	Harris

**Minutes:** Mr. Venable made a motion to approve the minutes of the Thursday, November 15, 2012, meeting with one typographical correction as mentioned by Mr. Sparks. Mr. Davidson seconded the motion and the following vote was recorded.

Vote: 6 yays	Venable, Davidson, Wassum, Frazier, Pugh, and Sparks
1 absent	Harris

**Citizens' Time:** No citizens spoke.

**Committee Appointments:** Mr. Venable made a motion to appoint the same appointees from last year; Frazier, Harris and Wassum. Mr. Pugh seconded the motion and the following vote was recorded.

Vote: 6 yays	Venable, Davidson, Wassum, Frazier, Pugh, and Sparks
1 absent	Harris

**2013 Operating Procedures:** Mr. Sparks mentioned adding a section under the "Agenda" heading to add a "Commissioner's Questions/Comments" to each month's agenda. Mr. Pugh made a motion to adopt the 2013 Operating Procedures with the change stated which was seconded by Mr. Venable and the following vote was recorded.

Vote: 6 yays	Venable, Davidson, Wassum, Frazier, Pugh, and Sparks
1 absent	Harris

**2012 Annual Report:** Discussion was made regarding the Goals section of the report. Frustration was expressed by several members regarding the status of the 2010 Comprehensive Plan, Subdivision Ordinance revisions, and the proposed Sign Ordinance. They asked Mr. Williams why so many of their recommendations are seemingly ignored and placed

on the Board's Old Business for months and in some case years. They were especially disappointed with the news that the 2010 Comprehensive Plan was being returned because the Board of Supervisors did not act on the matter within the state mandated 90 days. Mr. Frazier made a motion to approve the report which was seconded by Mr. Venable and the following vote was recorded.

Vote: 6 yays            Venable, Davidson, Wassum, Frazier, Pugh, and Sparks  
      1 absent            Harris

**Budget for 2013-2014 fiscal year:** Mr. Williams presented the 2013-2014 Planning Commission budget. Mr. Williams informed the Commission that he had not received instructions to make budget cuts but expected to be informed to do so shortly. Mr. Wassum made a motion to cut 10% from the Member Payments line item. The motion was not seconded; therefore, the motion died. Mr. Venable made a motion, if required, the staff be allowed to make the required budget cut from the Professional Services line item considering the County has a staffed attorney. Mr. Davidson seconded the motion and the following vote was recorded.

Vote: 6 yays            Venable, Davidson, Wassum, Frazier, Pugh, and Sparks  
      1 absent            Harris

**Questions/Comments from Commissioners:** No other comments or questions were discussed.

**Recess:** At approximately 6:48 p.m. Mr. Sparks recessed the Planning Commission's meeting until their 7:00 p.m. joint public hearing with the Board of Supervisors.

**Public Hearing:** At 7:00 p.m. Mr. Wade Blevins, Chairman of the Board of Supervisors, and Mr. Norman Sparks, Chairman of the Planning Commission, called the joint public hearing to order. Mr. Scott Simpson read the advertisement as placed in the Smyth County News and Messenger as well as the rules of procedure during public hearings.

***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, January 24, 2013, 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(s) to the Zoning Ordinance of Smyth County, Virginia:*

*An application from Wendolyn Snider for a Special Use Permit to establish a Childcare Center at her residence, 197 Farmview Road in Marion. It is identified as Tax Map No. 45-A-35A and is 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(s) along with their maps/drawings are on file in the Office of the County Administrator of Smyth County and the County Zoning Administrator at the address given above. Copies may be viewed during regular business hours Monday through Friday from 8 a.m. to 5 p.m.*

*In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Building and Zoning Department at (276) 783-3298 ext. 227 at least 48 hours prior to the hearing.*

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

*Michael L. Carter, County Administrator*

*Norman K. Sparks, Chairman of the Planning Commission*

**Board Members Present:** Chairman Wade Blevins, Regina Davidson, Ron C. Blevins, Todd Dishner, Roscoe Call, Howard Burton and Rick Blevins

**Commissioners Present:** Chairman Norman Sparks, Graham Davidson, Blake Frazier, Charles Wassum, Joel Pugh and Wayne Venable; **Absent:** L. V. "Pokey" Harris

**Staff Present:** Assistant County Administrator, Scott Simpson; County Attorney Michelle Clayton, Clegg Williams, Becca Kirk, Christy Bise, Sally Morgan, Charlie Atkins, Shannon Williams and Mike Hounshell with the Sheriff's Department. Approximately 6 citizens and Stephanie Porter-Nichols with the Smyth County News were present.

Wendolyn Snider — Application for Special Use Permit: Mr. Williams explained Wendolyn Snider's intention to seek a special use permit to establish a *Childcare Facility* at her residence located at 197 Farmview Road in Marion. The property is further identified as Tax Map No. 45-A-35D. Mr. Williams explained that Ms. Snider has operated a childcare facility for several years but until recent procedural changes with the Department of Social Services she was unaware a Special Use Permit was required. With her application, she submitted the required owner's affidavit and paid the required fee. Notice of tonight's public hearing was advertised in the Smyth County News & Messenger on January 12 and 19. Additionally, first class mailing was made to each of the applicant's adjoining property owners. He stated he received correspondence from VDOT which requires Ms. Snider to obtain a low volume commercial entrance which she has been made aware of and he answered questions from one neighbor.

Wendolyn Snider was present and informed the Board she has operated her childcare facility in her home for the past 10 years. She has up to 10 children during the day and up to 12 during the summer months from newborn up to any age and has been licensed with Department of Social Services since 2007. Her hours of operation are from around 5:00 a.m. to 6:00 p.m. Monday through Friday and she has one assistant who works every day.

George Vipperman and Adrian Vipperman, neighbors of Ms. Snider, were presented and voiced their concerns about how this would affect their farmland, farming operations, and VDOT concerns. Mr. Williams explained that Ms. Snider's application does not change any surrounding land uses nor will it affect any surrounding properties. It is only for her property to be used as a Childcare Facility in accordance with the Zoning Ordinance.

No one else spoke on the application.

Chairman Wade Blevins and Chairman Sparks closed the joint public hearing at 7:17 p.m.

Chairman Sparks reconvened the Commission at approximately 7:18 p.m. Mr. Sparks opened the floor to the Commission for comments or questions.

**Recommendation on the request of Wendolyn Snider for a Special Use Permit:** Mr. Frazier made a motion to recommend the Board approve Wendolyn Snider's application for a Special Use Permit to operate a Childcare Facility at 197 Farmview Road in Marion (Tax Map No. 45-A-35A). Mr. Venable seconded the motion and the following vote was recorded.

Vote:	6 yays	Venable, Davidson, Wassum, Frazier, Pugh, and Sparks
	1 absent	Harris

**Adjournment:** Upon motion of Mr. Frazier, seconded by Mr. Venable and unanimously carried the meeting was adjourned at approximately 7:19 p.m.

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Wayne Venable, Secretary

*Note from Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.*

## **SMYTH COUNTY PLANNING COMMISSION** **Thursday, March 28, 2013**

The Smyth County Planning Commission met in their regular meeting on Thursday, March 28, 2013, at 6:00 P.M. in the Smyth County Board of Supervisors meeting room, at 121 Bagley Circle, Marion, Virginia 24354.

**Commissioners Present:** Chairman Norman Sparks, North Fork District; Graham Davidson, Chilhowie District; Wayne Venable, Saltville District; Joel Pugh, Park District; and Charles Wassum, Atkins District; L. V. "Pokey" Harris, Rye Valley District and Blake Frazier, Royal Oak District

**Staff Present:** Clegg Williams, Zoning Administrator; Becca Kirk, Administrative Assistant; J. Howard Burton, Atkins District Supervisor

At approximately 6:00 p.m. Chairman Sparks called the meeting to order.

**Adoption of Agenda:** Mrs. Harris made a motion to adopt the agenda as presented which was seconded by Mr. Frazier and the following vote was carried:

Ayes: 7      Venable, Davidson, Wassum, Sparks, Pugh, Harris and Frazier

**Approval of Minutes:** Mr. Frazier made a motion to approve the minutes of the Thursday, January 24, 2013, with one correction. Mr. Venable seconded the motion and the following vote was recorded:

Ayes: 7      Venable, Davidson, Wassum, Sparks, Pugh, Harris and Frazier

**Citizens' Time:** No one spoke during citizen's time.

**Subdivision Ordinance:**

Jeffrey and Pamela Blevins – Vacation of Lot Lines: Mr. Williams explained the Mr. and Mrs. Blevins's request to vacate the property lines for their 0.46 acre tract to combine it with their surrounding property.

Mr. Frazier made a motion to approve Mr. and Mrs. Blevins's request to Vacate Lot Lines. Mr. Harris seconded the motion and the following vote was recorded:

Ayes: 7      Venable, Davidson, Wassum, Sparks, Pugh, Harris and Frazier

**Other Business:** Mr. Sparks inquired about the budget. Mr. Williams stated their budget had been forwarded to the Board of Supervisors Budget Committee and they are currently conducting meetings to discuss budget. To date, no request to reduce their budget has been received.

