

**MEMORANDUM**

To: Planning Commission

From: Matthew Sampa, Planner I

Date: **June 07, 2024**

Subject: **Revised** ORD 2052/AFD 24-1 Application for Withdrawal of Land from the AFD at 701 Bishop Rd.

<b>Property Location</b>	701 Bishop Road
<b>Tax Parcel Numbers</b>	137-T A 1
<b>Parcel(s) Size</b>	36.058
<b>Present Zoning District</b>	RR-1 Rural Residential 1
<b>Proposed Use</b>	Single-family homes
<b>Adjacent Zoning District</b>	<b>North:</b> RR (Montgomery County) <b>East:</b> RR-1 Rural Residential 1 <b>South:</b> RR-1 Rural Residential 1 <b>West:</b> RR-1 Rural Residential 1
<b>Adjacent Uses</b>	<b>North:</b> Single Family Sub-Urban (Montgomery County) <b>East:</b> Single-family residential <b>South:</b> Single-family residential <b>West:</b> Single-family residential; Agriculture
<b>Current Acreage in AFD</b>	36.058
<b>Acreage to be Withdrawn</b>	3.036

**REQUEST & BACKGROUND**

This request is to remove 3.036 acres of land from the Agricultural and Forestal District (AFD) at 701 Bishop Rd. for the development of single-family homes on three proposed lots along Treetop Ridge Road. The parcel currently consists of one single-family home on a single, 36.058 acre parcel.

The parcel is located on the northern edge of Town, with frontage on Bishop Road and Treetop Ridge Road in Montgomery County. A small portion of the parcel is located outside of Town limits, and therefore, is not included in the AFD withdrawal. More information about this portion of land, and the proposed subdivision can be found later in the staff report.

The application, staff GIS maps, including maps showing the location of the request, and neighborhood meeting notes are attached.

## **FORMATION AND PURPOSE OF AFD**

The Blacksburg Town Code makes provisions for the creation of agricultural and forestal districts within the Town, as allowed by the Code of Virginia (Title 15.2, Chapter 43, 1950 as amended). Chapter 3 of the Blacksburg Town Code states:

*It is the policy of the Town to conserve and protect and to encourage the development and improvement of the Town's agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the Town to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes.*

The Town has an existing Agricultural and Forestal District (AFD) that is designed to meet these policy goals by protecting agricultural lands and encouraging agricultural uses. The district was created in 1981 and consisted of approximately 406 acres across several parcels with different land owners. Lands within the AFD have a tax valuation based on the agricultural or forestal land uses which is less than the assessed value if the property were assessed at a residential rate. This is a financial benefit to the property owner, especially in consideration of large parcel size where taxes may be costly. The AFD also provides protections for the landowners from zoning regulations that may otherwise prohibit agricultural or forestal uses, but also prohibits more intensive development than a single-family home and related agricultural outbuildings. Property owners who have land-use value taxation from the County automatically receive the tax benefit from the Town as well. Eligible properties include those whose primary use is agriculture or forestry.

Taxation issues must be addressed upon withdrawal of land from the AFD. Upon termination of a district or withdrawal or removal of any land from a district, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in State Code § 58.1-3237. The Town's Finance Department calculates tax rates and determines the roll-back taxes if applicable.

Properties may be added to the AFD at designated times, or withdrawn from the AFD at any time. There are criteria for additions to, or withdrawals from the district. In consideration of the removal of land from the AFD, the Town or County cannot prohibit a landowner from withdrawing all or part of their land from the district, but the evaluation should consider the effect on the entire district. Using the stipulations in Town of Blacksburg Code § 3-201, the withdrawal of land from the district cannot render the entire district inconsistent with these requirements.

## **Recent AFD Withdrawal Applications**

In August of 2021, the Town began the process for the required review for continuance of the district and notified all landowners within the AFD to determine if there were requests from owners for land to be removed from the AFD. All current AFD landowners received notification of the process and the exit period was advertised in *The Burgs* and via Blacksburg Citizens Alert. At the time, one property owner requested a withdrawal of 35.25 acres for the Northside Park/Givens Farm subdivision, which was actively under construction. The Town Council approved the request for the withdrawal of land via Ordinance 1973. At the same time, the Town Council also approved Ordinance 1974, which continued the district for another 10 years, to be reviewed again in 2029.

In March of 2022, the Town received an application to withdraw 40.34 acres at 1900 Toms Creeks Road for the Berewick subdivision, which had previously been rezoned from RR-1 Rural Residential to PR Planned Residential. The Town Council approved the request for the withdrawal of land via Ordinance 1992.

### **FOR CONSIDERATION**

The current request is to remove approximately 3 acres of land from the AFD for the purpose of further subdividing the applicant's 36 acre parcel into four total parcels – 3 new 1.5 acre lots along Treetop Ridge Rd. and the existing structure retained on the remaining 33 acres. The larger existing lot will have frontage on both Treetop Ridge Rd. and Bishop Rd. Through the approval of the subdivision and AFD withdrawal, the applicant wishes to accommodate the future development of single family homes on the three proposed lots.

For the proposed withdrawal from the AFD, the Planning Commission is asked to evaluate the application based on the following criteria as set forth in the Town Code Section 3-210 (ref: Code of Virginia §§ 15.2-4314, 15.2-4311):

- No request for withdrawal from the district shall serve to terminate the district in its entirety (Code of Virginia §15.2-4314).
  - *The withdrawal of this property will not affect the integrity of the district as a whole. The criteria for district size and distance of other parcels are not negatively affected by this request.*
- At any time after the creation of a district under this chapter, any owner of land lying in such district may file a written request to withdraw all or part of his or her land from the district for good and reasonable cause. Code of Virginia §15.2-4314 shall govern the procedure and criteria for review of the application, and the effects of any such withdrawal.
  - *The property owner wishes to withdraw from the AFD to accommodate future development plans. A request for minor subdivision of the subject area is currently under administrative review. The request consists of three newly subdivided 1.522 acre parcels with frontage on Treetop Ridge Road.*

### **Advisory Committee Meeting**

The AFD Advisory Committee meeting was held on April 3<sup>rd</sup>, 2024. Five committee members were in attendance, and unanimously voted in favor of the withdrawal request.

Members of the Coal Bank Ridge community were also in attendance. During the public comment portion of the meeting, they expressed concern over the number of lots being subdivided on the Burger property, and how the proposed subdivision may conflict with restrictions contained in a deed that was signed by the Burgers and the Coal Bank Ridge HOA in 2003. *However, staff has confirmed with the Town Attorney that the process of withdrawing land from the AFD is **not** a mechanism through which private deed covenants may be enforced; the court system has to resolve issues regarding deed restrictions.*

### **Summary**

Planning Commission is asked to evaluate the application to withdraw 3.036 acres of land from the

Agricultural and Forestal District and make a recommendation to Town Council based on the criteria set forth in Town Code Section 3-210, referenced from Code of Virginia §§ 15.2-4314, 15.2-4311. Based on this criteria, staff has determined that the withdrawal will not affect the integrity of the district as a whole, and the purpose for withdrawal is for good and reasonable cause.

**ATTACHMENTS**

- Staff GIS maps
- AFD Committee to PC memo
- AFD-24-01 Burger Withdrawal Request Application

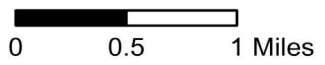


**AFD-24-1**

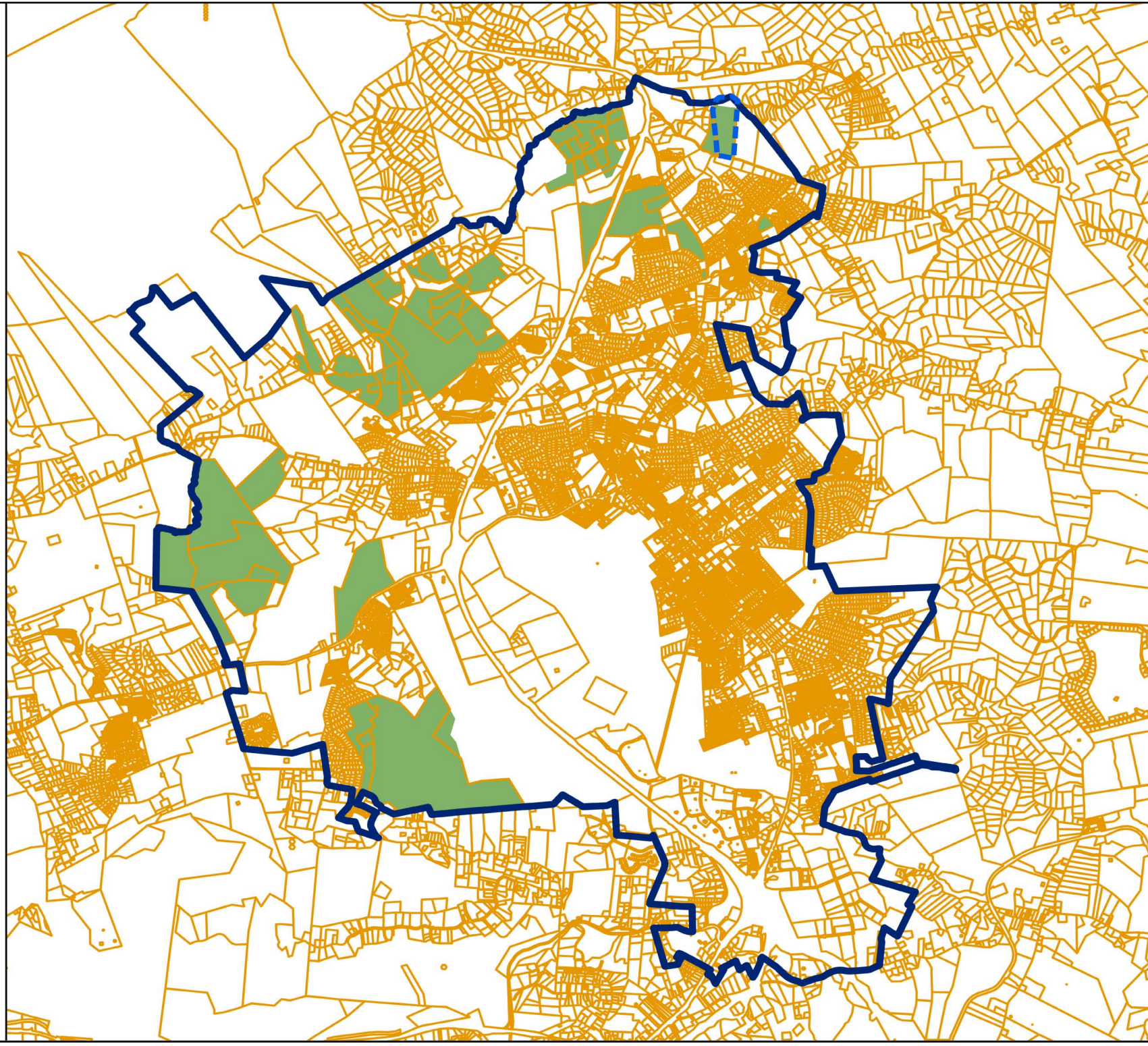
**Burger  
AFD Withdrawal  
3.036 acres**

