BATH COUNTY BOARD OF ZONING APPEALS

DOCKET
BATH COUNTY COURTHOUSE
ROOM 115 - 7:00 P.M.
December 19, 2022

1. Call to Order
2. Acknowledge Public in Attendance
3. Additions and Corrections to Agenda
4. Hearing

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.

5. Chairman’s Report
6. Staff Report
7. Old Business
8. New Business:
9. Approve Minutes of October 17, 2022 meeting
10. Adjourn
Conditional Use Permit Application

Applicant:
Name: Bath County Board of Supervisors

Address:

Telephone Number:

Owner of Record: (if different than applicant)
Name: Bath County School Board

Address:

Telephone Number:

Exact directions to property from the Courthouse: vacant lot across from 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’x60’
- Use of Structures – existing and proposed
- Known easements and/or right-of-ways

Location and type of:
- PSA Utilities
- 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

Child Care Center
**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 affect 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?

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**Manufactured Homes/Recreational Vehicles Only:**

Size (sq ft) _______ x _______ x _______ Square footage _______

Serial Number

Make, Model and Year

Fair Market Value ($) _______ DMV Licensed/Tagged _______

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**For Businesses:**

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>In 2 Years</th>
<th>In 5 Years</th>
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<tbody>
<tr>
<td>Full Time Employees (on site)</td>
<td></td>
<td>3</td>
<td></td>
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<tr>
<td>Part Time Employees (on site)</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Visitors/Customers (M-F) # Children</td>
<td></td>
<td>20</td>
<td></td>
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<tr>
<td>Visitors/Customers (S&amp;S)</td>
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<td>Residents</td>
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<td>Peak Hours</td>
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<td># Trucks/Service Vehicles</td>
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<tr>
<td>Hours/Days of the Weeks</td>
<td>3  mins.</td>
<td></td>
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<tr>
<td># Parking Spaces Full Size/Compact</td>
<td>2,160</td>
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<tr>
<td>Gross sq/ft of Building (structure)</td>
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**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.**)

<p>| | | | |</p>
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<tr>
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<tbody>
<tr>
<td>Acreage of tract or lot</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acreage amount of leased property (Yes, No, or NA)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fence distance from house on lot</td>
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<td>Type of Fencing</td>
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<tr>
<td>Fencing Height</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Horses</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Barn Distance from Property Line</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Drawings/Sketch Submitted (Please attach with application)</td>
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I hereby submit this application for a conditional use permit and acknowledge that the information given 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.

Applicant/Date

Property Owner/Date

Department Use Only

Case Number: __________________________________________

Tax Map Number: 83-25 Deed Book # 78 page 104

Magisterial District: Valley Springs Zoning District: R-2

Subdivision Name & Lot (if applicable): ____________________________

Acreage of the Property: 125.00 Current Property Use: ☐ School ☐ vacant 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
The above applicant/owner of the previously described property hereby applies for a Conditional Use Permit in accordance with Section 605.03-1 of the Bath County Land Use Regulations, as effective November 9, 2004, for the following purpose: **Child Care Center**

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**Adjacent Property Owners**

<table>
<thead>
<tr>
<th>Name</th>
<th>Address / PO Box</th>
<th>City, State, Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>William + Ivar Gram</td>
<td>165 Hickory Kingdom Rd</td>
<td>Bedford, NY 10506</td>
</tr>
<tr>
<td>Joseph L. Shaver</td>
<td>5821 Sam Snead Hwy</td>
<td>Hot Springs, VA 24445</td>
</tr>
<tr>
<td>Robert Szablinski + Melanie Forde</td>
<td>PO Box 93</td>
<td>Hot Springs, VA 24445</td>
</tr>
<tr>
<td>Cynthia Elaine Wesley</td>
<td>5456 Sam Snead Hwy</td>
<td>Hot Springs, VA 24445</td>
</tr>
<tr>
<td>Louis + Teresa DuFour</td>
<td>PO Box 207</td>
<td>Hot Springs, VA 24445</td>
</tr>
<tr>
<td>Laura Shaver et al + Maria Dufour</td>
<td>PO Box 249</td>
<td>Hot Springs, VA 24445</td>
</tr>
<tr>
<td>Allen + Kimberly Brown</td>
<td></td>
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**Fees**

