



BATH COUNTY BOARD OF ZONING APPEALS

DOCKET
BATH COUNTY COURTHOUSE
ROOM 115 – 7:00 P.M.
May 20, 2024

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

Adryin Glynn (TM #63-13B) – Conditional Use Permit application to operate an AirBNB (overnight lodging establishment). The property is located at 30 Sepp Kober Drive, Hot Springs, Virginia. The property comprises approximately 0.21 of an acre. The property is zoned B-1 Convenience Business and situate in the Cedar Creek Magisterial District.

5. Chairman's Report
6. Staff Report
7. Old Business
8. New Business:
9. Approve Minutes of September 18, 2023 meeting
10. Adjourn



**BATH COUNTY BOARD OF ZONING APPEALS
SUMMARY**

<p><u>AGENDA TITLE:</u> Adryin Glynn (TM #63-13B) – Conditional Use Permit application to operate an AirBNB (overnight lodging establishment). The property is located at 30 Sepp Kober Drive, Hot Springs, Virginia. The property comprises approximately 0.21 of an acre. The property is zoned B-1 Convenience Business and situate in the Cedar Creek Magisterial District.</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> Conditional Use Permit</p> <p><u>STAFF CONTACT(S):</u> Ms. Sherry Ryder, County Planner/Zoning Administrator</p>	<p><u>AGENDA DATE:</u> 5-20-2024</p> <p><u>ACTION TO BE TAKEN:</u> <u>yes</u></p>
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BACKGROUND:

Ms. Adryin Glynn has made application for an AirBNB at 30 Sepp Kober Drive, Hot Springs, Virginia. The property is zoned B-1 Convenience Business, which requires a Conditional Use Permit for overnight lodging establishments. (609.03-5)

Definition of Overnight Lodging Establishment (302.152) is: "A residential dwelling providing for transient lodging on a daily or weekly basis, but for no more than 30 consecutive days to the same person(s)."

A temporary release was filed for the benefit of Andy Tuck and agreed upon by Kober and Baker, the holders of the restriction. Ms. Tuck passed away leaving the property to her daughter, Adryin Glynn. The provision of the restriction for the property to not be used as residential appears to be null and void with Ms. Tuck no longer being the owner of the property.

Ms. Glynn is asking for a Conditional Use Permit as set forth in the B-1 Convenience Business zoning district regulations.

My opinion based on the foregoing is that the conditional use permit could be issued if the restriction was not in place. Since the deed restriction has been brought to the County's attention, it should be considered.

INFORMATION: The property is not located within a designated growth area.

RELEVANT SECTION(S):

Bath County Land Use Regulations 609.03-5

Comprehensive Plan: Page 3-8

NOTES:

The Planning Commission met on April 22, 2024 and voted 4-0 to recommend **denial** of the Conditional Use Permit based on the facts presented.

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, April 22, 2024 - 6:00 P.M.**

PLANNING COMMISSION MEMBERS PRESENT: Vice-Chair John Cowden, Monroe Farmer, Bill Gram, Mark Hall

MEMBERS ABSENT: Chairman John Loeffler

PUBLIC IN ATTENDANCE: Austin Hall (press), Taylor & Pari Baker, Adryin Glynn, Gary & Jeanette Robinson

STAFF PRESENT: Sherry Ryder

CALL TO ORDER:

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

ACKNOWLEDGE PUBLIC IN ATTENDANCE:

Vice-Chair Cowden welcomed everyone.

PUBLIC COMMENT- MATTERS UNRELATED TO THE AGENDA: None

ADDITIONS OR CORRECTIONS TO THE AGENDA: None

PUBLIC HEARING(S):

- **Adryin Glynn (TM #63-13B)** – Conditional Use Permit application to operate an Airbnb (overnight lodging establishment). The property is located at 30 Sepp Kober Drive, Hot Springs, Virginia. The property is located at 30 Sepp Kober Drive, Hot Springs, Virginia. The property comprises approximately 0.21 of an acre. The property is zoned B-1 Convenience Business and situate in the Cedar Creek Magisterial District.

Sherry Ryder: Ms. Adryin Glynn has made an application for an Airbnb. The property is zoned B-1 Convenience Business, which requires a Conditional Use Permit for overnight lodging establishments. (Section 609.03-5). The definition of Overnight Lodging Establishments under (Section 302.152) is: “A residential dwelling providing for transient lodging on a daily or weekly basis, but for no more than 30 consecutive days to the same person(s).”

A temporary release was filed for the benefit of Andy Tuck and agreed upon by the neighbors Kober and Baker, the holders of the restriction. Ms. Tuck passed away leaving the property to her daughter, Adryin Glynn. The provision of the restriction for the property to not be used as residential appears to be null and void with Ms. Tuck no longer owning the property. Ms. Glynn is asking for a Conditional Use Permit as set forth in the B-1 Convenience Business zoning district regulations.

My opinion based on the foregoing is that the conditional use permit could be issued if the restriction was not in place. Since the deed restriction has been brought to the County's attention, it should be considered.

I gave the correspondence from Mr. Baker to Ms. Glynn and to you. I received an email from Peter Fowler on behalf of Marion Kober who lives on Sepp Kober Drive and Maintains the road this property is on. She was unable to attend the meeting due to health reasons and opposes this zoning request. Mr. Fowler opposed this request as well. That correspondence was read out loud.

You have seen Mrs. Glynn's conditions in here, that it is a one bedroom, kitchen, bath, laundry, and closet. She is looking for it to be an Airbnb for the existing structure with no renovation or construction. Guests would vary from seasonal and week weekend guests. Parking would accommodate two to three cars. Which is within the zoning regulation. There would be a cleaning crew coming between each guest, as required by Airbnb regulations. I have pictures in here, the zoning schedule, the maps, the deed, and Mr. Baker submitted more deeds as exhibits with his correspondence. Mrs. Glynn has these copies as well as the press.

Vice-Chair Cowden: I don't have any questions. I will now open the meeting for public comment.

