

Building Planning & Zoning
65 Courthouse Hill Road
P. O. Box 216
Warm Springs, VA 24484



Office Phone: 540-839 7236

Office Fax: 540-839-7222

Bath County Board of Zoning Appeals

Bath County Courthouse – Room 115
September 19, 2016

MEMBERS PRESENT: Chairman Janice O’Farrell, Vice-Chair Scott Miller, Rick Armstrong, Jason Miller, Richard Hise

MEMBERS ABSENT:

PUBLIC IN ATTENDANCE: (No Press), Derek Brinkley, Mr. & Mrs. Brinkley Sr.

STAFF PRESENT: Sherry Ryder

Chairman O’Farrell called the meeting to order at 7:00 p.m.

PUBLIC COMMENT—MATTERS UNRELATED TO THE AGENDA: None

ADDITIONS AND CORRECTIONS TO AGENDA: None

PUBLIC HEARING

- (a) Derek W. Brinkley – Dennis W. Brinkley and Frances A. Brinkley – (TM#64-28) – Conditional Use Permit to operate a garage for the purpose of welding and fabrication and truck and equipment repair near 23905 Mountain Valley Road, Millboro, VA 24460. The property comprises 56.62 acres situate in the Williamsville Magisterial District and is zoned A-2 Agricultural General.

Sherry Ryder: Mr. Brinkley’s business is located on family owned property.

This use would be similar to 603.03-6. The majority of the repairs that would take place would be mobile, but there would be occasions that he would be working from the garage. He has not built the garage yet. He has only cleared land where the garage will be located. He is storing some of his tools, etc. in the garage that currently exists.

His mobile business does not need a Conditional Use permit since it is not land based and it does not fall under the conditional use permit, but rather a business permit if the County were to require those. The adjoining properties are zoned A-2 Agricultural General.

He stated on his application that hours would be Monday thru Friday, except for his mobile business which would be 24 hours a day, seven days a week. There is ample parking and adequate site distance at the entry of the garage area in both directions.

The property is not within a designated growth area. Relevant section(s): Bath County Land Use Regulations 603.03-6. Page 4-3 Economy Goal #3 and 8; Objective b of the Bath County Comprehensive Plan.

This was heard before the Planning Commission on August 22, 2016 and a motion was made to approve the application for a Conditional Use permit for Tax Map # 64-28 for Derek Brinkley to operate a garage for the purpose of fabrication and equipment repair. Comprising not more than two acres in area and that the permit be granted for an indefinite period of time. The Planning Commission reserved the right to require screening, at a later date, if deemed necessary with structure no larger than 40'x60' and with no excessive accumulation of parts with a vote of 4-0.

They didn't want the whole fifty six (56) acre tied up under a conditional use permit. So they suggested only a two (2) acre portion. The indefinite time period, he has to get a bank loan to construct the garage and sometimes banks are a little hesitant on loaning money and he is putting it on family property. With the financial commitment and a Conditional Use permit that could be brought back to the BZA for noncompliance at any time they felt it was appropriate.

Sherry Ryder read a letter she received that day from Jay Ford, Bath County Collision, giving his support for Derek's business application.

In your packet you will see his application, his proposal, pictures showing the entrance onto Rt. 39, zoning map showing that it is all A-2 with the neighboring properties, and a picture showing location of business on property. BARC has looked at this on the standpoint of their easement requirements. The structure will be within their easement area. The building may have to be moved. After talking to Mr. Brinkley, the doors and driveway will be on the west side of the building instead of the front facing Rt. 39. So he may be able to meet the setbacks then. Since the Planning Commission meeting, I have not had any complaints or any calls from the neighbors. Only a letter of support. The Planning Commission thought it would be good to keep a local young adult here and allow them to start a business here. Mr. Brinkley is here, his mom, dad, and his aunt.

Chairman O'Farrell asked if anyone had any questions for Sherry. None. Then opened the Public Hearing for comment. She asked they state their name and address.

Derek Brinkley: Rick Armstrong with BARC, stopped by the other day about the right of ways BARC has and the interference. We had applied for two acres for the Condition Use permit, so that does leave room in that field to clear off another spot and move on up so there would not be any interference with the VDOT right of ways or BARC right of ways. So I think I will be moving my pad up further. It will be in the same field and within the same two acres, same entrance but further away from the road and better.

Richard Hise: On the second map, with the red block showing the pad. You can see a power line pole. The pad more than likely, that houses the building structure, will be in that same field but more up near the top left corner. Near the grey dot?

Sherry Ryder: In 2007 there was a small building there that sort of was eight feet tall. I am not sure it is still there.

Mr. Brinkley: Could have been a pig pen. That is no longer there, but the new pad will be at the edge of that dot and be far enough away from any right of ways.

Chairman O'Farrell asked if anyone had anything else to say and then closed the public hearing comment period. She asked for a motion to discuss.

Rick Armstrong asked Sherry about the terms of the two acres.

Sherry Ryder: If the BZA would agree, instead of saying two acres, say to the edge of the wood line and not exceed a two acre perimeter around his building. Two acres total within that area. If you could make that part of the motion. There is four acres there all together.

Rick Armstrong stated Brinkley could have made it fit there, but it was best that it was moved to address all of the requirement issues. So a floating two acres would be good. BARC was ready to allow some encroachment, but if he moves it than it will give him more freedom of movement around the building.

Jason Miller said the reason the Planning Commission gave the indefinite was because Brinkley needed to get a bank loan and they didn't want it to be an issue with the bank loan. If there is a problem then Mr. Brinkley would have to come back to us.

Chairman O'Farrell: Any more questions? Do I hear a motion?

Jason Miller: I make a motion that we approve his application for a Conditional Use permit, TM# 64-28, Derek Brinkley to operate a garage for the purpose of fabrication and equipment repair, not to exceed a two acre perimeter and that the permit be granted for an indefinite period of time. The BZA reserves the right to require screening if deemed necessary, manmade or natural, with structure no larger than 40'x60' and with no excessive accumulation of parts. In accordance with section 603.03-6.

Richard Hise: I seconded the motion.

VOTE: 4-0

CHAIRMAN'S REPORT: NONE

STAFF REPORT:

The staff report is in the packet. I will be glad to answer any questions.

OLD BUSINESS:

NEW BUSINESS: Power Line easements/ VDOT entrances easements

Rick Armstrong: More has to be done about getting people to check with BARC for easements and VDOT on entrance easements.

MINUTES: July 21, 2016

Rick Armstrong: I make a motion to approve the minutes of July 21, 2016 as corrected.
(Spelling, page 9)

VOTE: 5-0

MINUTES: August 15, 2016

Rick Armstrong: I make a motion to approve the minutes of July 21, 2016 as corrected.
(Spelling, page 6)

Jason Miller seconded the motion.

VOTE: 5-0

Chairman O'Farrell asked for a motion to adjourn.

Jason Miller motioned to adjourn.

Vice-Chair Scott Miller seconded the motion.

Chairman O'Farrell adjourned the meeting at 8:05 p.m.

Janice O'Farrell, Chairman

Date