**Commissioner's Comments/Questions:** No discussion was made.

**Recess:** At approximately 6:09 p.m. Mr. Sparks recessed the Planning Commission's meeting until their 7:00 p.m. joint public hearing with the Board of Supervisors.

**Public Hearing:** At 7:00 p.m. Wade Blevins, Chairman of the Board of Supervisors, and Norman Sparks, Chairman of the Planning Commission, called the joint public hearing to order.

**Members Present:** Chairman, Chilhowie District Supervisor, Wade Blevins; Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K Blevins; Atkins District Supervisor J. Howard Burton; Chilhowie District Planning Commissioner Graham Davidson Sr.; Royal Oak District Supervisor Regina H Davidson; Park District Planning Commissioner Joel Pugh; Chairman, North Fork Dist. Planning Commissioner Norman Sparks; Saltville District Planning Commissioner Wayne Venable; Atkins District Planning Commissioner Charles Wassum III; Saltville District Supervisor Roscoe D. Call; North Fork District Supervisor Ron C Blevins; Royal Oak District Planning Commissioner, Blake Frazier and Rye Valley District Planning Commissioner, L. V. Pokey Harris (14)

**Staff:** County Administrator, Michael Carter; Assistant County Administrator, Scott Simpson; Administrative Assistant, Becca Kirk; Administrative Assistant, Christy Bise; Building & Zoning Administrator, Clegg Williams; County Attorney, Michelle Clayton; and Economic Development Director, Sally Morgan

**Others Present:** Approximately 15 citizens, Linda Burchette of the Smyth County News & Messenger and Mike Hounshell of the Smyth County Sheriff's Department were present.

Mr. Carter read the advertisement as placed in the Smyth County News and Messenger as well as the rules of procedure during public hearings.

**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, March 28, 2013, 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(s) to the Zoning Ordinance of Smyth County, Virginia:

*An application from Charles Melvin Thweatt to amend the text of 3-5.2 of the Zoning Ordinance to add "(o) Mini-Warehouse" as a Use Permitted with a Special Use Permit in the Industrial District.*

*An application from William Watson Gollehon which has been forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an amendment to the official Zoning Map to rezone approximately 0.664 acres from Residential to Agricultural/Rural. The Smyth County Comprehensive Plan does not identify a density range and the general usage of this property has most recently been vacant. The property is located beside 1663 Chestnut Ridge Road in Chilhowie, Virginia, and is identified as Tax Map No. 65-3-3G, and can be found in Grid Map No. 125 of the official Zoning Map of Smyth County; also known as Lot 7 of Deer Run Development on Chestnut Ridge by plat of record on Plat Slide 331, Page 3.*

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(s) 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, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Building and Zoning Department at (276) 783-3298 ext. 227 at least 48 hours prior to the hearing.

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

Michael L. Carter, County Administrator  
Norman K. Sparks, Chairman of the Planning Commission

**Charles Melvin Thweatt – Text Amendment in Industrial District:** At approximately 7:03 p.m. Mr. Williams explained a Text Amendment application from Charles Melvin Thweatt to add Mini-Warehouse as a use permitted by Special Use in the Industrial District. He advertised notice of this public hearing in the Smyth County News on March 16 and 23. In addition, he sent letters to all of the adjoining property owners for which an affidavit is on file.

Charles Melvin Thweatt stated he purchased the Virginia House Furniture Factory and has a vacant storage building and would like to operate a secured storage facility out of the building. Units would only be accessible when employees were in the facility and there would be no “yard sales” conducted on the premises.

Supervisor Ron Blevins asked what he would do with unpaid units. Mr. Thweatt stated he would sell the contents of those units off premises. Supervisor Burton congratulated Mr. Thweatt on attempting to start a business in the vacant building.

Earl McClure spoke in favor of the application and stated he was against zoning, it should be repealed, citizens should be allowed to do as they wish with their property, and the applicants should be refunded their filing fees.

No one else spoke on the application.

**William Watson Gollehon – Map Amendment request (R to A/R):** Mr. Williams explained Mr. Gollehon’s request to rezone Lot 7 of Deer Run Development Subdivision on Chestnut Ridge in Chilhowie from Residential to Agricultural/Rural. Due to Ordinance regulations, when Mr. Gollehon subdivided the property he had to request the property be zoned Residential.

Mr. Gollehon stated he did not want to place single wide manufactured homes on the lots he created when he subdivided the property. However, he has since determined the shape of Lot 7 prohibits anything larger than a single wide be placed on the property.



No one else spoke on the application.  
Chairman Wade Blevins and Chairman Norman Sparks closed the public hearing at approximately 7:14 p.m.

At approximately 7:14 p.m. Chairman Norman Sparks reconvened the Planning Commission meeting to consider tonight's applications.

**Recommendation on Charles Melvin Thweatt – Text Amendment to add “Mini-Warehouse” to the Industrial District through Special Use Permit:** At approximately 7:17 p.m. Mr. Venable made a motion to recommend the Board of Supervisor's approve Mr. Thweatt's application to add “Mini-Warehouse” through Special Use Permit in the Industrial District. Mrs. Harris seconded the motion and the following vote was recorded.

Ayes: 7      Venable, Davidson, Wassum, Sparks, Pugh, Harris and Frazier

**Recommendation on William Watson Gollehon – Map Amendment (R to A/R):** At approximately 7:20 p.m. Mr. Frazier made a motion to recommend the Board of Supervisor's approve Mr. Gollehon's application for a Map Amendment to rezone Lot 7 of Deer Run Development Subdivision on Chestnut Ridge Road from Residential to Agricultural/Rural. Mr. Davidson seconded the motion and the following vote was recorded.

Ayes: 7      Venable, Davidson, Wassum, Sparks, Pugh, Harris and Frazier

**Adjournment:** Mr. Frazier made a motion to adjourn the Planning Commission meeting at approximately 7:21 p. m. which was seconded by Mrs. Harris and unanimously carried.

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Wayne Venable, Secretary

*Note from Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.*

**SMYTH COUNTY PLANNING COMMISSION**  
**Thursday, April 25, 2013**

The Smyth County Planning Commission met in their regular meeting on Thursday, April 25, 2013, at 6:00 P.M. in the Smyth County Board of Supervisors meeting room, at 121 Bagley Circle, Marion, Virginia 24354.

**Commissioners Present:** Chairman Norman Sparks, North Fork District; Graham Davidson, Chilhowie District; Wayne Venable, Saltville District; Joel Pugh, Park District; and Charles Wassum, Atkins District; and Blake Frazier, Royal Oak District

**Commissioners Absent:** L. V. "Pokey" Harris, Rye Valley District

**Staff Present:** Clegg Williams, Zoning Administrator; Becca Kirk, Administrative Assistant; Sally Morgan, Economic Development

At approximately 6:00 p.m. Chairman Sparks called the meeting to order.

**Adoption of Agenda:** Mr. Venable made a motion to adopt the agenda as presented which was seconded by Mr. Davidson and the following vote was carried:

Ayes:	6	Venable, Davidson, Wassum, Sparks, Pugh, and Frazier
Absent:	1	Harris

**Approval of Minutes:** Mr. Venable made a motion to approve the minutes of the Thursday, March 28, 2013, with corrections. Mr. Frazier seconded the motion and the following vote was recorded:

Ayes:	6	Venable, Davidson, Wassum, Sparks, Pugh, and Frazier
Absent:	1	Harris

**Citizens' Time:** No one spoke during citizen's time.

**Subdivision Ordinance:**

Smyth County School Board – Plat Approval: Mr. Williams reminded the Planning Commission of their request to the School Board to provide a survey of the emergency egress/ingress road once complete. After some discussion, Mr. Frazier made a motion to approve the School Board's plat. Mr. Davidson seconded the motion and the following vote was recorded:

Ayes:	6	Venable, Davidson, Wassum, Sparks, Pugh, and Frazier
Absent:	1	Harris

Robert Vollmer/Blue Herron Resort, LLC – Vacation of Lot Lines: Mr. Williams explained Mr. Vollmer's request to vacate three property lines as indicated on the survey submitted with his application. After discussion about existing rights of way and the understanding that no new rights of way are being created, Mr. Wassum made a motion to approve Mr. Vollmer's request to vacate the property lines as indicated on the survey, which was seconded by Mr. Frazier and the following vote was recorded:

Ayes: 6 Venable, Davidson, Wassum, Sparks, Pugh, and Frazier  
Absent: 1 Harris

**Other Business:** As the result of several comments he had received, Mr. Williams discussed the protocol by which Lot Line Vacations are processed. Presently, the Planning Commission is the designated agent for such requests. Mr. Williams suggested they consider recommending to the Board of Supervisors that the staff (Subdivision Agent and County Attorney) be appointed as the agent for the Lot Line Vacations. He cited a reduction in processing time and costs as the main reasons for the recommendations. After discussion Mr. Pugh made a motion to recommend the Board appoint staff as the official agent charged with reviewing and approving Lot Line Vacations. Furthermore, he recommended the fee be reduced to \$75.00. Mr. Venable seconded the motion and the following vote was recorded:

Ayes: 6 Venable, Davidson, Wassum, Sparks, Pugh, and Frazier  
Absent: 1 Harris

**Commissioner's Comments/Questions:** No further discussion was made.

**Adjournment:** Mr. Venable made a motion to adjourn the Planning Commission meeting at approximately 6:40 p. m. which was seconded by Mr. Davidson and unanimously carried.

