CHILHOWIE PLANNING COMMISSION
AGENDA
Tuesday, July 7, 2020
5:30 P.M.

1. Roll Call

2. Approval of Minutes of January 7, 2020

3. Review of Communications

4. Any Other Commission Business

5. Adjournment
Virginia: At the regular meeting of the Chilhowie Planning Commission held Tuesday, January 7, 2020 at 5:30 p.m.

Present: Donna Blevins, Jim Bonham, Jim Paine and Lynn Pease.

Absent: Josh Lewis.

Also Present: John E.B. Clark, Jr., Town Manager/Zoning Administrator and Felicia Eller, Secretary.

Approval of Minutes:

Upon motion of Jim Bonham, second by Jim Paine the Planning Commission approves the October 1, 2019 meeting minutes. The motion was approved with following recorded vote:

<table>
<thead>
<tr>
<th></th>
<th>Aye</th>
<th>Absent</th>
<th>Aye</th>
</tr>
</thead>
<tbody>
<tr>
<td>Donna Blevins</td>
<td></td>
<td></td>
<td>Jim Bonham</td>
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<tr>
<td>Josh Lewis</td>
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<td></td>
<td>Jim Paine</td>
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<tr>
<td>Lynn Pease</td>
<td>Aye</td>
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</tbody>
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Review of Communications:

The Planning Commission reviewed the communication between Nancy Hester, PMC Commercial Trust, and John Clark, Town Manager/Zoning Administrator, concerning Motel Six located at 108 River Road. Ms. Hester inquired about the Zoning Classification and if hotels are acceptable in that area. Mr. Clark responded stating the Zoning Classification is B-2 General Business and hotels and motels are permitted in that area. The Planning Commission also reviewed the approved Boundary Line Adjustment for Betty Bise Trust, 1440 Old Stage Road, who granted an additional 0.173 acre to Ralph and Kasie Rhea property at 1460 Old Stage Road.

Any Other Commission Business:

Lynn Pease, Chairman, reported obtaining an electrician to install security cameras at the Chilhowie Library has been difficult. Mr. Pease also reported he had read a news outlet website that Smyth County Board of Supervisors is holding a meeting Monday, January 13, 2020 at Marion Senior High School concerning the Broadband Project. Mr. Clark stated the Smyth County Board of Supervisors is currently gathering information for a Planning Grant to identify low serviced areas within the County.

John Clark, Town Manager/Zoning Administrator, reported the Town is currently in the planning stages for the Sidewalk Extension Project. The total cost of the project is projected to be $460,000; the Virginia Department of Transportation is in favor of the project. The Town may incur some Engineering cost this year but construction is slated for 2021. Jim Bonham suggested increasing the brightness of the street lighting during this project.

The next Planning Commission quarterly meeting is scheduled for Tuesday, April 7, 2020 at 5:30 p.m.
Having no further business, upon motion by Jim Paine, second by Donna Blevins unanimously passed, the Commission adjourned the meeting at 6:00 p.m.

Felicia Eller, Secretary
February 4, 2020

Ms. Jessica Clento
TRILEAF
1051 Winderly Place, Suite 201
Maitland, Florida 32751

Dear Ms. Clento:

I am writing to follow up on our conversation of last week about a proposed cell tower at a location identified in your January 17 letter. You confirmed with me earlier this week that this identified property is a 12.28 acre tract, owned by Kenneth B. Robinson and Inga M., and is identified on the Smyth County GIS system as tax parcel 53-6-1B.

The property is zoned Agriculture – Conservation (A-C). A cell tower as you describe is not a permitted use in this zone. However, it is a permitted Conditional Use (Special Use) as described in the Town of Chilhowie’s Zoning Ordinance. I have attached sections 3.1, 3.1-1 and 3.1-2 of the ordinance for your information. The entire zoning ordinance can be found at www.chilhowie.org, then under “Information” on the horizontal bar, then “zoning ordinance”. It should also be noted for clarity sake that the sections included here of the zoning ordinance referenced above and below have been copied and pasted and should reflect what is germane to this situation.

In order for the tower to be considered on the property, an application must be signed by the owners for a Conditional Use Permit. I have included a zoning application, 5.2-2, that will require an accompanying letter addressing the provisions of 5.2-6, where applicable.

A Joint Public Hearing will have to be convened between the Chilhowie Planning Commission and the Chilhowie Town Council, as referenced by 15.2-2204 of the Code of Virginia, as amended, for the Conditional Use permit to be considered. I have attached the entire section of the 5.3 of the Zoning ordinance entitled “Duties of administrator on zone amendments, zone changes, conditional uses and variances and appeals” for your reference and 5.5 “Conditional Use provisions”, 5.5-2 Public hearing and report to Council”, 5.5-3 “General requirements” (for granting Conditional Use) and 5.5-4 “Conditions” (for Conditional Use). These sections include provisions that must be met for a Conditional Use to be considered by the Planning Commission, especially the language in 5.5 and 5.5-3.

As part of the Conditional Use considered at the Joint Public Hearing, the Maximum Height limitation listed in 3.1-7 can be addressed. That section is also attached.

The cost for petitioning for this Conditional Use would be $284.20 ($236.60 for two newspaper advertisements and $47.60 for seven certified letters to adjoining property owners). For planning
purposes I would use a four week window for a Joint Public Hearing date to be set, after the Town’s receipt of a request for a Conditional Use permit and fee. This is due to several factors including Code of Virginia advertising requirements, newspaper deadlines and how the date of the second Thursdays of each month falls when the Chilhowie Town Council meets. I would think that the April 9th Council meeting would be a practical date, with the March 12th Council meeting being the absolute earliest date if all parameters are met.

In the Joint Public Hearing the Planning Commission will take testimony and public comment. They will also take into account the provisions of 5.5 and 5.5-3 mentioned earlier. Following that the Planning Commission will make a recommendation to approve or disapprove the Conditional Use, or recommend a continuance. The Town Council, who has the final decision, will then approve, disapprove, or continue the Planning Commission’s recommendation.

The environmental factors regarding the property in the second and third paragraphs of your January 17 letter would mostly be beyond the purview of the Town. However, it is important to note that the Town has a twelve (12) inch transmission line on the property that takes water to and from a 1,000,000 gallon water tank several hundred yards above and north of the property in question. And, as I am sure you are aware in your analysis of the property, there is another cell tower about 300 yards to the northwest.

If I can be of further assistance or clarification please call on me.

Sincerely,

John E. B. Clark, Jr.
Town Manager

Cc: Planning Commission Members
   Ms. Felicia Eller, Clerk
   Mr. Paul Cassell, Town Attorney
   Mr. and Ms. Kenneth Band Inga Robinson
   Ms. Whitney Robinson
January 17, 2020

Town of Chilhowie – Planning Commission
325 East Lee Highway
PO Box 5012
Chilhowie, VA 24319
Phone: (276) 646-3232

RE: Tillman Infrastructure, LLC – Chilhowie / TI-OPP-13276 – Trileaf Project #659433
245 Shadow Farm Road, Chilhowie, Virginia 24319
Smyth County, Chilhowie Quadrangle (USGS)
Latitude: 36° 48’ 40.00” N, Longitude: 80° 40’ 11.57” W

To Whom it May Concern:

Trileaf Corporation is in the process of completing a NEPA Review at the referenced property. Our client proposes to construct a 280-foot self-support communications tower, with a total height of 290 feet including attachments, and associated equipment within a 100-foot by 100-foot (10,000-square-feet) lease area. In addition, the project includes a 30-foot wide access/utility easement, which includes a 12-foot wide gravel access drive that extends southeast, then northeast connecting to an existing gravel drive the connects the compound to Doane Drive. Currently, the proposed access & utility easement is located in a grass-covered area. The antenna will be licensed by the Federal Communications Commission (FCC).

Our investigation includes determining if the site is contained in, on or within the viewshed of a building, site, district, structure or object, significant in American history, architecture, archaeology, engineering or culture, that is listed, or eligible for listing on the State or National Registers of Historic Places, or located in or on an Indian Religious Site.

Trileaf is requesting information regarding this tower’s potential effect on Historic Properties. All information received will be forwarded to the State Historic Preservation Office (SHPO) as part of the Section 106 review process. Additionally, this invitation to comment is separate from any local planning/zoning process that may apply to this project.

If you wish to comment or be considered a consulting party, please respond within thirty (30) days of the date of this letter. If a response is not received within thirty (30) days, it will be assumed that you have no objections to this undertaking. A site topography map and aerial photograph are enclosed for your reference.

