

BATH COUNTY PLANNING COMMISSION AGENDA

BATH COUNTY COURTHOUSE Room 115-6:00 P.M. Monday, November 28, 2022

- 1. Call to Order
- 2. Acknowledge Public in Attendance
- 3. Public Comment Matters Unrelated to the Agenda
- 4. Additions and Corrections to Agenda
- 5. Public Hearing(s):

Bath County Board of Supervisors and Bath County School Board (Tax map #: portion of 83-25) — Application for a Conditional Use Permit to construct and operate a child care center. The property is zoned R-2 (Residential) and that portion would comprise 2.29 acres. The property is located in the Valley Springs Magisterial District near Bath County Parks and Recreation.

- 6. Chairman's Report
- 7. Staff Report
- 8. Old Business:
 - Noise Ordinance Discussion on draft ordinance
- 9. New Business:
 - Capital Improvement Plan joint meeting with the Board of Supervisors on January 23, 2023

- No meeting for December as it falls on December 26, 2022
- 10. Approve Minutes of October 24, 2022 meeting
- 11. Adjourn



BATH COUNTY PLANNING COMMISSION SUMMARY

AGENDA TITLE: Bath County Board of Supervisors and Bath County School Board (Tax map #: portion of 83-25) — Application for a Conditional Use Permit to construct and operate a child care center. R-2 Residential Zoning in Valley Springs Magisterial District

AGENDA DATE: 11-28-2022

ACTION TO BE TAKEN: yes

SUBJECT/PROPOSAL/REQUEST: Conditional Use Permit

STAFF CONTACT(S): Ms. Sherry Ryder, County Planner/Zoning Administrator

BACKGROUND: Bath County Board of Supervisors have made application for a Conditional Use Permit on appx 2.29 acres of property to construct and operate a child care center. Bath County School Board is the current owner of this property, but will be conveying it to the County if the Conditional Use Permit is granted.

The property is beside the skate park and across from the pool area at Bath County Parks and Recreation. A modular unit would be purchased and placed on the property and used for child care. Child care would be available Monday - Friday. The facility would be owned by the County, but operated by a provider.

The property is zoned R-2 Residential. VDOT has given the property a preliminary approval for the entrance and driveway for the property. There is public water and public sewer available on site. Parking space is sufficient. A site plan would be provided and approved by the Planning & Zoning Office prior to and work being performed. An Erosion & Sediment Plan would need to be supplied and approved by the County as well.

There has been a lot of support in favor of the Conditional Use Permit from the community. The County will be obtaining a grant to fund the majority if not all of the project.

At this time, there isn't any child care provider in the county. As I understand it, Bath County is the only locality without a child care

provider within the County. There is a family that currently takes their children all the way to Highland County for child care. Millboro has a church that is in the process of obtaining a license to provide for some children on the east side of the County.

This use would be compatible with Bath County's Land Use Regulations and the Comprehensive Plan. It would be a benefit for economic development and working parents (or those that want to work but can't due to lack of child care).

INFORMATION: The property is located within a designated growth area.

RELEVANT SECTION(S):

Bath County Land Use Regulations 605.03-1

Comprehensive Plan: Page 2-9 Goal 1; Page 2-9 Objective c



COUNTY OF BATH, VIRGINIA 65 Courthouse Hill Road P. O. Box 216 Warm Springs, VA 24484

OFFICE PHONE: 540-839-7236 OFFICE FAX: 540-839-7222

Warm Springs, VA 24484
(Please Make Checks Payable to Bath County Treasurer)

