



Hixon, Roberts, & Roberts

Engineering, Site Planning, and Stormwater Compliance
1601 South Main, Blacksburg, VA 24060

October 21, 2019

Ricky D. & Debra H. Argabright
811 Patrick Henry Drive
Blacksburg, VA 24060

Re: 811 Patrick Henry Drive Property and Improvements Compliance with Town of Blacksburg
Zoning with Proposed Lot Line Adjustment

Dear Ricky and Debbie,

This letter affirms that based on my review and a surveyors review of the 811 Patrick Henry Drive property and existing improvements on the property, the transfer of 70' wide strip of property along the South end of the subject property **will not** create any zoning non-conformances nor make any existing non-conformances (There are none known) any more non-conforming.

At the Town of Blacksburg Planning Commission Work Session meeting last Tuesday, October 15, 2019, evening, during the staff report and a question from one of the Planning Commissioners, the issue was raised whether the 811 Patrick Henry Drive Property would or would not have zoning problems should the proposed 70' wide by approximately 238.44' long portion of the South side of the 811 Patrick Henry Drive Property be removed from the 811 Patrick Henry Drive by lot line adjustment (AKA revision). One of the developers of the adjacent property deferred to me to address this, and I stated that I could produce a letter for you that would address any zoning considerations for your property. I stated at that time that the zoning issues had been reviewed and there was nothing that would stop the proposed property transfer.

We reviewed Sections (3150 – 3155) Division 15 – General Commercial District and in my professional opinion there is not anything within “General Commercial District” of the Blacksburg Code that is directly or indirectly applicable to the proposed transfer of the 70' wide strip of property.

We reviewed Division 5, Commercial Uses, Section 4531 – Kennel, Commercial and found that Div 5, Sec. 4531 – Kennel, Commercial, a, 3, 4, & 5, were the only sections that might relate to the 70' strip of property transfer, but for this project, they do not adversely affect the zoning compliance for this site (See Attachment A).

Div 5, Sec 4531, a, 3:

“The minimum area required for a commercial kennel shall be two (2) acres.”

Ty Brady, LS of Tech Surveying, LLC has reviewed the property, adjacent properties, and calculated that the remaining property after the transfer of the 70' wide strip will not make the remaining property be less than 2 acres (See Attachment B)

Div 5, Sec 4531, a, 4:

"All facilities associated directly with the commercial kennel, whether indoors or outdoors, shall be set back a minimum of one hundred (100) feet from any property line."

This 100' setback requirement was modified to 50' by action of the Planning Commission on November 4, 2009 (See Attachment C, page 2 of 2, "Exception #2 – Setback reduction").

Currently there is approximately 198' from the South side of the existing Kennel building to the existing South Property line. Were this reduced by 70' that would leave approximately 128'. Subtracting the 50' of setback that leaves approximately 73' on the South end of the building for permitted building expansion to the South or allowable outdoor uses. Setbacks do not appear to be an issue at all for the proposed 70' wide strip of property transfer.

Div 5, Sec 4531, a, 5:

"A commercial kennel adjoining a residential use type, shall have a type C buffer yard in accordance with [Section 5310](#)."

This section is not applicable to the current rezoning request directly because it is something that needs to be addressed as part of the normal development phase of the adjacent property after rezoning. The adjacent property developers have indicated that they intend to use the temporary construction easement into your property temporarily for grading and possibly for permanent sub surface tie-backs into your property. Although the grades will be restored to pre-construction elevations after construction, all plantings on your side of the property line must be done after construction completion and installation of the 8' fence.

Concurrent with approval for the lot line adjustment (AKA lot line revision) plat, it is likely that the Town of Blacksburg will require surety in the form of a letter of credit or cash bond for the value of the type C buffer installation. Since the adjacent property developers are installing an 8' fence in their property adjacent to the proposed property line, typically they as the owners of the fence would bond the fence portion of the type C buffer. The landscaping portion of the buffer that would be required on your side of the new property line would likely be bonded by you prior to approval of the lot line adjustment plat.

As stated earlier in this letter, I know of no zoning regulation or any other issue that would prevent the proposed 70' lot line revision (AKA adjustment). Please call me anytime with questions at (540) 953-9024 or email me at TomRoberts@H2R-Inc.com.

Sincerely,



Thomas I. Roberts, P.E., C.F.M.
Vice President

811 Patrick Henry Drive Property and Improvements Compliance with Town of Blacksburg
Zoning with Proposed Lot Line Adjustment
October 21, 2019

Attachment A

Division 5, Commercial Uses, Sec. 4531 - Kennel , Commercial.

(a) General standards:

- (1) Animal waste shall disposed of in a manner acceptable to the Department of Health.
- (2) Crematoria or land burial of animals in association with a commercial kennel shall be prohibited.
- (3) The minimum area required for a commercial kennel shall be two (2) acres.
- (4) All facilities associated directly with the commercial kennel, whether indoors or outdoors, shall be set back a minimum of one hundred (100) feet from any property line.
- (5) A commercial kennel adjoining a residential use type, shall have a type C buffer yard in accordance with [Section 5310](#).

(b) Additional standards in the GC zoning district: Parking shall be located behind the front line of the principal building. Town Council may grant a special exception to this requirement as authorized by [Section 1112](#).

(Ord. No. 1308, § 45, 8-13-02; Ord. No. 1680, § 1, 5-14-13)

Statement on Town of Blacksburg Parcel ID 000870, Tax Map ID 196-A-29

On or around September 16, 2019, I was hired by H2R Engineering, Inc to determine the acreage of the parcel owned by the Argabright's in order to determine how much of the southern end of their property could be acquired by an adjoining parcel and still remain safely above two acres.