Please call me at (407)-660-7840 or email j.cilento@trileaf.com if you need additional information or have any questions. Thank you for your assistance in this regard.

Sincerely,

Jessica Cilento
Project Scientist
ARTICLE III. [DISTRICT REGULATIONS]*

3.1. Agriculture-conservation (A-C) [district].

This district is composed of agriculture or forest land plus low density residential areas where future development appears likely to occur primarily as rural or very low density. Some areas having moderate to steep slopes may be developed to moderate densities and intensity in accordance with the comprehensive plan after careful consideration of the development plans and construction design. Protection of nearby residential zoning takes priority over uses permitted in this district.

3.1-1. Uses permitted. Uses permitted in the agriculture-conservation (A-C) district shall be established in compliance with the standards of this activity [article], article IV, supplementary regulations, and as specified in the [Town of Chilhowie] Code. Uses permitted shall be one or more of the following uses:

(a) Agriculture, general farming, horticulture, and forestry;
(b) Single-family and two-family dwelling;
(c) Home occupation as defined;
(d) Hunting or fishing cabin, fishing docks;
(e) Church or real estate advertising signs erected on the premises; or
(f) Accessory uses as defined.

3.1-2. Conditional uses permitted. Conditional uses in the agriculture-conservation (A-C) district shall be permitted following a public hearing and approval as set forth in article V.

Conditional uses shall be one or more of the following uses:

(a) Schools, parks, playgrounds, golf courses;
(b) Tennis courts, swimming pools, lodges, private clubs not considered as an accessory use;
(c) Public utilities except distribution systems;
(d) Fire, police, rescue or similar public services; or
(e) Retirement or nursing homes.

3.1-7. Maximum height. The maximum height for any structure shall be 45 feet, except a silo shall be excepted from this provision.

ARTICLE V. ADMINISTRATION OF ZONING ORDINANCE*

5.2-2. Zoning permits required. No building or other structure shall be erected, moved, added to or structurally altered or any land used, or occupied, without a zoning permit issued by the office of the zoning administrator.

5.2-6. Application forms. The zoning administrator shall provide application forms and instructions for the applicant which clearly facilitate timely review of the application. No permit
shall be issued without street address, route number, approximate location, tax parcel number and legal description of the subject property.

(a) Information shall be submitted, showing the following: boundary survey; existing topography with contours at five-foot intervals; existing and proposed structures; significant natural features, including wooded areas and large trees; existing and proposed roads, driveways, walkways and utilities; and landscaping proposed.

(b) The site plan shall be accompanied by plans and/or written description explaining methods proposed for water supply, sewage disposal, storm water drainage, and prevention of erosion.

(c) The administrator may accept owner prepared sketch for plans of single-family construction.

5.3. Duties of administrator on zone amendments, zone changes, conditional uses and variances and appeals.

5.3-1. Applications and fees. The zoning administrator shall be responsible for receiving each application for a zoning amendment, zone change to the zoning map, conditional use, variance or appeal. The application shall not be processed until the required fee has been paid. No application for a zoning amendment, e.g., a change in use, or an application for a zoning change, i.e., district, will be received or accepted with regard to the same request within a one-year period.

The fees for the above shall be based upon reasonable costs to pay for the expenses involved. The fees shall be as follows:

TABLE INSET:

(a) Zone change or amendment..........................$250.00 plus cost of publication.
(b) Conditional use.......................................$250.00 plus cost of publication.
(c) Variance................................................$250.00 plus cost of publication.
(d) Appeal to board of zoning appeals.........$250.00 plus cost of publication.

5.3-2. Procedure. The zoning administrator shall, after consultation with the planning commission chairman or mayor, advertise the application for hearing as required by the Code of Virginia, 1950, as amended. The zoning administrator shall be responsible for mailing notice to affected property owners one week prior to the hearing. Addresses in the commissioner of revenue's office shall constitute valid addresses. Requests for a zone change shall be reviewed in conformance with the town's comprehensive plan.

State law reference(s)--Public hearings, notice. Code of Virginia, § 15.2-2204.
5.5. Conditional use provisions.

Certain uses of land and buildings, designated in article III, district regulations, as conditional uses, may be permitted in one or more of the various districts only after individual consideration and reconsideration by the planning commission, followed by approval by the town council.

Such conditional uses are deemed to be generally appropriate to the district or districts to which they are assigned under this ordinance, and reasonably harmonious with the uses permitted in said districts as a matter of right, provided that the location and design of the site in each case is determined by the planning commission to be in accord with standards herein set forth.

It is the intent of this section that the designation of certain uses as conditional for certain districts, and the procedures set forth for the review and approval or disapproval of such uses, be administered so as to further the purposes of this ordinance and facilitate the creation of a convenient, attractive and harmonious community.

5.5-2. Public hearing and report to council. The zoning administrator shall forward the application to the planning commission, which shall hold a public hearing thereon in accordance with Code of Virginia, § 15.1-431, as amended. After receiving a report and recommendation from [the] zoning administrator, the planning commission shall either approve or disapprove the application for a conditional use permit. The planning commission shall authorize the granting of the permit if it determines the proposed development is in full compliance with the standards set forth in section 5.5-3 and shall record its finding concerning such compliance. Upon approval by the planning commission, a report shall be made to the next town council meeting. The decision of the commission shall be final unless the town council motions to amend or override the commission decision.

Editor's note—The provisions formerly contained in Code of Virginia, § 15.1-431, are now contained in Code of Virginia, § 15.2-2204.

The commission or town council may impose such other conditions and restrictions as may be necessary to reduce or minimize the injurious effect of the conditional use and insure compatibility with surrounding property. The commission or town council may establish expiration dates for the expiration of any conditional use permit as a condition of approval.

5.5-3. General requirements. A conditional use permit may be granted provided the planning commission finds that the proposed conditional use:

(a) Is designed, located and operated so as the public health, safety and welfare will be protected;

(b) Will not adversely affect other property in the area in which it is located;

(c) Is within the provision of conditional uses as set forth in this ordinance:
Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location;

The proposed use must have direct access on a public road which can safely and adequately handle the automobile and truck traffic generated;

Satisfactory storm drainage can be provided, and there must be adequate safeguards to prevent soil erosion on the site and erosion and sedimentation on neighboring downhill and downstream properties during and after development;

There is a satisfactory plan and methods for sewage disposal. No effluent shall be discharged into any stream prior to having at least secondary treatment;

There is suitable provision for the protection of privacy on adjoining property which is now in residential use or which may develop in residential use under the provisions of this ordinance. In this section, "protection of privacy" shall mean effective screening against both visual intrusion and noise;

In the case of manufacturing, there shall not be discernible at any property line of the tract on which the use is located any dust, smoke, odor, noise, or glare that results from the operation of the manufacturing use; and

In the case of quarry and mining operations, where permitted as a conditional use, there must be a satisfactory plan for reclamation of the land and restoration of the natural landscape.

5.5-4. Conditions. In authorizing a permit for any conditional use provided for in this ordinance, the planning commission, after report and recommendation by the zoning administrator, may impose specific conditions on the development and use of land as necessary to assure compliance with the standards set forth in section 5.5-3. Such conditions may include, but are not limited to: dimensional requirements for front, side, and rear yards greater than those specified elsewhere in this ordinance; screening by planting or fences or other devices, landscaping for appearance; dedication of land for street purposes; construction of turning lanes on public roads; prohibition and/or regulation of signs; requirement of additional parking spaces and limiting hours of operation.
**Zoning Permit**

**Section 1: Applicant and Owner Information (Complete for all Applications)**

<table>
<thead>
<tr>
<th>Project Applicant Information</th>
<th>Property Owner Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Name:</td>
<td>Owner Name:</td>
</tr>
<tr>
<td>Business Name (if applicable)</td>
<td>Physical Address:</td>
</tr>
<tr>
<td>Physical Address:</td>
<td>Mailing Address:</td>
</tr>
<tr>
<td>City:</td>
<td>City:</td>
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<tr>
<td>State:</td>
<td>State:</td>
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<tr>
<td>Zip Code:</td>
<td>Zip Code:</td>
</tr>
<tr>
<td>e-mail:</td>
<td>Phone:</td>
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</tbody>
</table>

*If the applicant is not the property owner, the signature of the property owner is required below.*