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Wayne Venable, Secretary

*Note from Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.*

## **SMYTH COUNTY PLANNING COMMISSION** **Thursday, May 23, 2013**

The Smyth County Planning Commission met in their regular meeting on Thursday, May 23, 2013, at 6:00 P.M. in the Smyth County Board of Supervisors meeting room, at 121 Bagley Circle, Marion, Virginia 24354.

**Commissioners Present:** Chairman Norman Sparks, North Fork District; Graham Davidson, Chilhowie District; Wayne Venable, Saltville District; Joel Pugh, Park District; and Charles Wassum, Atkins District; L. V. "Pokey" Harris, Rye Valley District and Blake Frazier, Royal Oak District

**Staff Present:** Clegg Williams, Zoning Administrator; Becca Kirk, Administrative Assistant; and Michelle Clayton, County Attorney

At approximately 6:00 p.m. Chairman Sparks called the meeting to order.

**Adoption of Agenda:** Mr. Venable made a motion to adopt the agenda as presented which was seconded by Mr. Davidson and the following vote was carried:

Ayes: 7      Venable, Davidson, Wassum, Sparks, Pugh, Harris and Frazier

**Approval of Minutes:** Mr. Frazier made a motion to approve the minutes of the Thursday, April 25, 2013. Mr. Frazier seconded the motion and the following vote was recorded:

Ayes: 7      Venable, Davidson, Wassum, Sparks, Pugh, Harris and Frazier

**Citizens' Time:** No one spoke during citizen's time.

**Other Business:** Mr. Williams explained the Board's request to have joint Ordinance Committee meetings to address proposed revisions to the Subdivision and Zoning Ordinances. They also asked that the committee's recommendations be forwarded in a timely manner so they could adopt them by the end of the year.

**Commissioner's Comments/Questions:** No discussion was made.

**Recess:** At approximately 6:06 p.m. Mr. Sparks recessed the Planning Commission's meeting until their 7:00 p.m. joint public hearing with the Board of Supervisors.

**Public Hearing:** At 7:03 p.m. Wade Blevins, Chairman of the Board of Supervisors, and Norman Sparks, Chairman of the Planning Commission, called the joint public hearing to order.

**Members Present:** Chairman, Chilhowie District Supervisor, Wade Blevins; Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K Blevins; Atkins District Supervisor J. Howard Burton; Chilhowie District Planning Commissioner Graham Davidson Sr.; Royal Oak District Supervisor Regina H Davidson; Park District Planning Commissioner Joel Pugh; Chairman, North Fork Dist. Planning Commissioner

Norman Sparks; Saltville District Planning Commissioner Wayne Venable; Atkins District Planning Commissioner Charles Wassum III; Saltville District Supervisor Roscoe D. Call; North Fork District Supervisor Ron C Blevins; Royal Oak District Planning Commissioner, Blake Frazier and Rye Valley District Planning Commissioner, L. V. Pokey Harris (14)

**Staff:** County Administrator, Michael Carter; Assistant County Administrator, Scott Simpson; Administrative Assistant, Becca Kirk; Administrative Assistant, Christy Bise; Building & Zoning Administrator, Clegg Williams; County Attorney, Michelle Clayton; and Economic Development Director, Sally Morgan

**Others Present:** Approximately 10 citizens, Stephanie Porter-Nichols of the Smyth County News & Messenger and Derek Breedlove of the Smyth County Sheriff's Department were present.

Mr. Carter read the advertisement as placed in the Smyth County News and Messenger as well as the rules of procedure during public hearings.

## **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 23, 2013, 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(s) to the Zoning Ordinance of Smyth County, Virginia:

*An application from Charles Melvin Thweatt for a Special Use Permit to establish a Mini-Warehouse. The property is located at 5735 and 5781 Atkins Tank Toad in Atkins. It is identified as Tax Map Nos. 48B-1-1, 48B-1-2, 48B-1-3, 48B-1-4, 48B-1-5, 48B-1-6, 48B-6-2, 48B-A-1, 48B-6-1 and 48B-A-4 and is zoned Industrial.*

*An application from Randall and Carl Taylor for a Special Use Permit to construct an Accessory Building in excess of 150 square feet. The property is located at 2431 Whitetop Road, Chilhowie, identified as Tax Map No. 65-12-3 and is 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(s) 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, persons requiring special assistance to attend and participate in this hearing should contact the Smyth

County Building and Zoning Department at (276) 783-3298 ext. 227 at least 48 hours prior to the hearing.

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

Michael L. Carter, County Administrator  
Norman K. Sparks, Chairman of the Planning Commission

**Charles Melvin Thweatt – Special Use Permit for Mini-Warehouse in the Industrial**

**District:** At approximately 7:03 p.m. Mr. Williams reminded those in attendance of the Board's approval of Mr. Thweatt's request for a Text Amendment to add "mini-warehouses" in the Industrial District last month. Now Mr. Thweatt has come back requesting he be allowed to develop his property addressed as 5735 and 5781 Atkins Tank Road, in Atkins, (Tax Map Nos. 48B-1-1, 48B-1-2, 48B-1-3, 48B-1-4, 48B-1-5, 48B-1-6, 48B-6-2, 48B-A-1, 48B-6-1 and 48B-A-4) into Mini-Warehouse units. He advertised notice of this public hearing in the Smyth County News on May 11th and 18th. In addition, he sent letters to all of the adjoining property owners for which an affidavit is on file.

Mr. Thweatt's wife was present for any questions. None were made and no one else spoke on the application.

**Randall and Carl Taylor – Special Use Permit to construct an Accessory Building**

**in excess of 150 ft<sup>2</sup> on a vacant lot in the A/R District:** Mr. Williams explained Mr. Taylor's request to construct a personal garage on his adjacent lot which is vacant. Again he notified all adjoining property owners and placed the ad in the Smyth County news as stated above. He stated he had received comments and questions about Mr. Taylor's application; however, none were requested to be presented to the Board or Planning Commission at the hearing. The property is identified as Tax Map No. 65-12-3 and is zoned Agricultural/Rural, and is located beside 2431 Whitetop Road in Chilhowie.

Mr. Taylor was present and indicated he wished to construct this garage for personal use to store a number of cars he has as collector items. When questioned, he did state that he does have race cars which he races in Rural Retreat on the weekends and may park them in the driveway overnight; however, he does not intend to start working on the race cars in this particular garage. He was questioned about the number of unlicensed vehicles currently on the property. He stated there are three but he intends to take them to Berry's for scrap and does not intend to collect more.

Roger Seymour of Whitetop Road was present to speak in opposition of Mr. Taylor. He stated he had heard Mr. Taylor planned to use this garage to work on his race cars. Mr. Seymour indicated his concerns of property values and the noise levels working on the cars and how they could impact their life.

Mr. Taylor was questioned about his race cars. He stated again that he does not own the race car located on 107 but he does race it at Wythe Raceway. Regarding the race cars which he owns in Konnarock, he stated that he does not intend to race them any longer. He stated he may continue to park any race car he may bring to the property on a trailer overnight but he intended to only use the garage for storage for his collectible cars. Mr. Williams was presented with the question as to what consequences would come about

should Mr. Taylor decide to start working on his race cars in the personal garage. Mr. Williams stated the County Ordinance does not prohibit individuals from working on race cars on their property; however, if they were to collect multiple race cars and create an automobile graveyard/junkyard that would constitute a violation of the Zoning Ordinance and can be addressed as such. Mr. Williams reminded the Board and Commission that they have the right to place restrictions on the Special Use Permit, including a prohibition on race cars.

Mr. Taylor was questioned again about working on cars in the garage. He stated he may change the oil, etc. in the garage but it would just be his personal vehicles, not race cars.

Mr. Williams explained that any citizen in the A/R District can build an accessory building on their property and work on their race car(s); however, the reason for tonight's application is because the structure is being requested to be built on an adjoining vacant lot.

Mr. Wassum inquired if Mr. Taylor would have to apply for a Special Use Permit if he had vacated the lot line separating the two tracts. Mr. Williams explained that he would not but vacating the lot line was not a practicable option for Mr. Taylor considering the two tracts were under different ownership. Mr. Wassum also inquired about the Noise Ordinance which Mr. Williams explained was administered through the Smyth County Sheriff's Office.

Mr. Taylor owns property on Laurel Valley Road and he asked if he planned to create the same unfavorable site at the Whitetop Road garage. Mr. Taylor said he did not intend to create any unfavorable conditions on the Whitetop Road property.