**AFD Parcels  
if Withdrawal  
Approved**

-  Subject Parcel
-  Corporate Limits
-  Parcels
-  AFD



**Blacksburg** TOWN OF  
VIRGINIA





**AFD-24-1**

**Burger  
AFD Withdrawal  
3.036 acres**

**AFD Parcels  
if Withdrawal  
Approved**

 Subject Parcel

 Corporate Limits

 Parcels

 AFD

N



0 400 800 Ft

**TOWN OF**  
**Blacksburg**  
VIRGINIA

Town of Blacksburg, PBEGIS Dept.  
03 APR 2024









**AFD-24-1**

**Burger  
AFD Withdrawal  
3.036 acres**

**AFD Parcels  
as of  
April 1, 2024**

-  Subject Parcel
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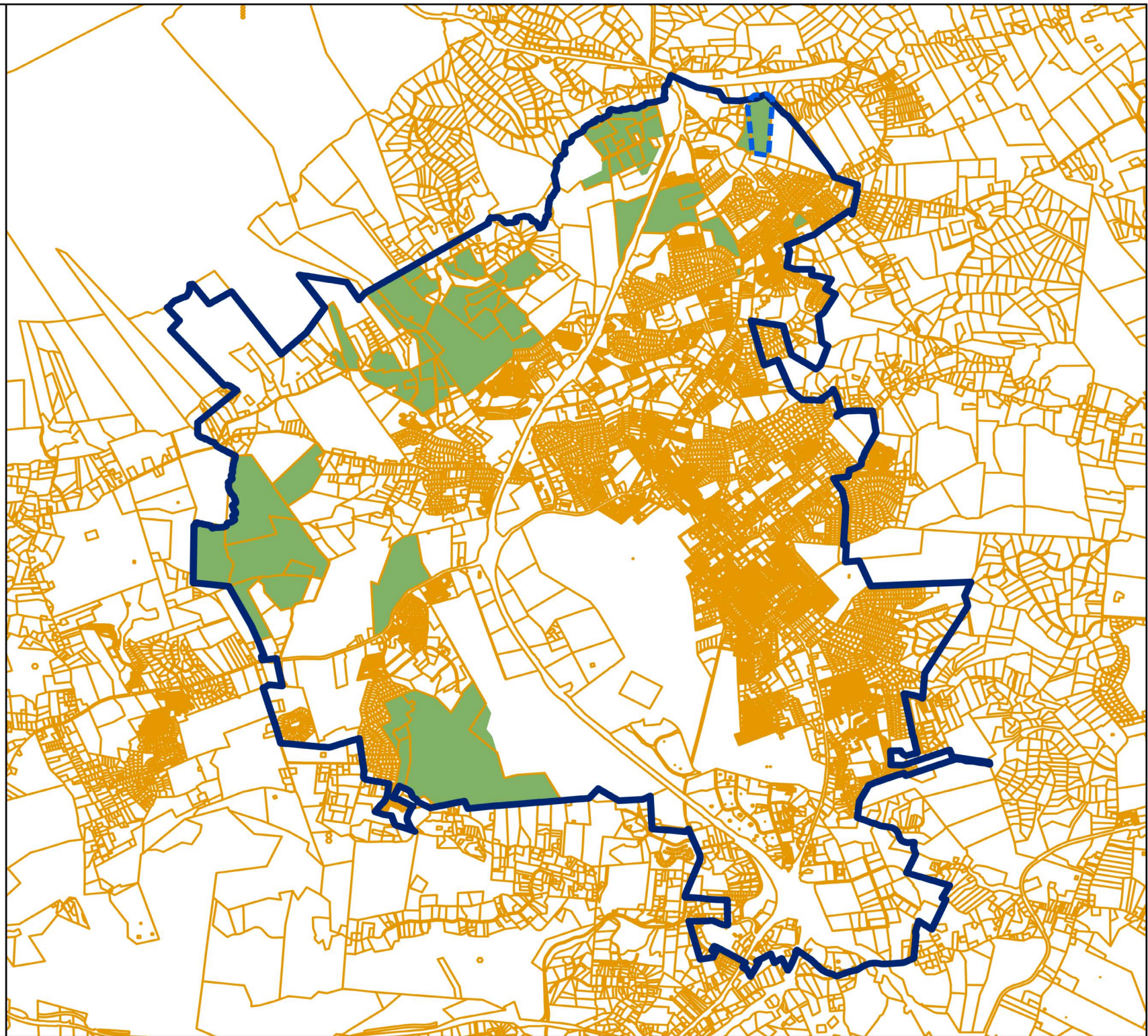
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0 0.5 1 Miles

**TOWN OF**  
**Blacksburg**  
VIRGINIA

Town of Blacksburg, PBEGIS Dept.  
03 APR 2024





**Owner's Consent, Conforming & Dedication Statement:**

The Platting Or Dedication Of The Following Land "Subdivision Of Tax Map 137-T-A-1", Is With The Free Consent And In Accordance With The Desire Of The Undersigned Owners, Proprietors, And Trustees, If Any.

The Undersigned Owners Dedicate The Public Utility Easements And Right Of Way As Shown Hereon Per Town Code 4-405(e) And 5-309.

This Is To Certify That This "Subdivision Of Tax Map 137-T-A-1" Is Established To Conform To All The Requirements And Provisions Of The Subdivision And Zoning Ordinances, As Applicable For The Town Of Blacksburg, Virginia.

James A. Burger \_\_\_\_\_ Date \_\_\_\_\_

Carol J. Burger \_\_\_\_\_ Date \_\_\_\_\_

**Notary's Certificate:**

I, \_\_\_\_\_ A Notary Public In And For The Commonwealth Of Virginia, County Of Giles Do Hereby Certify That James A. Burger And Carol J. Burger Have Appeared Before Me And Acknowledged The Same In The County And State Aforesaid, Given Under My Hand On This \_\_\_\_\_ Day Of \_\_\_\_\_, 2023

My Commission Expires \_\_\_\_\_

Notary Public \_\_\_\_\_ Registration Number \_\_\_\_\_

**Flood Hazard Overlay:**

Subject Parcel Lies Within The Flood Hazard Overlay

**Agricultural & Forestal Overlay District**

Subject Parcel Currently Lies Within The Agricultural & Forestal Overlay District, But Will Be Withdrawn Per Town Of Blacksburg Requirements.

N/F Tax Map 137-T-11-53 (ID#100723) Bradley L. Glenn L.R. 20220002832 P.B. 24, Pg. 130

**Town Of Blacksburg**

**Rural Residential 1 Zoning District (RR-1)**

- Minimum Lot Size = No Minimum Lot Size
- Minimum Lot Frontage = 20'
- Minimum Setbacks:
  - Front Yard = 60' From Centerline
  - Rear Yard = 20' Principal Structure
  - Side Yard = 10'
- Minimum Open Space = 50%
- Max. Height = 35'
- Max. F.A.R. = 0.30
- Density = One Dwelling Per Unit Acre
- All Utility Lines Shall Be PLace Underground

**Notes:**

- This Plat Was Prepared Without The Benefit Of A Title Report.
- Subject Property Does Lie Within Flood Zone X, Per FEMA Map 51121C0045C, Effective Date 09/25/2009.
- References: Montgomery County Tax Map 137-T-A-1, D.B. 506, Pg. 730; L.R. 20030016802; P.B. 24, Pg. 61; P.B. 9, Pg. 48; L.R. 20180008564 (Plat).
- 1/2" Iron Rods Set Unless Noted Otherwise.
- This Plat Is The Result Of An Actual Field Survey And May Not Agree To Deeds And Instruments Of Record.
- Properties Are Served By Public Water And Private Septic.
- No Identification Of Graves, Objects, Or Structures Marking A Place Of Human Burial Were Found At Time Of Survey.
- 15' Public Utility Easements Hereby Dedicated To The Town Of Blacksburg. 15' PUE To Be Interior To Exterior Lot Lines And Centered On Interior Lot Lines.
- Owner/Physical Address: James A. & Carol J. Burger  
701 Bishop Road  
Blacksburg, Va. 24060
- This Plat Is The Result Of An Actual Field Survey Performed February 2023 By Eric Gentry, Land Surveyor.
- New Parcels A, B, & C Will Be Accessed From Outside Town Limits, As Treetop Ridge Road Is A County Road.
- No Karst, Existing Sinkholes, Or Wetlands Found During Field Survey.
- Stormwater Management Has Been Addressed Per Calculations By Premier Group And On File With Town Of Blacksburg. Future Homebuilder Shall Contact Town Of Blacksburg On Stormwater Management Requirements.