**Section 2: Zoning Activity (Complete for all Applications)**

- [ ] New Construction
- [ ] Addition/Renovation
- [ ] Change of Use
- [ ] Zoning Change
- [ ] Detached Garage
- [ ] Accessory Building
- [ ] Mobile Home
- [ ] Zoning Variance
- [ ] Sign
- [ ] Other Structure
- [ ] Appeal to BZA
- [ ] Special Use Permit

**Section 3: Property/Structure Description (Complete Applicable Boxes)**

<table>
<thead>
<tr>
<th>Project Physical Address:</th>
<th>Parcel Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision or Mobile Home Park Name (if applicable):</td>
<td>Subdivision or Mobile Home Lot Number (if applicable):</td>
</tr>
<tr>
<td>Dimension/Square Footage of Main Building:</td>
<td>Dimension/Square Footage of Accessory Structure (Garages, Signs, Tanks, etc.):</td>
</tr>
<tr>
<td>Height of Structure/Stories:</td>
<td>Basement:</td>
</tr>
<tr>
<td>Front Setback (Linear Feet):</td>
<td>Rear Setback (Linear Feet):</td>
</tr>
<tr>
<td>Is this structure in a floodplain district?</td>
<td>YES</td>
</tr>
<tr>
<td>Is Off Street Parking Provided Per Code?</td>
<td>Lot Frontage (Linear Feet):</td>
</tr>
<tr>
<td>What is the total estimated cost of the building/improvements?</td>
<td>Lot Area (Square Feet):</td>
</tr>
</tbody>
</table>

Describe the purpose for which the structure will be used.

**Section 4: Supporting Documentation Requirements (Provide as Separate Attachments)**

- [ ] Plat
- [ ] Site Plan
- [ ] Narrative
- [ ] Specification Sheet
- [ ] Engineering Drawing
- [ ] Floodplain Elevation Certificate
- [ ] Floodway Hydraulic Analysis

*Please ensure all exhibits are drawn to approximate scale.*

Information provided by the applicant/owner on this application, any site plans, plats, and/or related documents, verbal or written, shall be assumed to be true and accurate. If information provided is inaccurate, incomplete or otherwise misrepresented, this approval will be considered null and void.

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Signature of Applicant: ___________________________ Date: ____________

Signature of Property Owner (if different from the applicant): ___________________________ Date: ____________

I certify that all requirements of the Town of Chilhowie Zoning Ordinance have been met and a permit is hereby issued.

______________________________ Date: ____________

town Manager
January 17, 2020

Town of Chilhowie – Planning Commission
325 East Lee Highway
PO Box 5012
Chilhowie, VA 24319
Phone: (276) 646-3232

RE: Tillman Infrastructure, LLC – Chilhowie / TL-DPP-13276 – Trileaf Project #659433
245 Shadow Farm Road, Chilhowie, Virginia 24319
Smyth County, Chilhowie Quadrangle (USGS)
Latitude: 36° 48’ 40.00” N, Longitude: 80° 40’ 11.57” W

To Whom it May Concern:

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Our investigation includes determining if the site is contained in, on or within the viewshed of a building, site, district, structure or object, significant in American history, architecture, archaeology, engineering or culture, that is listed, or eligible for listing on the State or National Registers of Historic Places, or located in or on an Indian Religious Site.

Trileaf is requesting information regarding this tower’s potential effect on Historic Properties. All information received will be forwarded to the State Historic Preservation Office (SHPO) as part of the Section 106 review process. Additionally, this invitation to comment is separate from any local planning/zoning process that may apply to this project.

If you wish to comment or be considered a consulting party, please respond within thirty (30) days of the date of this letter. If a response is not received within thirty (30) days, it will be assumed that you have no objections to this undertaking. A site topography map and aerial photograph are enclosed for your reference.

Please call me at (407)-660-7840 or email j.cilento@trileaf.com if you need additional information or have any questions. Thank you for your assistance in this regard.

Sincerely,

Jessica Cilento
Project Scientist
To Whom It May Concern
Town of Chilhowie - Planning Commission
325 E Lee Highway
Chilhowie, VA 24319

The following new Section 106 filing has been submitted:

FILE NUMBER: 0008968873
TCNS Number: 196151
Purpose: New Tower Submission Packet

Notification Date: 7AM EST 02/10/2020

Applicant: Tillman Infrastructure, LLC
Consultant: Johnson, Mirimian & Thompson on behalf of Trileaf Corporation
Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: No
Site Name: Chilhowie
Site Address: 245 Shadow Wood Road
Detailed Description of Project:
Site Coordinates: 36-48-40.0 N, 081-40-11.6 W
City: Chilhowie
County: SMYTH
State: VA
Lead SHPO/THPO: Virginia Department of Historic Resources

Consultant Contact Information:
Name: Abigail Heller
Title:
PO Box:
Address: 1600 Market Street, Suite 520
City: Philadelphia
State: PA
Zip: 19103
Phone: (407) 660-7840
Fax:
Email: j.cilento@trileaf.com

NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE
Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.
Chilhowie Town Manager
John E.B. Clark, Jr.

03-18-2020

I would like to start a home base business in what I believe to be a R-2 district dwelling. This business will not generate any more traffic to my dwelling. It is a service business of going to customers and removing the junk that is not wanted. This business will comply with Town of Chilhowie Zoning Ordinance 4/15, for Home Occupations, and all other Zoning Ordinance to the best of my ability.

I will keep records of my cost and income, and I intend to pay the tax rates applicable at the time due when necessary.

I thank you for your consideration in this matter and sincerely hope to do business legally with this county and state.

I wish to obtain a business license with this letter of intent and my application.

Sincerely,

Richard H. Ellis
DBA - Junk Out Guys
855 Meadowbrook Drive HB Chilhowie, VA 24319
276-206-3253
**TOWN OF CHILHOWIE**  
**BUSINESS LICENSE APPLICATION**

**PLEASE COMPLETE APPLICATION, SIGN AND RETURN** to Town Treasurer, Town of Chilhowie, PO Box 5012, Chilhowie, VA 24319 on or before **MARCH 1, 2020** to avoid 10% penalty. Check or money order in the license amount must accompany this application.

**Trade Name**  
Junk Out Guys

**Single Ownership**  
X Co-Partnership

**Corporation:**  
Domestic [ ] Foreign [ ]

**Federal ID Number**  
NA [ ] If foreign, give date of authority by SCC [ ]

Please indicate the zoning for the business  
Residential [ ]

**Applicant**  
Richard H. Ellis

**Street Address or PO Number**  
855 Meadowbrook Drive # B

**Town**  
Chilhowie

**State**  
VA [ ]

**Zip Code**  
24319

**Chilhowie Business Address**  
855 Meadowbrook Drive # B

**New Business**  
18-18-2020

**Renewal of License**  
NA

(Starting Date)

**Under penalty of perjury** I (we) do hereby swear (or affirm) that the amount reported as gross receipts from my business or profession as reported herein is true and correct (i.e., gross sales, gross purchases, gross commissions, or other taxable basis under the Town Business and Professional License Tax Code).

**Signature of applicant required.**

For information call 276-646-3232

<table>
<thead>
<tr>
<th>LICENSE CLASSIFICATION</th>
</tr>
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</table>
| TOTAL GROSS RECEIPTS FROM PREVIOUS YEAR | NA  
| $0.155 PER $100 OF GROSS RECEIPTS      | NA  
| GROSS PURCHASES (WHOLESALE ONLY)       | NA  
| .05 ON EACH $100 OF GROSS PURCHASES   | NA  
| TOTAL AMOUNT DUE                       | NA  

<table>
<thead>
<tr>
<th>ADDITIONAL INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>OPENING DATE OF BUSINESS</td>
</tr>
</tbody>
</table>
| NUMBER OF EMPLOYEES                    | 1  
| ANY UPGRADES TO BUILDING, MATERIALS PURCHASES, ETC (ESTIMATED DOLLAR AMOUNT) | NA  

**Signature of Applicant or Agent**  
Richard H. Ellis

**Title**  
Owner

**Date**  
18-18-2020

---

**For Office Use Only**

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<tr>
<th>Received by:</th>
</tr>
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<tbody>
<tr>
<td>Date:</td>
</tr>
<tr>
<td>Amount Due:</td>
</tr>
<tr>
<td>Penalty:</td>
</tr>
<tr>
<td>Total Paid:</td>
</tr>
</tbody>
</table>


March 26, 2020

Mr. Richard Ellis
855 Meadowbrook Drive #B
Chilhowie, Virginia 24319

Dear Mr. Ellis:

Thank you for your letter of March 18 and meeting with me earlier this month on your proposed home occupation at your residence at 855 Meadowbrook Drive. You state in your letter that your proposed business Home Occupation will be called “Junk Out Guys”.