Mr. Pugh pointed out the fact the neighbors may be more protected if the Special Use Permit was approved with restrictions. He also stated Mr. Taylor would not be subject to the Special Use Permit if he was able to vacate the lot line.

Mr. Williams pointed out the Special Use Permit would be transferred with the property should it ever be sold along with any restrictions placed upon it

No one else spoke on the application.

Chairman Wade Blevins and Chairman Norman Sparks closed the public hearing at approximately 7:28 p.m.

At approximately 7:29 p.m. Chairman Norman Sparks reconvened the Planning Commission meeting to consider tonight's applications. Due to a possible conflict of interest, Mr. Sparks turned the meeting over to Mr. Frazier as Vice-Chairman for the recommendation on Melvin Thweatt's application.

**Recommendation on Charles Melvin Thweatt – Special Use Permit to develop “Mini-Warehouse” in the Industrial District:** With no discussion, at approximately 7:30 p.m. Mrs. Harris made a motion to recommend the Board of Supervisor's approve Mr. Thweatt's application to allow him to develop “Mini-Warehouses” on his property addressed as 5735 and 5781 Atkins Tank Road, in Atkins, (Tax Map Nos. 48B-1-1, 48B-1-2, 48B-1-3, 48B-1-4, 48B-1-5, 48B-1-6, 48B-6-2, 48B-A-1, 48B-6-1 and 48B-A-4). Mr. Venable seconded the motion and the following vote was recorded.

Ayes: 6 Venable, Davidson, Wassum, Pugh, Harris and Frazier  
Abstain: 1 Sparks

**Recommendation on Randall and Carl Taylor – Special Use Permit (Accessory Building above 150ft<sup>2</sup> in size, without a main building)**: At approximately 7:30 p.m. Mr. Frazier turned the meeting back over to Mr. Sparks, Chairman. After more discussion, including the following: (1) Mr. Seymour's acknowledgement that to date, there have been no problems with race cars at Mr. Taylor's; (2) the fact that Mr. Taylor's property is zoned the same as Mr. Seymour's; and, (3) while there are deed restrictions on Mr. Seymour's property, they are not applicable to Mr. Taylor's. Ms. Harris made a motion to approve Mr. Taylor's application with the following restriction: No motor vehicle shall be parked or stored outside of the garage on this lot unless the same shall be properly registered, inspected, and tagged for legal operation on the highways on the Commonwealth of Virginia. Mr. Davidson seconded the motion and the following vote was recorded.

Ayes: 7 Venable, Davidson, Wassum, Sparks, Pugh, Harris and Frazier

**Adjournment:** Mr. Frazier made a motion to adjourn the Planning Commission meeting at approximately 7:47 p. m. which was seconded by Mr. Venable and unanimously carried.

Ayes: 7 Venable, Davidson, Wassum, Sparks, Pugh, Harris and Frazier

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Wayne Venable, Secretary



*Note from Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.*

**SMYTH COUNTY PLANNING COMMISSION**  
**Thursday, July 25, 2013**

The Smyth County Planning Commission met in their regular meeting on Thursday, July 25, 2013, at 6:00 P.M. in the Smyth County Board of Supervisors meeting room, at 121 Bagley Circle, Marion, Virginia 24354.

**Commissioners Present:** Chairman Norman Sparks, North Fork District; Graham Davidson, Chilhowie District; Wayne Venable, Saltville District; Joel Pugh, Park District; and Charles Wassum, Atkins District; and L. V. "Pokey" Harris, Rye Valley District

**Commissioner Absent:** Blake Frazier, Royal Oak District

**Staff Present:** Michelle Clayton, County Attorney; Sally Morgan, Economic Development Director; and Becca Kirk, Administrative Assistant

At approximately 6:00 p.m. Chairman Sparks called the meeting to order.

**Adoption of Agenda:** Mr. Venable made a motion to adopt the agenda as presented which was seconded by Mrs. Harris and the following vote was carried:

Ayes:	6	Venable, Davidson, Wassum, Sparks, Pugh, and Harris
Absent:	1	Frazier

**Approval of Minutes:** Mr. Venable made a motion to approve the minutes of the Thursday, May 23, 2013. Mrs. Harris seconded the motion and the following vote was recorded:

Ayes:	6	Venable, Davidson, Wassum, Sparks, Pugh, and Harris
Absent:	1	Frazier

**Citizens' Time:** No one spoke during citizen's time. One citizen, Earl McClure, was present.

**Other Business:** Mrs. Clayton briefed the Planning Commission on the Joint Ordinance Committee's progress with revising the Subdivision and Zoning Ordinances.

**Commissioner's Comments/Questions:** No discussion was made.

**Recess:** At approximately 6:15 p.m. Mr. Sparks recessed the Planning Commission's meeting until their 7:00 p.m. joint public hearing with the Board of Supervisors.

**Public Hearing:** At 7:00 p.m. Wade Blevins, Chairman of the Board of Supervisors, and Norman Sparks, Chairman of the Planning Commission, called the joint public hearing to order.

**Members Present:** Chairman, Chilhowie District Supervisor, Wade Blevins; Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K Blevins; Atkins District Supervisor J. Howard Burton; Chilhowie District Planning Commissioner

Graham Davidson Sr.; Royal Oak District Supervisor Regina H Davidson; Park District Planning Commissioner Joel Pugh; Chairman, North Fork Dist. Planning Commissioner Norman Sparks; Saltville District Planning Commissioner Wayne Venable; Atkins District Planning Commissioner Charles Wassum III; Saltville District Supervisor Roscoe D. Call; North Fork District Supervisor Ron C Blevins; and Rye Valley District Planning Commissioner, L. V. Pokey Harris (13) **Member Absent:** Royal Oak District Planning Commissioner, Blake Frazier

**Staff:** County Administrator, Michael Carter; Assistant County Administrator, Scott Simpson; Administrative Assistant, Becca Kirk; Administrative Assistant, Christy Bise; County Attorney, Michelle Clayton; and Economic Development Director, Sally Morgan

**Others Present:** Approximately 3 citizens, Stephanie Porter-Nichols of the Smyth County News & Messenger and Michael Hounshell of the Smyth County Sheriff's Department were present.

Mr. Carter read the advertisement as placed in the Smyth County News and Messenger as well as the rules of procedure during public hearings.

### **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, July 25, 2013, 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(s) to the Zoning Ordinance of Smyth County, Virginia:

*An application from Judy Wise for a Special Use Permit to establish an Automotive Sales and Service business. The property is located at 230 River Road, Chilhowie. It is identified as Tax Map No. 64-A-28 and is 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(s) 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, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Building and Zoning Department at (276) 783-3298 ext. 227 at least 48 hours prior to the hearing.

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

Michael L. Carter, County Administrator  
Norman K. Sparks, Chairman of the Planning Commission

**Judy Wise – Special Use Permit for Automotive Sales and Service Business in the Agricultural/Rural District:** At approximately 7:03 p.m. Mrs. Clayton stated Ms. Wise's interest in establishing an Automotive Sales and Service business in an existing retail sales business she owns at 230 River Road in Chilhowie. She identified the property as Tax Map Number 64-A-28 and stated it is zoned Agricultural/Rural. She informed the Members of Section 3-2-2 e) which allows the proposed use by the issuance of a Special Use Permit, Section 10-8 which defines an Automotive Sales and Service Business, Article 6 which contains the provisions for a Special Use Permit, and she pointed out the 2013 Comprehensive Plan identifies this property as Rural/Residential on the Future Land Use map. She stated Mr. Williams advertised notice of this public hearing in the Smyth County News on July 13th and 20th. In addition, he sent letters to all of the adjoining property owners for which an affidavit is on file. He received no comments or questions on tonight's application.

Ms. Wise was present for any questions. Mr. Ron Blevins and Mr. Graham Davidson questioned Ms. Wise if the business was for car sales only which she stated yes, and she stated there would not be car parts exposed outside either.

One neighbor, Shirley Little, inquired as to whether or not Ms. Wise's application would affect the zoning of her adjacent property, to which Mrs. Clayton assured her it would not. Ms. Little further stated her concerns about D.C. Walker's property further down the road being a nuisance for people to hang out and requested VDOT install guard railing.

No one else spoke on the application.

Chairman Wade Blevins and Chairman Norman Sparks closed the public hearing at approximately 7:08 p.m.

At approximately 7:09 p.m. Chairman Norman Sparks reconvened the Planning Commission meeting to consider tonight's application.

**Recommendation on Judy Wise application for a Special Use Permit to operate an Automotive Sales and Service Business:** At approximately 7:10 p.m. Mrs. Harris made a motion to approve Ms. Wise's application for a Special use Permit to operate an Automotive Sales and Service Business at 230 River Road in Chilhowie. Mr. Venable seconded the motion and the following vote was recorded.

