



SPICER, OLIN & ASSOCIATES, P.C.

JOHN N. SPICER | Licensed in Virginia, Texas, & Nebraska
BENJAMIN D. SNODGRASS | Licensed in Virginia

KRISTOPHER R. OLIN | Licensed in Virginia
MOLLY P. PUGH | Licensed in Virginia

June 21, 2023

Brea Hopkins, Director of Planning & GIS
Jude Cochran, Planning and Zoning Administrator
Montgomery County Government Center
755 Roanoke St. Ste. 2A
Christiansburg, VA 24073-3177

Re: Application for Special Use Permit – John and Stacy Lloyd, Parcel ID: 009224, 009225

Dear Ms. Hopkins and Mr. Cochran,

Our firm represents John and Stacy Lloyd in their submission of the Special Use Permit Application for the Property designated Parcel ID Numbers 009224, and 009225, comprising 6.8 acres, (the “Property”), and located just north of the intersection of South Jefferson Forest Lane, and Coal Bank Hollow Road. Our clients purchased the Property in July 2022 with the intent of parking two trucks used for the business “Tech Tree Experts,” one Chevy 3500 truck with an attached trailer, and one Dodge Ram 5500 chipper truck with an attached wood chipper. After making use of the Property in this manner for a number of months, our clients received a letter from the County of Montgomery indicating that the use of the Property constituted a Contractor Storage Yard and did not comply with the Agricultural (A-1) zoning of the Property. We are therefore submitting this Special Use Permit Application on their behalf to request that our clients be allowed to make use of the Property as a Contractor Storage Yard.

The Applicant anticipates the Property would be used to park two or three trucks, with such approximate location marked on the attached GIS Exhibit map. In addition, we would request that our clients be allowed to continue to make use of the Property to park the two trucks throughout the duration of the Special Use Permit Application process.

Further on the northern side of the Property, third parties have recorded access to an old cemetery with graves which date to the early 1900s. Since purchasing the Property, our clients have cleaned up the Property by removing fallen trees and laying gravel on a dirt path used by individuals to exit the property after visiting the cemetery.

Should you have any questions or comments please feel free to contact me. I remain,



SPICER, OLIN & ASSOCIATES, P.C.

JUNE 21, 2023

PAGE | 2

Very truly yours,
SPICER, OLIN & ASSOCIATES, P.C.

By: Ben Snodgrass
Benjamin D. Snodgrass, Esq.

BDS/aty

CC: John and Stacy Lloyd



MONTGOMERY
COUNTY, VIRGINIA

Preliminary Review Meeting Request Special Use Permit

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

Contact Information: Owner Contract Purchaser Other _____

Name: John Lloyd and Stacy Lloyd	Address: 1048 Opal Lane, Blacksburg, VA, 24060
Telephone: (540) 357-1560	Email: cowgazer@aol.com

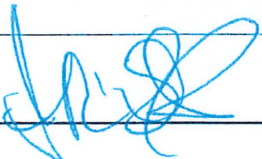
Subject Property Description:

Location: (Describe in relation to nearest intersection) Just north of the intersection of South Jefferson Forest Lane (818) and Coal Bank Hollow Road (649)		
Address: (if applicable)	Existing Zoning: Agricultural A-1	Acreage: 6.8 Acres
Parcel ID Number(s): 009224, 009225	Property Owner(s): John Lloyd and Stacy Lloyd	
Existing Use: Parking of two trucks used for work. One truck has an attached trailer and one has an attached chipper.		

Description of Proposed Development and Uses:

The requested information below MUST be submitted

A. Proposed Use(s): Contractor's storage yard
B. Proposed Use Details (check all that applies):
<input type="checkbox"/> Residential
Total Single Family # of Units: _____ Total Multi-Family # of Units: _____
<input checked="" type="checkbox"/> Commercial
Use _____ S.F. _____
Use _____ S.F. _____
Use _____ S.F. _____

Applicant Signature:  Date: 6/16/23

FOR INTERNAL STAFF USE ONLY

VDOT Requirements

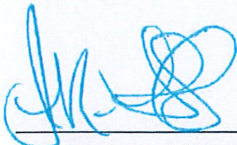
In accordance with the Code of Virginia §15.2-2222.2 and 24 VAC 30-155, the project:

- Will require a Traffic Impact Analysis (TIA) submission and review by VDOT. TIA must be submitted with rezoning application.
- Applicant will be required to coordinate a Scope of Work Meeting with VDOT (Project will generate 1,000 or more vehicle trips per peak hour.)