A home occupation is a permitted use in the Residential-2 Zone. Please find attached Section 3.2-1 entitled “Uses Permitted” from the Town of Chilhowie’s Zoning Ordinance. The home occupation is governed and further defined by Section 4.15 “Home Occupations” which I have also attached.

You state in your letter, and at our earlier meeting, that you will abide by all regulations of a Home Occupation. Additionally, I have given your Business License Application to the finance department here in the Town Hall.

If I can be of further clarification please call on me.

Sincerely,

[Signature]

John E. B. Clark, Jr.
Town Manager

Cc: Felicia Eller, Clerk Planning Commission
4.11. Parking and storage of inoperable vehicles.
No automotive vehicle which does not display a current license plate may be parked on any public street for more than 24 hours. No more than two inoperable vehicles shall be stored on any open lot in any district except those vehicles being repaired in conjunction with an automobile service and repair business. This provision shall not apply to vehicles enclosed within a private garage.

No property owner or tenant may cause to be kept on any lot, trash, junk, weeds or litter of any kind. All persons or businesses shall dispose of garbage in an approved container as required by the town Code.

Landscaping required by this ordinance shall be maintained and any dead vegetation shall be replaced.

Church spires, belfries, monuments, water towers, chimneys, flues, flag poles, television antenna and radio aerials are exempt. An accessory structure height shall not exceed the principal structure height except for garages constructed subsequent to a residence.

4.15. Home occupations.
The following limitations shall apply to home occupations:

(a) Family members residing on the premises and one other employee may be engaged in such occupation;
(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, nonilluminated, and mounted flat against the wall of the principal building;
(d) No home occupation shall be conducted in any accessory building;
(e) There shall be no retail or wholesale sales occurring on the premises in connection with such home occupation, except as incidental to the home occupation;
(f) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street or in a rear or sideyard.
(a) Side yard shall be a minimum of ten feet and the total width of the two required side yards shall be 25 feet;
(b) The rear yard for each main structure shall be 25 feet;
(c) The side yard and rear yard for an accessory structure shall be ten feet; and
(d) The minimum side yard for corner lots shall be 35 feet for both main and accessory structures.

The maximum height for any structure shall be 45 feet, except a silo shall be excepted from this provision.

3.2. Residential-general (R-2) district.
This district is composed of medium density residential areas plus certain open areas where similar development appears likely to occur. The district may be adjacent to commercial areas. The expansion of commercial development may take place on the periphery. A higher population density will be allowed along with additional conditional uses.

5.2-1. Uses permitted.
Uses permitted in the residential-general (R-2) district shall be established in compliance with the standards of this article, article IV, supplementary regulations, and as specified in the town code. Uses permitted shall be one or more of the following uses:

(a) Single-family dwelling;
(b) Two-family dwellings;
(c) Home occupation;
(d) Accessory use;
(e) Roominghouses and boardinghouses;
(f) Tourist homes; or
(g) Modular homes, as defined.

3.2-2. Conditional uses permitted.
Conditional uses in the residential-general (R-2) district shall be permitted following a public hearing and approval as set forth in articles V and VI. Conditional uses shall be one or more of the following uses:

(a) Schools, parks, playgrounds;
(b) Churches;
(c) Tennis courts, swimming pools not considered an accessory use;
(d) Multifamily dwelling units; or
(e) Medical or dental offices.
Ladies and Gentlemen,

Due to unfortunate circumstance of the COVID-19 situation, and following consultation with Chairman Lynn Pease, we have decided to cancel our Planning Commission scheduled for April 7. The next regularly scheduled meeting will be at 5:30 on July 7. Should we have any pressing business before that date I will call a special meeting after discussion with the Chairman. I hope all is well with you and yours.

Thank you,

John

John E. B. Clark, Jr.
Town Manager
2013 Life Member Virginia Local Government Management Association
Town of Chilhowie
P O Box 5012
325 East Lee Highway
Chilhowie VA 24319
276.646.3232
276.646.3012 fax
May 13, 2020

Mr. Joshua Rouse and Ms. Pamela Rouse
325 Lyons Gap Road
Chilhowie, Virginia 24319

Dear Mr. and Ms. Rouse:

We have observed construction on your property at 325 Lyons Gap Road. It appears this construction is intended to be permanent with four high posts set at each corner. Building Official Randy Sturgill has been by your property several times trying to talk to you about this. He has been unable to find you there.

Any construction within the Town of Chilhowie cannot be done without a zoning permit and follow up with the Chilhowie Building Department if a zoning permit issued. The permit is attached. Please see the highlighted section of 5.2-2 and 5.2-3 of the Chilhowie Zoning Ordinance. This zoning application for this construction has not been received by this office.

Additionally, the construction appears to be within the Floodway. Please find attached the flood zone and floodway zone from the Smyth County GIS showing this on the property. Section 7.27 of the ordinance defining the Floodway is attached. For construction to occur in the floodway a hydrological and hydraulic analysis has to be performed by a licensed engineer before construction can be done. Please find attached Section 12 of the Town’s Flood Plain Ordinance.

All entities must follow within these guidelines outlined above within our jurisdiction. If not, and violations found by the Federal Emergency Management Agency (FEMA), or a pertinent agency of the Commonwealth of Virginia, the Town’s enrollment in the flood insurance could be jeopardized and existing structures owned by our citizens denied flood insurance.

Accordingly, until the above documentation is received by this office, construction at this site must cease and desist immediately as described in Section 5.4-3 attached. You may appeal my decision as described in 5.4-4.
Thank you for your cooperation. Please call me if you have questions.

Sincerely,

John E. B. Clark, Jr.
Town Manager

Cc: Randy Sturgill, Building Official
    Lynn Pease, Chairman Planning Commission
    Paul Cassell, Town Attorney
    Felicia Eller, Clerk Planning Commission
# Zoning Permit

## Section 1: Applicant and Owner Information (Complete for ALL Applications)

<table>
<thead>
<tr>
<th>Project Applicant Information</th>
<th>Property Owner Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Name:</td>
<td>Owner Name:</td>
</tr>
<tr>
<td>Physical Address:</td>
<td>Mailing Address:</td>
</tr>
<tr>
<td>Physical Address:</td>
<td>City:</td>
</tr>
<tr>
<td>State:</td>
<td>Zip Code:</td>
</tr>
<tr>
<td>e-mail:</td>
<td>Phone:</td>
</tr>
</tbody>
</table>

*If the applicant is not the property owner, the signature of the property owner is required below.*

## Section 2: Zoning Activity (Complete for ALL Applications)

- [ ] New Construction
- [ ] Addition/Renovation
- [ ] Change of Use
- [ ] Zoning Change
- [ ] Detached Garage
- [ ] Accessory Building
- [ ] Mobile Home
- [ ] Zoning Variance
- [ ] Sign
- [ ] Other Structure
- [ ] Appeal to BZA
- [ ] Special Use Permit
- [ ] Confirmation/Certification of Zoning Compliance (Zoning Code Article V, Section 5.2-4 (a), (b), or (c))

## Section 3: Property/Structure Description (Complete Applicable Boxes)

<table>
<thead>
<tr>
<th>Project Physical Address:</th>
<th>Parcel Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning District:</td>
<td></td>
</tr>
</tbody>
</table>
- [ ] A-C
- [ ] R-2
- [ ] B-2
- [ ] BN-1

Subdivision or Mobile Home Park Name (If Applicable): Subdivision or Mobile Home Lot Number (If Applicable):

<table>
<thead>
<tr>
<th>Dimension/Square Footage of Main Building:</th>
<th>Dimension/Square Footage of Accessory Structure (Garages, Signs, Tanks, etc.):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height of Structure/Stories:</td>
<td></td>
</tr>
</tbody>
</table>
- [ ] Basement:                             | Area of Lot (Square Feet):                                             |
- [ ] YES                                    | Lot Frontage (Linear Feet):                                            |
- [ ] NO                                     | Right Side Setback (Linear Feet):                                     |
Front Setback (Linear Feet): Rear Setback (Linear Feet): Left Side Setback (Linear Feet): What is the Total Estimated Cost of the Building/Improvements?