Conditional Use Permit Application

Applicant: Name: Bath County Board of Supervisors
Address:
Telephone Number:
Owner of Record: (if different than applicant) Name: Both County School Board Address:
Telephone Number:
Exact directions to property from the Courthouse <u>Vacant lot across from</u> The pool at Parks & Rec in Ashwood
Checklist for Plat with Site Plan Plats with site plans shall include but not be limited to: Lot Dimensions – with property line monuments located Existing Structures – location and size Proposed Structures – location and size 30'x 60' Use of Structures – existing and proposed Known easements and/or right-of-ways Location and type of: Water Courses Fences Streets, driveways, and off-street parking (locations and dimensions) Note source of water supply and means of sewage disposal (existing and proposed) Adjoining landowners If available, but not required, please include architect's sketches showing elevations of proposed buildings and/or complete construction plans. Checklist for Completed Items Application form
Attach a full description of the proposal Please include the following: complete explanation of proposed use any new construction or additions, including fair market value of improvements use of existing buildings Attach list of any conditions being proffered by applicant and property owner Attach a deed and plat w/site plan List of adjoining property owners

Helpful Information

There are a number of factors which the Planning Commission and the Board of Zoning Appeals may consider when reviewing an application for a conditional use permit. The attempt is to ensure that such permits are consistent with the provisions of the Bath County Land Use Regulations and current Comprehensive Plan. The following are among the factors which may be considered:

- a. Is the proposed use permitted by conditional use in the zoning district in which the property is located?
- b. Is the proposal consistent with the existing character of the community?
- c. Have new buildings and/or additions to existing buildings been designed and/or arranged to fit into the development of the property and adjacent property?
- d. Will the proposed use adversely effect traffic flow or impede the natural flow of traffic?
- e. Are there sufficient utilities available to support the proposed use (water/sewer/electric/phone)?
- f. Will the proposed use adversely affect land values and/or the use and enjoyment of surrounding properties?
- g. Is the proposed use consistent with the current Comprehensive Plan?

Manufactured Homes/Recreational Yehicles Only:

Square foots	age	
DMV Lieef	ised/Tagged	
Existing	In 2 Years	In 5 Years
	3	
	20	
	20	
7A-9A;4P-6P	>	
	5	
	3	
	1-800 2,160	
	DMV Licer	3 1 20 7A-9A;4P-6P -> 5 3 min.

EQUINE—RESIDENTIAL ZONING (Shall meet all the "special requirements" of Sections 713.01 through 713.05, including subsections, as set forth in Bath County Land Use Regulations.)

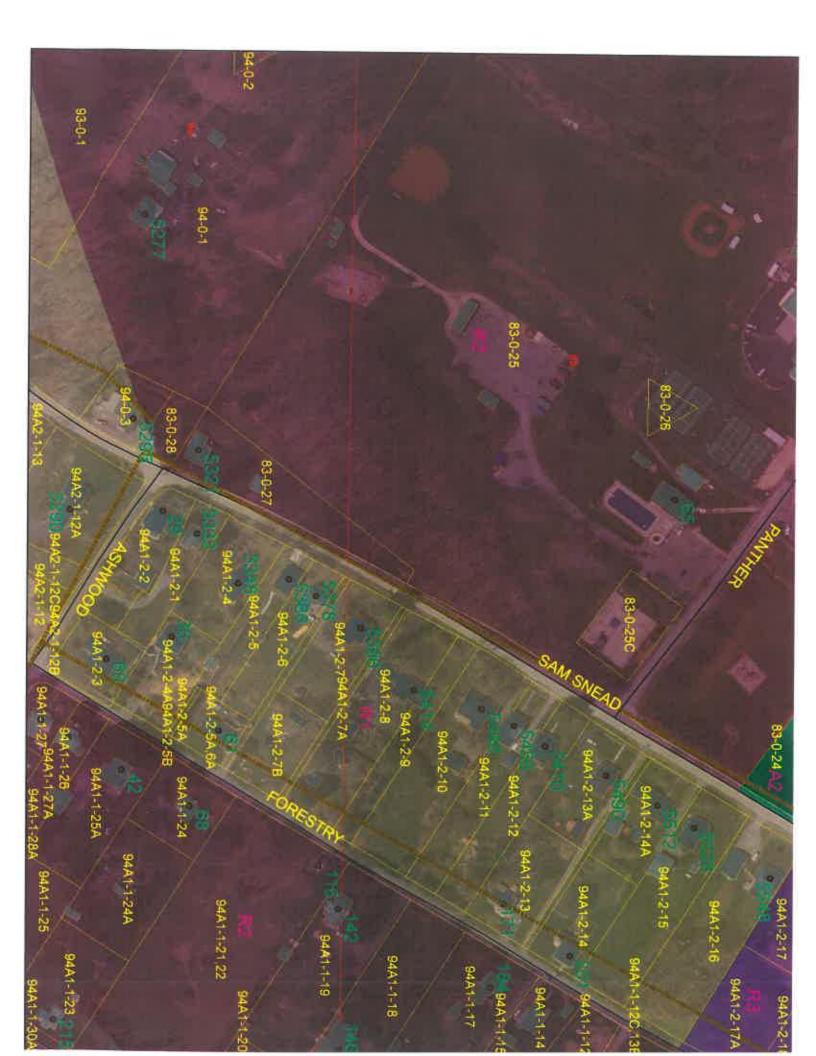
A Section in Bath County	y Land Use Regulations.)
Acreage of tract or lot	
Acreage amount of leased property (Yes, No, or NA)	
Fence distance from house on lot	
Type of Fencing	
Fencing Height	
Number of Horses	
Barn Distance from Property Line	
Drawings/Sketch Submitted (Please attach with application)	