This determination is based upon the information provided by the applicant on the submitted Preliminary Review Request Form. Determination is subject to change based upon changes to the request.

Information and VDOT forms regarding the VDOT's Traffic Impact Analysis Regulations Administrative Guidelines can be obtained online at www.virginiadot.org/projects/chapter527.

- Documentation of Community Meeting.** Community meetings can be held after submitting application. County staff should be notified a least a week in advance of meeting date.
- Survey Plat.** Copies no larger than 11"x17"
- Traffic Impact Analysis (TIA) - County:** Based upon the proposed use and location, the project may substantially affect roadways and the County may require a traffic impact analysis.
- Elevations:** Copies reduced to 8 ½" x 11" of proposed buildings must be submitted in addition to an electronic copy in ".pdf" format.
- Other:**



Applicant's Signature

JOHN R. LOYA

Printed Name

6/16/23

Date

Staff Signature (Planning)

Date

This form is to verify completion of the required Preliminary Review Meeting and must be submitted at the time of filing of applications. Based upon the proposed development, County staff has determined the information checked on this form must be submitted in addition to regular submission requirements for Rezoning, Provisional Use Permit, or Amendment to Proffer Application



Special Use Permit Application Form

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

Applicant Information: (PLEASE PRINT – if additional owners, please attach additional sheets)

Owner of Record (attach separate page for add'l owners): John Lloyd and Stacy Lloyd	Address: 1048 Opal Lane, Blacksburg, VA 24060
Telephone: (540) 357-1560	Email: cowgazer@aol.com

Applicant Name: Owner Contract Purchaser/Lessee John Lloyd and Stacy Lloyd	Address: 1048 Opal Lane, Blacksburg, VA 24060
Telephone: (540) 357-1560	Email: cowgazer@aol.com

Representative Name and Company: Spicer, Olin & Associates	Address: 504 South Main Street, Blacksburg, VA 24060
Telephone: (540) 552-0007	Email: bsnodgrass@spicerlawfirm.com

Property Description:

Location or Address: <i>(Describe in relation to nearest intersection)</i> Just north of the intersection of South Jefferson Forest Lane (818) and Coal Bank Hollow Road (649).		
Parcel ID Number(s): 009224, 009225	Acreage: 6.8	Existing Zoning: Agricultural A-1
Comprehensive Plan Designation: Residential Transition	Existing Use: Overnight parking of two trucks, a trailer, and chipper used for work	

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

Proposed Use(s) including acreage: Contractor's Storage Yard to park two vehicles with attached trailer and chipper for work purposes. Total acreage: 6.80 acres.

I certify that the information supplied on this application and on the attachments provided (maps or other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of Montgomery County and State of Virginia to enter the above property for the purposes of processing and reviewing the above application.

If signing on behalf of a Corporation, Partnership, or LLC, please specify your title with the entity and provide documentation clarifying your authority to sign on behalf of the entity.

 Owner 1 Signature	6/16/23 Date
Stacy M Lloyd <small>Stacy M Lloyd (Jun 16, 2023 15:45 EDT)</small> Owner 2 Signature (for add'l owners please attach separate sheet)	6/16/23 Date
 Applicant Signature	6/16/23 Date
Representative/Agent Signature	6/21/23 Date

Additional Special Use Permit Requirements

The applicant for special use permit shall provide a statement of justification to address the following items in the application materials to demonstrate what impact the proposed request will have on the County's resources and how the request complies with Montgomery County's comprehensive plan.