Describe the purpose for which the structure will be used:

## Section 6: Supporting Documentation Requirements (Provide as Separate Attachments)

- [ ] Plat
- [ ] Site Plan
- [ ] Specification Sheet
- [ ] Engineering Drawing
- [ ] Drawing
- [ ] Narrative
- [ ] Floodplain Elevation Certificate
- [ ] Floodway Hydraulic Analysis

*Please ensure all exhibits are drawn to approximate scale.*

Information provided by the applicant/owner on this application, any site plans, plats, and/or related documents, verbal or written shall be assumed to be true and accurate. If Information provided is inaccurate, incomplete or otherwise misrepresented, this approval will be considered null and void.

---

Signature of Applicant: Date: Signature of Property Owner: Date (If different from the applicant)

I certify that all requirements of the Town of Chilhowie Zoning Ordinance have been met and a permit is hereby issued.

Town Manager: Date: Treasurer's Office Use:
4.24. **Floodplain district.**
   (See Appendix B. Floodplain District)

4.25. **Subdivisions**
   (See Chapter 46, Subdivisions, Chilhowie Code of Ordinances)

**ARTICLE V. ADMINISTRATION OF ZONING ORDINANCE**

*Cross reference(s)—Administration, Ch. 2.*

5.1. **Creation and authorization of the office of zoning administrator.**
   The office of zoning administrator is hereby established to administer and enforce this ordinance. The zoning administrator shall be designated by the town council and may be provided with the assistance of other persons at the direction of the town council.

5.2. **Duties of zoning administrator on issuance of permits.**
   The zoning administrator shall be responsible for the administration and enforcement of this ordinance and shall have all necessary authority on behalf of the town council to carry out the following duties:

5.2-1. **Issuance of permits.**
   The zoning administrator shall be responsible for the issuance of zoning and certificate of zoning compliance permits. The zoning administrator shall review each application for a zoning permit and may require any other information which he may deem necessary for the consideration of the application.

5.2-2. **Zoning permits required.**
   No building or other structure shall be erected, moved, added to or structurally altered or any land used, or occupied, without a zoning permit issued by the office of the zoning administrator.

5.2-3. **Permits not to be issued.**
   No zoning permit shall be issued for any land use, building, structure, or part thereof which is not in accordance with the provisions of this ordinance. Any permit issued in violation of this ordinance shall be void and of no effect.

5.2-4. **Certificate of zoning compliance.**
   A certificate of zoning shall be issued as follows:

   (a) New construction. A certificate of zoning compliance shall be issued within five working days after construction has been completed. The premises are to be inspected and certified by the office of the zoning administrator to be in conformity with the plans and specifications upon which the zoning permit was based. A certificate of zoning compliance issued in violation of this ordinance shall be void and of no effect. No permit for excavation or construction shall be issued by the zoning
7.19. Dwelling, modular home.
   A single-family dwelling unit that is constructed basically as a conventionally built wood frame house except it is built at a factory and is transported to the site on which it will be permanently located. The modular home may not have a permanent steel chassis and may have either a HUD or [BOCA] Basic Building Code seal.

7.20. Dwelling, multifamily.
   A building containing three or more dwelling units. The term includes cooperative apartments, condominiums and the like.

7.21. Dwelling, other.
   A dwelling unit located within a structure in which the principal activity is a commercial, professional, or general personal service activity.

7.22. Dwelling, single-family detached.
   A single-family dwelling entirely separated from structures on adjacent lots.

7.23. Dwelling, two-family or duplex.
   A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

7.24. Dwelling unit.
   A room or rooms connected together, constituting a separate independent housekeeping establishment for one family only, for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units, and containing independent cooking and sleeping and bathing facilities.

7.25. Family.
   An individual or a group of two or more persons related by blood, marriage or adoption, together with not more than three additional persons not related by blood, marriage or adoption, living together as a single housekeeping unit.

   A general and temporary inundation of normally dry land areas.

7.27. Floodway.
   The area within a floodplain which is necessary for the passage of floodwaters in which no structure may be built.

7.28. Floodplain.
   (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation;
   (2) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

12. Floodway districts.
In the floodway district no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the 100-year elevation.

In the floodway district no development shall be permitted except where the effect of such development on flood heights in fully offset by accompanying improvements which have been approved by all appropriate local and/or state authorities as required above.

13. Permitted uses in the floodway district.
The following uses and activities are permitted provided that they are in compliance with the provisions of the underlying area and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:

A. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
B. Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
C. Accessory residential uses, such as yard areas, gardens, play areas, and previous loading areas.
D. Accessory industrial and commercial uses, such as yard areas, previous parking and loading areas, airport landing strips, etc.

14. Flood-fringe and approximated floodplain districts.
In the flood-fringe and approximated floodplain districts, the development and/or use of land shall be permitted in accordance with the regulations of the underlying area provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.

Within the approximated floodplain district, all new subdivision proposals and other purposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, include within such proposals base flood elevation data. The applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the 100-year flood elevation more than one foot at any one point. The engineering principle-
5.4. Duties of administrator regarding enforcement and remedies.

5.4-1. Complaints regarding violations.
Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. The complaint shall state fully the causes and basis of such complaint and shall be filed with the zoning administrator. The zoning administrator shall properly record the complaint, immediately investigate and take such action as provided for in this ordinance. The town attorney shall be immediately advised of all violations of this ordinance. The town attorney shall report to the council any violations not abated through orders issued by the zoning administrator.

5.4-2. Penalties for violation.
Violations of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) following official notification shall constitute a misdemeanor and may be punished by a fine of not less than $10.00 nor more than $1,000.00. Each day such violation exists may be deemed a separate offense.

The owner or tenant of any building, structure or premises and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may be punished as heretofore provided.

5.4-3. Remedies.
Upon finding that any provision of this ordinance is being violated, the zoning administrator shall notify in writing by certified mail the person responsible for such violation and order the discontinuance of illegal buildings, structures, illegal additions, alterations or structural changes; and the discontinuance of any illegal work being done.

Should such notice fail to force compliance within 30 days, the zoning administrator shall request that the town council authorize the town attorney to bring legal action to insure compliance with the ordinance, including injunction, abatement or other appropriate action or proceeding.

In case any building or structure is proposed to be erected, constructed, reconstructed, altered, extended or converted, or any building, other structure or land is or is proposed to be used in violation of this ordinance, the zoning administrator or other appropriate authority of the town government or neighboring property owner who would be especially damaged by such violation may, in addition to other remedies, institute an injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, extension, conversion or use, to correct or abate such violation, or to prevent the occupancy of such building or other structure or land.
5.4-3. Appeal.

An appeal of the zoning administrator decisions may be filed within 15 days by filing a letter with the zoning administrator. Appeals shall go to the board of zoning appeals.

5.5. Conditional use provisions.

Certain uses of land and buildings, designated in article III, district regulations, as conditional uses, may be permitted in one or more of the various districts only after individual consideration and reconsideration by the planning commission, followed by approval by the town council.

Such conditional uses are deemed to be generally appropriate to the district or districts to which they are assigned under this ordinance, and reasonably harmonious with the uses permitted in said districts as a matter of right, provided that the location and design of the site in each case is determined by the planning commission to be in accord with standards herein set forth.

It is the intent of this section that the designation of certain uses as conditional for certain districts, and the procedures set forth for the review and approval or disapproval of such uses, be administered so as to further the purposes of this ordinance and facilitate the creation of a convenient, attractive and harmonious community.

5.5-1. Procedures for review and approval of conditional uses.

Any person desiring to use any land or building in a manner classed by this ordinance as a conditional use for the district in which said land is located shall make application to the zoning administrator for a conditional use permit, and shall submit supporting maps and other documents as required by sections 5.5-2 and 5.2-6.

5.5-2. Public hearing and report to council.

The zoning administrator shall forward the application to the planning commission, which shall hold a public hearing thereon in accordance with Code of Virginia, § 15.2-2204, as amended. After receiving a report and recommendation from the zoning administrator, the planning commission shall either approve or disapprove the application for a conditional use permit. The planning commission shall authorize the granting of the permit if it determines the proposed development is in full compliance with the standards set forth in section 5.5-3 and shall record its finding concerning such compliance. Upon approval by the planning commission, a report shall be made to the next town council meeting. The decision of the commission shall be final unless the town council motions to amend or override the commission decision.