Ayes:	6	Venable, Davidson, Wassum, Sparks, Pugh, and Harris
Absent:	1	Frazier

**Adjournment:** Mrs. Harris made a motion to adjourn the Planning Commission meeting at approximately 7:15 p. m. which was seconded by Mr. Venable and unanimously carried.

Ayes:	6	Venable, Davidson, Wassum, Sparks, Pugh, and Harris
Absent:	1	Frazier

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Wayne Venable, Secretary

*Note from Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.*

**SMYTH COUNTY PLANNING COMMISSION**  
**Thursday, August 22, 2013**

The Smyth County Planning Commission met in their regular meeting on Thursday, August 22, 2013, at 6:00 P.M. in the Smyth County Board of Supervisors meeting room, at 121 Bagley Circle, Marion, Virginia 24354.

**Commissioners Present:** Chairman Norman Sparks, North Fork District; Graham Davidson, Chilhowie District; Wayne Venable, Saltville District; Joel Pugh, Park District; and Charles Wassum, Atkins District **Commissioners Absent:** Blake Frazier, Royal Oak District; and L. V. "Pokey" Harris, Rye Valley District

**Staff Present:** Michelle Clayton, County Attorney; Clegg Williams, Subdivision and Zoning Administrator; and Becca Kirk, Administrative Assistant

At approximately 6:03 p.m. Chairman Sparks called the meeting to order.

**Adoption of Agenda:** Mr. Venable made a motion to adopt the agenda as presented which was seconded by Mr. Davidson and the following vote was carried:

Ayes:	5	Venable, Davidson, Wassum, Sparks, and Pugh
Absent:	2	Frazier and Harris

**Approval of Minutes:** Mr. Venable made a motion to approve the minutes of the Thursday, July 25, 2013. Mr. Pugh seconded the motion and the following vote was recorded:

Ayes:	5	Venable, Davidson, Wassum, Sparks, and Pugh
Absent:	2	Frazier and Harris

**Citizens' Time:** No one spoke during citizen's time.

**Other Business:** No other business was discussed.

**Commissioner's Comments/Questions:** Mr. Sparks asked if the Comprehensive Plan was adopted by the Board. Mrs. Clayton informed the Commissioners the Plan was adopted and will be reviewed again, by law, in 2018.

Mr. Pugh inquired about the progress of CPV's site. Mr. Williams stated a tower had been installed to collect environmental data that they must collect for approximately six months. Mrs. Clayton stated she understood their case before the State Corporation Commission went well.

**Recess:** At approximately 6:06 p.m. Mr. Sparks recessed the Planning Commission's meeting until their 7:00 p.m. joint public hearing with the Board of Supervisors.

**Public Hearing:** At 7:00 p.m. Wade Blevins, Chairman of the Board of Supervisors, and Norman Sparks, Chairman of the Planning Commission, called the joint public hearing to order.

**Members Present:** Chairman, Chilhowie District Supervisor, Wade Blevins; Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K Blevins; Atkins District Supervisor J. Howard Burton; Chilhowie District Planning Commissioner Graham Davidson Sr.; Royal Oak District Supervisor Regina H Davidson; Park District Planning Commissioner Joel Pugh; Chairman, North Fork Dist. Planning Commissioner Norman Sparks; Saltville District Planning Commissioner Wayne Venable; Atkins District Planning Commissioner Charles Wassum III; Saltville District Supervisor Roscoe D. Call; and North Fork District Supervisor Ron C Blevins; (12) **Members Absent:** Royal Oak District Planning Commissioner, Blake Frazier and Rye Valley District Planning Commissioner, L. V. Pokey Harris

**Staff:** County Administrator, Michael Carter; Assistant County Administrator, Scott Simpson; Administrative Assistant, Becca Kirk; Administrative Assistant, Christy Bise; County Attorney, Michelle Clayton; and Building and Zoning Administrator, Clegg Williams

**Others Present:** Approximately 5 citizens, Stephanie Porter-Nichols of the Smyth County News & Messenger and Michael Hounshell of the Smyth County Sheriff's Department were present.

Mr. Carter read the advertisement as placed in the Smyth County News and Messenger as well as the rules of procedure during public hearings.

## **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, August 22, 2013, 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(s) to the Zoning Ordinance of Smyth County, Virginia:

*An application from Rebecca Saltz, which has been forwarded to the Board of Supervisors of Smyth County, Virginia, requesting an amendment to the official Zoning Map at 1663 Chestnut Ridge Road in Chilhowie, to rezone approximately 1.011 acres from Residential to Agricultural/Rural. The Smyth County Comprehensive Plan does not identify a density range and the general usage of this property has most recently been residential. The property is identified as Tax Map No. 65-3-3H and can be found in Grid Map No. 125 of the official Zoning Map of Smyth County.*

*An application from Clark T. Surber Jr. and Donna M. Thomas for a Special Use Permit to establish a Childcare Center. The property is located beside 426 Little Mountain Road in Saltville. It is identified as Tax Map No. 28-A-176B and is 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(s) 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, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Building and Zoning Department at (276) 783-3298 ext. 227 at least 48 hours prior to the hearing.

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

Michael L. Carter, County Administrator  
Norman K. Sparks, Chairman of the Planning Commission

**Rebecca L. Saltz – Map Amendment request (R to A/R):** Mr. Williams explained Ms. Saltz's request to rezone Lot 8 of Deer Run Development Subdivision on Chestnut Ridge in Chilhowie from Residential to Agricultural/Rural. As required by the Zoning Ordinance, Mr. Gollehon requested the property be rezoned to Residential when he proposed his subdivision. He identified the property as 1663 Chestnut Ridge Road in Chilhowie and being Tax Map No. 65-3-3H. Mr. Williams advertised notice of this public hearing in the Smyth County News on August 10th and 17th. In addition, he sent letters to all of the adjoining property owners for which an affidavit is on file. He received no comments or questions on tonight's applications.

Ms. Saltz stated she home schooled and wanted to have the right to have farm animals, such as chickens, to teach her children about the responsibilities of farming. She stated she would like to place a RV on her property for her family from Texas while they are searching for a home to purchase. Mr. Williams was questioned about the farm animals. He stated farm animals are not allowed in the Residential District and if approved she intends to apply for a Special Use Permit next month to place the RV on her property for her relatives. No one else spoke on the application.

**Clark T. Surber Jr. and Donna M. Thomas – Request for a Special Use Permit to operate a Childcare Center in the Agricultural/Rural District:** At approximately 7:10 p.m. Mr. Williams explained the request from Mr. Surber and Ms. Thomas to operate a Childcare Center out of their residence located at 426 Little Mountain Road in Saltville. He identified the property as Tax Map Number 28-A-176B and stated it is zoned Agricultural/Rural. He informed the Members of Section 3-2-2 a) which allows the proposed use by the issuance of a Special Use Permit, Section 10-13 which defines a Childcare Center, Article 6 which contains the provisions for a Special Use Permit, and he pointed out the 2013 Comprehensive Plan identifies this property as Rural/Residential on the Future Land Use map.

Ms. Thomas was present for any questions. Mr. Venable inquired about the number of children she intended to keep and asked if she had any help. She responded that she intended to keep up to 12 children and Mr. Surber would be the only other person

helping her with the Childcare Center. Mr. Burton asked if fencing was required or already in place. Ms. Thomas said she would put fencing up if required by Department of Social Services, which she felt would be required during her licensing process. Mr. Davidson inquired about the size of her home. She stated she has a 3 bedroom manufactured home and intends to start with 7 children and work her way up to 12 children. She stated she did not live in a trailer park. Mr. Call asked Mr. Williams if approved, would the approval have any impact on the surrounding farm land, Mr. Williams reminded the Board and Commission this application was for a Special Use Permit, not a Map Amendment and it would not change the zoning for this property or the surrounding properties. Mr. Ron Blevins asked for confirmation that Ms. Thomas would be obtaining the required license from Department of Social Services to operate the Childcare Center. Ms. Thomas confirmed she would be licensed. Mr. Sparks inquired about the maintenance of Little Mountain Road, to which Ms. Thomas stated everyone offered assistance and worked on the maintenance together but there is not a formal agreement. No one else spoke on the application.

Chairman Wade Blevins and Chairman Norman Sparks closed the public hearing at approximately 7:16 p.m.

At approximately 7:17 p.m. Chairman Norman Sparks reconvened the Planning Commission meeting to consider tonight's application.

**Recommendation on Rebecca Saltz application for a Map Amendment from R to**

**A/R:** After a discussion about the requirements for a Special Use Permit for a Campground, at approximately 7:21 Mr. Wassum made a motion to recommend approval of Ms. Saltz's request for a Map Amendment from R to A/R for Lot 8 of Deer Run Development on Chestnut Ridge Road in Chilhowie, which was seconded by Mr. Venable and the following vote was recorded.