Mr. Baker spoke about the structure being very close to his home. He and his wife bought the property from Betty Cauley knowing there were subdivision protections on the lots. You cannot build anymore houses, even on the large lots. It's on a shared road that Ms. Kober maintains. Betty Cauley sold her house, but not the office building. After a while, Mrs. Tuck wanted it to live there. He wasn't crazy about it, but she was local, and they spoke to each other, so he temporarily released the restrictions so that she could live there. Now, he wished he hadn't because of this. The temporary agreement became void when she passed. The building is zoned business with restrictions and not residential. That is what Ms. Glynn wants changed and I don't believe the County needs another BNB. Mr. Baker is opposed to the rezoning.

Adryin Glynn, Mrs. Tuck's daughter, is an interior designer, spoke at length about her family ties in the County's past and the amount of time she has spent here. She doesn't want to have an Airbnb herself, due to living in North Carolina, but other possible businesses have asked if it is possible for it to be an Airbnb. Ms. Glynn would like to have the restrictions lifted so she can sale it as a small home or possibly an Airbnb. The building is tailored for an older person's ease of use and doesn't feel noise would be a problem due to its size and location.

She does not like the wording or timing of the documents that her mother signed off on. Her mother was in her seventies, but Mr. Baker's right of first refusal on the property is understandable due to being a neighbor.

Ms. Glynn also thinks there is a conflict of interest between Mr. Baker and an offer from a client of his. Mr. Baker should not have a say in the interest of this property. The person is not here tonight, nor would the broker tell her who it was because of confidentiality laws.

Mr. Baker has made a first refusal offers on the property. He made two offers, 55,000 then again at \$62,000. Both, way below the assessed value of \$145,000. If the restrictions were lifted, then it would sale more quickly. The part she doesn't like is that if the Bakers bought the building, she has papers stating that they

would like to use it for when the parents come to visit. If the Bakers can use it as residential then why can't she or a potential buyer live or Airbnb it?

Mrs. Pari Baker, lives next door, stated she doesn't want an Airbnb that close to their back door. They have very young children and the thought of strangers and the traffic coming and going next door makes her nervous. Yes, they would like to have a place close by for her parents to stay in when visiting. A business would be okay, but not Airbnb. They have lived here for ten years, and she works at the hospital and her husband started his own business, so they are invested in the community.

Adryin Glynn wanted to bring up the neighbor that lives on the other side of the Bakes. They have groups come in for retreats on the weekends. They bring in more strangers and traffic than her property would. However, they are not complaining about them.

Mrs. Pari Baker stated the neighbor lives further away and they have a great working relationship with them and yes they have to rein in things when something is going on, but they also don't have a say on what they can do on their property.

Vice-Chair Cowden asked if anyone else had anything to say, hearing none, he closed the public hearing.

Mr. Farmer asked Sherry Ryder to explain why an Airbnb isn't a business.

Sherry Ryder: Mr. & Mrs. Baker has a deed restriction in place that the property could not be used as residential. Released temporary for the ownership of Mrs. Tuck. That's a restriction in the deed, that provision went through with the sale when Mrs. Tuck bought it. On our regulation, under B-1, we have overnight lodging, which is Airbnb as being a Conditional Use Permit. Because overnight lodging is in a residential dwelling used for short-term transit stays. The definition states that it is a residential dwelling.

My interpretation is, our Land Use Zoning Regulations say that for an Airbnb/overnight lodging would have to have a Conditional Use Permit. There is a deed restriction, however we go back to the Conditional Use Permit saying residential. When you look at the deed, we take what is brought forth and presented to us and that restriction is in there, so it is to be interpreted by you guys and passed onto the Board of Zoning Appeals whether you feel that interpretation is justified or legal. I did speak to Julian, the county attorney, but he said he couldn't make that decision. It falls back to the Board of Planning to make a recommendation to the Board of Zoning Appeals based upon what's been presented.

Mr. Farmer: Because of the restrictions, that building is not a residence.

Sherry Ryder: Yes. The Residential Use died, per say, when she passed.

Mr. Farmer: So, no one can live there. Unless it's a business.

Sherry Ryder: Unless Mr. Baker would do another temporary. That would be totally separate and apart from this.

Mr. Farmer: If he buys that property, he can move anybody in there because it's his property.

Sherry Ryder: Yes, he is the holder of that restriction.

The uses of B-1, the county attorney wanted me to make sure you guys have looked this, it hasn't restricted that property. There are still uses in B-1 that's permitted by right. It doesn't make it not saleable because there is no use. You can have an office, Monday – Friday, nine to five. A childcare center, a small restaurant, if you have enough parking. There are things you can have that are permitted.

Mr. Farmer: There's nothing in there that would permit somebody from staying overnight, with that restriction right now.

Sherry Ryder: Right.

Vice-Chair Cowden: But there is a clear deed restriction, to be used as a residence.

Sherry Ryder: Right.

Vice-Chair Cowden: So, I don't see where that is a question for us.

Sherry Ryder: You guys are the ones to make the recommendation to the Board of Zoning Appeals. They will have the last say. The Board of Zoning Appeals is the judicial branch of the County. They will look at it and make sure the correct decision was made by the Planning Commission.

Mr. Farmer: I motion we make recommendation to deny the Conditional Use Permit to operate an Airbnb.

Mr. Gram: Second.

Vice-Chair Cowden thought the decision was legal and commented on how the Board spent a lot of time trying to come up with a Short-Term Ordinance, for this very reason, and it didn't pass.

VOTE: 4-0 to deny.

Sherry Ryder informed Ms. Glynn the Board of Zoning Appeals would meet on May 20, 2024 at 7 p.m.

- **2024-2029 Comprehensive Plan Update – receive public input on final draft.**

Vice-Chair Cowden: I now open the meeting for public comment.