The commission or town council may impose such other conditions and restrictions as may be necessary to reduce or minimize the injurious effect of the conditional use and insure compatibility with surrounding property. The commission or town council may establish expiration dates for the expiration of any conditional use permit as a condition of approval.
Section 1: Applicant and Owner Information (Complete for All Applications)

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Owner Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pamela Rouse</td>
<td>Joshua + Pamela Rouse</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Physical Address</th>
<th>Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>325 Lums Cawp Rd</td>
<td>Same</td>
</tr>
</tbody>
</table>

State: VA Zip Code: 24319

<table>
<thead>
<tr>
<th>Phone</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>(761) 760-0329</td>
<td>(761) 760-0329</td>
</tr>
</tbody>
</table>

If the applicant is not the property owner, the signature of the property owner is required below.

Section 2: Zoning Activity (Complete for All Applications)

- New Construction
- Detached Garage
- Sign
- Confirmation/Certification of Zoning Compliance (Zoning Code Article V, Section 5.2-4 (a), (b), or (c))

Section 3: Property/Structure Description (Complete Applicable Boxes)

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<tr>
<th>Project Physical Address</th>
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<th>Zoning District:</th>
</tr>
</thead>
<tbody>
<tr>
<td>325 Lums Cawp Rd</td>
<td></td>
<td>A-C</td>
</tr>
</tbody>
</table>

Subdivision or Mobile Home Park Name (If Applicable):

<table>
<thead>
<tr>
<th>Subdivision or Mobile Home Lot Number (If Applicable):</th>
</tr>
</thead>
</table>

Dimension/Square Footage of Main Building: 20 x 24 ft

Height of Structure/Structure: 12 ft - 1 Story

Is this Structure in a Floodplain District?

- YES
- NO

Describe the purpose for which the structure will be used:

- Garage to Park Vehicles

Section 4: Supporting Documentation Requirements (Provide as Separate Attachments)

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plots</td>
<td>Site Plan*</td>
</tr>
<tr>
<td>Drawings</td>
<td>Narrative</td>
</tr>
<tr>
<td>Specifications Sheet</td>
<td>Engineering Drawing</td>
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<tr>
<td>Floodplain Elevation</td>
<td>Floodway Hydraulic Certificate</td>
</tr>
<tr>
<td>Analysis</td>
<td></td>
</tr>
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*Please ensure all exhibits are drawn to approximate scale.

Information provided by the applicant/owner on this application, any site plans, plats, and/or related documents, verbal or written shall be assumed to be true and accurate. If information provided is inaccurate, incomplete or otherwise misrepresented, this approval will be considered null and void.

Signature of Applicant: Pamela Rouse Date: 4/13/2021

Signature of Property Owner: [If different from the applicant] Date:

Treasurer's Office Use

I certify that all requirements of the Town of Chilhowie Zoning Ordinance have been met and a permit is hereby issued.

Town Manager Date:
May 14, 2020

Mr. Randy Sturgill
828 Sunset Drive
Chilhowie, Virginia 24319

Dear Randy:

Thank you for your letter and our earlier conversations on your proposed Home Occupation at your residence at 828 Sunset Drive. You state in your letter that your proposed Home Occupation will involve one employee, your daughter, coming into the residence and conducting hair salon services.

A Home Occupation is a permitted use in the Residential-2 Zone. Please find attached Section 3.2-1 entitled “Uses Permitted” from the Town of Chilhowie’s Zoning Ordinance. The Home Occupation is governed and further defined by Section 4.15 “Home Occupations” which I have also attached.

You state in your letter, and at our earlier meeting, that you will abide by all regulations of a Home Occupation. Additionally, at your earliest convenience fill out a Business License Application form at the Finance Department.

If I can be of further clarification please call on me.

Sincerely,

John E. B. Clark, Jr.
Town Manager

Cc: Felicia Eller, Clerk Planning Commission
Mr. Clark,

I am requesting permission for an in-home occupation at 828 Sunset Drive, Chilhowie. I would be starting a hair salon in the basement of my residence. I will be employing one employee (daughter). The traffic implications will be minor as I will only have one customer at a time. This endeavor will comply with section 4.15 of the Town of Chilhowie zoning ordinance. I would appreciate your consideration on this matter and hope that you will grant me permission to move forward with this project.

Randy Sturgill
828 Sunset Drive
Chilhowie, Va. 24319
(276) 706-0643
4.11. Parking and storage of inoperable vehicles.
No automotive vehicle which does not display a current license plate may be parked on any public street for more than 24 hours. No more than two inoperable vehicles shall be stored on any open lot in any district except those vehicles being repaired in conjunction with an automobile service and repair business. This provision shall not apply to vehicles enclosed within a private garage.

No property owner or tenant may cause to be kept on any lot, trash, junk, weeds or litter of any kind. All persons or businesses shall dispose of garbage in an approved container as required by the town Code.

Landscaping required by this ordinance shall be maintained and any dead vegetation shall be replaced.

Church spires, belfries, monuments, water towers, chimneys, flues, flag poles, television antenna and radio aerials are exempt. An accessory structure height shall not exceed the principal structure height except for garages constructed subsequent to a residence.

4.15. Home occupations.
The following limitations shall apply to home occupations:

(a) Family members residing on the premises and one other employee may be engaged in such occupation;
(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, nonilluminated, and mounted flat against the wall of the principal building;
(d) No home occupation shall be conducted in any accessory building;
(e) There shall be no retail or wholesale sales occurring on the premises in connection with such home occupation, except as incidental to the home occupation;
(f) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street or in a rear or side yard.
(a) Side yard shall be a minimum of ten feet and the total width of the two required side yards shall be 25 feet;
(b) The rear yard for each main structure shall be 25 feet;
(c) The side yard and rear yard for an accessory structure shall be ten feet; and
(d) The minimum side yard for corner lots shall be 35 feet for both main and accessory structures.

3.3.1. Maximum height.
The maximum height for any structure shall be 45 feet, except a silo shall be excepted from this provision.

3.2. Residential-general (R-2) district.
This district is composed of medium density residential areas plus certain open areas where similar development appears likely to occur. The district may be adjacent to commercial areas. The expansion of commercial development may take place on the periphery. A higher population density will be allowed along with additional conditional uses.

3.2.1. Uses permitted.
Uses permitted in the residential-general (R-2) district shall be established in compliance with the standards of this article, article IV, supplementary regulations, and as specified in the town Code. Uses permitted shall be one or more of the following uses:

(a) Single-family dwelling;
(b) Two-family dwellings;
(c) Home occupation;
(d) Accessory use;
(e) Rooming houses and boarding houses;
(f) Tourist homes; or
(g) Modular homes, as defined.

3.2.2. Conditional uses permitted.
Conditional uses in the residential-general (R-2) district shall be permitted following a public hearing and approval as set forth in articles V and VI. Conditional uses shall be one or more of the following uses:

(a) Schools, parks, playgrounds;
(b) Churches;
(c) Tennis courts, swimming pools not considered an accessory use;
(d) Multifamily dwelling units; or
(e) Medical or dental offices.
Zoning Permit – Effective February 13, 2016

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<th>Property Owner Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Name: Jason Brown*</td>
<td>Owner Name: Jason Brown*</td>
</tr>
<tr>
<td>Business Name (if Applicable):</td>
<td></td>
</tr>
<tr>
<td>Physical Address: 3-3 Sanders Ave</td>
<td>Physical Address: 3-3 Sanders Ave</td>
</tr>
<tr>
<td>City: Chilhowie</td>
<td>City: Chilhowie</td>
</tr>
<tr>
<td>State: VA</td>
<td>State: VA</td>
</tr>
<tr>
<td>Zip Code: 24319</td>
<td>Zip Code: 24319</td>
</tr>
<tr>
<td>e-mail:</td>
<td>e-mail:</td>
</tr>
<tr>
<td>Phone: 276-685-1904</td>
<td>Phone: 276-685-1904</td>
</tr>
</tbody>
</table>

If the applicant is not the property owner, the signature of the property owner is required below.