**Surveyor's Certificate:**

I Hereby Certify That This Plat Is Based On A Current Field Survey Made By Me At The Direction Of The Owners; That The Monuments Have Actually Been Placed And Their Location And Character Are Correctly Shown; That This Survey Is Correct To The Best Of My Knowledge And Belief And Complies With The Minimum Standards And Procedures As Established By VA DPDR, And That This Plat Has Been Prepared In Compliance With The Requirements And Provisions Of The Subdivision And Zoning Ordinance Of The Town Of Blacksburg, As Applicable.

Eric G. Gentry, L.S. #2583 \_\_\_\_\_ Date \_\_\_\_\_

**Septic Drainfield Note:**

New Parcels A, B & C Drainfields Are 4 Bedroom TL-2 ATL Primary And TL-3 Drip Irrigation Reserve

**Statement Of Intent:**

The Purpose Of This Plat Is To Subdivide Existing Tax Map 137-T-A-1 To Create 3 New Parcels With A Remainder, As Shown Hereon, Per The Requirements And Provisions Of The Subdivision And Zoning Ordinance Of The Town Of Blacksburg.

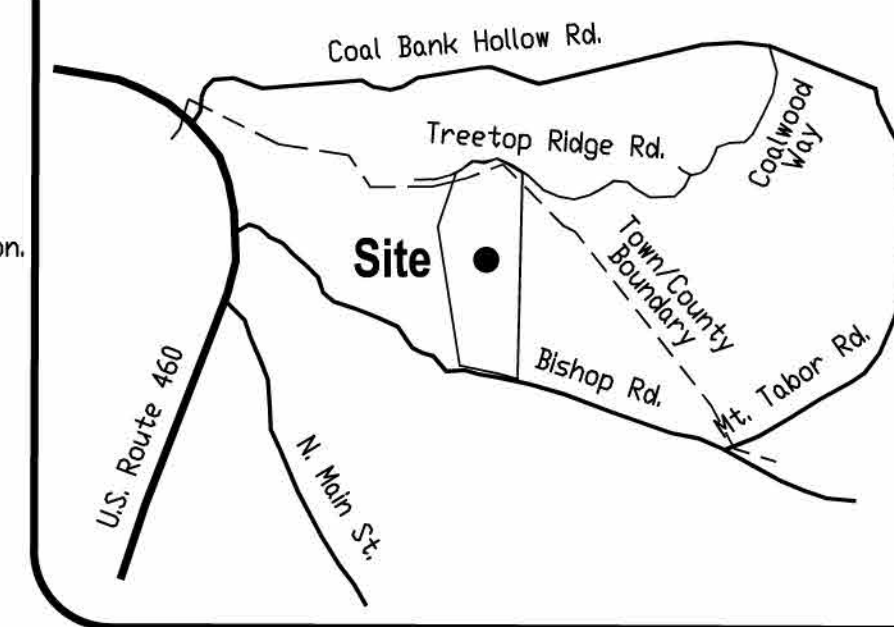
**Source Of Title:**

This Is To Certify That The Property As Shown Hereon On This "Subdivision Of Tax Map 137-T-A-1" Is All Of The Properties Acquired By James A. Burger And Carol J. Burger From Kerry W. McCluney Recorded By An Instrument Dated 9 May 1985 In Deed Book 506, At Page 730; And Is All The Property Acquired By James A. Burger And Carol J. Burger From Coal Bank Ridge, L.L.C.; Recorded By An Instrument Dated 19 September 2003, Recorded In Land Record 2003016802; In The Clerk's Office Of Montgomery County Virginia; Which Instruments Are The Last Records To The Properties As Shown Hereon.

Eric G. Gentry, L.S. #2583 \_\_\_\_\_ Date \_\_\_\_\_

**Curve Table:**

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	39°38'30"	86.48'	125.00'	N68°46'44"E	84.77'
C2	7°21'54"	106.05'	825.00'	N84°55'00"E	105.97'
C3	1°25'27"	20.51'	825.00'	N80°31'20"E	20.51'
C4	33°11'04"	72.40'	125.00'	S83°35'51"E	71.39'
C5	16°32'43"	36.10'	125.00'	S58°43'57"E	35.97'
C6	6°01'59"	191.41'	1817.76'	N78°21'36"W	191.32'
C7	3°44'13"	118.88'	1822.76'	N78°21'52"W	191.85'



**Vicinity Map**

1"=2,000'

**Legend:**

- N/F Now or Formerly
- D.B. Deed Book
- Pg. Page
- o Property Corner
- R/W Right of Way
- Irs Iron Rod Set
- Irf Iron Rod Found
- Fpf Fence Post Found
- L.R. Land Record
- P.U.E. Public Utility Easement

VA State Plane Coordinate System  
NAD-83 Grid North (U.S. Survey Feet)



**Area Table:**

Tax Map 137-T-A-1	36.058 Acres (Before Division)
<b>Total Area=</b>	<b>36.058 Acres</b>
Bishop Road R/W	0.064 Acres (After Division)
Tax Map 137-T-A-1	31.428 Acres (After Division)
New Parcel A	1.522 Acres (After Division)
New Parcel B	1.522 Acres (After Division)
New Parcel C	1.522 Acres (After Division)
<b>Total Area=</b>	<b>36.058 Acres</b>

**Town Of Blacksburg Approval(s):**

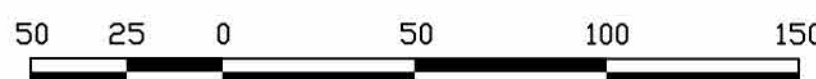
Town Engineer _____	Date _____
Town Planner _____	Date _____

**Montgomery County Approval:**

Subdivision Agent _____	Date _____
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**Drawing Revision(s):**

Original Drawing: 16 Mar 2023  
Revision 001: 13 Oct 2023  
Revision 002: 15 Feb 2024

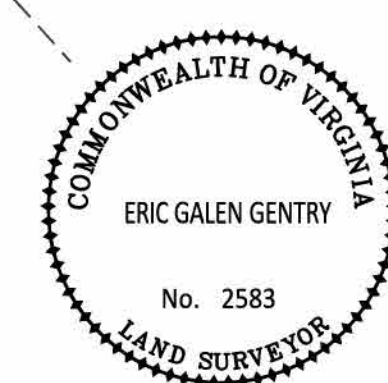


SCALE IN FEET

Rev 002 - Sheet 1 of 2

Date of Field Survey: 11 Feb 2023 / Project No. 2022-065 (1"=50'/17x22)  
Eric Gentry, Land Surveyor / 201 Lyda Lane Pembroke VA / 540.922.2030

Subdivision Plat  
Of  
Tax Map 137-T-A-1 (ID #006339)  
Creating  
New Parcels A, B & C  
And  
Remainder Tax Map 137-T-A-1 (ID #006339)  
For  
James A. & Carol J. Burger  
Town Of Blacksburg  
Mt. Tabor Magisterial District  
Montgomery County, Virginia





**VDH Approval Statement:**

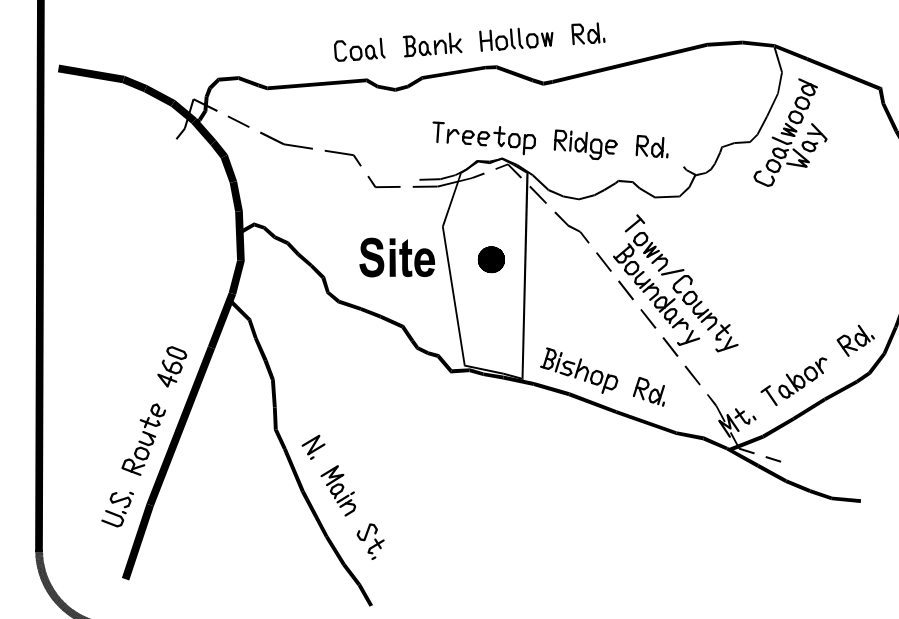
This subdivision is approved for the individual onsite sewage systems in accordance with the provisions of the Code of Virginia, and the Sewage Handling and Disposal Regulation (12 VAC 5-610-10 et seq, the "Regulations"), (and local ordinances if the locality has authorized the local health department to accept private evaluations for compliance with the local ordinances. This subdivision was submitted to the Health Department for review pursuant to 32.1-163.5 of the Code of Virginia which requires the Health Department to accept private soil evaluations and designs from an Authorized Soil Evaluator (ASSE) or a Professional Engineer working in consultation with an ASSE for residential development. The Department is not required to perform a field check of such evaluations. This subdivision was certified as being in compliance with the Board of Health's regulations by: Stephen D. Dalton, Cert. #1940001068, 276-728-3222. This subdivision approval is issued in reliance upon that certification. Pursuant to 360 of the Regulations this approval is not an assurance that the Sewage Disposal System Construction Permits will be issued for any lot in the subdivision unless that lot is specifically identified as having an approved site for onsite sewage disposal system, and unless all conditions and circumstances are present at the time of application for a permit as are present at the time of approval. This subdivision may contain lots that do not have approved sites for onsite sewage systems. This Subdivision approval is issued in reliance upon the certification that approved lots are suitable for "TL-2 ATL Primary and TL-3 Drip Irrigation Reserve systems", however actual system designs may be different at the time construction permits are issued.