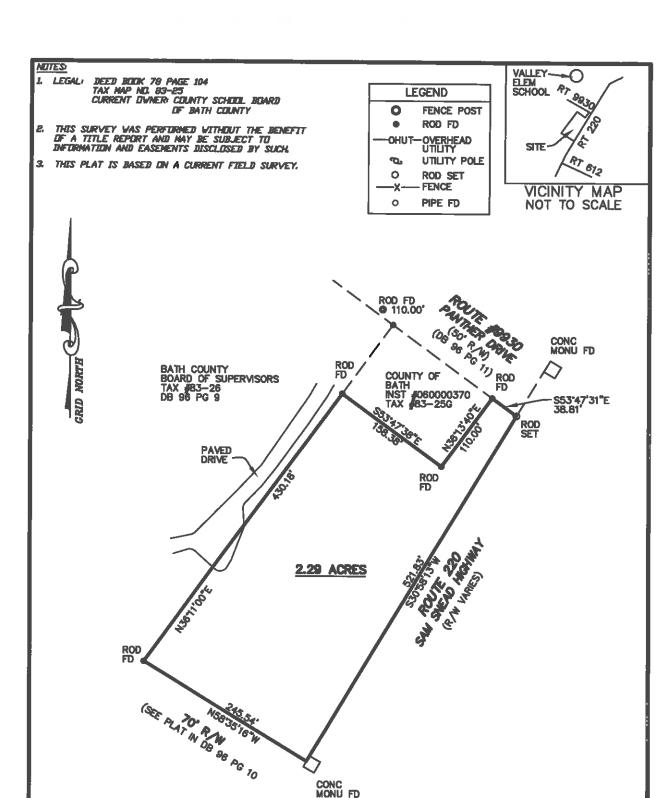
hereon, together with required supplementary drawings or technical data, are all a part of said application and upon issuance permit hereby certify that work will be done as stated or shown as part of said application and will be held in compliance with applicable County Ordinances and State Laws and Regulations. It is further known to not comply with any part or terms is sufficient cause to revoke a permit, and permit is voided if work is not begun within six (6) months. Applications submitted for Conditional Use Permits need to be submitted by the last Friday of the preceding month in order to be heard that month by the Planning Commission. I am aware that the Board will not hear any case without representation. Department Use Only Case Number: Tax Map Number: 83-25 Deed Book # 78 page 104

Magisterial District: Vallau Springs Zoning District: R-2 Subdivision Name & Lot (if applicable): Acreage of the Property: | 25.00 Current Property Use: School + Vaccont land Is there any deed restrictions on the property (if yes, please attach list): Date Authorized for Advertisement: PC- 11/10 + 11/17 Advertising Deadline: Building Dept. Review/Comments: Planning/Zoning Dept. Review/Comments: Date of Planning Commission Public Hearing/Location: Nov. 28, 2022 Planning Commission Recommendation: Vote: ______ Planning Commission Conditions Attached to Application: Board of Zoning Public Hearing/Location: Dec. 19 2022

