

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



Office Phone: 540-839 7236

Office Fax: 540-839-7297

**Bath County Board of Zoning Appeals**

**Bath County Courthouse – Room 115**

**April 20, 2015**

**MEMBERS PRESENT:** Chairman Janice O’Farrell, Rick Armstrong, Richard Hise, Jason Miller

**MEMBERS ABSENT:** Vice-Chair Scott Miller

**PUBLIC IN ATTENDANCE:** Mike Bollinger (press), Joe Neil, Justin Neil, Crystal Salvatore, Timmy Hepler, Johnny Martin

**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:**

Joseph Neil and Justin Neil (d/b/a Neil’s Small Engine Repair) and Darling Properties, LLC (property owner) (TM#62-14C) – Conditional Use Permit application to operate an outdoor power equipment sales, service and repair shop. The property is located at 15862 Mountain Valley Road, Warm Springs Virginia. The property comprises 1.92 acres situated in the Warm Springs Magisterial District and is zoned B-1 Convenience Business.

**Chairman O’Farrell** opened the Public Hearing.

**Sherry Ryder** gave an overview of the application.

**Rick Armstrong** asked about the noise from testing the equipment after repairs and where would they do it?

**Mr. Neil** said yes they would have to test the engine outside due to noise, fumes and having to test a saw on a block of wood.

**Rick Armstrong** asked Sherry Ryder about the regulation on Business noise.

**Sherry Ryder** cited the Land Use Regulations, 609-01:

***Intent of Convenience Business District B-1.*** The intent of Business District B-1 is to accommodate day-to-day convenience service and retail uses. All business servicing, storage or processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible.

So testing equipment outside would be up to the Board.

**Rick Armstrong** felt it would be ill advised to start up an engine inside a building for fume, hearing, and health reasons.

**Sherry Ryder** said whoever makes the motion should reference Ordinance 609.01 section and say, where possible for health reason, you would permit them to test repaired equipment outside.

**Chairman O'Farrell:** Does anyone on the Committee have any more question? Does the public have any more questions comments?

**Chairman O'Farrell:** I now close the Public Hearing.

**Johnny Martin:** Can they test the equipment out back of the building?

**Crystal Salvatore:** Yes, there is a place on the creek side of the building.

**Sherry Ryder:** They did discuss parking. There is plenty of parking for both businesses, they just have to mark them off.

**Chairman O'Farrell:** Do I hear a motion to approve the Application for a Conditional Use Permit?

**Jason Miller:** Pursuant to section 609.03-1. I make a motion to approve the Conditional Use Permit and also be stipulated through 609.01 the intent being to somewhat control the environment which work is created, got to be allowed, where it is deemed for safety or some other extenuating circumstance those operations can take place outside as needed on a limited basis and I make the motion to include a limit of 5 years.

**Chairman O'Farrell:** Do I hear a second?

**Richard Hise:** Second the motion.

**Chairman O'Farrell:** Do I hear any questions, comments?

**Chairman O'Farrell:** If there is no discussion, do I hear a vote?

**VOTE:4-0**

**CHAIRMAN'S REPORT:** I am working on my certification and find it worth the time. I would recommend it to all.

**STAFF REPORT:**

**Sherry Ryder:** Report is in the folder. Does anyone have any questions?

**OLD BUSINESS:**Sonny Douglas and his trailer.

**RickArmstrong:**Sonny Douglasnever got to move in. He became ill and passed away.

**Sherry Ryder:** I heard that he was in the nursing home. Thanks for letting us know.

**NEW BUSINESS:**

**Sherry Ryder:** Janice brought it to my attention there is some new regulations for the Board of Zoning Appeals coming in July. I hope to have more information next month, after they are confirmed.

**Chairman O'Farrell:** Can you make sure everyone get a copy of the new Bylaws?

**Sherry Ryder:**We will have to adopt those. There is an adoption process that we will go through. We will do that in July. When the Code of Virginia changed the Variance and took out approachand confiscation, our Bylaws didn't get updated and along with the new Variance laws. We will amend the Bylaws to match the Code of Virginia.

**MINUTES:**

**Chairman O'Farrell:** Do I hear a motion to approve the minutes of September 15, 2014?

**Rick Armstrong:** I make a motion to approve the minutes of September 15, 2014.

**Richard Hise:** Second

**Vote:** 4-0

**Rick Armstrong:** Motioned to adjourn

**Richard Hise:** Seconded the motion.

**Chairman O'Farrell**adjourned the meeting at 7:30p.m.

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Janice O'Farrell, Chairman

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Date