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Bath County Board of Zoning Appeals

Bath County Courthouse – Room 115
July 20, 2015

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

MEMBERS ABSENT: Staff member Sherry Ryder, Richard Hise

PUBLIC IN ATTENDANCE: Mike Bollinger (press), Jonah & Jo Windham, Sheila Judah, Linda Vinson, Liz Knapp, Marion Kober

STAFF PRESENT: Karen Finel to record meeting.

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: Date on Agenda needs changed from July 14 to July 20, 2015

PUBLIC HEARING:

- Bath Animal Welfare Foundation (TM#: 72C-2-42) – Application for Variance to side yard set-back to seven feet (7') instead of twenty feet (20') as set forth in regulations at 9295 Sam Snead Hwy., Hot Springs, Virginia. The purpose is to set a storage building. The property comprises approximately 0.31 acre situate in the Cedar Creek Magisterial District and is zoned B-2 General Business.

Chairman O'Farrell: I now open the Public Hearing.

Chairman O'Farrell read Sherry Ryder's prepared overview of the application. There are pictures of the site and building in your packet. She asked Mr. Windham if there was any more he would like to say.

Jonah Windham: No, I think you have covered it. I'll be glad to answer any questions you might have.

Jason Miller: After looking at the pictures and drawing, is the building on the gravel or past the gravel?

Jonah Windham: Just past the gravel and parking lot.

Rick Armstrong: Relative to the proposed setting of the building, do you have a plan B? I see you have the building placed across the property in your sketch. Have you given any thought to turn the building the other way?

Jonah Windham: With the lay of the property, after excavation for the parking lot, they filled in just enough space for the width of the building and that is a more level area. If we should turn it, the back of the building would have to be blocked up much higher and the design of the building, with a porch on one side and the double doors on the other, would make it difficult to use.

Rick Armstrong: I notice in the pictures and having been on site, there is a power line coming up through that site. There are limitations on easements for the power line. Has anyone given any consideration about possible restrictions?

Jonah Windham: No sir, I wasn't aware about any easement restrictions. I think the pole is on the property line.

Rick Armstrong: It appears to be, assuming the fence is the property line.

Jonah Windham: Yes, assuming the fence is on the line. I couldn't find a registered plat of the property even after going back a couple property owners.

Vice-Chair Miller: Is there a distance required on setbacks for electrical poles?

Rick Armstrong: The easement normally, for a distribution line overhead, is 30 feet wide, 15 feet from the center line on either side. So there are limitations and restrictions on what you can do within that 15 feet. With that being said, considerations are given to situations, like this one, where limitations on the width of a property won't allow full compliance some encroachment is allowed. That having been said, there are situations where it's not practical to have the building somewhere else and encroachment is allowed. Seven feet is a little close, it would be better farther away.

Jason Miller: Will there be any electric in the building?

Jonah Windham: Not at this point.

Vice-Chair Miller: Is it not possible to go another eight feet?

Jonah Windham: I'm not sure it could. The reason is the location was selected due to the place the van sits in. After the building, it gave us seven feet to the property line.

Rick Armstrong: So where the van is pictured in the photograph Sherry provided us, from the edge of the van there is twenty feet. Then the building, there would be seven feet? Is that the location you plan on for the building?

Jonah Windham: Yes Sir. That is the location.

Chairman O'Farrell: Does anyone have any more questions?

Vice-Chair Miller: Who would they need to talk to, BARC?

Rick Armstrong: Yes, one issue is that there is access to the line on the lower side. Assuming that van could be moved and vacate that spot, we could get around and get to the line if necessary.

Chairman O'Farrell asked if anyone had a problem with passing the Variance. I now close the Public Hearing. Do I hear a motion to accept the Bath Animal Welfare Foundation application for Variance to side yard set-back

to seven feet (7') instead of twenty feet (20') as set forth in regulations at 9295 Sam Snead Hwy., Hot Springs, Virginia?

Jason Miller: So moved

Vice-Chair Miller seconded the motion.

Chairman O'Farrell: Does anyone have any discussion?

Rick Armstrong: I would like to add a condition to the motion. I would like to add to the motion: A minimum of seven feet (7'), more if possible.

Chairman O'Farrell: A motion has been made and seconded to approve the Bath Animal Welfare Foundation application for Variance to side yard set-back to a minimum of seven feet (7'), more if reasonably possible, instead of twenty feet (20') as set forth in regulations at 9295 Sam Snead Hwy., Hot Springs, Virginia.

Vote: 4-0

CHAIRMAN'S REPORT:

STAFF REPORT:

The staff report is in the packet.

OLD BUSINESS: None

NEW BUSINESS: Revision to bylaws to incorporate changes that were effective July 1, 2015 by Virginia Code.

Chairman O'Farrell: Has everyone received and read those over? Please review for our next meeting.

MINUTES:

Chairman O'Farrell: Do I hear a motion to approve the minutes of June 15, 2015?

Rick Armstrong: I make a motion to approve the minutes of June 15, 2015.

Vice-Chair Miller seconded the motion.

VOTE: 4-0

Chairman O'Farrell asked for a motion to adjourn.

Vice-Chair Miller motioned to adjourn

Jason Miller seconded the motion.

Chairman O'Farrell adjourned the meeting.


Janice O'Farrell, Chairman

3/21/2016
Date