I hereby submit this application for a conditional use permit and acknowledge that the information given

Board of Zoning Decision:	Vote:
Board of Zoning Conditions Attached to Application:	
The above applicant/owner of the previously described in accordance with Section 605.03-1 or November 9, 2004, for the following purpose:	f the Bath County Land Use Regulations, as effective
Adjacent Property Owners Name: William + Ivar Gram Tax Map Number: 94-1, 94.2	Address: 165 Hickory Kingdom Rd
Name: Joseph L. Shaver Tax Map Number: 83-27	Address: 5321 Sam Snead Huy Hot Springs VA 24445
Name: Robert Szablinski to Mulanie Forde Tax Map Number: 94 Al - 2-8 Name: Cynthia Elaine Wesley 90 Val	Address: PO Box 98 Hot Springs VX 24445
Tax Map Number: 94A1-2-10 Name: Louis + Teresa Dufour	Address: 5446 Sam Snead Hwy Hor Spring = VA 24445 Address: 5456 Sam Snead Hwy
Tax Map Number: <u>94A1.2-11</u> Name: <u>Laura Shaver et als 90 Manyllaire</u> ?	HOT SpringSUA ZULLS Address: PO Box 207
Tax Map Number: 94Al-2-12 Name: Allen +Kimburly Brown Tax Map Number: 94Al-2-7	Hot Springs VA ZYYYS Address: PO Box ZY9 Hot Springs VA ZYYYS
Name: A Tax Map Number:	Address:
Fees	
New Conditional Use Permit	
New Conditional Use PermitConditional Use Permit Renewal	\$ 180.00 N
Total Fees Due	







HICKLIN LAND SURVEYING, LLC

33487 Mountain Valley Road Millboro, VA 24460 540—997—0563 edhicklin**G**hotmail.com



PLAT OF SURVEY FOR THE COUNTY OF BATH

SHOWING

A NEW 2.29 ACRE TRACT

VALLEY SPRINGS MAGISTERIAL DISTRICT BATH COUNTY, VIRGINIA SURVEYED: OCTOBER 14, 2022 SCALE: 1" = 80' Rec# 0456900 01

02 BAT BATH COUNTY Property Card Inquiry VALLEY SPRINGS

Map No 83 26 Acct 456900

BATH CO BOARD OF SUPERVISORS

PO BOX 309

GIS# 83-0-26

Acreage 11.62 Class 74 WARM SPRINGS VA 24484

RECREATIONAL PARK

Property Location: 00065 SAM SNEAD HWY HOT SPRINGS VA 24445

Assessed Value
Year 7/01/2022 Type Acres Price Adj Value
Land 174,300 EXEMPT 11.62 15,000 174,
Impr 401,000
Minrl
Tot 575,200