Ayes:	5	Venable, Davidson, Wassum, Sparks, and Pugh
Absent:	2	Frazier and Harris

**Clark T. Surber Jr. and Donna M. Thomas Special Use Permit to operate a**

**Childcare Center:** At approximately 7:22 p.m. Mr. Davidson made a motion to recommend approval to the Board of Supervisors for Mr. Surber and Ms. Thomas to operate a Childcare Center at 426 Little Mountain Road in Saltville by a Special Use Permit. Mr. Venable seconded the motion and the following vote was recorded.

Ayes:	5	Venable, Davidson, Wassum, Sparks, and Pugh
Absent:	2	Frazier and Harris

**Adjournment:** Mr. Venable made a motion to adjourn the Planning Commission meeting at approximately 7:22 p. m. which was seconded by Mr. Pugh and unanimously carried.

Ayes:	5	Venable, Davidson, Wassum, Sparks, and Pugh
Absent:	2	Frazier and Harris

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Wayne Venable, Secretary

*Note from Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.*

**SMYTH COUNTY PLANNING COMMISSION**  
**Thursday, September 26, 2013**

The Smyth County Planning Commission met in their regular meeting on Thursday, September 26, 2013, at 6:00 P.M. in the Smyth County Board of Supervisors meeting room, at 121 Bagley Circle, Marion, Virginia 24354.

**Commissioners Present:** Chairman Norman Sparks, North Fork District; Graham Davidson, Chilhowie District; Wayne Venable, Saltville District; Joel Pugh, Park District (arrived at 6:10 p.m.); and Charles Wassum, Atkins District **Commissioners Absent:** Blake Frazier, Royal Oak District; and L. V. "Pokey" Harris, Rye Valley District

**Staff Present:** Michelle Clayton, County Attorney; Clegg Williams, Subdivision and Zoning Administrator; and Becca Kirk, Administrative Assistant

At approximately 6:07 p.m. Chairman Sparks called the meeting to order.

**Adoption of Agenda:** Mr. Venable made a motion to adopt the agenda as presented which was seconded by Mr. Davidson and the following vote was carried:

Ayes:	4	Venable, Davidson, Wassum, and Sparks
Absent:	3	Frazier, Harris and Pugh

**Approval of Minutes:** Mr. Venable made a motion to approve the minutes of the Thursday, August 22, 2013. Mr. Davidson seconded the motion and the following vote was recorded:

Ayes:	4	Venable, Davidson, Wassum, and Sparks
Absent:	3	Frazier, Harris and Pugh

**Citizens' Time:** No one spoke during citizen's time.

**Other Business:** No other business was discussed.

**Commissioner's Comments/Questions:** Mr. Venable asked about their recommendations to the Board during the August 22, 2013, meeting. Mr. Williams stated the Board approved both applications.

Discussion was made regarding a form presented by Mrs. Clayton to be signed during Special Use Permit requests. It was unanimously approved to use the form as it was presented.

**Recess:** At approximately 6:30 p.m. Mr. Sparks recessed the Planning Commission's meeting until their 7:00 p.m. joint public hearing with the Board of Supervisors.



**Public Hearing:** At 7:00 p.m. Wade Blevins, Chairman of the Board of Supervisors, and Norman Sparks, Chairman of the Planning Commission, called the joint public hearing to order.

**Members Present:** Chairman, Chilhowie District Supervisor, Wade Blevins; Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K Blevins; Atkins District Supervisor J. Howard Burton; Chilhowie District Planning Commissioner Graham Davidson Sr.; Park District Planning Commissioner Joel Pugh; Chairman, North Fork Dist. Planning Commissioner Norman Sparks; Saltville District Planning Commissioner Wayne Venable; Atkins District Planning Commissioner Charles Wassum III; Saltville District Supervisor Roscoe D. Call; and North Fork District Supervisor Ron C Blevins; **Members Absent:** Royal Oak District Planning Commissioner, Blake Frazier; Rye Valley District Planning Commissioner, L. V. Pokey Harris; Royal Oak District Supervisor Regina H. Davidson

**Staff:** County Administrator, Michael Carter; Assistant County Administrator, Scott Simpson; Administrative Assistant, Becca Kirk; Administrative Assistant, Christy Bise; County Attorney, Michelle Clayton; and Building and Zoning Administrator, Clegg Williams

**Others Present:** Approximately 2 citizens, Stephanie Porter-Nichols of the Smyth County News & Messenger and Michael Hounshell of the Smyth County Sheriff's Department were present.

Mr. Carter read the advertisement as placed in the Smyth County News and Messenger as well as the rules of procedure during public hearings.

## **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, September 26, 2013, 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(s) to the Zoning Ordinance of Smyth County, Virginia:

*An application from Rebecca Saltz for a Special Use Permit to establish a Campground or Recreational Vehicle Park. The property is located at 1663 Chestnut Ridge Road in Chilhowie. It is identified as Tax Map No. 65-3-3H 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(s) 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, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Building and Zoning Department at (276) 783-3298 ext. 227 at least 48 hours prior to the hearing.

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

Michael L. Carter, County Administrator  
Norman K. Sparks, Chairman of the Planning Commission

**Rebecca L. Saltz – Request for a Special Use Permit to operate a Campground/Recreational Vehicle Park:** Mr. Williams explained Ms. Saltz's request to operate a Campground/Recreational Vehicle Park on Lot 8 of Deer Run Development Subdivision on Chestnut Ridge in Chilhowie. He identified the property as 1663 Chestnut Ridge Road in Chilhowie and being Tax Map No. 65-3-3H. Mr. Williams advertised notice of this public hearing in the Smyth County News on September 14 and 21. In addition, he sent letters to all of the adjoining property owners for which an affidavit is on file. He received no comments or questions on tonight's applications. He informed the members of Section 3-2-2 j) which allows the proposed use by the issuance of a Special Use Permit, Section 10-12 & 10-61 which defines a Campground and Recreational Vehicle Park, Article 6 which contains the provisions for a Special Use Permit, and he pointed out the 2013 Comprehensive Plan identifies this property as Rural/Residential on the Future Land Use map.

Ms. Saltz was not present and no citizens signed up to speak on the application.

Ron Blevins asked Mr. Williams how many RV's are proposed. He stated one was established for temporary use by her parents. Shortly thereafter Ms. Saltz decided she would like to place a second RV for an out of state family member. Mr. Blevins inquired about the health department requirements. Ms. Kirk informed the Board and Planning Commission that Ms. Saltz was approved and has already installed a septic system for the first RV and has been approved by the Health Department to hook the second RV up to her dwelling's septic system.

Chairman Wade Blevins and Chairman Norman Sparks closed the public hearing at approximately 7:13 p.m.

At approximately 7:13 p.m. Chairman Norman Sparks reconvened the Planning Commission meeting to consider tonight's application.

**Recommendation on Rebecca Saltz application for a Special Use Permit to operate a Campground/Recreational Vehicle Park:** After a discussion about the requirements for a Special Use Permit for a Campground, at approximately 7:23 Mr. Wassum made a motion to recommend approval of Ms. Saltz's request for a Special Use Permit with no restrictions. His motion was not seconded; therefore, the motion died. Mr. Sparks made a motion to recommend approval with two restrictions (1) she validates health departments approval for both RV sites; and (2) the Special Use Permit expires in one year. He stated these restrictions were based on the statements she made at last month's meeting that it was for family only. Mr. Venable seconded the motion with restrictions and the following vote was recorded.

Ayes:	4	Venable, Davidson, Sparks, and Pugh
Absent:	2	Frazier and Harris
Oppose:	1	Wassum

**Adjournment:** Mr. Venable made a motion to adjourn the Planning Commission meeting at approximately 7:30 p. m. which was seconded by Mr. Pugh and the following vote was carried.

Ayes:	4	Venable, Davidson, Sparks, and Pugh
Absent:	2	Frazier and Harris
Abstain:	1	Wassum

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Wayne Venable, Secretary

*Note from Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.*

**SMYTH COUNTY PLANNING COMMISSION**  
**Thursday, October 24, 2013**

The Smyth County Planning Commission met in their regular meeting on Thursday, October 24, 2013, at 6:00 P.M. in the Smyth County Board of Supervisors meeting room, at 121 Bagley Circle, Marion, Virginia 24354.

**Commissioners Present:** Chairman Norman Sparks, North Fork District; Graham Davidson, Chilhowie District; Wayne Venable, Saltville District; Joel Pugh, Park District; Charles Wassum, Atkins District; Blake Frazier, Royal Oak District; and L. V. "Pokey" Harris, Rye Valley District

**Staff Present:** Michelle Clayton, County Attorney; Clegg Williams, Subdivision and Zoning Administrator; and Becca Marean, Administrative Assistant

At approximately 6:00 p.m. Chairman Sparks called the meeting to order.