Gary Robinson, Little Valley, wanted to make sure an updated karst report was in the Comp Plan. They were active in helping put together the past Comprehensive Plan in 1995, having special interest in the karst topography. Their area is full of sinkholes and have issues with development that didn't acknowledge karst existed. Mr. Robinson thanked the Board for waiting on the new report so it could be part of the updated plan. What you have now is better than the old plan, but still many sinkholes in Little Valley are still missing on any map out there.

Jeanette Robinson asked many questions to Sherry Ryder on where to find information on karst and environmental goals with the C-1 Zoning & Conservative Easements. Mrs. Robinson asked if an ordinance could be adopted under the objectives, page 6-11, d. She wanted to know if the karst maps could be updated as they become available.

Sherry Ryder informed Mrs. Robinson the land is protected through C-1 Zoning around dams, lakes, parks, etc. where you can build a hunt camp, if the health department will let them put a pit privy that is used sporadically, but not a full-time resident. The property owner can protect their own land with a conservative easement, with whatever conditions they want. A karst map can be updated in the Comprehensive Plan.

Vice-Chair Cowden: Does anyone have any more comments or discussions. I now ask for a motion on the final draft Comprehensive Plan.

Sherry Ryder: We need to present this to the Board of Supervisors for their approval of adoption.

Mr. Farmer: I make a motion we send to the Board of Supervisors the final draft with our recommendation the change on objective O: page 11-26 of the Comprehensive Plan; maintain and update map of karst features that can aid landowners and developers in making land use decisions.

Mr. Hall: Second.

VOTE: 4-0 approved.

Sherry Ryder: The BOS will not be able to have a public hearing on this until VDOT has approved it. I will send out an email to tell them we are ready. VDOT will review it and make sure no new requirements/verbiage on their side have come up before giving final approval. Then I will get with the County Administrator. After that the Board of Supervisors will set a date for their public hearing.

Vice-Chair Cowden: This is a fine piece of work thanks to many people. Special thanks to the Shenandoah Valley Planning District Commission for carrying the ball and giving us the heads up on any number of subjects, on things we should consider rewriting or not.

CHAIRMAN'S REPORT - None

STAFF REPORT:

Sherry Ryder: My report is in your packet. I will gladly answer any question you may have.

OLD BUSINESS: TruNorth Investment letter.

Sherry Ryder: They wanted to know if we had any issue with them vacating the plat. Parcel 9 of the Deerlick Subdivision. Right now, it is subdivided, and they are still making payments to Bath County Service Authority for water/sewer entitlements. We, the County, have had a deed of trust on it for some time, instead of a bond. That is went the bottom fell out of the real estate and they were trying to save money wherever they could. They asked County to consider a credit line instead of a bond, so they wouldn't have that fee to pay every year. The County agreed and nothing happened and now they want to vacate the current plat. That would be a Board of Supervisor's decision. These forty lots are unused, and they want to rearrange them into a new development approach. Perhaps a seniors/retirement community with full maintenance and assisted living capabilities. If the County does abolish the trust, the County would then come back in when the new plans come in and require a Bond. They have also been working with Bart on the water/sewer agreement part and freeing up hookups. At the moment, they haven't pulled the trigger, but are looking at it and collecting information and asked me to share the information with you. As far as planning, I don't see anything in the way.

NEW BUSINESS: Meeting date.

Sherry Ryder: Our next meeting lands on a May holiday so we cannot have it by law. That pushes the meeting to June. If anything pressing comes up, I can schedule a meeting for that Tuesday or another day and get in touch with you and the press.

Vice-Chair Cowden: Ok, do I hear a motion to move our next meeting to June 24th?

Mr. Farmer: So, move.

Mr. Hall: Second.

VOTE: 4-0 approved.

APPROVE MINUTES:

Vice-Chair Cowden: Do I hear a motion to approve the March 25th meeting minutes.

Mr. Gram: I'll make a motion.

Mr. Hall: Second.

VOTE: 4-0 motion approved.

ADJOURN

Mr. Hall: Motion to adjourn.

Mr. Farmer: Second.

Vote: 4-0 approved.

Vice-Chairman John Cowden

Date

March 25, 2024
30 Sepp Kober
Hot Springs Va. 24454

Proposal:

Approval for New Conditional Use Permit for AirBNB

One (1) bedroom, living room, kitchen, bath and laundry closet

Existing structure is zoned B1 Convenience

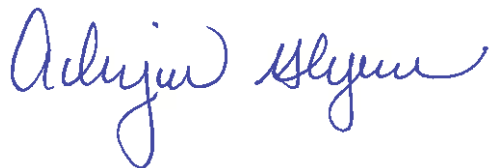
AirBNB business for existing structure NO renovations or construction

Guest would vary from seasonal weekly to weekend guest

Existing driveway accommodates 2-3 cars

Cleaning crew to clean in between guest

Sincerely, Adryin Glynn



Received 3-27-24



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

OFFICE PHONE: 540-839-7236
OFFICE FAX: 540-839-7297

(Please Make Checks Payable to Bath County Treasurer)

Conditional Use Permit Application

Applicant:

Name: ADRYIN GLYNN

Address: 30 SEPP KOBER DR. HOT SPRINGS VA 24454

Telephone Number: (919) 280-1926

Owner of Record: (if different than applicant)

Name: _____

Address: _____

Telephone Number: _____

Exact directions to property from the Courthouse TURN RIGHT ON SAM SNOW
HWY. TURN RIGHT SEPP KOBER DIRECTLY ACROSS STREET FROM BATHIC
HIGH SCHOOL. RIGHT BESIDE CUCULLES

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
- Use of Structures – existing and proposed HOTELS, MOTELS, INNS (AIR BNB)?
- Known easements and/or right-of-ways
- Location and type of:
 - 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.

AG 3/25/24

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 Vehicles Only:

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

Serial Number _____

Make, Model and Year _____

Fair Market Value (\$) _____ DMV Licensed/Tagged _____

For Businesses:

	Existing	In 2 Years	In 5 Years
Full Time Employees (on site)	NONE		
Part Time Employees (on site)	NONE		
Visitors/Customers (M-F)	NONE		
Visitors/Customers (S&S)	NONE		
Residents	NONE		
Peak Hours	NONE		
# Trucks/Service Vehicles	NONE		
Hours/Days of the Weeks	NONE		
# Parking Spaces Full Size/Compact	DRIVE WAY 2-3 CARS		
Gross sq/ft of Building (structure)	828 SQ'		

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.)