On 17 September, I field located all of the property corners on the Argabright parcel. I also located all the other property corners that tie into the Argabright's property line to determine if there was any encroaching of neighboring property corners onto the Argabright's parcel. There were no adjoining property corners encroaching onto the Argabright's parcel. Therefore there can be no declarations made from adjoining parcels that the Argabright's parcel might be smaller than is claimed.

I determined that if the Argabright's southern property line was offset by 70.00 feet, the parcel would safely remain above two acres with 2.0365 acres remaining.

Ty Brady, L.S. 2639, Commonwealth of Virginia Licensed Surveyor
20 October 2019



Town of Blacksburg
Planning Commission Meeting
November 4, 2009

ATTACHMENT C
to Letter to Ricky
& Debra Argabright
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1. Staff Presentation
Mr. Warren reported that Ordinance #1550 would amend the Subdivision Ordinance to define the term of "Subdivision" to mean the division of any tract, parcel or lot of land into two or more parts for the purpose of transfer of ownership or building development.

2. Public Comment

There were no comments from the public.

3. Action

Ms. Moneyhun moved to recommend approval to Town Council of Ordinance #1550.

Ms. Holliman seconded; motion passed 8-0. Crawford, Dent, Jones, Hensley, Holliman, Langrehr, Moneyhun and Tew voted yes. None voted no.

B. Request to vacate a 15,958 square foot (.366 acre) portion of Gilbert Street by Collegiate Square, LLC. (Public Hearing canceled and rescheduled for January 5, 2010 per Consent Agenda Item III.B.)

V. CITIZEN COMMENT

*A. Mr. Rod Smith and his wife, Mary Kay, residents of 1310 North Main Street, spoke as owners of the Trent property located adjacent to the site of Heartstrings Pet Lodging and Spa. Mr. Smith referred to the request before the Commission for exceptions to allow a canopy and reduced setback for the commercial kennel and noted that he could hear dogs on the property and did not want the noise to increase. Mr. Smith stated that he and his wife were interested in selling property adjacent to their residence and wanted to make sure there would not be any outdoor kennels on the commercial kennel site in the future.

*B. Mr. Ricky Argabright, part-owner of Heartstrings Pet Lodging and Spa, responded that he had no intention of imposing on his neighbors and did not intend to locate outside dog pens on the commercial kennel site for dogs to remain in overnight.

C. Mr. Lyle Evans, business owner in Downtown Blacksburg, spoke regarding the proposed vacation

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Town of Blacksburg
Planning Commission Meeting
Nov 4, 2009

ATTACHMENT C Pg 2 of 2
Letter to Ricky & Debra
Argabright, Oct 21, 2019

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maintain direct access to Turner Street.

VI. UNFINISHED BUSINESS

A.

EXP 09-0002: 809 Patrick Henry Drive - Zoning
Exception for Use and Design Standards for
Commercial Kennel. (Public Hearing held on October
6, 2009; action deferred to November 4, 2009)

Exception #1 - Extension of canopy

Mr. Jones moved to approve Exception 09-0002 for
extension of a canopy to a maximum of 20 feet into
the setback as shown on the plan dated July 29,
2009.

Mr. Crawford seconded; motion passed 8-0.
Crawford, Dent, Jones, Hensley, Holliman,
Langrehr, Moneyhun and Tew voted yes. None voted
no.

Exception #2 - Setback reduction

Mr. Jones moved to approve Exception 02-0002 to
reduce the 100 foot setback to 50 feet on all
sides with the limitations that only indoor uses
be allowed on the Patrick Henry side and outdoor
uses allowed on the other three sides. Outdoor
activities shall be limited to 6:30 a.m. to 7:30
p.m. Development shall comply with the plan dated
July 29, 2009.

Ms. Holliman seconded; motion passed 8-0.
Crawford, Dent, Jones, Hensley, Holliman,
Langrehr, Moneyhun and Tew voted yes. None voted
no.

- B. Environmental Quality and Land Use Committee
Mr. Hensley noted that the committee did not meet
in October.
- C. Historic or Design Review Board
Mr. Jones reported that the board did not meet in
October.
- D. Long Range Planning Committee
Mr. Hensley noted that the committee did not meet
in October.
- E. Montgomery County Planning Commission
Mr. Tew reported on items considered by the
Montgomery County Planning Commission in October.
- F. New River Valley Planning District Commission
A report on activities of the Planning District
Commission was not available.

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Exception #1 - Extension of canopy
Mr. Jones moved to approve Exception 09-0002 for extension of a canopy to a maximum of 20 feet into the setback as shown on the plan dated July 29, 2009.
Mr. Crawford seconded; motion passed 8-0.
Crawford, Dent, Jones, Hensley, Holliman, Langrehr, Moneyhun and Tew voted yes. None voted no.
Exception #2 - Setback reduction
Mr. Jones moved to approve Exception 02-0002 to reduce the 100 foot setback to 50 feet on all sides with the limitations that only indoor uses be allowed on the Patrick Henry side and outdoor uses allowed on the other three sides. Outdoor activities shall be limited to 6:30 a.m. to 7:30 p.m. Development shall comply with the plan dated July 29, 2009.
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Crawford, Dent, Jones, Hensley, Holliman, Langrehr, Moneyhun and Tew voted yes. None voted no.
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A report on activities of the Planning District Commission was not available.