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Bath County Planning Commission

Bath County Courthouse – Room 115 – 6:00 P.M.

July 31, 2019

MEMBERS PRESENT: Chairman John Loeffler, Vice-Chair Jason Miller, Monroe Farmer, Lynn Ellen Black, Cynthia Rudnick

MEMBERS ABSENT:

PUBLIC IN ATTENDANCE: Mike Bollinger (press), Sarah Solomon, Ryan Hodges (representing Linda K. Farrar)

STAFF PRESENT: Sherry Ryder

CALL TO ORDER:

Chairman Loeffler called the Bath County Planning Commission meeting to order at 6:00 p.m.

PUBLIC COMMENT—MATTERS UNRELATED TO THE AGENDA: None

ADDITIONS OR CORRECTIONS TO THE AGENDA: Yes

Sherry Ryder: We have one that needs to be continued that's not here tonight, at the request of the applicant. That would be "b" on the agenda and will be moved to the August meeting.

PUBLIC HEARING:

- (a) Robert S. Creekmore, et als (Tax Map #s: 83-46, 83-47) – Rezoning application near the addresses of 98 Niblick Knoll Lane, Hot Springs, Virginia. The properties are zoned R-5 Planned Unit Development with a request to rezone to A-2 Agricultural General. The properties comprise of approximately 6.1 acres. Applicant has proffered that the rezoning would limit the livestock on the property to horses. The property is located in the Valley Springs Magisterial District.

Sherry Ryder: The application has been made to down zone from a PUD R-5 Planned Unit Development to a A-2 Agricultural General. The potential purchaser that has a contract on this property would like to have a couple rescue horses that has been in their possession and at the time of application, Mr. Hodges is here to help with this as well, it wasn't obvious that the property wasn't zoned correctly for horses. There are horses located across the road in the meadow and north at the "piggery" that The Omni Homestead has. Proper fencing would be put in place. I had a question regarding the barn and there is a shed there on the property would be torn down and replaced with a newer structure to be used as a barn.

Adjoining property are also zoned R-5 Planned United Development, but here are no developments located on any of those properties. There is woodland to the north and east, with pasture being to the south and west of the property. You have your rezoning key points to look at when deciding and the proposed zoning would be a down zoning with a less intensive use. Therefore, would not be prohibited if the Planning Commission saw fit to make recommendation. The property is located within a designated growth area.

The Relevant Section(s): Bath County Land Use Regulations 603.02-1 and fits in with the Comprehensive Plan, page 11-22, 11.25.

There was a question about the tree line that's between the property and the neighboring property and I understand it would stay to provide a wind buffer for the horses as well. Do you have any questions for me?

Chairman Loeffler asked if anyone had a question before public comment is opened.

Vice-Chair Jason Miller: Does this have a limit on the number of horses that can be put on this property?

Sherry Ryder: If you did a zoning without any conditions, no.

Chairman Loeffler opened the meeting for public comment.

Ryan Hodges: First thing. I think the proffered conditions are important, Sara Solomon is on the south side, and is an important part to what we want the application to include. We are not interested in any of the other A-2 things that are offered, like intensive agricultural use. We want to refer Mrs. Ryders and your liking on limiting and proffered conditions to the horses. If there is a complaint to animal control and they found that the property and control wasn't suitable to the number of horses, they are the enforcement tool for that. Linda Farrar has one horse that is a rescue horse that is elderly and one she rides. At one point, after that one gets old, she may have another one to ride. The numbers are in that range, 2 or 3. It is also important to Sarah that the existing boundary line between her house and this one, has trees, planted as a wind break for the house. That wind break is important to Mrs. Farrar for the same reasons. There is an existing shed on the southeast corner of the property, with water and electricity. That is where her two-stall barn with tack room will be built. We have measured the setbacks that are required and will be moved 2-3 feet in and that comes along with the building permit. It will have new electrical service. It has a frost-free hydrant. The property is served by Homestead water and

they have public sewer so the property is utilizing the public utilities offered there. The situation is a lot like what we did at Oakley. No one with R-5 would realize the expiration of grandfathered rights. That is what brought me here for the same kind of request before. Talking to neighbors on all sides, there will be another application for the same reason, Judge Byrd's old place. What we are asking is for a proffered condition for have horses.

Cynthia Rudnick asked about the amount of land available for the horses.

Ryan Hodges stated it would be around 5 ¼ acres for grazing and a fenced in barn area. A 4-board fence will be built around the house and property.

Jason Miller asked Ryan to show him where the barn would be located on the plat. Ryan did so.

Lynn Ellen Black thanked Ryan for the proffer on the land.

Sarah Solomon asked what the proffer would mean. Would it mean just horses even if someone else owns it later.

Sherry Ryder: As far as livestock, they said there wouldn't be any pigs, swine, chickens or anything like that. Just the horses. So, as far as animal husbandry or agricultural farming, it will only be horses. Other permitted uses are; gardening, greenhouse, farm stand, etc.

Sarah Solomon asked about the board fence.

Ryan Hodges explained the wire fencing will go away and a fence having 4 boards between posts will be built. Board fence is safer for horses and will give the property a nice 4-board wooden fence look.

Chairman Loeffler asked if anyone else had any question. Hearing none he closed the meeting for public comment. He asked if the Board had any discussion.

The Board discussed the possible problem with odor and run off, with the barn having a shale bottom for drainage. The proffer of no retail was added.

Lynn Ellen Black: I make the motion to recommend approval the Rezoning to A-2 with the proffers; Only horses and Equine – Residential Zoning, Section 713.04-3 & 713.04-4 (proper cleanliness and storage of feed), and Section 603.02.14, (excluding all retail), of the Land Use Regulations.

Cynthia Rudnick: I second the motion.

Vote: 5-0 Motion pass.

Sherry Ryder informed Ryan the application will now go before the Board of Supervisors in September.

(b) Public Hearing: Mary Vaden Eisenstadt and Double Rock, LL was postponed until next month, due to the applicant being out of the country.

CHAIRMAN'S REPORT: None

STAFF REPORT

Sherry Ryder: Gave an overview of what was going on.

OLD BUSINESS:

NEW BUSINESS:

MINUTES: Minutes of June 24, 2019

Cynthia Rudnick: I make a motion we approve the minutes.

Lynn Ellen Black: I second.

VOTE: 4-0-1 motion approved. (Vice-Chairman Jason Miller was absent)

ADJOURN

Vice-Chair Jason Miller: I make a motion we adjourn.

Cynthia Rudnick: I second.

VOTE: 4-0 Meeting adjourn.



Chairman Loeffler



Date