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)		

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.**

Adyia Glynn March 25, 2024
Applicant/Date

Adyia Glynn March 25, 2024
Property Owner/Date

Department Use Only

Case Number: 027-24

Tax Map Number: _____ Deed Book # _____ page _____

Magisterial District: _____ Zoning District: _____

Subdivision Name & Lot (if applicable): _____

Acreage of the Property: _____ Current Property Use: _____

Is there any deed restrictions on the property (if yes, please attach list): _____

Date Authorized for Advertisement: _____

Advertising Deadline: _____

Building Dept. Review/Comments: _____

Planning/Zoning Dept. Review/Comments: _____

Date of Planning Commission Public Hearing/Location: _____

Planning Commission Recommendation: _____ Vote: _____

Planning Commission Conditions Attached to Application: _____

Board of Zoning Public Hearing/Location: _____

Board of Zoning Decision: _____ Vote: _____

Board of Zoning Conditions Attached to Application: _____

The above applicant/owner of the previously described property hereby applies for a Conditional Use Permit in accordance with Section _____ of the Bath County Land Use Regulations, as effective November 9, 2004, for the following purpose: _____

Adjacent Property Owners

Name: Taylor Baker

Address: 11189 SAM SNEED HWY HOT SPRINGS VA. 24445

Tax Map Number: 63-0-12 (11189)

Name: _____

Address: _____

Tax Map Number: _____

Name: _____

Address: _____

Tax Map Number: _____

Name: _____

Address: _____

Tax Map Number: _____

Name: _____

Address: _____

Tax Map Number: _____

Name: _____

Address: _____

Tax Map Number: _____

Name: _____

Address: _____

Tax Map Number: _____

Name: _____

Address: _____

Tax Map Number: _____

Fees

New Conditional Use Permit----- \$ 200.00

Conditional Use Permit Renewal ----- \$ 100.00

Total Fees Due----- \$ 200.00

**Zoning Schedule
Single Structural Uses
(Convenience Business B-1)****

Minimum Lot Requirements

- Public Water and Sewer (SF) – None
- Public Water and Individual Sewer (SF) – A
- Individual Water and Sewer (SF) – A

Principal Building Setbacks/Dimensions

- Frontage at Setback Line – N/A
- Maximum Height in Feet – 35'
- Front – 35'
- One Side Yard – 10'
- Two Side Yard – 20'
- Rear – 25'

Accessory Buildings

- Maximum Height in Feet – 35'
- Setbacks from:
 - Principal building (Recommended) - 20'
 - Side lot Line – 20'
 - Rear lot – 25'

SF- Square Feet

N/A – Non-Applicable

A = For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the Health Official. The Administrator shall require greater area as considered necessary by the Health Official.

NOTE: Add 25 square feet for corner lots.

Convenience Business District B-1

**Land Use
Regulations**

(As effective November 9, 2004)



Intent of Convenience Business District B-1. The intent of the 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.

Permitted Uses:

(Allowed without further application or use permit. May still require permits from other agencies.)

- Generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, including groceries, meats, dairy products, baked good or other foods, drugs, dry goods, clothing notions, hardware, barber and beauty shops, liquor store, or florists.
- Hotels and motels, inns. AIRBNB? Ag 3/25/24
- Banks, loan and finance offices.
- Churches
- Hospitals
- Funeral homes
- Automobile service stations and garages.
- Restaurants
- Business and professional offices.
- Museums
- Nursing Homes
- Child care centers
- Public utilities and facilities serving the neighborhood.
- One (1) and two (2) family dwellings
- One (1) inoperable automobile
- One (1) automobile for salvage

Special use regulations apply in the County of Bath for the following:*

(Contact the County Planner for details.)

- Additional building /dwelling on a lot.
- Off street parking.
- Junkyard and automobile graveyards.
- Home occupations
- Signs
- Manufactured Homes
- Non-conforming lots, buildings, and uses.
- Townhouses
- Fences
- Recreational vehicles.
- Intensive livestock, dairy, poultry facilities.

SOURCE OF TITLE:
THE 0.2618 ACRE PARCEL IS PART OF THE LAND CONVEYED TO BETTY K. CAULEY FROM RONALD W. VAUGHT, SURVIVOR TRUSTEE, BY DEED DATED SEPT. 11, 2002 AND RECORDED IN DEED BOOK 185 AT PAGE 115.

SUBDIVISION CERTIFICATE:
THE DIVISION OF LAND SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE OWNER.
SIGNED: *Betty K. Cauley*
OWNER

COMMONWEALTH OF VIRGINIA
COUNTY OF BATH, TO WIT:
I CERTIFY THE OWNER DO ACKNOWLEDGE THE ABOVE SHOWN SUBDIVISION CERTIFICATE BEFORE ME IN MY JURISDICTION OF
Bath THIS 23 DAY OF
November, 2015.
SIGNED: *Joseph M. Curran*
NOTARY PUBLIC
MY COMMISSION EXPIRES: 10/21/2019



HARDEN VAN HAGEN ROSEN
D.B. 186-482
TAX # 63-43

SOURCE OF TITLE:
THE 0.2618 ACRE PARCEL IS PART OF THE LAND CONVEYED TO HARDEN VAN HAGEN ROSEN AND JOSEPH H. ROSEN, WITH PART OF SURVIVORSHIP, FROM HERBERT J. MULDERSHEAD, JR. BY DEED DATED MAY 25, 1999 AND RECORDED IN DEED BOOK 184 AT PAGE 482.