174,300

Tot 575,300

Use

Front Depth Dp Fac Area Unit Rate Adj

Min Val Under Dev- Min Val Not Under Dev-

BAT

Enter Next Screen F1 Return to Search F3 Exit F12 Next Record F24 More Keys

Filod: 8/1/78

BOOK SO INT 9

#254 11.62 acres 6/30/78

THIS DEED, made and entered into this 294 day of da

WITNESSETH

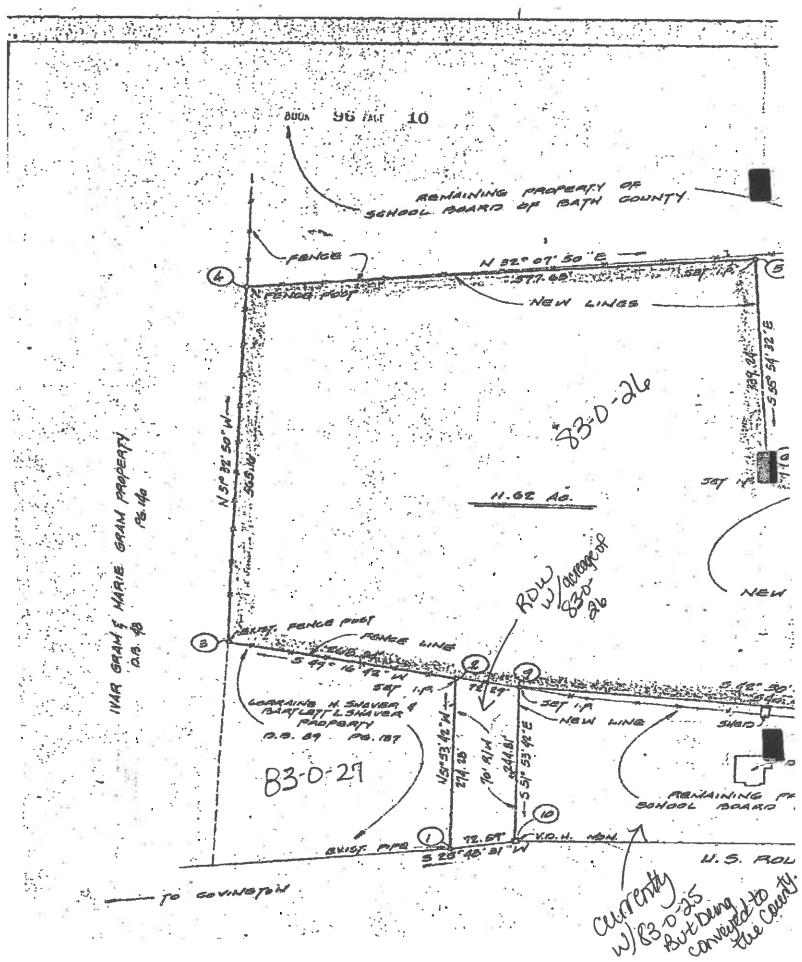
That for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the party of the first part hereby GRANTS, BARGAINS, SELLS and CONVEYS unto the party of the second part, in FEE SIMPLE, with GENERAL WARRANTY and the MODERN ENGLISH COVENANTS OF TITLE, all that certain tract or parcel of real property situate on the west side of U. S. Route 220 near the village of Healing Springs, adjacent to the Valley Elementary School in the Valley Springs Magisterial District of Bath County, Virginia, and more particularly described as follows:

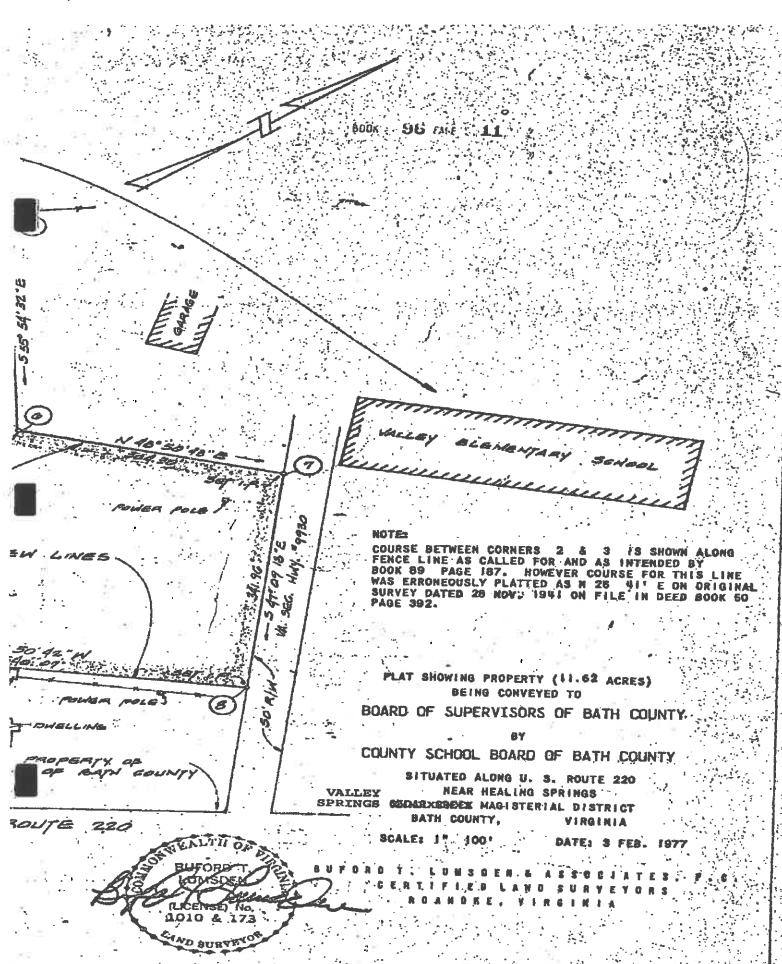
BEGINNING at 1, an existing pipe on the western edge of Route 220, thence N 51° 53' 42" W 274.28' with the line of the Shaver property to 2, an iron pin set in a fence line; thence S 49° 16' 42" W with said fence 268.34' to 3, an existing fence post, corner with Gram and Shaver; thence N 51° 32' 50" W 565.16' along a fence line boundary with Gram to 4, a fence post, corner to School Board and Gram; thence N 32° 07' 50" E 577.65' to 5, a set iron pin; thence S 55° 54' 32" E 339.24' to 6, a set iron pin; thence N 48° 50' 43" E 304.30' to 7, a set iron pin on the southern edge of Virginia Secondary Highway number 9930; thence with said highway S 47° 09' 18" E 341.96' to 8, a set iron pin; thence S 42° 50' 42" W 540.07' to 9, a set iron pin; thence S 51° 53' 42" E 244.81' to 10, a monument on the western edge of Route 220; thence with said Route 220 S 25° 48' 31" W 72.59' to 1, the point of BEGINNING, containing, 11.62 acres, more or less.