**Area Table:**

Tax Map 137-T-A-1	36.058 Acres (Before Division)
<b>Total Area=</b>	<b>36.058 Acres</b>
Bishop Road R/W	0.064 Acres (After Division)
Tax Map 137-T-A-1	31.428 Acres (After Division)
New Parcel A	1.522 Acres (After Division)
New Parcel B	1.522 Acres (After Division)
New Parcel C	1.522 Acres (After Division)
<b>Total Area=</b>	<b>36.058 Acres</b>

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**Vicinity Map**  
1"=2,000'

Montgomery County Department Of Health \_\_\_\_\_ Date \_\_\_\_\_

**Tie-Line Metes/Bounds:**

A - B N5°31'13"W 605.83'  
C - D N4°36'57"E 693.47'

**Flood Hazard Overlay:**

Subject Parcel Lies Within The Flood Hazard Overlay

**Agricultural & Forestal Overlay District**

Subject Parcel Currently Lies Within The Agricultural & Forestal Overlay District, But Will Be Withdrawn Per Town Of Blacksburg Requirements.

**Curve Table:**

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**Town Of Blacksburg**

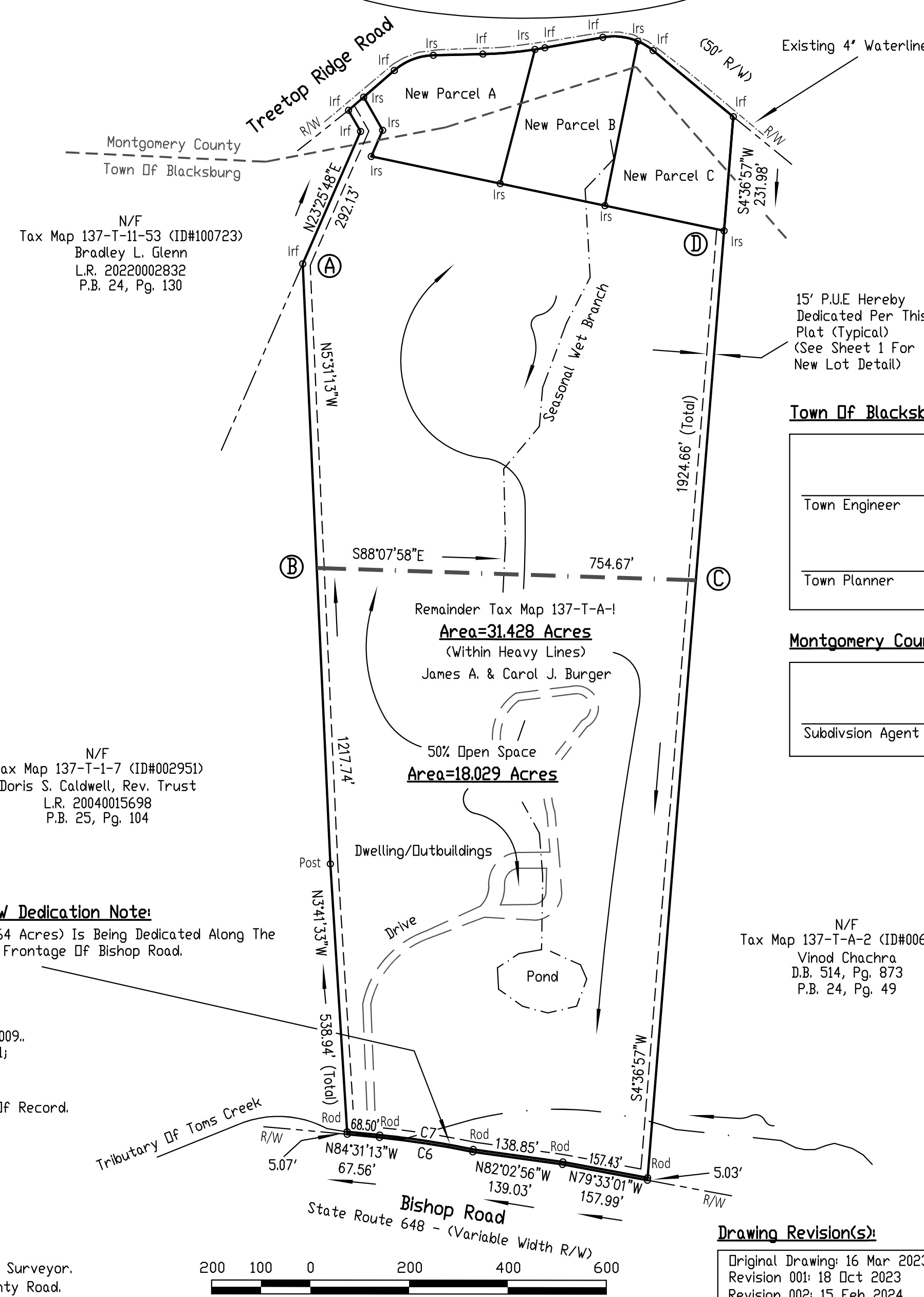
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- Minimum Lot Size = No Minimum Lot Size
- Minimum Lot Frontage = 20'
- Minimum Setbacks:
- Front Yard = 60' From Centerline
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- Density = One Dwelling Per Unit Acre
- All Utility Lines Shall Be Place Underground

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**Boundary Detail**  
1"=200'  
(See Sheet 1 For New Parcel Metes & Bounds)



N/F  
Tax Map 137-T-11-53 (ID#100723)  
Bradley L. Glenn  
L.R. 20220002832  
P.B. 24, Pg. 130

N/F  
Tax Map 137-T-1-7 (ID#002951)  
Doris S. Caldwell, Rev. Trust  
L.R. 20040015698  
P.B. 25, Pg. 104

**Bishop Road R/W Dedication Note:**  
A Width Of 5' (0.064 Acres) Is Being Dedicated Along The Subject Property Frontage Of Bishop Road.

15' P.U.E. Hereby Dedicated Per This Plat (Typical) (See Sheet 1 For New Lot Detail)

**Town Of Blacksburg Approval(s):**

Town Engineer	Date
Town Planner	Date

**Montgomery County Approval:**

Subdivision Agent	Date
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N/F  
Tax Map 137-T-A-2 (ID#006350)  
Vinod Chachra  
D.B. 514, Pg. 873  
P.B. 24, Pg. 49

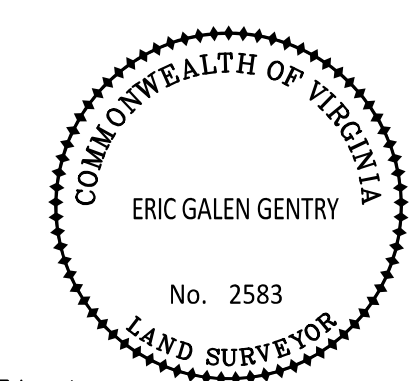
**Drawing Revision(s):**

Original Drawing: 16 Mar 2023
Revision 001: 18 Oct 2023
Revision 002: 15 Feb 2024

**Legend:**

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- D.B. Deed Book
- Pg. Page
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VA State Plane Coordinate System  
NAD-83 Grid North (U.S. Survey Foot)



Minor Subdivision Plat  
Of  
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New Parcels A, B & C  
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James A. Burger \_\_\_\_\_ Date \_\_\_\_\_

Carol J. Burger \_\_\_\_\_ Date \_\_\_\_\_

**Notary's Certificate:**

I, \_\_\_\_\_ A Notary Public In And For The Commonwealth Of Virginia, County Of Giles Do Hereby Certify That James A. Burger And Carol J. Burger Have Appeared Before Me And Acknowledged The Same In The County And State Aforesaid, Given Under My Hand On This \_\_\_\_\_ Day Of \_\_\_\_\_, 2023