Section 10-54(3)(g), Montgomery County Zoning Ordinance

(g) Issues for Consideration. In considering a Special Use Permit application, the following factors shall be given reasonable consideration. The application shall address all the following in its statement of justification or Special Use Permit plat unless not applicable, in addition to any other standards imposed by this Ordinance:

1. Whether the proposed Special Use Permit is consistent with the Comprehensive Plan (Addressed under "3. Comprehensive Plan Justification"). *The proposed SUP is consistent with the Comprehensive Plan and located within the Residential Transition Area. In accordance with PLU 1.5, the use is compatible with the Residential Transition Area Land use and would not interfere with nearby residential developments and residential property uses or with future residential developments. No sewer or water will be required as part of the proposed use.*
2. Whether the proposed Special Use Permit will adequately provide for safety from fire hazards and have effective measures of fire control. *Not applicable. The Applicant anticipates the future use of the Property to park two or three work trucks on the Property for use by his business. The applicant does not anticipate the construction of any building as part of this SUP.*
3. The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area. *No significant noise would be created from the anticipated from the proposed use of the Property for parking of two or three vehicles, along with an attached trailer and attached wood chipper.*
4. The glare or light that may be generated by the proposed use in relation to uses in the immediate area. *Anticipated to be insignificant.*
5. The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance. *None anticipated.*
6. The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels. *This Special Use Permit Application is consistent with uses permissible by special use permit. With the exception of the parcel to the south of this Parcel, zoned Rural Residential, each of the neighboring properties directly surrounding the Property are zoned Agricultural.*
7. The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood. *No building is present on the Property. The location and area of the proposed parking is marked on the attached exhibit.*

8. The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood. [The current landscaping is demonstrated on the attached GIS map of the Property.](#) [Applicant shall comply with landscaping, screening, and buffering requirements.](#)
9. The timing and phasing of the proposed development and the duration of the proposed use. [No new development is being proposed.](#) [The proposed use would not have a termination date.](#)
10. Whether the proposed Special Use Permit will result in the preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance. [No new development is being proposed.](#)
11. Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public. [The proposed use would enable Applicant to make a more convenient use of the public roads for his two or three trucks, thereby reducing the time such trucks would be required to travel on the public roadways.](#)
12. The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety and efficient traffic movement. [The expected traffic is approximately two to three vehicles departing the Property and two to three vehicles returning to the Property each day Monday to Friday.](#)
13. Whether, in the case of existing structures proposed to be converted to uses requiring a Special Use Permit, the structures meet all code requirements of Montgomery County. [Not Applicable.](#)
14. Whether the proposed Special Use Permit will be served adequately by essential public facilities and services. [Not applicable.](#)
15. The effect of the proposed Special Use Permit on groundwater supply. [Not applicable.](#)
16. The effect of the proposed Special Use Permit on the structural capacity of the soils. [Not applicable as no new development is proposed.](#)
17. Whether the proposed use will facilitate orderly and safe road development and transportation. [No appreciable difference.](#) [To the extent applicable, the proposed use would reduce the commute time for the vehicles that would park on the Property.](#)
18. The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality. [We do not anticipate an appreciable difference.](#)
19. Whether the proposed Special Use Permit use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan. [Not applicable.](#)
20. Whether the proposed Special Use Permit considers the needs of agriculture, industry, and businesses in future growth. [Not applicable.](#)

21. The effect of the proposed Special Use Permit use in enhancing affordable shelter opportunities for residents of the County. **Not applicable.**
22. The location, character, and size of any outdoor storage. **We anticipate proposed parking for the two or three trucks and their attached equipment. The trucks which have used the Property are one Chevy 3500 truck with an attached trailer, and one Dodge Ram 5500 chipper truck with an attached wood chipper. The approximate location of such parking is marked on the attached exhibit.**
23. The proposed use of open space. **The area primarily affected would be the parking area located as demonstrated on the proposed attached Exhibit.**
24. The location of any major floodplain and steep slopes. **The northern half of the property is sloped and the eastern portion of the property has a number of steep slopes.**
25. The location and use of any existing non-conforming uses and structures. **The Property has been used for the parking of two trucks for work purposes since Applicant acquired the Property in July 2022.**
26. The location and type of any fuel and fuel storage. **None anticipated.**
27. The location and use of any anticipated accessory uses and structures. **None anticipated.**
28. The area of each use; if appropriate. **N/A.**
29. The proposed days/hours of operation. **Not applicable. The vehicles typically depart the property by 8:30 am and return by 6:00 pm, Monday to Friday.**
30. The location and screening of parking and loading spaces and/or areas. **The proposed parking location has been marked on the attached Exhibit Map.**
31. The location and nature of any proposed security features and provisions. **None proposed.**
32. The number of employees. **Not applicable.**
33. The location of any existing and/or proposed adequate on and off-site infrastructure. **Not applicable.**
34. Any anticipated odors, which may be generated by the uses on site. **We do not anticipate the generation of noteworthy odors. The vehicles depart the property shortly after their engines are started.**