THIS BEING a portion of that larger tract of real property conveyed unto County School Board of Bath County, Virginia, by Deed dated the 26th day of June, 1967, and of record in the Office of the Clerk of the Circuit Court of Bath County, Virginia, in Deed Book 78 at page 104.

This conveyance is expressly subject to the following covenants, conditions and restrictions:

COLLINS, WILEON,
COLLINS & SINGLETON
ATTORNEYS AT LAW
EDVINGTON, VINGINIA
B
VARM SPAINGS, VIRGINIA





200x 36 to 12

- 1. That the party of the first part hereby reserves the use of the recreational facilities that are to be constructed on the property hereinabove conveyed for the Valley Elementary School for twenty (20) hours per school week for the pupils in attendance at the said Valley Elementary School; that the said facilities shall be supervised during their use by the non school public by a duly authorized recreation Director who will be in charge of scheduling events on the premises.
- 2. That if the party of the second part, its successors or assigns, cease to utilize, for a period of one year or more, as a recreational facility for the benefit of the citizens and residents of Bath County, Virginia, the property herein conveyed, with all improvements thereon, shall revert to the County School Board of Bath County, Virginia.
- 3. That there shall be no alcoholic beverages permitted on the property hereinabove conveyed.
- 4. That if the Director of Recreation employed by the party of the second part be absent from the property hereinabove conveyed and there not be a duly authorized substitute for said Director, the principal of the Valley Elementary School shall have full authority over the operation and maintenance of the property hereinabove conveyed.

IN WITNESS WHEREOF, the party of the first part has caused this Deed to be executed in its name by its Chairman and Clerk.

COUNTY SCHOOL BOARD of Bath County, Virginia

. In m. Tar la ?

JOHN M. GAZZOLA, JR., VICE CHAIRMA

COLLING, WILDON,
COLLING & BINGLETON
ATTORNEYS AT LAW

COVINGTON, VIRGINIA

a

P. C. NOWLIN, III, CLERK

STATE OF VIRGINIA

COUNTY OF BATH, to-wit: ..

The foregoing instrument was duly acknowledged before me this 29th day of Sune, 1978, by John M. GAZZOLA, JR., Vice Chairman, and P. C. MOWLIN, III, Clerk, of the County School Board of Bath County, Virginia.

My commission expires: February 23, 1980.

Betty V. Wickle

VIRGINIA: In the Clerk's Office of the Circuit Court of the County of Bath, June 30, 1978.