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<th>Amount</th>
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<tr>
<td>New Conditional Use Permit</td>
<td>$200.00</td>
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<tr>
<td>Conditional Use Permit Renewal</td>
<td>$100.00</td>
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<tr>
<td>Total Fees Due</td>
<td>$200.00</td>
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updated 6-23-08
PLAT OF SURVEY FOR
THE COUNTY OF BATH
SHOWING
A NEW
2.20 ACRE TRACT
VALLEY SPRINGS MAGISTERIAL DISTRICT
BATH COUNTY, VIRGINIA
SURVEYED: OCTOBER 14, 2022
SCALE: 1" = 80'

HICKLIN LAND SURVEYING, LLC
33487 Mountain Valley Road
Millboro, VA 24460
540-997-0563
edhicklin@hotmail.com
<table>
<thead>
<tr>
<th>Assessed Value</th>
<th>Land Use &amp; Value</th>
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<tbody>
<tr>
<td>Year</td>
<td>Type</td>
</tr>
<tr>
<td>7/01/2022</td>
<td>EXEMPT</td>
</tr>
<tr>
<td>Land</td>
<td></td>
</tr>
<tr>
<td>174,300</td>
<td></td>
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<tr>
<td>Impro</td>
<td></td>
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<tr>
<td>Minrl</td>
<td></td>
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<tr>
<td>Tot</td>
<td></td>
</tr>
</tbody>
</table>

Min Val Under Dev-  Min Val Not Under Dev-

Enter Next Screen F1 Return to Search F3 Exit F12 Next Record  F24 More Keys
THIS DEED, made and entered into this 29th day of June, 1978, by and between the COUNTY SCHOOL BOARD of Bath County, Virginia, party of the first part, and the BOARD OF SUPERVISORS of Bath County, Virginia, party of the second part.

- 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 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" W 577.65' to 3, 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:
PLAT SHOWING PROPERTY (11.62 ACRES)
BEING CONVEYED TO
BOARD OF SUPERVISORS OF BATH COUNTY
BY
COUNTY SCHOOL BOARD OF BATH COUNTY
SITUATED ALONG U. S. ROUTE 220
NEAR HEALING SPRINGS
VALLEY SPRINGS CSD
MAGISTERIAL DISTRICT
BATH COUNTY, VIRGINIA
Scales: 1" = 100'
Date: 3 Feb. 1977

BUFDOR T. LUMSDEN & ASSOCIATES, P.C.
CERTIFIED LAND SURVEYORS
ROANOKE, VIRGINIA

NOTES:
COURSE BETWEEN CORNERS 2 & 3 IS SHOWN ALONG
FENCE LINE AS CALLED FOR AND AS INTENDED BY
BOOK 99 PAGE 197. HOWEVER COURSE FOR THIS LINE
WAS ERRONEOUSLY PLATTED AS N 29° 41' E ON ORIGINAL
SURVEY DATED 29 NOV. 1941 ON FILE IN DEED BOOK 60
PAGE 392.
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

BY:  

JOHN M. GAZZOLA, JR., VICE CHAIRMAN

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 June, 1978, by JOHN M. GAZZOLA, JR., Vice Chairman, and P. C. NOWLIN, III, Clerk, of the County School Board of Bath County, Virginia.


Betty V. Nicklin
NOTARY PUBLIC

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

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

Tested:

W. Claude Johnson
Clerk
N. of Site = Houses across 220

N. of Site = School, Panther Dr.

W. of Site = Parks & Recreation
Bath County Planning Commission
Bath County Courthouse – Room 115
Monday, November 28, 2022 - 6:00 P.M.

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

MEMBERS ABSENT: Vice-Chair John Cowden

PUBLIC IN ATTENDANCE: Austin Hall (press), Mike Bender (County Administrator), Carl Chestnut,

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:

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.

Sherry Ryder: You have your summery in the packet. The property is currently owned by the Bath County School Board and they are going to convey it to the Board of Supervisors for the construction of a child care center. It is beside the Bath County Parks and Recreation. The County would own it, but the County would not be operating it. VDOT has given the property a
preliminary approval for the entrance and driveway to the property. Public water and sewer is available on site. It is in a designated growth area. Parking space is sufficient. Both a Site Plan and E&S Plan will be supplied and approved by the County before construction.

I have not had anyone in opposition to it. I have had people stop me and give support of it.

There will be a grant to fund construction and sitework for the majority of, if not all of it.

We do not have a child care provider in the County right now. We are working on one, I understand in Millboro, a Millboro Church is working on one. Highland County has one. We have a couple currently taking their children all the way to Highland County for child care.