My Commission Expires \_\_\_\_\_

Notary Public \_\_\_\_\_ Registration Number \_\_\_\_\_

**Flood Hazard Overlay:**

Subject Parcel Lies Within The Flood Hazard Overlay

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**Notes:**

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- Subject Property Does Lie Within Flood Zone X, Per FEMA Map 51121C0045C, Effective Date 09/25/2009.
- References: Montgomery County Tax Map 137-T-A-1, D.B. 506, Pg. 730; L.R. 20030016802; P.B. 24, Pg. 61; P.B. 9, Pg. 48; L.R. 20180008564 (Plat).
- 1/2" Iron Rods Set Unless Noted Otherwise.
- This Plat Is The Result Of An Actual Field Survey And May Not Agree To Deeds And Instruments Of Record.
- Properties Are Served By Public Water And Private Septic.
- No Identification Of Graves, Objects, Or Structures Marking A Place Of Human Burial Were Found At Time Of Survey.
- 15' Public Utility Easements Hereby Dedicated To The Town Of Blacksburg. 15' PUE To Be Interior To Exterior Lot Lines And Centered On Interior Lot Lines.
- Owner/Physical Address: James A. & Carol J. Burger  
701 Bishop Road  
Blacksburg, Va. 24060
- This Plat Is The Result Of An Actual Field Survey Performed February 2023 By Eric Gentry, Land Surveyor.
- New Parcels A, B, & C Will Be Accessed From Outside Town Limits, As Treetop Ridge Road Is A County Road.
- No Karst, Existing Sinkholes, Or Wetlands Found During Field Survey.
- Stormwater Management Has Been Addressed Per Calculations By Premier Group And On File With Town Of Blacksburg. Future Homebuilder Shall Contact Town Of Blacksburg On Stormwater Management Requirements.

**Surveyor's Certificate:**

I Hereby Certify That This Plat Is Based On A Current Field Survey Made By Me At The Direction Of The Owners; That The Monuments Have Actually Been Placed And Their Location And Character Are Correctly Shown; That This Survey Is Correct To The Best Of My Knowledge And Belief And Complies With The Minimum Standards And Procedures As Established By VA DPDR, And That This Plat Has Been Prepared In Compliance With The Requirements And Provisions Of The Subdivision And Zoning Ordinance Of The Town Of Blacksburg, As Applicable.

Eric G. Gentry, L.S. #2583 \_\_\_\_\_ Date \_\_\_\_\_

**Septic Drainfield Note:**

New Parcels A, B & C Drainfields Are 4 Bedroom TL-2 ATL Primary And TL-3 Drip Irrigation Reserve

**Statement Of Intent:**

The Purpose Of This Plat Is To Subdivide Existing Tax Map 137-T-A-1 To Create 3 New Parcels With A Remainder, As Shown Hereon, Per The Requirements And Provisions Of The Subdivision And Zoning Ordinance Of The Town Of Blacksburg.

**Source Of Title:**

This Is To Certify That The Property As Shown Hereon On This "Subdivision Of Tax Map 137-T-A-1" Is All Of The Properties Acquired By James A. Burger And Carol J. Burger From Kerry W. McCluney Recorded By An Instrument Dated 9 May 1985 In Deed Book 506, At Page 730; And Is All The Property Acquired By James A. Burger And Carol J. Burger From Coal Bank Ridge, L.L.C.; Recorded By An Instrument Dated 19 September 2003, Recorded In Land Record 2003016802; In The Clerk's Office Of Montgomery County Virginia; Which Instruments Are The Last Records To The Properties As Shown Hereon.

Eric G. Gentry, L.S. #2583 \_\_\_\_\_ Date \_\_\_\_\_

**Curve Table:**

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	39°38'30"	86.48'	125.00'	N68°46'44"E	84.77'
C2	7°21'54"	106.05'	825.00'	N84°55'00"E	105.97'
C3	1°25'27"	20.51'	825.00'	N80°31'20"E	20.51'
C4	33°11'04"	72.40'	125.00'	S83°35'51"E	71.39'
C5	16°32'43"	36.10'	125.00'	S58°43'57"E	35.97'
C6	6°01'59"	191.41'	1817.76'	N78°21'36"W	191.32'
C7	3°44'13"	118.88'	1822.76'	N78°21'52"W	191.85'

**Area Table:**

Tax Map 137-T-A-1	36.058 Acres (Before Division)
<b>Total Area=</b>	<b>36.058 Acres</b>
Bishop Road R/W	0.064 Acres (After Division)
Tax Map 137-T-A-1	31.428 Acres (After Division)
New Parcel A	1.522 Acres (After Division)
New Parcel B	1.522 Acres (After Division)
New Parcel C	1.522 Acres (After Division)
<b>Total Area=</b>	<b>36.058 Acres</b>

**Town Of Blacksburg Approval(s):**

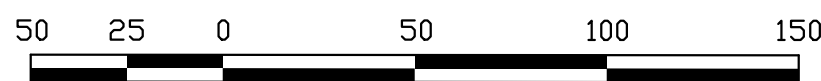
Town Engineer _____	Date _____
Town Planner _____	Date _____

**Montgomery County Approval:**

Subdivision Agent _____	Date _____
-------------------------	------------

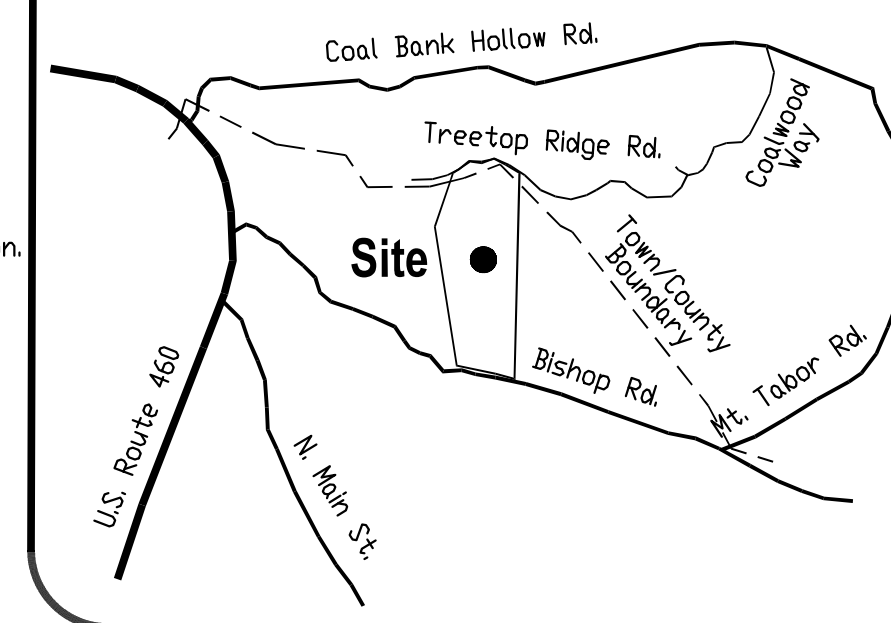
**Drawing Revision(s):**

Original Drawing: 16 Mar 2023  
Revision 001: 13 Oct 2023  
Revision 002: 15 Feb 2024