35. Whether the proposed Special Use Permit uses have sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas. **Not applicable. No construction anticipated.**

Concept Plan & Comprehensive Plan Justification

Dear Montgomery County Board Members,

Our firm represents John Lloyd and his wife Stacy Lloyd, (the "Owners") who purchased the 6.8 acre property identified as Parcel Identification Nos. 009224 and 009225, (the "Property") by deed dated July 21, 2022. Mr. Lloyd purchased the Property with the intent of using the Property to park two trucks used for his business "Tech Tree Experts," one Chevy 3500 truck with an attached trailer, and one Dodge Ram 5500 chipper truck with an attached wood chipper. After using the Property to park his two trucks for several months, on April 19, 2023, our clients received a letter from the County of Montgomery, informing them that the use of the Property constituted a Contractor Storage Yard and did not comply with the Agricultural (A-1) zoning of the Property.

On the northern side of the Property, third parties have recorded access to an old cemetery with graves which date to the early 1900s. Since purchasing the Property, our clients have cleaned up the Property by removing fallen trees and laying gravel on a dirt path used by individuals to exit the property after visiting the cemetery. With the exception of the property directly to the south of the Property, zoned rural residential, each of the adjacent neighboring properties are currently zoned Agricultural (A-1). We anticipate the parking area currently used for the parking of the two trucks, and attached trailer and wood chipper, is approximately fifty feet (50') in length by fifty feet (50') in width. Such approximate location is marked on the attached GIS Exhibit map. The Property is located just north of the intersection of South Jefferson Forest Lane, (818), and Coal Bank Hollow Road, (649).

The Applicant anticipates the Property would be used to park two or three commercial trucks on the Property. Of the two trucks that currently park on the Property, one has an attached trailer and the other truck is "chipper truck" with an attached wood chipper. We anticipate the parking, lighting, and existing physical features of the site would remain unchanged, with the exception of any required modifications to parking, screening, and buffering. There are no buildings located on the Property. On the southern portion of the property, Batts Road runs through a portion of the Property and connects to Coal Bank Hollow Road. Further, there is also a road that runs to the Property from South Jefferson Forest Lane.

The proposed SUP is consistent with the Comprehensive Plan and located within the Residential Transition Area. The proposed use complies with lot minimums. In accordance with PLU 1.5, the use is compatible with the Residential Transition Area Land use and would not interfere with nearby residential developments and residential property uses or with future residential developments. Further, our clients have made improvements to the land which have benefited those using and accessing the cemetery located on the Property. Finally, no sewer or water will be required as part of the proposed use.

DOCUMENT PREPARED BY (PLEASE RETURN TO):
Patrick K. Moore, P.C., 520 West Main Street, Radford, VA 24141
VSB #36181

TITLE INSURANCE: Fidelity National Title Insurance Company
CONSIDERATION: \$85,000.00
TAX ASSESSMENT: \$34,000.00
PARCEL ID: 009224; 009225; **TAX MAP #:** 028- A 15; 028- A 16

GRANTEE ADDRESS: 1048 Opal Lane, Blacksburg, VA 24060

THIS DEED, made and entered into this 21st day of July, 2022 by and between **MICHAEL PENN HUFFMAN**, Trustee of the **HUFFMAN FAMILY TRUST**, dated April 17, 2014, party of the first part (GRANTOR), and **JOHN LLOYD** and **STACY LLOYD**, parties of the second part (GRANTEES).

WITNESSETH:

THAT FOR and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, and for other good and valuable consideration, the receipt of which is hereby acknowledged by the party of the first part, the said party of the first part does hereby bargain, sell, grant, and convey, with General Warranty and Modern English Covenants of Title, unto the said **JOHN LLOYD** and **STACY LLOYD**, husband and wife, as tenants by the entirety with the right of survivorship, all those certain lots or parcels of land, with all improvements thereon and appurtenances thereunto belonging, situate, lying and being on the waters of Toms' Creek, on the south side of Brush Mountain, north of the Town of Blacksburg, Mt. Tabor Magisterial District, Montgomery County, Virginia, and which two parcels contain in the aggregate 6-1/8 acres, more or less, and more particularly described as follows:

PARCEL I:

