

Building, Planning & Zoning
P.O. BOX 216
WARM SPRINGS, VIRGINIA
24484



PHONE: 540.839.7236
FAX: 540.839.7222

Bath County Planning Commission

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

August 26, 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), Marty Plecker, Ryan Hodges, David and Susan Guyre

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: Yes

Marty Plecker spoke about the noise from Speyside and played a recording on the noise. He is requesting a stronger noise ordinance for Industrial Parks. He would like to see noise restricted to Monday – Thursday, 7 a.m.-5 p.m. The Board asked Sherry to contact Mr. Mike Lockaby and ask him what could be done legally.

ADDITIONS OR CORRECTIONS TO THE AGENDA: Yes

Sherry Ryder: We have a request from Double Rock LLC. The applicant asked that their application be removed from the agenda. That would be “a” on the agenda.

PUBLIC HEARING:

DSG Limited Partnership (TM#83-15, 83-16) – Rezoning application near address of 6325 Sam Snead Hwy, Hot Springs, Virginia. The properties are zoned R-5 Planned Unit Development

with a request to rezone to A-2 Agricultural General. The current use of residential and livestock grazing, hay production and keeping of horses would stay the same. The property comprises approximately 44.20 acres. The property is located in the Valley Springs Magisterial District.

Sherry Ryder: There is PUD R-5 Planned Unit Development in the front of that property and right now there is no planned unit development, so it would revert back down to R-3 Medium Density Residential, so if someone wanted to build, they would go by those regulations. An application has been made to downzone to A-2 Agricultural General which is less intensive due to the current use of the property. Right now, it is under a “grandfathered” status, but with a lapse of that use of more than twelve months would eliminate the land from the grandfathered status. They would like to keep it at Ag and graze it and have horses, that kind of thing. The back of the property, the steeper slopes, is Agricultural. The front part of the property is R-5, so when looking at the map there are two parcels, all of TM#83-16 is R-5, but only some of TM#83-15 is zoned R-5. They are only asking for a rezoning on the R-5 part. The total acreage includes both the R-5 & A-1 parcels. There is already Ag to the South and we have horses and cattle along that strip. I have not had any objections brought to my attention on rezoning it to Agricultural. It is in a designated growth area. Rezoning it to Ag will not take it out of the growth area, but it might limit it to the kind of growth that could take place. There is water and sewer running by the property, but infrastructure wasn’t put there for this property, but is available. Valley Elementary is on down the road and so it was needed for that.

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

You have the application. Notices have been sent to the adjoining property owners. You have the maps, copy of the plat and photographs of the street views going up the lane to the farm, pictures of the barns showing the use of the land. Photos of the adjoining parcels as well. I will be glad to answer any questions you may have. Ryan is here to represent the landowners should you have any questions.

Chairman Loeffler asked how much of the land was in A-1

Sherry Ryder: About 18 to 20 acres

Cynthia Rudnick asked if all of the Solomon land was A-2.

Sherry Ryder: No. It is grandfathered, but is R-5.

Chairman Loeffler: By changing it from R-5 to A-2, how many homes would that affect?

Sherry Ryder: With R-5, you have your access road. The infrastructure would include, broadband, internet, water and sewer to each lot and a common area, somewhat like the Homestead Preserve put in as part of the development. A-2 you can divide it up with water and sewer, into half acre lots, possible, but then you don’t have the other stipulations and it is single-family not multi-family with town homes.

Chairman Loeffler: As it relates to the growth corridor, does the down zoning change anything?

Sherry Ryder: It would not affect, being in a designated growth area.

Jason Miller asked what water company was in the area and Mr. Hodges answered that it was the Homestead water system.

Chairman Loeffler opened the meeting for public comment.

Ryan Hodges: There are still a ton of opportunities with the minimum lot size for an owner, with the rezoning, to make use of the public utilities. I don't think there is a great change from that stand point, and not their goal at all. They still have the right to, as Sherry said, have half acre lots, if they choose to. I am here because, if the landowner loses the opportunity to continue the farm use that they have, that is only grandfathered, and has the potential to go away. We know that is not Sherry's goal or job or anything else. They would like to know their rights are secured. David and Susan are here tonight to answer question, you may have. They have several types of livestock there and enjoy that. As we look through what A-2 grants, I told them that in other situations there were some concerns about what A-2 would permits. In perceptibly, the intensive agricultural use covered in Section 603.02-24, 25 and 26 of the Land Use Regulation, that give the opportunity to have intensive dairy, intensive livestock and intensive poultry. I told them the definition of that and what they could have under A-2. We discussed offering, that we eliminate those three categories of intensive use. They have no use for that or want to gain that. They wish to avoid the loss of the "grandfather use" there. We would like to proffer the deletion of the three intensive use sections. David and Susan Guyre who bought the old Judge Byrd's place are willing to answer any question you may have.

David Guyre stated that they are trying to improve the vista, and have a hobby farm, horses, sheep in another field. Mostly they have been cleaning the property up and improving the red barn that was falling down. We are just trying to improve the County as a whole.

Chairman Loeffler asked if anyone else had any question. He asked if the Board had any discussion.

Chairman Loeffler: I think it sounds fine with the intensive farming issue removed.

Vice-Chair Jason Miller: I make a motion we recommend approval of the Rezoning Application for TM# 83-15, 83-16 from R-5 Planned Unit Development to A-2 Agriculture General with the proffer to eliminate the three intensive agriculture uses as described in the Bath County Land Use Regulations 603.02-24,25, and 26, and in accordance with the Comprehensive Plan, page 11-22, 11.25.

Cynthia Rudnick: I second the motion.

VOTE: 5-0 Motion approved.

Sherry Ryder informed Ryan the application will now go before the Board of Supervisors on October 8, 2019 at 6 p.m.

CHAIRMAN'S REPORT: None

STAFF REPORT

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

OLD BUSINESS: None

NEW BUSINESS: None

MINUTES: Minutes of July 31, 2019

Mr. Farmer: I make a motion we approve the minutes.

Vice-Chair Jason Miller: I second.

VOTE: 5-0 Motion approved.

ADJOURN

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

Lynn Ellen Black: I second.

VOTE: 5-0 Meeting adjourn.



Chairman Loeffler

10/28/19

Date