SCALE IN FEET

Rev 002 - Sheet 1 of 2



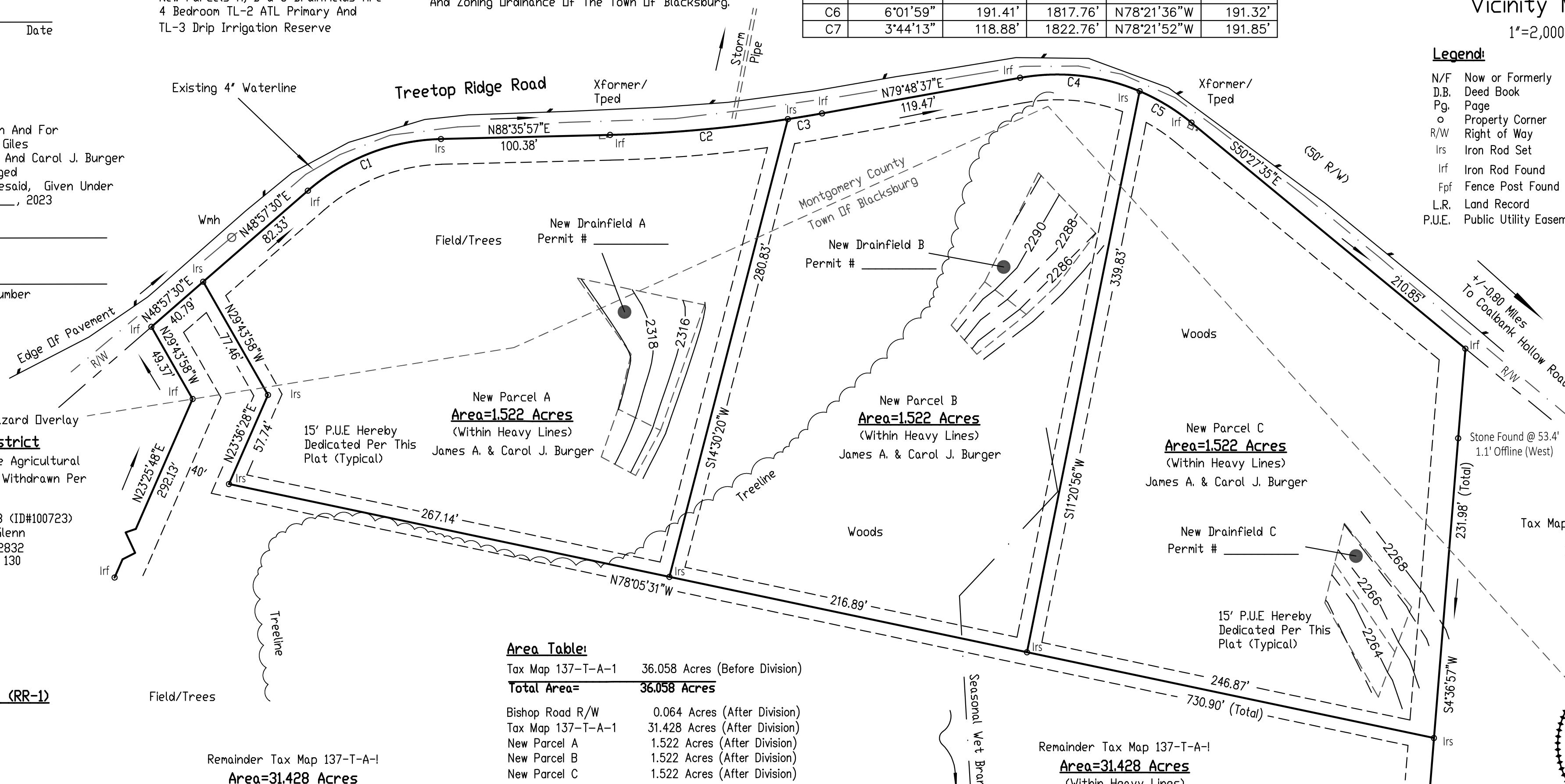
Vicinity Map

1"=2,000'

**Legend:**

- N/F Now or Formerly
- D.B. Deed Book
- Pg. Page
- o Property Corner
- R/W Right of Way
- Irs Iron Rod Set
- Irf Iron Rod Found
- Fpf Fence Post Found
- L.R. Land Record
- P.U.E. Public Utility Easement

VA State Plane Coordinate System  
NAD-83 Grid North (U.S. Survey Foot)



Remainder Tax Map 137-T-A-1  
**Area=31.428 Acres**  
(Within Heavy Lines)  
James A. & Carol J. Burger  
(See Sheet 2 For Remainder Metes & Bounds)

Remainder Tax Map 137-T-A-1  
**Area=31.428 Acres**  
(Within Heavy Lines)  
James A. & Carol J. Burger  
(See Sheet 2 For Remainder Metes & Bounds)

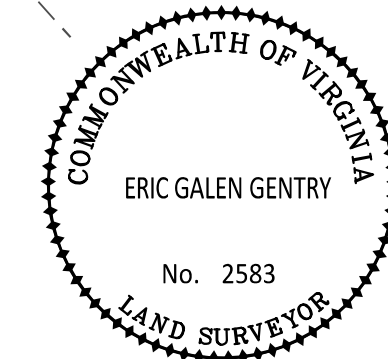
Subdivision Plat

Tax Map 137-T-A-1 (ID #006339)

Creating  
New Parcels A, B & C  
And  
Remainder Tax Map 137-T-A-1 (ID #006339)

For  
James A. & Carol J. Burger  
Town Of Blacksburg  
Mt. Tabor Magisterial District  
Montgomery County, Virginia

Date of Field Survey: 11 Feb 2023 / Project No. 2022-065 (1"=50'/17x22)  
Eric Gentry, Land Surveyor / 201 Lyda Lane Pembroke VA / 540.922.2030





**VDH Approval Statement:**

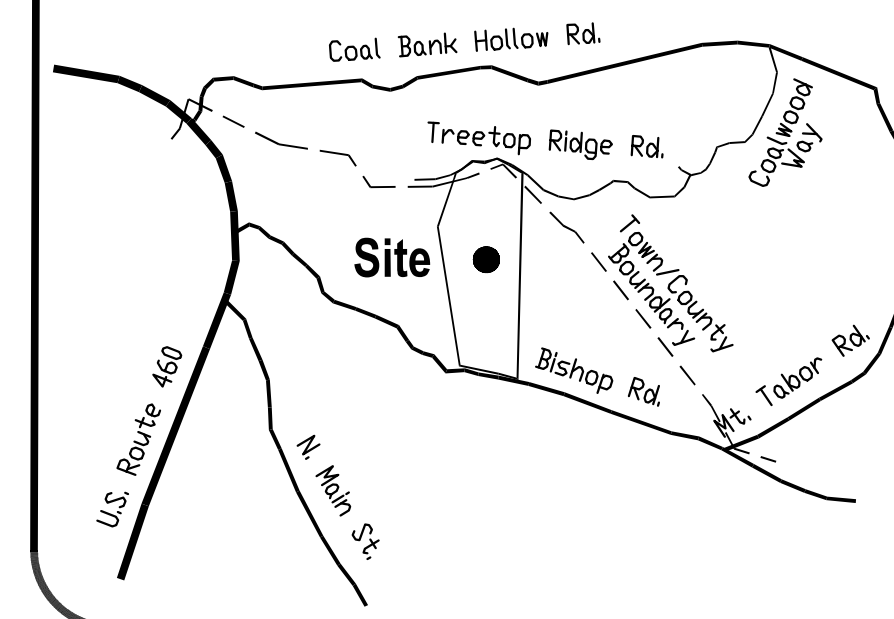
This subdivision is approved for the individual onsite sewage systems in accordance with the provisions of the Code of Virginia, and the Sewage Handling and Disposal Regulation (12 VAC 5-610-10 et seq, the "Regulations"), (and local ordinances if the locality has authorized the local health department to accept private evaluations for compliance with the local ordinances. This subdivision was submitted to the Health Department for review pursuant to 32.1-163.5 of the Code of Virginia which requires the Health Department to accept private soil evaluations and designs from an Authorized Soil Evaluator (ASSE) or a Professional Engineer working in consultation with an ASSE for residential development. The Department is not required to perform a field check of such evaluations. This subdivision was certified as being in compliance with the Board of Health's regulations by: Stephen D. Dalton, Cert. #1940001068, 276-728-3222. This subdivision approval is issued in reliance upon that certification. Pursuant to 360 of the Regulations this approval is not an assurance that the Sewage Disposal System Construction Permits will be issued for any lot in the subdivision unless that lot is specifically identified as having an approved site for onsite sewage disposal system, and unless all conditions and circumstances are present at the time of application for a permit as are present at the time of approval. This subdivision may contain lots that do not have approved sites for onsite sewage systems. This Subdivision approval is issued in reliance upon the certification that approved lots are suitable for "TL-2 ATL Primary and TL-3 Drip Irrigation Reserve systems", however actual system designs may be different at the time construction permits are issued.

**Area Table:**

Tax Map 137-T-A-1	36.058 Acres (Before Division)
<b>Total Area=</b>	<b>36.058 Acres</b>
Bishop Road R/W	0.064 Acres (After Division)
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**Statement Of Intent:**

The Purpose Of This Plat Is To Subdivide Existing Tax Map 137-T-A-1 To Create 3 New Parcels With A Remainder, As Shown Hereon, Per The Requirements And Provisions Of The Subdivision And Zoning Ordinance Of The Town Of Blacksburg.



**Vicinity Map**  
1"=2,000'

Montgomery County Department Of Health \_\_\_\_\_ Date \_\_\_\_\_

**Tie-Line Metes/Bounds:**

A - B N5°31'13"W 605.83'  
C - D N4°36'57"E 693.47'

**Flood Hazard Overlay:**

Subject Parcel Lies Within The Flood Hazard Overlay

**Agricultural & Forestal Overlay District**

Subject Parcel Currently Lies Within The Agricultural & Forestal Overlay District, But Will Be Withdrawn Per Town Of Blacksburg Requirements.

**Curve Table:**

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	39°38'30"	86.48'	125.00'	N68°46'44"E	84.77'
C2	7°21'54"	106.05'	825.00'	N84°55'00"E	105.97'
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C5	16°32'43"	36.10'	125.00'	S58°43'57"E	35.97'
C6	6°01'59"	191.41'	1817.76'	N78°21'36"W	191.32'