**Adoption of Agenda:** Mr. Venable made a motion to adopt the agenda as presented which was seconded by Mrs. Harris and the following vote was carried:

Ayes: 7      Venable, Davidson, Wassum, Sparks, Frazier, Harris and Pugh

**Approval of Minutes:** Mr. Venable made a motion to approve the minutes of the Thursday, September 26, 2013. Mr. Frazier seconded the motion and the following vote was recorded:

Ayes: 7      Venable, Davidson, Wassum, Sparks, Frazier, Harris and Pugh

**Citizens' Time:** One citizen was present but did not speak during citizen's time.

**Subdivision Ordinance:** Mr. Frazier, chairman of the Planning Commission's Ordinance Committee, presented the Committee's proposed amendments to the Subdivision Ordinance and recommended the Planning Commission request a joint public hearing with the Board of Supervisors in November. Mr. Frazier recognized a number of people (VDOT, Health Department, Surveyors, Realtors, etc.) who worked with the Committee and staff to help draft the proposed changes. Mrs. Harris and Mr. Frazier commended Mrs. Clayton for her responses to comments made by a concerned citizen throughout the process. Mr. Sparks stated his concerns about the shoulder width for private roads and recommended a requirement for a three foot (3') shoulder be added to each side of the private road. He mentioned some typographical errors, which Michelle Clayton made note of. After further discussion, Mr. Frazier made a motion to forward the proposed Subdivision Ordinance with the discussed amendments and the addition of a three foot (3') shoulder to each side of a private road. Mrs. Harris seconded the motion and the following vote was recorded:

Ayes: 7      Venable, Davidson, Wassum, Sparks, Frazier, Harris and Pugh

**Other Business:** Mr. Williams reported the Board of Supervisors' approval of Rebecca Saltz's application for a Special Use Permit for a Campground/Recreational Vehicle Park on Chestnut Ridge Road without the Planning Commission's recommended restrictions.

**Commissioner's Comments/Questions:** No comments were made.

**Adjournment:** Mr. Venable made a motion to adjourn the Planning Commission meeting at approximately 7:00 p. m. which was seconded by Mr. Frazier and the following vote was carried.

Ayes: 7      Venable, Davidson, Wassum, Sparks, Frazier, Harris and Pugh

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Wayne Venable, Secretary

*Note from Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.*

**SMYTH COUNTY PLANNING COMMISSION**  
**Thursday, November 21, 2013**

The Smyth County Planning Commission met in their regular meeting on Thursday, November 21, 2013, at 6:30 P.M. in the Smyth County Board of Supervisors meeting room, at 121 Bagley Circle, Marion, Virginia 24354.

**Commissioners Present:** Chairman Norman Sparks, North Fork District; Graham Davidson, Chilhowie District; Wayne Venable, Saltville District; Joel Pugh, Park District; and Charles Wassum, Atkins District; and Blake Frazier, Royal Oak District L. V. "Pokey" Harris, Rye Valley District  
**Commissioner Absent:** L. V. "Pokey" Harris, Rye Valley District

**Staff Present:** Michelle Clayton, County Attorney; Clegg Williams, Zoning Administrator; and Becca Marean, Administrative Assistant

At approximately 6:30 p.m. Chairman Sparks called the meeting to order.

**Adoption of Agenda:** Mr. Frazier made a motion to adopt the agenda as presented which was seconded by Mr. Venable and the following vote was carried:

Ayes:	6	Venable, Davidson, Wassum, Sparks, Pugh, and Frazier
Absent:	1	Harris

**Approval of Minutes:** Mr. Venable made a motion to approve the minutes of the Thursday, October 24, 2013. Mr. Davidson seconded the motion and the following vote was recorded:

Ayes:	6	Venable, Davidson, Wassum, Sparks, Pugh, and Frazier
Absent:	1	Harris

**Citizens' Time:** No one spoke during citizen's time.

**Other Business:** No other business was discussed.

**Commissioner's Comments/Questions:** No discussion was made.

**Recess:** At approximately 6:35 p.m. Mr. Sparks recessed the Planning Commission's meeting until their 7:00 p.m. joint public hearing with the Board of Supervisors.

**Public Hearing:** At 7:00 p.m. Wade Blevins, Chairman of the Board of Supervisors, and Norman Sparks, Chairman of the Planning Commission, called the joint public hearing to order.

**Members Present:** Chairman, Chilhowie District Supervisor, Wade Blevins; Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K Blevins; Atkins District Supervisor J. Howard Burton; Chilhowie District Planning Commissioner Graham Davidson Sr.; Park District Planning Commissioner Joel Pugh; Chairman, North Fork Dist. Planning Commissioner Norman Sparks; Saltville District Planning Commissioner Wayne Venable; Atkins District Planning Commissioner Charles Wassum III; Saltville District Supervisor Roscoe D. Call;

North Fork District Supervisor Ron C Blevins; and Royal Oak District Planning Commissioner, Blake Frazier (12) **Members Absent:** Royal Oak District Supervisor Regina H Davidson; Rye Valley District Planning Commissioner, L. V. Pokey Harris

**Staff:** County Administrator, Michael Carter; Assistant County Administrator, Scott Simpson; Administrative Assistant, Becca Marean; Administrative Assistant; County Attorney, Michelle Clayton; Building and Zoning Department Administrator, Clegg Williams; and Director of Finance, Charles Atkins

**Others Present:** Approximately 2 citizens, Stephanie Porter-Nichols of the Smyth County News & Messenger were present.

Mr. Carter read the advertisement as placed in the Smyth County News and Messenger as well as the rules of procedure during public hearings.

**JOINT PUBLIC HEARING  
BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS  
AND THE SMYTH COUNTY PLANNING COMMISSION**

The Smyth County Board of Supervisors and Planning Commission will conduct a public hearing on Thursday, November 21, 2013 at 7:00 p.m., or as soon thereafter, as may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following: Proposed revision of the Smyth County Subdivision Ordinance:

- o Complete Re-structuring. Organized in seven articles: 1) General Provisions; 2) Subdivisions; 3) Administration; 4) Submission of Subdivision Plats for Approval; 5) Required Improvements and Development Standards; 6) Dedication of Land for Public Use; and 7) Definitions.
- o Mandatory Requirements. from Virginia Code §15.2-2241 added, including: Construction cost estimate requirements lowered to 10%; Six (6) month time limit to file final subdivision plat-possible one year extension; Periodic and partial releases of bonds required when work completed.
- o Family subdivisions. Expanded to include step-children, aunts, uncles, nieces, and nephews in the definition of immediate family member.
- o Plats. Private right-of-ways to be shown by a certified surveyor; plats to be approved by signature of water/ sewer purveyors and 911 Coordinator.
- o Private Roads. Deeds to clearly provide that private roads/ right-of-ways are not state or county maintained. Mail delivery and school bus transport not provided.
- o Five (5) acre lots. May be exempted from the Subdivision Ordinance so long as the developer meets minimum street, deed transfer and plat requirements.
- o Townhouses. To be moved to the Zoning Ordinance.
- o Recreational Developments. (Section 4.3.23(5)) to be stricken.
- o Boundary surveys. To be on four (4) corners of a tract if the subdivision is within 1000' feet of two (2) known coordinates.
- o Monuments. To be marked with a steel rod not less than one-half (1/2") inch in diameter and eighteen (18") inches long and driven to be flush with finished grade.

At this public hearing, subject to the rules of procedure of the Board of Supervisors of Smyth County, Virginia, any person may appear and state his/her views thereon. 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)783-3298 x227, at least 48 hours prior to the hearing. A copy of this proposed amendment is on file in the Office of the County Administrator of Smyth County at the address given above, and may be viewed during regular business hours Monday through Friday and at [www.smythcounty.org](http://www.smythcounty.org).

Done by order of the Board of Supervisors and the Planning Commission of Smyth County  
Michael L. Carter, County Administrator and Norman Sparks, Planning Commission Chairman

**Proposed Subdivision Ordinance:** At approximately 7:05 p.m. Mr. Williams summarized the proposed revisions to the Subdivision Ordinance as stated in the legal advertisement.

Charles Wassum signed up to speak as a citizen. He stated his concerns regarding a number of changes made between drafts of the proposed revisions approved by the Joint Ordinance Committee. He stated he was especially concerned about the revisions made by staff without the approval of the Committee and he felt the process was not conducted properly. He pointed out a few of the changes he noticed between the drafts. There was a long discussion among staff and members of the Joint Committee.

Earl McClure spoke on the revisions and essentially reiterated most of Charles Wassum's comments. He added that he felt staff plagiarized other jurisdictions subdivision ordinances and he found numerous errors, direct violations of the state code, language poorly stated, and language contradictions. He felt the proposed revisions simply needed to go back to the Joint Committee for further review. No one else spoke on the proposed revisions.

Chairman Wade Blevins and Chairman Norman Sparks closed the public hearing at approximately 7:47 p.m.

At approximately 7:47 p.m. Chairman Norman Sparks reconvened the Planning Commission meeting to consider tonight's application.

**Recommendation on Subdivision Ordinance:** Lengthy discussion was made between several commissioners and two contradictions were identified. A couple of commissioners stated their frustration with the lengthy process and they felt those offering criticism should have done so before the public hearing. They felt their actions were discourteous and a waste of time and county resources. At approximately 8:24 p.m. Mr. Venable made a motion to recommend the proposed October 28<sup>th</sup> draft be sent back to the Joint Ordinance Committee for further review. Mr. Wassum seconded the motion and the following vote was recorded.