It is compatible with Bath County’s Land Use Regulations and the Comprehensive Plan and I noted 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).

I have referenced the Relevant Section(s): Bath County Land Use Regulations 605.03-1 and Comprehensive Plan: Page 2-9 Goal 1: Page 2-9 Objective c.

You’ve got a copy of the application, the zoning map, a plat of survey, the deed of the property and photographs with descriptions of the location. Mr. Bender is here to represent the application, if you have any questions for him or me.

Chairman Loeffler: My question is, why is it being limited to 5 days?

Sherry Ryder: They are not saying it would be 5 days, it is a, to start, what would you want on the application at the beginning. Monday – Friday. On the weekend, a lot of the time, people can find a teenager, in-law or grandparent, who work during the week, but not the weekend. I am not sure there is as great a need for the weekend. So, we will go from there.

Chairman Loeffler does not want to limit the days of operation in the Condition Use permit.

Sherry Ryder: We do not have to put limitations on days open. They could open earlier or later, whatever fits with the working parents.

Chairman Loeffler: Is there any questions from the public? Mr. Bender?

Mr. Bender: I have no questions. I am here to support the application and hope to go forward with the process.

Carl Chestnut stated he is concerned about traffic control. He called VDOT and talked to them, but has not received a call back.

Sherry Ryder: I do know he came to do a site review, but I can reach out to him again, before it goes to the BZA. Even with that, if the traffic count exceeds their guidelines for the existing ingress and egress they can come back and say they want a 3rd lane at the bottom of the hill for a turn lane or a stop sign at the end of the parking lot onto Panther drive, which should have one there anyway. At one time he wanted, from Panther’s Drive, that goes up to the bus garage at the
school, a separate road name that goes down pass the proposed child care, dumpster, and picnic shelter because it was serving more than 2 purposes, but I understand he talked to Janet Bryan and we didn’t need that now. I am not sure if we will need a new road name or not, with it all being on the same piece of property. Whatever VDOT dictates to the County for the child care facility, we will comply.

**Carl Chestnut** restated his concerns on traffic getting backed up.

**Sherry Ryder**: That was before they changed the bus drop-off area. At one time they dropped off on the South entrance and it was a mess. Now the school has redirected the busses to a bus loop that gives them a longer route to get there and holds more traffic. And at the time they were checking each child’s temperature which took longer. It seems to be pretty streamlined now.

**Chairman Loeffler**: If there isn’t any more public discussion, I will now close the Public Hearing discussion. Do you have any more discussion? If not, would you like to make a motion?

**Mr. Farmer**: I move we recommend to the Board of Zoning Appeals the application for a Conditional Use Permit, for a Child Care center with unlimited time. Referencing Sections in accordance with the Bath County Land Use 605.03-1 and the Comprehensive Plan: Page 2-9 Goal 1: Page 2-9 Objective c. Pending proper permitting and approval from the difference entities for E&S etc.

**Cynthia Rudnick**: Second

**VOTE**: 4-0 Motion passed and will be sent to the BZA Board.

**CHAIRMAN’S REPORT**: None

**STAFF REPORT**: Report included in the meeting packet.

**Sherry Ryder**: We have a new GIS layer available now that shows the footprint of new structures. This has allowed my office, the Commissioner of Revenue and Dispatch to see new structures, that may not need a permit, or a 911 address. It could be a storage building and someone could be there and get hurt. Dispatch would know where to look if a call comes in. Sherry can also see structures that may need a 911 address and it helps the Commissioner of Revenue pick up structures that should be taxed, if they haven’t been taxing them. Sometimes there are locked gates. This should be a good tool for all of us.

**OLD BUSINESS**: Noise Ordinance

**The Board** discussed the updates made to the draft.

**Chairman Loeffler**: Do I hear a motion to set a Public Hearing?

**Jason Miller**: I move we set a Public Hearing for the Noise Ordinance, January 23, 2023 at 6 p.m.

**Cynthia Rudnick**: Second.
VOTE: 4-0

NEW BUSINESS: Capital Improvement Plan

1). The Board discussed the time for a joint meeting with the Board of Supervisors on January 23, 2022 to discuss the CLP process. Sherry will call the BOS to see if an earlier time would be possible.

DECEMBER MEETING: The Board discussed the December meeting.

Jason Miller: I move to cancel the December 26th meeting.

VOTE: 4-0 meeting cancelled.