**Town Of Blacksburg**

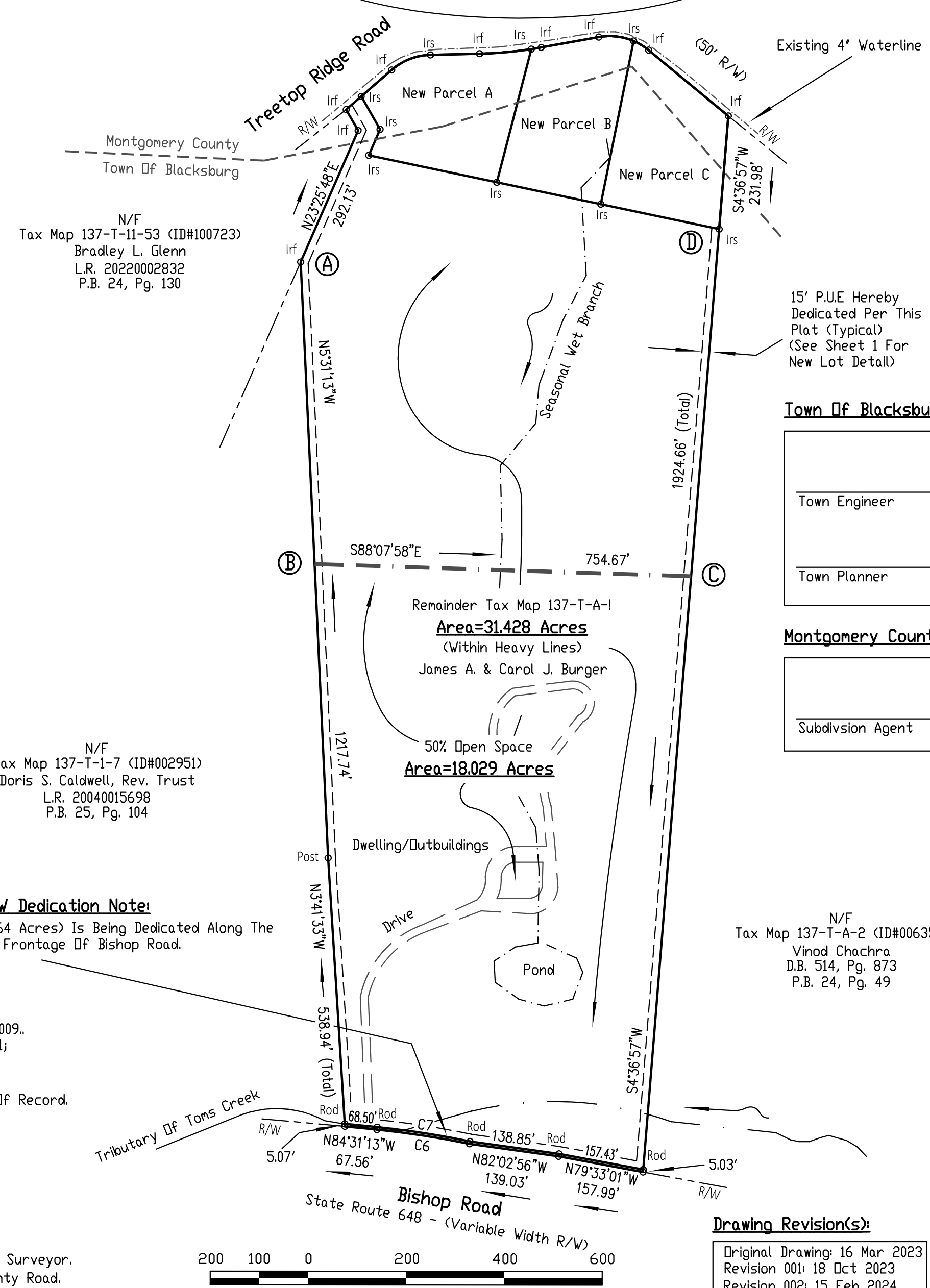
**Rural Residential 1 Zoning District: (RR-1)**

- Minimum Lot Size = No Minimum Lot Size
- Minimum Lot Frontage = 20'
- Minimum Setbacks:
- Front Yard = 60' From Centerline
- Rear Yard = 20' Principal Structure
- Side Yard = 10'
- Minimum Open Space = 50%
- Max. Height = 35'
- Max. F.A.R. = 0.30
- Density = One Dwelling Per Unit Acre
- All Utility Lines Shall Be Place Underground

**Notes:**

- This Plat Was Prepared Without The Benefit Of A Title Report.
- Subject Property Does Lie Within Flood Zone X, Per FEMA Map 51121C0045C, Effective Date 09/25/2009.
- References: Montgomery County Tax Map 137-T-A-1, D.B. 506, Pg. 730; L.R. 20030016802; P.B. 24, Pg. 61; PB. 9, Pg. 48; L.R. 20180008564 (Plat).
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- Properties Are Served By Public Water And Private Septic.
- No Identification Of Graves, Objects, Or Structures Marking A Place Of Human Burial Were Found At Time Of Survey.
- 15' Public Utility Easements Hereby Dedicated To The Town Of Blacksburg. 15' PUE To Be Interior To Exterior Lot Lines And Centered On Interior Lot Lines.
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701 Bishop Road  
Blacksburg, Va. 24060
- This Plat Is The Result Of An Actual Field Survey Performed February 2023 By Eric Gentry, Land Surveyor.
- New Parcels A, B, & C Will Be Accessed From Outside Town Limits, As Treetop Ridge Road Is A County Road.
- No Karst, Existing Sinkholes, Or Wetlands Found During Field Survey.
- Stormwater Management Has Been Addressed Per Calculations By Premier Group And On File With Town Of Blacksburg. Future Homebuilder Shall Contact Town Of Blacksburg On Stormwater Management Requirements.

**Boundary Detail**  
1"=200'  
(See Sheet 1 For New Parcel Metes & Bounds)



N/F  
Tax Map 137-T-11-53 (ID#100723)  
Bradley L. Glenn  
L.R. 20220002832  
P.B. 24, Pg. 130

N/F  
Tax Map 137-T-1-7 (ID#002951)  
Doris S. Caldwell, Rev. Trust  
L.R. 20040015698  
P.B. 25, Pg. 104

**Bishop Road R/W Dedication Note:**  
A Width Of 5' (0.064 Acres) Is Being Dedicated Along The Subject Property Frontage Of Bishop Road.

15' P.U.E. Hereby Dedicated Per This Plat (Typical) (See Sheet 1 For New Lot Detail)

**Town Of Blacksburg Approval(s):**

Town Engineer	Date
Town Planner	Date

**Montgomery County Approval:**

Subdivision Agent	Date
-------------------	------

N/F  
Tax Map 137-T-A-2 (ID#006350)  
Vinod Chachra  
D.B. 514, Pg. 873  
P.B. 24, Pg. 49



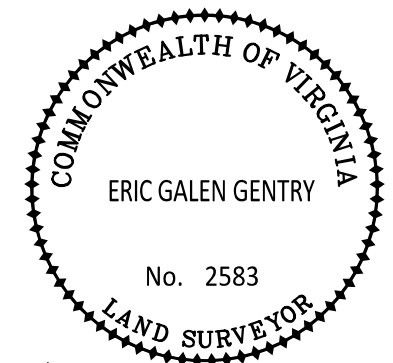
SCALE IN FEET  
**Rev 002 - Sheet 2 of 2**

**Drawing Revision(s):**  
Original Drawing: 16 Mar 2023  
Revision 001: 18 Oct 2023  
Revision 002: 15 Feb 2024

**Legend:**

- N/F Now or Formerly
- D.B. Deed Book
- Pg. Page
- o Property Corner
- R/W Right of Way
- Irs Iron Rod Set
- Irf Iron Rod Found
- Fpf Fence Post Found
- L.R. Land Record
- P.U.E. Public Utility Easement

VA State Plane Coordinate System  
NAD-83 Grid North (U.S. Survey Foot)



Minor Subdivision Plat  
Of  
Tax Map 137-T-A-1 (ID #006339)  
Creating  
New Parcels A, B & C  
And  
Remainder Tax Map 137-T-A-1 (ID #006339)  
For  
James A. & Carol J. Burger  
Town Of Blacksburg  
Mt. Tabor Magisterial District  
Montgomery County, Virginia

Date of Field Survey: 11 Feb 2023 / Project No. 2022-065 (1"=50'/17x22)  
Eric Gentry, Land Surveyor / 201 Lyda Lane Pembroke VA / 540.922.2030

## PROPERTY OWNER CONSENT AND AUTHORIZATION

This consent is required for all Planning, Building, and Engineering applications. A completed copy must be included with every application, if the applicant is not the property owner.

*If the Property Owner is a corporation/other legal entity, then the corporation/other legal entity should be listed as the owner. In such cases, proof of signature authority must be attached as well. If the Property is owned by multiple entities (as in a family trust, or otherwise co-owners), a signed consent form is required to be completed by each individual.*

The Property Owner may designate a representative for the application review process.

- The Owner or Representative is solely responsible for the accuracy of the application documentation (electronic and paper forms/drawings/exhibits/narratives, etc.).
- The Owner or Representative is solely responsible for the accuracy and coordination of the submitted application documentation (electronic and paper forms/drawings/exhibits/narratives, etc.) to the Town or other jurisdictions requiring permit approval.
- The Owner or Representative is solely responsible for scheduling any required inspections and approvals prior to the commencement of the use and/or the completion of improvements to the property.

### AUTHORIZATION BY PROPERTY OWNER(S)

I, James A Burger; Carol J. Burger, or the authorized representative(s) listed below are submitting this Application, and am solely responsible for its accuracy and completeness. I understand that incomplete or inaccurate applications can lead to a delay in review and processing. I further confirm that I am the owner of the property at 701 Bishop Road, (Parcel IDs 006339), that is/are the subject of this application. I further confirm that I am fully aware of the Town's application fee(s) and procedural requirements, and I hereby consent to this application.

James A Burger Carol J. Burger  
Property Owner Signature

February 24, 2024  
Date

### AUTHORIZED REPRESENTATIVE INFORMATION\*

I, Eric G. Gentry, LS, confirm that I am the authorized representative for this Application and understand the requirements as noted above.

Eric G. Gentry, LS  
Authorized Representative Signature

02/22/2024  
Date

Authorized Representative Signature

Date

*\*Only used when someone other than the property owner is submitting the application.*



THIS DEED, made and entered into this 9th day of May, 1985, by and between KERRY W. McCLUNEY, TRUSTEE for Defined Benefit Pension Plan and Trust of Allegheny Radiology, Inc., party of the first part; and JAMES A. BURGER and CAROL J. BURGER, his wife, as tenants by the entirety with right of survivorship as at common law, parties of the second part;

W I T N E S S E T H:

THAT FOR AND IN CONSIDERATION of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said party of the first part does hereby bargain, sell, grant and convey with GENERAL WARRANTY and ENGLISH COVENANTS of Title unto the said James A. Burger and Carol J. Burger, his wife, as tenants by the entirety with right of survivorship as at common law, all that tract of land situate in the Town of Blacksburg, Mt. Tabor Magisterial District of Montgomery County, Virginia, described as follows:

ALL that certain tract or parcel of land, together with the buildings and appurtenances thereunto belonging, lying and being in the Mt. Tabor Magisterial District, Montgomery County, Virginia, containing thirty-five (35) acres, more or less, and being Tract No. One of the Jacob Bishop Farm as shown by a Map dated December 8, 1933, and recorded in the Clerk's Office of the Circuit Court of Montgomery County, Virginia, in Will Book 14, at Page 498.