Section 2: Zoning Activity (Complete for ALL Applications)

□ New Construction □ Addition/Renovation □ Change of Use □ Zoning Change
□ Detached Garage □ Accessory Building □ Mobile Home □ Zoning Variance
□ Sign □ Other Structure □ Appeal to BZA □ Special Use Permit

I) Confirmation/Certification of Zoning Compliance (Zoning Code Article V, Section 5.2-4 (a), (b), or (c))

Section 3: Property/Structure Description (Complete Applicable Boxes)

<table>
<thead>
<tr>
<th>Project Physical Address: 3-3 Sanders Ave</th>
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<tbody>
<tr>
<td>Zoning District: UI A-C</td>
<td>EPR-2 □ B-2 □ BN-1</td>
</tr>
<tr>
<td>Subdivision or Mobile Home Park Name (if Applicable):</td>
<td>Subdivision or Mobile Home Lot Number (if Applicable):</td>
</tr>
<tr>
<td>Dimension/Square Footage of Main Building:</td>
<td>Dimension/Square Footage of Accessory Structure (Garages, Signs, Tanks, etc.):</td>
</tr>
<tr>
<td>Is this Structure in a Floodplain District? □ YES □ NO</td>
<td></td>
</tr>
<tr>
<td>Height of Structure/Stores:</td>
<td>Basement:</td>
</tr>
<tr>
<td>Front Setback (Linear Feet): 70</td>
<td>Rear Setback (Linear Feet): 25</td>
</tr>
<tr>
<td>Lot Frontage (Linear Feet): 50</td>
<td>Right Side Setback (Linear Feet): 45</td>
</tr>
<tr>
<td>Left Side Setback (Linear Feet): 15</td>
<td></td>
</tr>
<tr>
<td>Is Off Street Parking Provided Per Code?</td>
<td></td>
</tr>
<tr>
<td>What is the Total Estimated Cost of the Building/Improvements?</td>
<td></td>
</tr>
</tbody>
</table>

Describe the purpose for which the structure will be used:

Section 4: Supporting Documentation Requirements (Provide as Separate Attachments)

□ Site Plan* □ Narrative |
□ Specification Sheet* □ Floodplain Elevations Certificate |
□ Engineering Drawing □ Floodway Hydraulic Analysis

*Please ensure all exhibits are drawn to approximate scale.

Information provided by the applicant/owner on this application, any site plans, plats, and/or related documents, verbal or written shall be assumed to be true and accurate. If information provided is inaccurate, incomplete or otherwise misrepresented, this approval will be considered null and void.

Signature of Applicant: [Signature] Date: 5-19-20

Signature of Property Owner (if different from the applicant): [Signature] Date: [Date]

I certify that all requirements of the Town of Chilhowie Zoning Ordinance have been met and a permit is hereby issued:

Town Manager: [Signature] Date: May 5, 2020

Treasurer’s Office Use
Zoning Permit

Section 1: Applicant and Owner Information (Complete for ALL Applications)

Project Applicant Information

Applicant Name: [Redacted]

Business Name (If Applicable): [Redacted]

Physical Address: [Redacted]

City: [Redacted]

Mailing Address: [Redacted]

State: [Redacted]

Phone: [Redacted]

City: [Redacted]

State: [Redacted]

Zip Code: [Redacted]

If the applicant is not the property owner, the signature of the property owner is required below.

Owner Name: [Redacted]

Physical Address: [Redacted]

City: [Redacted]

Mailing Address: [Redacted]

State: [Redacted]

Zip Code: [Redacted]

Phone: [Redacted]

e-mail: [Redacted]

Section 2: Zoning Activity (Complete for ALL Applications)

☐ New Construction

☐ Addition/Renovation

☐ Change of Use

☐ Zoning Change

☐ Detached Garage

☐ Accessory Building

☐ Mobile Home

☐ Zoning Variance

☐ Sign

☐ Other Structure

☐ Appeal to BZA

☐ Special Use Permit

☐ Confirmation/Certification of Zoning Compliance (Zoning Code Article V, Section 5.2-4 (a), (b), or (c))

Section 3: Property/Structure Description (Complete Applicable Boxes)

Project Physical Address: [Redacted]

Parcel Number: [Redacted]

Zoning District:

☐ A-C

☐ R-2

☐ B-2

☐ BN-1

Subdivision or Mobile Home Park Name (If Applicable):

Subdivision or Mobile Home Lot Number (If Applicable):

Dimension/Square Footage of Main Building:

Dimension/Square Footage of Accessory Structure (Garages, Signs, Tanks, etc.):

Is this Structure in a Floodplain District?

☐ YES

☐ NO

Height of Structure/Stories: [Redacted]

Basement: [Redacted]

Area of Lot (Square Feet):

Lot Frontage (Linear Feet):

Front Setback (Linear Feet):

Rear Setback (Linear Feet):

Right Side Setback (Linear Feet):

Left Side Setback (Linear Feet):

Is Off Street Parking Provided Per Code?

Describe the purpose for which the structure will be used:

Section 4: Supporting Documentation Requirements (Provide as Separate Attachments)

☐ Plat

☐ Site Plan*

☐ Specification Sheet*

☐ Engineering Drawing

☐ Narrative

☐ Floodplain Elevation Certificate

☐ Floodway Hydraulic Analysis

*Please ensure all exhibits are drawn to approximate scale.

Information provided by the applicant/owner on this application, any site plans, plats, and/or related documents, verbal or written shall be assumed to be true and accurate. If information provided is inaccurate, incomplete or otherwise misrepresented, this approval will be considered null and void.

Signature of Applicant: [Redacted] Date: [Redacted]

Signature of Property Owner (If different from the applicant): [Redacted] Date: [Redacted]

I certify that all requirements of the Town of Chilhowie Zoning Ordinance have been met and a permit is hereby issued.

Town Manager: [Redacted] Date: [Redacted]

Treasurer’s Office Use
TOWN OF CHILHOWIE VIRGINIA  
325 East Lee Highway, PO Box 5012  
Chilhowie, Virginia 24319  
(276) 646-5110  * Fax (276) 646-3012

Zoning Permit – Effective February 12, 2016

Section 1: Applicant and Owner Information (Complete for ALL Applications)

<table>
<thead>
<tr>
<th>Applicant Name:</th>
<th>Owner Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jason Barnes</td>
<td>Jason Barnes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Business Name (If Applicable):</th>
<th>Physical Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>303 Sanders Ave</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address:</th>
<th>Physical Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Po Box 1660</td>
<td>Po Box 1660</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City:</th>
<th>State:</th>
<th>Zip Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chilhowie</td>
<td>VA</td>
<td>24319</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>e-mail:</th>
<th>Phone:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>276-685-1904</td>
</tr>
</tbody>
</table>

If the applicant is not the property owner, the signature of the property owner is required below.

Section 2: Zoning Activity (Complete for ALL Applications)

- [ ] New Construction
- [ ] Addition/Renovation
- [ ] Change of Use
- [ ] Zoning Change
- [ ] Detached Garage
- [ ] Accessory Building
- [ ] Mobile Home
- [ ] Zoning Variance
- [ ] Sign
- [ ] Other Structure
- [ ] Appeal to BZA
- [ ] Special Use Permit

[ ] Confirmation/Certification of Zoning Compliance (Zoning Code Article V, Section 5.2.4 (a), (b), or (c))

Section 3: Property/Structure Description (Complete Applicable Boxes)

<table>
<thead>
<tr>
<th>Project Physical Address:</th>
<th>Parcel Number:</th>
<th>Zoning District:</th>
</tr>
</thead>
<tbody>
<tr>
<td>303 Sanders Ave</td>
<td></td>
<td>☐ A-C ☐ D-R-2 ☐ B-2 ☐ BN-1</td>
</tr>
</tbody>
</table>

Subdivision or Mobile Home Park Name (If Applicable):

<table>
<thead>
<tr>
<th>Dimension/Square Footage of Main Building:</th>
<th>Dimension/Square Footage of Accessory Structure (Garages, Signs, Tanks, etc.):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is this Structure in a Floodplain District?</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ YES ☐ NO</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Height of Structure/Stories:</th>
<th>Basement:</th>
<th>Area of Lot (Square Feet):</th>
<th>Lot Frontage (Linear Feet):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐ YES ☐ NO</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Front Setback (Linear Feet):</th>
<th>Rear Setback (Linear Feet):</th>
<th>Right Side Setback (Linear Feet):</th>
<th>Left Side Setback (Linear Feet):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Is Off Street Parking Provided Per Code?

<table>
<thead>
<tr>
<th>What is the Total Estimated Cost of the Building/Improvements?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Describe the purpose for which the structure will be used:

Section 4: Supporting Documentation Requirements (Provide as Separate Attachments)

- [ ] Plat
- [ ] Site Plan*
- [ ] Specification Sheet*
- [ ] Narrative
- [ ] Floodplain Elevation Certificate
- [ ] Engineering Drawing
- [ ] Floodway Hydraulic Analysis

*Please ensure all exhibits are drawn to approximate scale.