APPROVE MINUTES:

Chairman Loeffler: We have the Minutes of October 24, 2022

Jason Miller: I move we approve the October minutes with corrections to the date at top. (Page 1) and change word, motion to move, from Mr. Farmer.

Mr. Farmer: Second.

VOTE: 3-0-1 (Cynthia Rudnick was absent). Minutes passed.

ADJOURN

Mr. Farmer: I move we adjourn.

Jason Miller: Second.

VOTE: 4-0

_________________________  __________________________
Chairman John Loeffler       Date
Planning and Zoning

11/2/2022 – 12/7/2022

Tax Maps

- Progress is continually being made on updating tax maps.
- Structural layer showing the footprint of buildings has been finalized and put onto the GIS program.
- Should be receiving updated orthoimagery from VDEM soon to update GIS mapping

Zoning/Planning Issues

- Comprehensive Plan – work on updating data, etc continues
- Discussions with VDOT on two proposed signs, along with the sign companies and owners – still working to finalize the sign permit and building permit for the signs
- Ag animals in residential zoning – thus dead animal carcasses on the property – animal control advised owners on disposal of carcasses and animals to be removed no later than January 8, 2023
- Further discussion with VDOT re proposed child care – VDOT confirmed that everything was still preliminarily approved and County could move forward with the project
- Noise Ordinance with all edits was considered by the Planning Commission for public hearing. It was agreed for Planning Commission to have a public hearing on the proposed noise ordinance at their January 23, 2023 meeting.
- Planning Commission and Board of Supervisors will have a joint work session on January 23, 2023 at 5:00 pm to discuss the upcoming Capital Improvement Plan
- Board of Supervisors will be voting on the Short Term Rental Ordinance at their December 13th meeting

Miscellaneous

- Attended Fall Housing Workshop conference
- Attended Bath County Board of Supervisors meeting
- Attended Regional Housing Conference meeting
- Attended Planning Commission meeting
• Telephone conversation with VHDA as to how their association works and programs that they offer
• Board of Zoning Appeals will have public hearing on the CUP for the child care application on December 19, 2022

**Permits and Fees**

YTD permits issued 2022 ................................................................. 151
Permits issued this month ............................................................... 5

Monthly:
Construction ................................................................................. 3
Subdivisions .................................................................................. 2
Fees collected .............................................................................. $190.00
MEMBERS PRESENT: Chairman Janice O’Farrell, Jason Miller, Greg Tuning, Mark Hall, John Fowler.

MEMBERS ABSENT:

PUBLIC IN ATTENDANCE: Austin Hall (Press), David Beniamino (Verizon Representative)

STAFF PRESENT: Sherry Ryder

PUBLIC COMMENT—MATTERS UNRELATED TO THE AGENDA: None.

ADDITIONS AND CORRECTIONS TO AGENDA:

Chairman O’Farrell opened the meeting at 7 p.m. She welcomed all in attendance.

PUBLIC HEARING: Verizon Wireless and Matthew W. Westfall (Tax map #87-66) – Application for a Conditional Use Permit to erect a telecommunications tower to serve as a communications tower for the Millboro area along Crooked Spur. The property is zoned A-2 (Agricultural General) and A-1 (Agricultural Limited) and comprises 149.51 acres. The property is located in the Millboro Magisterial District.

Sherry Ryder: Matthew Westfall is the owner of the property and Verizon Wireless is the company that will own the tower once it is erected. This is for a Conditional Use Permit and the Planning Commission has heard the application. As you see it will be a 199’ monopole in height, so it would not need any lighting. The approximate coverage is 2-3 miles radius, depending on the topography. Some directions may get a little more or less. These gentlemen can tell you more on that than I can. Verizon does have a tower on Warm Springs Mountain, but there isn’t any Verizon towers on the Millboro side. The utility shelter and back-up generator will be inside a security fenced area. The area already has a lot of natural screening and that should be sufficient. They will have to have an E&S application, but there will not be a whole lot of land disturbance. There is an existing road to the proposed tower site and may be improved a little. The leased area is only 50’ x 50’ so it is under the requirements for a E&S Plan Review and Disturbance permit and so it can be done in-house.

I have not had any opposition to this application. There has been three letters of support given at the time of the Planning Commission meeting and are included. I have put on here my opinion that it would
be compatible and would not be in conflict to the Comprehensive Plan or Land Use Regulations. It would be beneficial for economic development, education, health and safety, etc.