Ayes:	6	Venable, Davidson, Wassum, Sparks, Pugh, and Frazier
Absent:	1	Harris

**Adjournment:** Mr. Sparks adjourned the Planning Commission meeting at approximately 8:30 p.m.

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Wayne Venable, Secretary



*Note from Clerk: These minutes are written as the agenda was presented. Some votes may appear out of order.*

**SMYTH COUNTY PLANNING COMMISSION**  
**Thursday, December 19, 2013**

The Smyth County Planning Commission met in their regular meeting on Thursday, December 19, 2013, at 6:30 P.M. in the Smyth County Board of Supervisors meeting room, at 121 Bagley Circle, Marion, Virginia 24354.

**Commissioners Present:** Chairman Norman Sparks, North Fork District; Graham Davidson, Chilhowie District; Joel Pugh, Park District; and Charles Wassum, Atkins District; and Blake Frazier, Royal Oak District

**Commissioners Absent:** Wayne Venable, Saltville District; and L. V. "Pokey" Harris, Rye Valley District

**Staff Present:** Michelle Clayton, County Attorney; Clegg Williams, Building and Zoning Department Administrator; and Becca Marean, Administrative Assistant

At approximately 6:30 p.m. Chairman Sparks called the meeting to order.

**Adoption of Agenda:** Mr. Frazier made a motion to adopt the agenda as presented which was seconded by Mr. Davidson and the following vote was carried:

Ayes:	5	Frazier, Davidson, Wassum, Sparks, and Pugh
Absent:	2	Harris and Venable

**Approval of Minutes:** Mr. Davidson made a motion to approve the minutes of the Thursday, November 21, 2013. Mr. Frazier seconded the motion and the following vote was recorded:

Ayes:	5	Frazier, Davidson, Wassum, Sparks, and Pugh
Absent:	2	Harris and Venable

**Citizens' Time:** No one spoke during citizen's time.

**Other Business:** None was discussed.

**Commissioner's Comments/Questions:** Mr. Pugh mentioned concerns he received from a citizen regarding the fate of the proposed revisions to the Subdivision Ordinance. Mr. Williams explained the process that must take place. He stated that with luck, the proposal could be reconsidered in a few months.

**Recess:** At approximately 6:40 p.m. Mr. Sparks recessed the Planning Commission's meeting until their 7:00 p.m. joint public hearing with the Board of Supervisors.

**Public Hearing:** At 7:00 p.m. Wade Blevins, Chairman of the Board of Supervisors, and Norman Sparks, Chairman of the Planning Commission, called the joint public hearing to order.

**Members Present:** Chairman, Chilhowie District Supervisor, Wade Blevins; Park District Supervisor M. Todd Dishner; Rye Valley District Supervisor Rick K Blevins; Atkins District Supervisor J. Howard Burton; Chilhowie District Planning Commissioner Graham Davidson Sr.; Park District Planning Commissioner Joel Pugh; Chairman, North Fork Dist. Planning Commissioner Norman Sparks; Atkins District Planning Commissioner Charles Wassum III; Saltville District Supervisor Roscoe D. Call; North Fork District Supervisor Ron C Blevins; and Royal Oak District Planning Commissioner, Blake Frazier

**Members Absent:** Rye Valley District Planning Commissioner, L. V. Pokey Harris Saltville District Planning Commissioner Wayne Venable; and Royal Oak District Supervisor, Regina H. Davidson

**Staff:** County Administrator, Michael Carter; Assistant County Administrator, Scott Simpson; Administrative Assistant, Becca Marean; Administrative Assistant, Kelly Woods; County Attorney, Michelle Clayton; and Building and Zoning Department Administrator, Clegg Williams

**Others Present:** Approximately 15 citizens, Stephanie Porter-Nichols of the Smyth County News & Messenger and Michael Hounshell of the Smyth County Sheriff's Department were present.

Mr. Carter read the advertisement as placed in the Smyth County News and Messenger as well as the rules of procedure during public hearings.

## **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, December 19, 2013, 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(s) to the Zoning Ordinance of Smyth County, Virginia:

*An application from Seth and Brandi Heath for a Special Use Permit to operate a Service Business. The properties are located at 1087 Porter Valley Road (Tax Map Nos. 44-A-78, 44-A-78D, & 44-A-85A) and 1217 Fox Valley Road (Tax Map No. 55-A-49) in Marion, and are 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(s) 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, persons requiring special assistance to attend and participate in this hearing should contact the Smyth County Building and Zoning Department at (276) 783-3298 ext. 227 at least 48 hours prior to the hearing.

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

Michael L. Carter, County Administrator  
Normal K. Sparks, Chairman of the Planning Commission

**Seth and Brandi Heath – Special Use Permit for Service Business in the Agricultural/Rural District:** At approximately 7:03 p.m. Mr. Williams explained an application for a Service Business for parking snow removal trucks on properties owned by Seth and Brandi Heath surrounding 1087 Porter Valley Road and 1217 Fox Valley Road in Marion. He stated the properties are zoned Agricultural/Rural. He directed the members to Section 3-2.2 v) which allows the proposed use by the issuance of a Special Use Permit, Section 10-65 which defines a Service Business, Article 6 which contains the provisions for a Special Use Permit. He stated he advertised notice of this public hearing in the Smyth County News on December 7 and 14. In addition, he sent letters to all of the adjoining property owners for which an affidavit is on file. He received one letter which he read for the record from Alice and Isaac Freeman, attached hereto. He pointed out the letter received from Seth and Brandi Heath explaining their request for the service business which was included in the packets each member received prior to the meeting.

Seth and Brandi Heath were present to address any questions regarding their request. Mrs. Heath stated their business has grown and they have been awarded a snow removal contract by VDOT from exit 17 to exit 54. Describing her business, Mrs. Heath said the proposed sites would simply be used as parking lots. When the equipment isn't needed, it will be parked on the property. In the event it is needed, employees' vehicles will replace the equipment while it is being used. Other than minor maintenance, (i.e. windshield wipers, tire inflation, etc.), Mrs. Heath stated all maintenance of their equipment would be done by offsite repair garages.

Regarding the brine and salt used, she stated it was stored at VDOT centers in Glade Spring and Atkins and would not be stored on either property. They clarified they are not currently removing snow on local roads, such as Fox Valley Road. They are strictly on I-81. Realizing there may be a concern about the speed their trucks travel, Mrs. Heath stated their trucks are not allowed to go over 25 mph on secondary roads and 45 mph on primary roads. They have 26 trucks and they clean their trucks at the Glade salt storage site. Their contract is good for three (3) years and VDOT can renew the contract on a yearly basis; otherwise, the job is open for bids.

Mr. Wassum and Mr. Williams discussed the differences in uses allowed by right in the A/R zoning district. Mr. Williams suggested any changes Mr. Wassum would like to see made needed to be presented to the Ordinance Committee for discussion. Mr. Wade Blevins concurred with Mr. Williams

Supervisor Ron Blevins stated he went to the property and noted only farm equipment was stored in the buildings located on the properties. Supervisor Todd Dishner commented on how well the property is maintained.

With no one signing up to speak, Chairman Wade Blevins opened the floor for public comments. Several members of the audience expressed a desire to address the Planning Commission and Board of Supervisors. Ms. Rhoten and Ms. Fox stated their concerns of the property going from an agricultural use to a commercial use.

Mr. Williams and Mr. Dishner both explained that the request does not affect any surrounding or adjoining properties. This was not a rezoning request, just a Special Use Permit request. Mr. Williams reminded the neighbors that Mr. and Mrs. Heath were required to get a Special Use Permit for a Rodeo several years ago and that request did not open the door for other businesses. He confirmed the Special Use Permit process is required for almost every business unless it is permitted by right in the Zoning Ordinance.

Kathleen Nicholson spoke in favor of the application and as an adjoining neighbor stated she could verify the equipment was being parked on the property. She added the increase in noise and traffic was insignificant.

No one else spoke on the application.

Chairman Wade Blevins and Chairman Norman Sparks closed the public hearing at approximately 7:26 p.m.

At approximately 7:29 p.m. Chairman Norman Sparks reconvened the Planning Commission meeting to consider tonight's application.

**Recommendation on Seth and Brandi Heath's application for a Special Use Permit to operate an Service Business:** At approximately 7:29 p.m. Mr. Frazier made a motion, then amended it, to approve the Heath's application for a Special use Permit to operate a Service Business with the restriction that the Special Use Permit expire when VDOT's contract runs out for Tax Map Nos. 44-A-78, 44-A-78D, and 44-A-85A. Mr. Davidson seconded the motion and the following vote was recorded.

Ayes:	4	Davidson, Wassum, Sparks, Pugh, and Frazier
Absent:	2	Venable and Harris

**Adjournment:** Mr. Sparks closed the meeting at approximately 7:34 p.m.

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Wayne Venable, Secretary