SUBDIVISION CERTIFICATE:
THE DIVISION OF LAND SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE OWNER.
SIGNED: *Harden Van Hagen Rosen*
OWNER



COMMONWEALTH OF VIRGINIA
COUNTY OF BATH, TO WIT:
I CERTIFY THE OWNER DO ACKNOWLEDGE THE ABOVE SHOWN SUBDIVISION CERTIFICATE BEFORE ME IN MY JURISDICTION OF
Bath THIS 23 DAY OF
November, 2015.
SIGNED: *Joseph M. Curran*
NOTARY PUBLIC
MY COMMISSION EXPIRES: 10/21/2019

THE 0.2618 ACRE PARCEL IS TO BE ADDED TO AND COMBINED WITH THE REMAINING LAND OF BETTY K. CAULEY (TAX PARCEL 63-12).

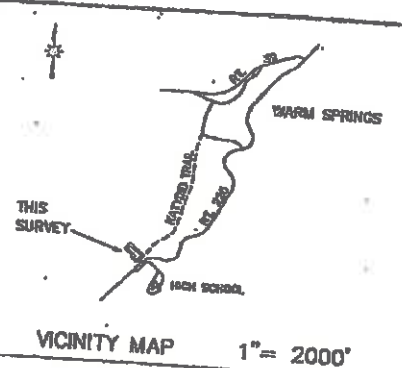
THIS PLAT IS APPROVED IN ACCORDANCE WITH SECTION 15-1-1 OF THE BATH COUNTY LAND USE REGULATIONS BY RESOLUTION NUMBER 15-11-20-2015

THIS PLAT IS BASED ON A CURRENT FIELD SURVEY. THE OUTSIDE LINES REPRESENT A RETRACEMENT OF A BOUNDARY SURVEY SHOWN ON A PLAT RECORDED IN PLAT CABINET 1 AT SLIDE 67.

THIS PLAT DOES NOT SHOW ALL UTILITIES, ALL FENCES, ALL ROADS, WATER LINES, RIGHT OF WAYS AND EASEMENTS THAT MAY EXIST AND AFFECT THIS PROPERTY.

THE SURVEYOR WAS NOT FURNISHED WITH A CURRENT TITLE REPORT FOR THIS PROPERTY.

PLAT NORTH
P.C. 1-87



DAVE L. & LILLIAN VAHREN
D.B. 200-782
TAX # 63-185

BETTY K. CAULEY
D.B. 180-415
TAX # 63-12

2.170 ACRES
- 0.810
1.360 ACRES
± 0.035
1.325 ACRES

FOUND IRON ROD AT EAST CORNER OF STORE COLUMN

DO NOT REPRESENTS A SET BACK UNLESS OTHERWISE NOTED

LINE	BEARING	DISTANCE
L1	S 42° 45' 00" W	12.00
L2	S 28° 45' 00" E	21.00
L3	S 28° 45' 00" E	24.00
L4	S 42° 45' 00" W	12.00
L5	S 42° 45' 00" W	12.00
L6	S 42° 45' 00" W	12.00
L7	S 42° 45' 00" W	12.00
L8	S 42° 45' 00" W	12.00
L9	S 42° 45' 00" W	12.00
L10	S 42° 45' 00" W	12.00