The motion that was made by the Planning Commission is sited on the 2nd page of the summary. In it you will see the relevant sections for the Land Use Regulations as well as the Comprehensive Plans pages. It was voted unanimously for approval. I will gladly answer any question you may have.

Jason Miller: Was it mentioned the radius was 2-3 or 2-5 miles at the last meeting?

Sherry Ryder: They said it could be 2-5 depending on the direction, but the good service area was 2-3 miles.

Mr. Beniamino: I am a representative for Verizon Wireless for network building and consulting and Sherry has done an excellent job at giving a review of our application. There are some photos simulations, in your packet that shows what the tower will look like once it is constructed. We plan on meeting all required land development regulations and Land Regulations and Zoning Ordinances. We will agree to all of the conditions given by the Planning Commission in their initial recommendations.

Jason Miller: We had also asked for a time frame and was given, the beginning of summer 2023.

Mr. Beniamino: We will begin with the E&S permit at the first of the year. Then it goes into the hopper for construction, for the summer. As long as there are funds available and generally there will be, because it is a priority site for the area.

Mr. Fowler: What are the criteria for where you place the device in an area?

Mr. Beniamino gave the steps taken by Verizon on determining where to place a tower. Including how computer technicians drive around with antennas that measure the signal and internet and determines where there is a need. Once the need is determined his company picks a site, they think is suitable, go through Land Development Regulations and review everything before making application in the County.

Mr. Fowler was disappointed in the small coverage area and asked if more coverage was going to be added later.

Mr. Beniamino replied he isn’t given information on future Verizon plans. He did state they were working with an association with Federal money involved for Broadband improvements in the area. Coverage is also limited due to the County being in the Quiet Zone of the Green Bank Observatory in West Virginia.

Chairman O’Farrell: There is no public here so I will not open for public comment. Do you have any questions for Sherry Ryder?

Sherry Ryder: I will add, that Verizon is looking in the County for other places, but it is very preliminary right now. We have been working with Mr. Beniamino for around 2 years to get to this point.
Mr. Fowler: Is the tower behind Sam Snead's Tavern still there?

Sherry Ryder: That Tower is still there. It started out as AT&T then it was Sprint and then switched to T-Mobil. T-Mobil has a service there and I believe it is the only service on that tower. No one has shown interest in it. The tree part, after a year, the pine things started coming off. They replaced some, but now there is only wires sticking out.

Mr. Fowler asked about the service for The Homestead guest.

Sherry Ryder: The Homestead has panels for different carriers on the building, itself, so if you are in the Hotel, you can use your phone. They have, U.S. Cellular, Verizon and T-Mobil (was Sprint).

Chairman O’Farrell: When I first started reading the packet. It stated Co-Locate, does that mean other companies can be on that tower? What is Monopole?

Mr. Beniamino stated that 6 other companies could rent a space on that same tower and monopole means it stands by its self. Others have guild wires supporting them.

Sherry Ryder: I ask that you look at the motion presented by the Planning Commission upon their recommendation on page 2 of the Summary when doing your motion, stating the same requirements.

Chairman O’Farrell: If there’s no more comments, questions or discussion, I will now close discussion and open the floor for a motion.

Jason Miller: I move we approve the Conditional Use Permit to Verizon Wireless and Matthew W. Westfall for the erection of a telecommunication tower. Not to exceed 199’ feet as presented in the application, along with the other stipulations submitted in this application for TM# 87-66. Also, to follow with the Planning Commission, the conditions that if after 12 consecutive months of no operation, owner(s) would have 6 months to completely disassemble and remove the tower and regrade the land. This is in accordance with the Bath County Land Use Regulations 603.00 et seq, (603.03-4), 602.00 et seq (602.03-6) and 802.04 et seq. The use would be compatible with the Comprehensive Plan as referenced on pages 11-23 and 11-26 j 3.

Mr. Hall: Second

VOTE: 5-0 motion passed.

CHAIRMAN’S REPORT: None

STAFF REPORT:

Sherry Ryder gave an overview of what she has been doing.

OLD BUSINESS: None

NEW BUSINESS: None
MINUTES:

Chairman O'Farrell: I have the minutes for March 21, 2022

Mr. Tuning: I make a motion to approve the minutes of March 21, 2022

Mr. Hall: Second.

VOTE: 3-0-2 (Fowler and Jason Miller abstained) Minutes approved.

ADJOURN

Jason Miller: I make a motion to adjourn.