BEING all of that certain parcel of land containing 2-1/8 acres, more or less; and being the same parcel of land that was conveyed to Annie Haglin by C. W. Doss and wife, et als, by deed dated October 14, 1927, recorded in the Clerk's Office of the Circuit Court of

LAW OFFICES
PATRICK K. MOORE, P.C.
1100 SOUTH MAIN STREET
BLACKSBURG, VA 24060
(540) 958-1100

Montgomery County, Virginia, in Deed Book 87, Page 314, to which deed and the deeds therein referred to reference is here made for a more particular description of said 2-1/8 acre parcel. This parcel is conveyed subject, however, to an open road as located and established in January, 1950. Running through and along the south margin of the land to the public road and subject to the reservation of a graveyard, as located on said land 63 c 54 feet, which reservations are set forth in the hereinafter mentioned deed from Annie Haglin to Roy I. Craighead.

SUBJECT TO that reservation of usage of an open road running through and along the south margin of the aforesaid land to the public road; and further SUBJECT TO a graveyard located on the said land; which said reservations were reserved by and further described in a document recorded in the Clerk's Office of the Circuit Court of Montgomery County, Virginia in Deed Book 87, Page 315.

PARCEL II:

BEING all that certain tract or parcel of land containing 4 acres, more or less; and being the same real estate that was conveyed to Annie Haglin by C. W. Doss and Hattie Doss, his wife, by deed dated October 14, 1927, recorded in the aforesaid Clerk's Office in Deed Book 87, Page 471, to which deed and the deeds therein referred to reference is here made for a more particular description of said 4 acres of land.

LESS AND EXCEPT those portions of real estate, containing a total of 0.02 acre, which were conveyed unto the Commonwealth of Virginia by Deed dated May 10, 1966, recorded in the aforesaid Clerk's Office in Deed Book 289, Page 645.

AND BEING the same property conveyed unto Michael Penn Huffman, Trustee of the Huffman Family Trust, dated April 17, 2014, from Michael P. Huffman by deed of gift dated April 28, 2014, recorded in the aforesaid Clerk's Office as Instrument Number 2014002927.

THIS CONVEYANCE is made subject to all easements, rights-of-way, restrictions, covenants and conditions of record to the extent that they may lawfully apply to the hereinabove described property.

THIS DEED WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT SURVEY OR TITLE SEARCH PREPARED BY THIS OFFICE.

NO LEGAL OR TAX ADVICE WAS PROVIDED BY PATRICK K. MOORE, PC IN CONJUNCTION WITH THE PREPARATION OF THIS DOCUMENT.

WITNESS the following signature and seal.

Michael Penn Huffman (Seal)
Michael Penn Huffman, Trustee of the Huffman Family Trust, dated April 17, 2014

STATE OF Virginia
CITY / COUNTY OF Montgomery, TO-WIT:

The foregoing instrument was acknowledged before me this 21st day of July 2022, by Michael Penn Huffman, Trustee of the Huffman Family Trust, dated April 17, 2014.

My commission expires May 31, 2024.

Registration number 218317.








Linda Bowman Jare
Notary Public



2022005819.004

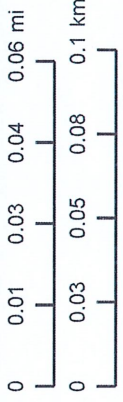
INSTRUMENT # 2022005819
E-RECORDED IN THE CLERK'S OFFICE OF
MONTGOMERY ON
JULY 22, 2022 AT 10:11AM
\$85.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$42.50 LOCAL: \$42.50
ERICA W. CONNER, CLERK
RECORDED BY: JLB

ParcelLand Viewer

-  Consolidated Collection Sites
-  Corporate Line
-  Tax Parcels
-  Minor Streams
-  Private
-  All Other Roads
-  Major Roads



VITA, West Virginia GIS, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Montgomery County VA, FEMA, USFWS, USGS