0.2618 ACRES
L1
L2
L3
L4
L5
L6
L7
L8
L9
L10

TAX # 63-122
0.2618 ACRES

SET SPICE MAIL AT FOUND IRON ROD 3.4' N.E. OF CENTER OF L.G. WHITE OAK

VARSHY, LLC
D.B. 185-232
TAX # 63-144

U.S. ROUTE 220
100' BANK, HENNING PLAT BOOK 1-73

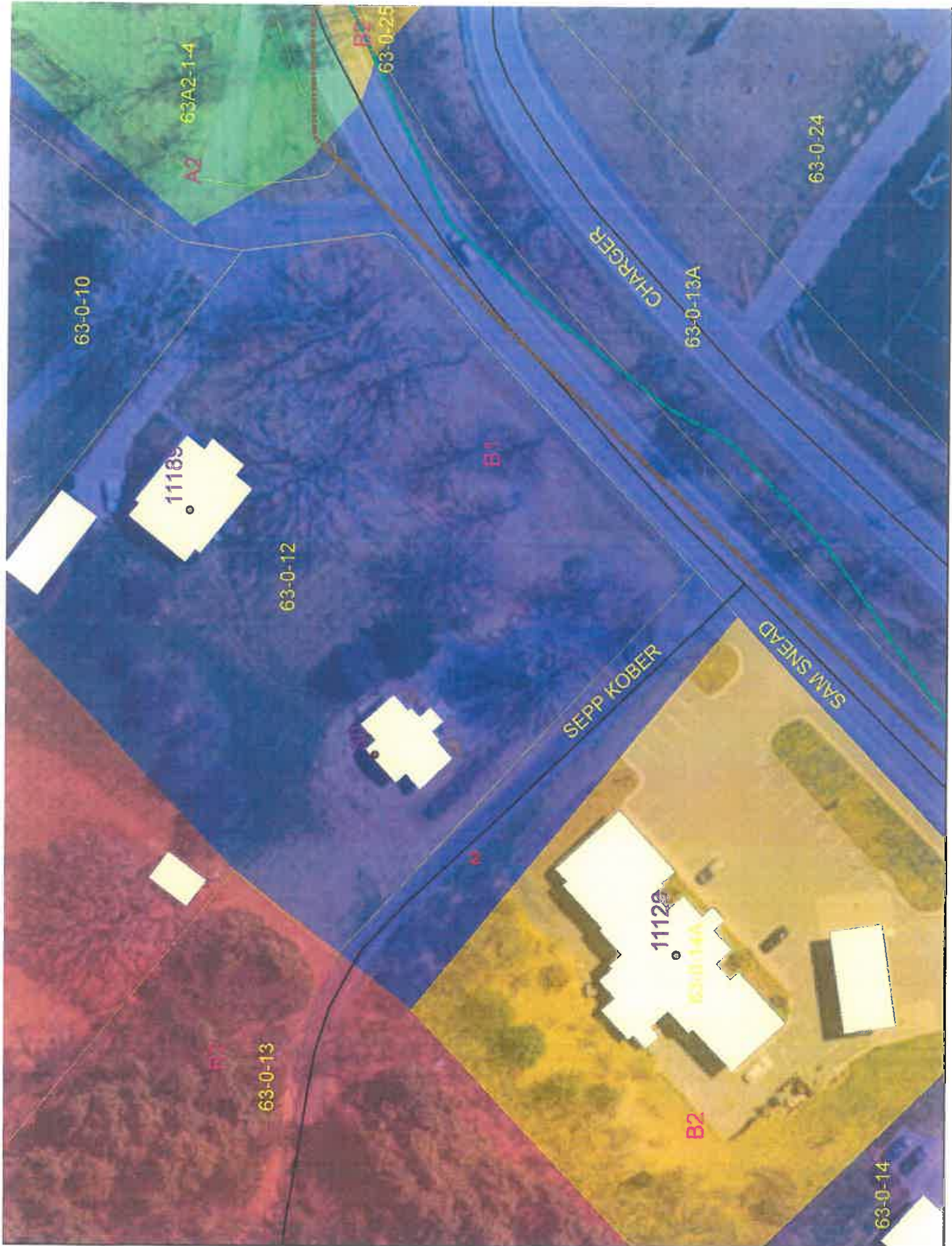


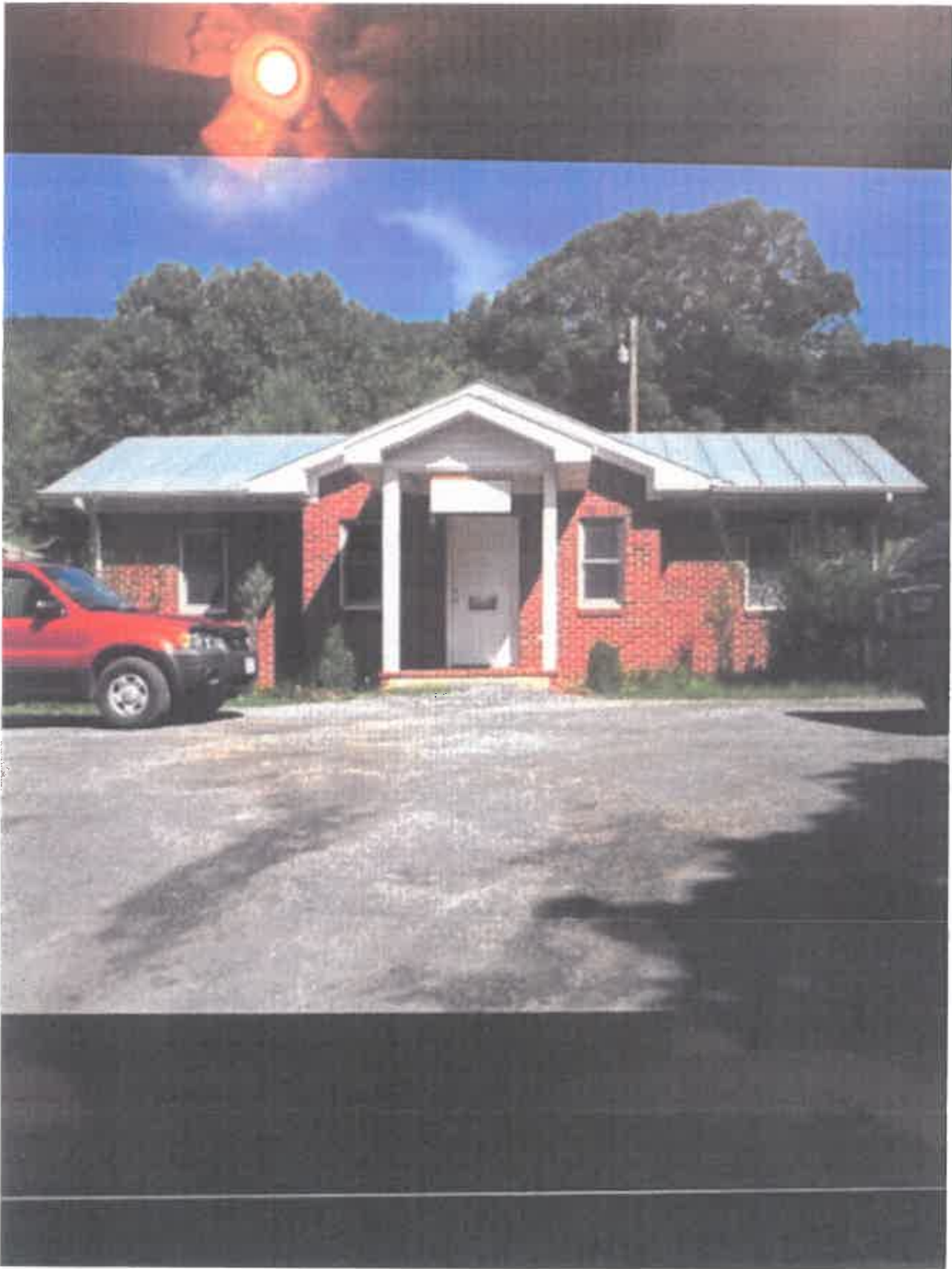
PLAT OF SURVEY
FOR
BETTY K. CAULEY
CEDAR CREEK DISTRICT
BATH COUNTY, VIRGINIA
OCT. 29, 2015 SCALE: 1" = 60'
P.N. 151007 F.B. 137-31

JEFFREY ROSEN
LAND SURVEYOR
BATH COUNTY, VA

See Instrument # 15-723 - Plat Cabinet 2 Slide 35

MAIN WATER
WATER METER





BEFORE 11/14/18



EXISTING 3/25/24

Prepared by and Delivered to:
John C. Singleton
P.O. Box 116
Warm Springs, VA 24484

Tax Assessment: \$112,900.00
Consideration: \$110,000.00

TAX MAP NO. 63-13B

THIS DEED, made and entered into this 14th day of November, 2018, by and between BETTY K. CAULEY, Grantor, and ANDY JO TUCK, P.O. Box 64, Warm Springs, VA 24484, Grantee.