Information provided by the applicant/owner on this application, any site plans, plots, and/or related documents, verbal or written shall be assumed to be true and accurate. If information provided is inaccurate, incomplete or otherwise misrepresented, this approval will be considered null and void.

Signature of Applicant

Signature of Property Owner
(If different from the applicant)

Treasurer’s Office Use

I certify that all requirements of the Town of Chilhowie Zoning Ordinance have been met, and a permit is hereby issued.

Signature of Town Manager

Treasurer’s Office Use

Notes:

- Rear fence will be approximately 40 feet total in rear yard and six foot high. Fence will be on black.
### Zoning Permit

#### Section 1: Applicant and Owner Information (Complete for All Applications)

<table>
<thead>
<tr>
<th>Applicant Information</th>
<th>Property Owner Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Name:</td>
<td>Owner Name: PJ Wolfe</td>
</tr>
<tr>
<td>Business Name (If Applicable):</td>
<td>Physical Address: 226 Weldon Ave</td>
</tr>
<tr>
<td>Physical Address:</td>
<td>Mailing Address: PO Box 1714</td>
</tr>
<tr>
<td>City:</td>
<td>Physical Address: Chilhowie</td>
</tr>
<tr>
<td>State:</td>
<td>Zip Code: 24319</td>
</tr>
<tr>
<td>e-mail:</td>
<td>Phone: 276 759 3718</td>
</tr>
</tbody>
</table>

**If the applicant is not the property owner, the signature of the property owner is required below.**

#### Section 2: Zoning Activity (Complete for All Applications)

- [ ] New Construction
- [ ] Addition/Renovation
- [ ] Change of Use
- [ ] Zoning Change
- [ ] Detached Garage
- [ ] Accessory Building
- [ ] Mobile Home
- [ ] Zoning Variance
- [ ] Sign
- [ ] Other Structure
- [ ] Appeal to BZA
- [ ] Special Use Permit

**Confirmation/Certification of Zoning Compliance (Zoning Code Article V, Section 5.2-4(a), (b), or (c))**

#### Section 3: Property/Structure Description (Complete Applicable Boxes)

<table>
<thead>
<tr>
<th>Project Physical Address:</th>
<th>Parcel Number:</th>
<th>Zoning District:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision or Mobile Home Park Name (If Applicable):</td>
<td>Subdivision or Mobile Home Lot Number (If Applicable):</td>
<td></td>
</tr>
<tr>
<td>Dimension/Square Footage of Main Building:</td>
<td>Is this Structure in a Floodplain District?</td>
<td></td>
</tr>
<tr>
<td>Basement:</td>
<td>Area of Lot (Square Feet):</td>
<td></td>
</tr>
<tr>
<td>Front Setback (Linear Feet):</td>
<td>Rear Setback (Linear Feet):</td>
<td></td>
</tr>
<tr>
<td>Right Side Setback (Linear Feet):</td>
<td>Left Side Setback (Linear Feet):</td>
<td></td>
</tr>
</tbody>
</table>

**Is Off Street Parking Provided Per Code?**

Describe the purpose for which the structure will be used:

**Deck**

#### Section 4: Supporting Documentation Requirements (Provide as Separate Attachments)

- [ ] Plat
- [ ] Site Plan*
- [ ] Specification Sheet*
- [ ] Engineering Drawing
- [ ] Drawing*
- [ ] Narrative
- [ ] Floodplain Elevation Certificate
- [ ] Floodway Hydraulic Analysis

*Please ensure all exhibits are drawn to approximate scale.*

Information provided by the applicant/owner on this application, any site plans, plats, and/or related documents verbal or written shall be assumed to be true and accurate. If information provided is inaccurate, incomplete otherwise misrepresented, this approval will be considered null and void.

**Signature of Applicant**

**Date**

**Signature of Property Owner**

**Date**

Treasurer's Office Use

I certify that all requirements of the Town of Chilhowie Zoning Ordinance have been met and a permit is hereby issued.

**Signature of Town Manager**

**Date**
# Zoning Permit – Effective February 12, 2016

## Section 1: Applicant and Owner Information (Complete for ALL Applications)

<table>
<thead>
<tr>
<th>Applicant Name:</th>
<th>Owner Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mike Robinson</td>
<td>Kenneth Robinson</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Business Name (if Applicable):</th>
<th>Physical Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>127 Doane Drive</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address:</th>
<th>City:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Po Box 1304</td>
<td>Chilhowie</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State:</th>
<th>Zip Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>VA</td>
<td>24319</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>e-mail:</th>
<th>Phone:</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:whob@an.org">whob@an.org</a></td>
<td>276-243-8887</td>
</tr>
</tbody>
</table>

*If the applicant is not the property owner, the signature of the property owner is required below.*

## Section 2: Zoning Activity (Complete for ALL Applications)

<table>
<thead>
<tr>
<th>Activity:</th>
<th>Description:</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Construction</td>
<td>□</td>
</tr>
<tr>
<td>□ Addition/Renovation</td>
<td>□</td>
</tr>
<tr>
<td>□ Change of Use</td>
<td>□</td>
</tr>
<tr>
<td>□ Zoning Change</td>
<td>□</td>
</tr>
<tr>
<td>□ Detached Garage</td>
<td>□</td>
</tr>
<tr>
<td>□ Accessory Building</td>
<td>□</td>
</tr>
<tr>
<td>□ Mobile Home</td>
<td>□</td>
</tr>
<tr>
<td>□ Zoning Variance</td>
<td>□</td>
</tr>
<tr>
<td>□ Other Structure</td>
<td>□</td>
</tr>
<tr>
<td>□ Appeal to BZA</td>
<td>□</td>
</tr>
<tr>
<td>□ Special Use Permit</td>
<td>□</td>
</tr>
</tbody>
</table>

## Section 3: Property/Structure Description (Complete Applicable Boxes)

<table>
<thead>
<tr>
<th>Project Physical Address:</th>
<th>Parcel Number:</th>
<th>Zoning District:</th>
</tr>
</thead>
<tbody>
<tr>
<td>127 Doane Drive</td>
<td></td>
<td>1-C A-C</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subdivision or Mobile Home Park Name (if Applicable):</th>
<th>Subdivision or Mobile Home Lot Number (if Applicable):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dimension/Square Footage of Main Building:</th>
<th>Dimension/Square Footage of Accessory Structure (Garages, Signs, Tanks, etc.):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>10 x 20</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Height of Structure/Stories:</th>
<th>Basement:</th>
<th>Area of Lot (Square Feet):</th>
<th>Lot Frontage (Linear Feet):</th>
</tr>
</thead>
<tbody>
<tr>
<td>+1 - 10 ft.</td>
<td>□ YES</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Front Setback (Linear Feet):</th>
<th>Rear Setback (Linear Feet):</th>
<th>Right Side Setback (Linear Feet):</th>
<th>Left Side Setback (Linear Feet):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is Off Street Parking Provided Per Code?</th>
<th>What is the Total Estimated Cost of the Building/Improvements?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$2,500.00</td>
</tr>
</tbody>
</table>

Describe the purpose for which the structure will be used:

Covered Parking

## Section 4: Supporting Documentation Requirements (Provide as Separate Attachments)

<table>
<thead>
<tr>
<th>Requirement:</th>
<th>Description:</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Plat</td>
<td>□ Site Plan*</td>
</tr>
<tr>
<td>□ Drawing*</td>
<td>□ Narrative</td>
</tr>
<tr>
<td>□ Specification Sheet*</td>
<td>□ Floodplain Elevation Certificate*</td>
</tr>
<tr>
<td>□ Engineering Drawing</td>
<td>□ Floodway Hydraulic Analysis</td>
</tr>
</tbody>
</table>

*Please ensure all exhibits are drawn to approximate scale.*

Information provided by the applicant/owner on this application, any site plans, plats, and/or related documents, verbal or written shall be assumed to be true and accurate. If information provided is inaccurate, incomplete or otherwise misrepresented, this approval will be considered null and void.

Signature of Applicant: Mike Robinson

Date: 2/12/20

Signature of Property Owner (if different from the applicant): Kenneth Robinson

Date: 2/12/20

I certify that all requirements of the Town of Chilhowie Zoning Ordinance have been met and a permit is hereby issued.

Signature of Town Manager: [Signature]

Date: 1/31/2020

Treasurer's Office Use