The foregoing Deed was presented and, with certificate annexed, admitted to record at 11:15 o'clock A M, no state and county tax required.

Testor

W. Claude L

INS & GINGLETON

X= Proposed Sile

Zozzinia



S. of sik (towards dumpstors)

N. of site - State Park

X = Proposed sixe

N. of site = houses across 220



N. of site = sonool, Partner Dr.



NOF Site - Pours & Recreation

Planning and Zoning

10/5/2022 - 11/1/2022

Tax Maps

- Progress is continually being made on updating tax maps.
- Structural layer showing the footprint of buildings has started and should be on the system by the end of December.

Zoning/Planning Issues

- Comprehensive Plan telephone call with CSPDC discussing updates and progress made
- Attended teleconference with CSPDC for housing workshop
- Attended focus groups at the Highland Center in Monterey for regional housing study
- Board of Zoning Appeals approved Conditional Use Permit for cell tower on Crooked Spur in Millboro
- Discussion with VDOT for proposed child care
- Received complaint on inoperable vehicles and trash on property subject has yet to comply and court proceedings commencing
- Housing Put together focus groups for input session with varying
- Received and reviewed additional updated draft chapter of Comprehensive Plan
- A revised draft Noise Ordinance will be presented in November to the Planning Commission for review and if no other changes a public hearing set for their December meeting

Miscellaneous

- Attended Board of Supervisors meeting
- Attended Bath Highland Network Authority meeting at Bolar
- Attended VATI Broadband Project Management Team meeting at Bolar
- Attended Board of Zoning Appeals meeting
- Attended Rural Planning Caucus conference
- Revised Capital Improvement Plan request forms and correspondence to be sent out with budget information

Permits and Fees

YTD permits issued 2022	146
Permits issued this month	15
Monthly: Construction Conditional Use Permit	
Construction	14
Conditional Use Permit	1
Fees collected	\$0

DRAFT: 10-19-2022

Adopted: [insert date]

CHAPTER 3

AMUSEMENTS AND ENTERTAINMENT

ARTICLE IX. REGULATION OF NOISE

Sec. 3-110. Short title and application of article generally.

This Article shall be known and referred to as the "Noise Ordinance of Bath County, Virginia." It shall be applicable to the control of noises originating within the jurisdictional limits of Bath County and from County-owned lands located outside the jurisdictional limits of the County.

Sec. 3-111. Declaration of policy.

At certain levels, noise can be detrimental to the health, welfare, safety, peace, and quality of life of the citizens of the County, and in the public interest, noise should be controlled. It is, therefore, the policy of the County to reduce noise in the County and to prohibit certain unnecessary, excessive, harmful, and annoying noises.

Sec. 3-112. Administration and enforcement.

This Article shall be enforced and administered by the Sheriff, with the assistance of other County departments as required.

Sec. 3-113. Definitions.

For purposes of this article, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise:

Audible and discernable: sound that can be heard by the human ear and is sufficiently distinct such that its source can be clearly identified.

Dwelling unit: one or more rooms arranged, designed, or intended to be occupied as separate living quarters by one or more persons and including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Emergency: any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Noise: any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Person: any individual, partnership, corporation, firm, association, trust, estate, society, club, private institution, group of persons acting in concert, organization or agency, or any legal successor, representative, agent or agency of the foregoing. This term shall not include the federal, state, county, town, city or local government, or any agency or institution thereof.

Sheriff: the Sheriff of Bath County, Virginia, or his or her duly appointed designees.

Sound: an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium, and which propagates at finite speed. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Sound amplifying equipment: any machine, device or equipment for the amplification of the human voice, music or any other sound. This term shall not include warning devices on authorized emergency vehicles, or horns or other warning devices on other vehicles used only for traffic safety purposes.

Sec. 3-114. Loud noises prohibited.