- WITNESSETH -

NOW, THEREFORE, for and in consideration of the sum of ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000.00), cash in hand paid and other good and valuable consideration, the receipt of which is hereby expressly acknowledged by the Grantor, the Grantor does hereby GRANT, BARGAIN, SELL, and CONVEY unto the Grantee in FEE SIMPLE with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE, all of that certain parcel of land in the Cedar Creek Magisterial District of Bath County, Virginia, located about a mile southwest of the Village of Warm Springs, lying about 54 feet northwest of U. S. Route 220, being more particularly described as follows:

Beginning at a spike nail set at a found iron rod embedded in the root of a 12" sugar growing against the north side of a large white oak about 54 feet northwest of the northwest right of line of U. S. Route 220 and about 3.9 miles northeast of the center of said white oak, roughly 30± feet northeast of the centerline of a private road known as Sepp Kober Drive, being a corner to the land of Marion Von Hagen Kober and being the southernmost corner of a 2.170 acre parcel of land shown on a plat recorded in Plat Cabinet 1 at Slide 87; thence with the line of Kober N 48°33'36" W 156.42 feet to a found iron rod, being a corner of a 0.035 acre parcel of land; thence with a line of said 0.035 acre parcel, N 46°45'41" E 59.48 feet to a found iron rod; thence with three new lines: S 49°40'41" E 9.02 feet to a set iron rod; thence N 46°45'41" E 9.02 feet to a set iron rod; thence S 40°30'29" E 107.05 feet to a set iron rod on the southeast line of said 2.170 acre parcel; thence with said line, S 46°41'56" W, crossing a driveway, 54.40 feet to the point of beginning, containing 0.219 acres, more or less, as shown on a "Plat of Survey for Betty K. Cauley" dated October 29, 2015, recorded in the Office of the Clerk of the Circuit Court of Bath County, Virginia, in Plat Cabinet 2, Slide 35.

This being a portion of the property conveyed to Betty K. Cauley by deed dated September 11, 2002, recorded in the aforesaid Clerk's Office in Deed Book 186, Page 113, to which deed reference is made for a more complete history of the property.

Further the Grantor GRANTS and CONVEYS to the Grantee that certain permanent EASEMENT for an electric distribution line across the adjacent property previously owned by the Grantor. Reference is hereby made to that certain deed dated the 15th day of July, 2016, to Taylor M. Baker from Betty K. Cauley recorded in the aforesaid Clerk's Office as Instrument No. 16-385, for a more particular description of said easement.

Recorded immediately prior to this deed are two (2) documents dated August 30, 2018 and October 1, 2018 whereby Marion von Hagen Kober and Taylor M. Baker both executed separate releases of restrictions against the use of property being acquired by Andy Jo Tuck as residential property.

Andy Jo Tuck executes this deed to confirm that in the event that Andy Jo Tuck, her heirs, successors or assigns decides to sell the above described property, the right to purchase the property at the same price and terms as has been offered for the property shall be given to Taylor M. Baker, his heirs, successors and assigns and Taylor M. Baker, his heirs, successors and assigns shall have thirty (30) days to match said offer.

Further conveyed herein is that certain access easement recorded in Deed Book 150 at Page 735 as depicted on the aforesaid plat in Plat Cabinet 2, Slide 35.

This conveyance is made expressly subject to the easements, conditions, restrictions and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property hereby conveyed which have not expired by the limitation

of time contained therein or otherwise become ineffective.

Witness the following signature and seal.

Betty K. Cauley (SEAL)
Betty K. Cauley

STATE OF VIRGINIA, AT LARGE, to-wit:

The foregoing Deed was duly acknowledged before me in the County of Bath, Virginia, this 15th day of November, 2018, by Betty K. Cauley.

My commission expires: 2-28-2022
Registration #: 108474



Julie L. Brinkley
Notary Public

Andy Jo Tuck (SEAL)
Andy Jo Tuck

STATE OF VIRGINIA, AT LARGE, to-wit:

The foregoing Deed was duly acknowledged before me in the County of Bath, Virginia, this 14th day of November, 2018, by Andy Jo Tuck.

My commission expires: 2-28-2022
Registration #: 108474



Julie L. Brinkley

Notary Public 180000835
RECORDED IN THE CLERK'S OFFICE OF
BATH COUNTY CIRCUIT COURT ON
NOVEMBER 15, 2018 AT 09:50 AM
\$110.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$55.00 LOCAL: \$55.00
ANNETTE T. LOAN, CLERK
RECORDED BY: ATL

Prepared by:
Betty K. Cauley,
5621 Hard Rock Place
Richmond, VA 23230

Instrument No.
18-834
Date: 11/15/18

Tax Map Nos. 63-12
63-13B

**TEMPORARY RELEASE OF RESTRICTION
AGAINST USE OF PROPERTY AS RESIDENTIAL DWELLING**

This Temporary Release of Restriction Against Use of Property As Residential Dwelling is made this 1 day of October, 2018, by and between TAYLOR M. BAKER (hereinafter referred to as "Baker"), ANDY TUCK (hereinafter referred to as "TUCK")

WITNESSETH

WHEREAS, pursuant to a Deed dated July 15, 2016, recorded in the Clerk's Office of the Circuit Court of Bath County, Virginia (hereinafter referred to as the "Clerk's Office") as instrument No. 160000385, Baker is the owner of a parcel of real property containing 1.986 acres, more or less, identified on the Tax Map records of Bath County, Virginia as Tax Map No. 63 --- 12 (hereinafter referred to as the "Baker Tract"; and

WHEREAS, the Baker Lot is one holder of a restriction as set forth in a Deed dated July 24, 1991, recorded in the Clerk's Office in Deed Book 129, Page 746, against use of an adjacent lot containing 0.219 acres identified on the Tax Map records of Bath County, Virginia as Tax Map No. 63 --- 13B (hereinafter referred to as the "0.219-acre Lot"), which restriction prohibits use of the 0.219-acre Lot for a residential dwelling; and

WHEREAS, Andy Jo Tuck (hereinafter referred to as "Tuck") is the potential Purchaser of the 0.219-acre Lot pursuant to a Commercial Purchase Agreement dated August 20, 2018 (and effective August 27, 2018); and

WHEREAS, Baker has agreed to temporary release of the restriction against use of the 0.219-acre Lot as a residential dwelling subject to the terms and conditions set forth below.