BEING all the same real estate conveyed to Kerry W. McCluney, Trustee for Defined Benefit Pension Plan and Trust of Allegheny Radiology, Inc. from First National Bank of Bluefield, Trustee under Agreement with Allegheny Radiology Pension and Profit Sharing Plan, by Deed dated the 23rd day of December, 1980, which Deed is of record in the aforesaid Clerk's Office in Deed Book 444, Page 646.

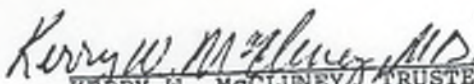
WARREN S. NEILY, JR.  
ATTORNEY & COUNSELLOR  
AT LAW  
BLACKSBURG, VA. 24060  
P. O. BOX 44

1980

The party of the first part does further bargain, sell, grant and convey, with GENERAL WARRANTY and ENGLISH COVENANTS of Title, unto the said James A. Burger and Carol J. Burger, his wife, as tenants by the entirety with right of survivorship as at common law, all the coal and all the rights incident to the mining of same or the exploration for same, on and under the tract of land herein conveyed; and

BEING the same rights conveyed to the party of the first part from Kerry W. McCluney and Fay C. McCluney, his wife, by Deed dated the 23rd day of December, 1980, which Deed is of record in the aforesaid Clerk's Office in Deed Book 444, Page 646.

WITNESS the following signature and seal:


 (SEAL)  
KERRY W. MCCLUNEY, TRUSTEE for  
Defined Benefit Pension Plan and  
Trust of Allegheny Radiology, Inc.

STATE OF VIRGINIA

COUNTY OF MONTGOMERY, to-wit:

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of May, 1985, by Kerry W. McCluney, Trustee for Defined Benefit Pension Plan and Trust of Allegheny Radiology, Inc.

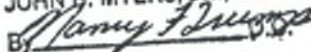
My Commission expires: Feb 21, 1989.

  
NOTARY PUBLIC

VIRGINIA: In the Office of the Circuit Court of Montgomery County  
20<sup>th</sup> day of May, 1985 The foregoing  
instrument was this day presented in said Office and with certificate  
annexed admitted to record at 4:10 o'clock P. M. The taxes  
imposed by Sec. 58-54.1 of the Code of Virginia in the amount of  
\$ 58.00 have been paid to this office.

Teste:

JOHN B. MYERS, JR., Clerk





Instrument Control Number

03016802

Commonwealth of Virginia  
Land Record Instruments  
Cover Sheet - Form A

[LS VLR Cover Sheet Agent 1.0.70]

T  
A  
X  
E  
X  
E  
M  
P  
TC  
O  
R  
PDate of Instrument: [9/19/2003 ]  
Instrument Type: [DBS-PL ]Number of Parcels [ 1 ]  
Number of Pages [ 38 ]City  County  [Montgomery County ] (Box for Deed Stamp Only)

First and Second Grantors			
Last Name	First Name	Middle Name or Initial	Suffix
[Coal Bank Ridge, LLC ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]

First and Second Grantees			
Last Name	First Name	Middle Name or Initial	Suffix
[Burger ]	[James ]	[A. ]	[ ]
[Burger ]	[Carol ]	[J. ]	[ ]

Grantee Address (Name) [James A. Burger ]  
 (Address 1) [701 Bishop Road, NE ]  
 (Address 2) [ ]  
 (City, State, Zip) [Blacksburg ] [VA ] [24060 ]

Consideration [30,000.00 ] Existing Debt [0.00 ] Assumption Balance [0.00 ]

Prior Instr. Recorded at: City  County  [Montgomery County ] Percent. in this Juris. [ 100 ]  
 Book [ ] Page [ ] Instr. No [2002011245 ]

Parcel Identification No (PIN) [ ]  
 Tax Map Num. (if different than PIN) [Part of 28-A-40, 41 ]  
 Short Property Description [0.8795 acre on Treetop Ridge Road, Mt. Tabor Magisterial District ]  
 Current Property Address (Address 1) [ ]  
 (Address 2) [ ]  
 (City, State, Zip) [ ] [ ] [ ]

Instrument Prepared by [H. Gregory Campbell, Jr. PC ]  
 Recording Paid for by [H. Gregory Campbell, Jr. PC ]  
 Return Recording to (Name) [James A. Burger ]  
 (Address 1) [Carol J. Burger ]  
 (Address 2) [701 Bishop Road, NE ]  
 (City, State, Zip) [Blacksburg ] [VA ] [24060 ]

Customer Case ID [ ] [ ] [ ]



**THIS DEED** is made and entered into this 19<sup>th</sup> day of September, 2003, by and between **COAL BANK RIDGE, LLC**, a Virginia limited liability company, Grantor, and **JAMES A. BURGER** and **CAROL J. BURGER**, husband and wife, as tenants by the entirety with the right of survivorship as at common law, Grantees.

**WITNESSETH:**

**THAT FOR** and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid by the Grantees to the Grantor, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Grantor does hereby bargain, sell, grant and convey, with Modern English Covenants and General Warranty of Title, unto the said **JAMES A. BURGER** and **CAROL J. BURGER**, husband and wife, as tenants by the entirety with the right of survivorship as at common law; that is to say, that should either of the Grantees predecease the other, then and in that event, the entire interest of every kind and description in said property shall pass to and be vested in the survivor, all that certain tract or parcel of land, with the improvements thereon and appurtenances thereunto belonging, situate, lying and being in the Mt. Tabor Magisterial District of Montgomery County, Virginia, being more particularly described as follows:

*FB 24  
pg 61*  
**BEING** all that certain 0.799 acre tract as more particularly shown and described on that certain plat of survey entitled "Plat of Property Line Adjustment Between Coal Bank Ridge, L.L.C. and James A. and Carol J. Burger," dated September 19, 2003, and revised on September 22, 2003, designated AHV Project Number 2002042, and made by Bryant H. Altizer, Land Surveyor, of Altizer, Hodges, & Varney, Inc., Consulting Engineers & Surveyors, a copy of which plat of survey is attached hereto and made a part hereof;

*Part of Tax Map #28-A-40, 41.*

**AND BEING** a part of the property acquired by Coal Bank Ridge, LLC by Deed dated the 14<sup>th</sup> day of August, 2002, from William M.



Deemer and James C. Deemer, which Deed is recorded in the Clerk's Office of the Circuit Court of Montgomery County, Virginia, as Instrument Number 2002011245.

This conveyance is made subject to the following restrictions which shall be deemed to run with the land and shall be binding upon and inure to the benefit of the heirs, successors, assigns, and personal representatives of the Grantor and Grantees:

- 1) Grantees may create no more than three (3) lots which have frontage on Treetop Ridge Road as shown on the aforesaid plat.
- 2) Grantees may connect no more than three (3) lots to the water line that is in the public utility easement along Treetop Ridge Road and which water line will be owned by the Town of Blacksburg.
- 3) Each lot with frontage on Treetop Ridge Road or with access via Treetop Ridge Road shall be subject to the covenants, conditions, and restrictions of Coal Bank Ridge, LLC (a copy of which is attached hereto and made a part hereof), and the owners of said lots shall join the Coal Bank Ridge Homeowners' Association and shall pay dues to said association. Lots developed on Grantees' land which do not access the public road via Treetop Ridge Road and do not obtain water from the Treetop Ridge Water Line are not subject to the requirement that they join the Coal Bank Ridge Homeowners' Association, nor are they subject to the Coal Bank Ridge covenants, conditions, and restrictions.
- 4) Any lot created by Grantees which fronts on Treetop Ridge Road shall not be sold until seventy percent (70%) of the lots in Coal Bank Ridge Subdivision are sold (36 of the 52 lots being developed), OR at any time prior to three (3) years from the date of the recording of this Deed, whichever event shall first occur.

The Grantees join in this Deed to acknowledge and affirm their acceptance of the restrictions herein.

**MEMORANDUM**

TO: Planning Commission

FROM: Agricultural and Forestal District Advisory Committee

DATE: April 12, 2024

SUBJECT: ORD 2052/AFD-24-1--Withdrawal of 3.036 acres of land from the Agricultural and Forestal District at 701 Bishop Road (Tax Map No. 137-T A 1, Parcel # 006339) by James and Carol Burger (property owner).

\* \* \* \* \*

Agricultural and Forestal District Advisory Committee Recommendation:

**APPROVAL** of ORD 1992/AFD 22-0001-a request for withdrawal of land from the district at 701 Bishop Road.

For: Freyman; Pall; Piscura; Watson; Wilsie  
Against:  
Abstain:  
Absent: Fraser; Herndon; Houska; Kaiser; Swift; Walker

In so recommending approval of ORD 2052/AFD-24-1, the AFD Committee finds the request for withdrawal from the AFD to be in conformity with the Comprehensive Plan, the Zoning Ordinance, and to have minimum adverse impact on the surrounding neighborhood or community.