Scale: 1:2,257

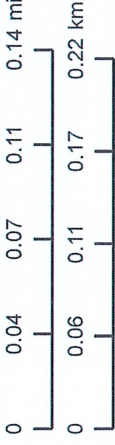
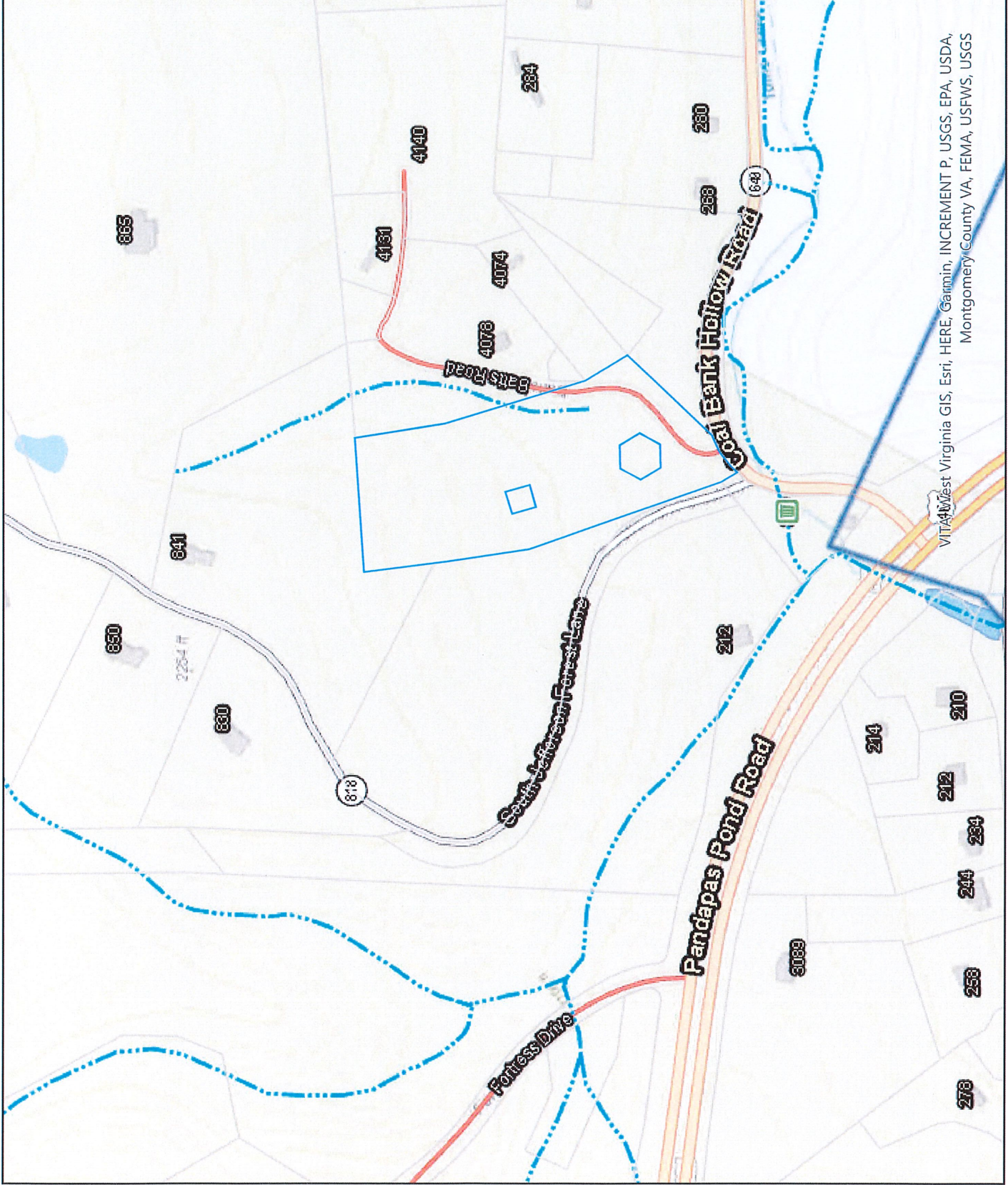
*For reference purposes only.
Not to be used as an official legal document.

Map by Montgomery County VA web map viewer 6/19/2023



ParcelLand Viewer

-  Consolidated Collection Sites
-  Corporate Line
-  Tax Parcels
-  Zone A
-  Lakes and Ponds
-  Blacksburg Hydrography
-  Minor Streams
-  Private
-  All Other Roads
-  Major Roads
-  460 Bypass



VITA West Virginia GIS, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, Montgomery County VA, FEMA, USEFWS, USGS

Map by Montgomery County VA web map viewer 6/19/2023



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