It shall be unlawful for any person, on Monday through Sunday, between the hours of 10:00 p.m. and 6:00 a.m.:

- 1) To use, operate or play any radio, phonograph, television, record, compact disc or tape player, musical instrument, loudspeaker, sound amplifying equipment or other machine or device capable of producing or reproducing sound in such a manner or with such volume or duration that it is audible and discernable:
 - i. inside the confines of the dwelling unit, house or apartment of another person; or
 - ii. at 50 or more feet from the device.
- 2) To create or allow noise from talking, yelling, shouting, whistling or singing, or any combination thereof, that is audible and discernable:
 - i. inside the confines of the dwelling unit, house or apartment of another person; or
 - ii. at 50 or more feet from the source(s) of the noise.
- 3) To own, keep, or possess any animal or animals that frequently or habitually howl, bark, meow, squawk or make such noise in such a manner as to permit sound to be heard across a residential real property boundary or through partitions common to two (2) dwelling units within a building, to the extent as to constitute a nuisance. This subsection is subject to the exceptions provided in Sec. 3-115.

Sec. 3-115. Exemptions.

The following specific activities or sources of noise shall be exempt from the regulations set forth in this Article:

- (1) Business, manufacturing, construction, industrial or agricultural operations.
- (2) Activities or land use for which a conditional use permit has been issued or a special exception has been granted by Bath County.
- (3) Activities or events which have been granted by Bath County pursuant to this Chapter.
- (4) Activities for which the regulation of noise has been preempted by federal law.
- (5) Sounds emitted in the performance of emergency work or for the purpose of alerting persons to the existence of an emergency.
- (6) Sound generated by the operation of any governmental function or activities sponsored by the County.
- (7) Lawful activities on or in public and school athletic facilities and on or in publicly owned properties and facilities, including but not limited to, devices permitted to be used at public parks or recreation fields, sporting events, school-sponsored activities on school grounds, or duly authorized parades, public functions or commemorative events.
- (8) Military activities of the Commonwealth of Virginia or of the United States of America.
- (9) Religious services, religious events or religious activities or expressions, including, but not limited to, music, singing, bells, chimes and organs, which are a part of such service, event, activity or expression.

Sec. 3-116. Violation and Civil Penalty.

Any person who violates any provision of this Article shall be assessed a civil penalty of \$250 for the first offense and \$500 for each subsequent offense.

Sec. 3-117. Other remedies.

No provision of this article shall be construed to impair any common law or statutory cause of action or legal remedy of any person for injury or damage to person or property, arising from violation of this article or arising from noise that either is exempted or does not violate this article.

This ordinance shall become effective on and from the date of its adoption.

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 Monday, September 26, 2022 - 6:00 P.M.

PLANNING COMMISSION MEMBERS PRESENT: Chairman John Loeffler, Jason Miller, Monroe Farmer,

MEMBERS ABSENT: Cynthia Rudnick, Vice-Chair John Cowden

PUBLIC IN ATTENDANCE: Austin Hall (press), Jeremy Crute (Central Shenandoah Planning District Commission)

STAFF PRESENT: Karen Finel

CALL TO ORDER:

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

ACKNOWLEDGE PUBLIC IN ATTENDANCE:

PUBLIC COMMENT—MATTERS UNRELATED TO THE AGENDA: None

ADDITIONS OR CORRECTIONS TO THE AGENDA:

CHAIRMAN'S REPORT: None

STAFF REPORT: Report included in the meeting packet

OLD BUSINESS:

1). CSPDC - Comprehensive Plan Update.

Jeremy Crute passed out Power Point sheets and gave a brief update on where The Central Shenandoah Planning District Commission are on updating the County's Comprehensive Plan information.

- 2). Short Term Rental Ordinance Board of Supervisors will have a public hearing on November 8th.
- 3). Noise Ordinance The County's Lawyer was not present to give update.

4). Verizon Cell Tower on Crooked Spur – BZA approved application.
APPROVE MINUTES:
Chairman Loeffler: We have the Minutes of September 26, 2022
Mr. Farmer: I motion we approve the September minutes as presented.
Jason Miller: Seconded.
Vote: 3-0 minutes passed.
ADJOURN
Jason Miller: I move we adjourn.
Chairman Loeffler: Second.
VOTE:4-0
Chairman John Loeffler Date