NOW, THEREFORE, Baker does hereby release the restriction against use of the 0.219-acre Lot as a residential dwelling (hereinafter referred to as "Release"), subject to the following terms and conditions:

1. The Release shall become effective, and shall be recorded, simultaneously with Tuck's closing on purchase of the 0.219-acre Lot.
2. The release of restriction against the use of the 0.219-acre lot as a dwelling shall be effective solely during the period of Tuck's ownership of the 0.219-acre Lot, and the restriction against use of the 0.219-acre Lot as a residential dwelling shall immediately and automatically be reinstated at the time Tuck is no longer the owner of the 0.219-acre Lot.
3. The Release is contingent upon Tuck's conveyance to Baker, simultaneously with Tuck's closing on the purchase of the 0.219-acre Lot, of a right of first refusal for purchase, approved by Baker, of the 0.219-acre Lot.
4. The Release is non-transferable and shall not be conveyed or assigned by Tuck.

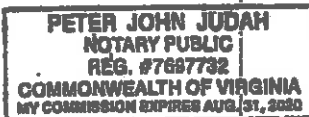
WITNESS the following signatures and seal.


TAYLOR M. BAKER

COMMONWEALTH OF VIRGINIA
COUNTY OF BATH

The foregoing was duly acknowledged before me this 1st day of October, 2018, by Taylor M. Baker.

My commission expires: 8-31-20
My registration number is: 7697732




NOTARY PUBLIC



ANDY TUCK

COMMONWEALTH OF VIRGINIA
COUNTY OF BATH

The foregoing was duly acknowledged before me this 1st day of October,
2018, by ANDY TUCK.

My commission expires: 2-28-2022
My registration number is: 108474




NOTARY PUBLIC

INSTRUMENT 18000834
RECORDED IN THE CLERK'S OFFICE OF
BATH COUNTY CIRCUIT COURT ON
NOVEMBER 15, 2018 AT 09:47 AM
ANNETTE T. LOAN, CLERK
RECORDED BY: ATL

02 BAT BATH COUNTY
Rec# 0461582 01

Property Card Inquiry

CEDAR CREEK

GLYNN, ADRYIN

Map No 63 13B

Acct 461582

7111 SHELLBURNE DR

GIS#

Acreage .21

Class 1 RALEIGH

NC 27612

Property Location:
00030 SEPP KOBER DR

Parent R#/M#:

Assessed Value		Land Use & Value					
Year	7/01/2022	Type	Acres	Price	Adj	Value	
Land	41,000	H/S-C230	.21	30,000		41,000	
Impr	104,800						
Minrl							
Tot	145,800						
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

03 BAT BATH COUNTY
Rec# 461582 1 Map# 63

Property Card Inquiry
13B GLYNN, ADRYIN

CEDAR CREEK

Improvement Descriptions:

Exterior: Found CINDERBLOCK
Walls BRICK
Roof Type GABLE
Roofing METAL

Occupancy DWELLING
No. Story 1.00
Age 019 2003 Eff Age
Cond G
Class A
Zoning
No Units

Interior: No Rooms 4
Bd Rooms 0
No Baths 0
No 1/2 Bths 1
Walls DRYWALL
Floor WOOD
Heat HT. PUMP
Fireplace
Flue

JL/JW
At Home N 3/03/2022
Neighborhood: 0001
A/C: Y % SF
Utility Value: 11,000

Basemt NONE %Fin Gas FP-
Garage NONE No cars Carport NONE Fin Rate
Blt In Garage No Cars Garage2

No Cars
No Cars 00

Site: Right of Way PUBLIC
Easement PAVED

Water PUBLIC Gas N
Sewer PUBLIC Elec Y

Terrain ON Char ROLLING/SLOPING Othr Desc

Remarks BP 101-18 CONVERT TO HOUSE 100%C'20

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

See Deed Book 133 Page 657
for Memorandum of Lis Pendens
dated 8-10-92

Mailed: 8-9-91
H.J. International Properties, Inc. 129 746
350 Royal Palm Way
Palm Beach, Florida 33480

Plat Transferred to
Cabinet / File 87

8421
7-24-91

THIS DEED, made and entered into this 24th day of July, 1991,
by and between RICHARD E. WHEELER AND FAIGE H. WHEELER, husband and
wife, parties of the first part, herein the "Grantors", and H. J.
INTERNATIONAL PROPERTIES, INC., a Florida Corporation,
party of the second part, herein the "Grantee", whose address is:
350 Royal Palm Way, Palm Beach, Florida 33480.

W I T N E S S E T H :

That for and in consideration of the conveyance made hereby,
and in consideration of the sum of Ten Dollars (\$10.00), cash in
hand paid unto the Grantors, and other good and valuable
consideration, the receipt and sufficiency of which are hereby
acknowledged by the Grantors, the Grantors, Richard E. Wheeler and
Paige H. Wheeler, husband and wife, subject to the covenants,
restrictions, and matters described hereinafter, do hereby Grant,
Bargain, Sell, and Convey unto the Grantee, H. J. International
Properties, Inc., with General Warranty and the Modern English
Covenants of Title, in Fee Simple Absolute, all that certain tract
or parcel of real property, situate near the western line of U. S.
Route 220, near Warm Springs, Virginia, containing 35.057 acres,
more or less, and being that same certain tract or parcel, denoted
as "LOT 2, 35.057 ACRES" on that certain survey plat, dated
November 7, 1988, by Stephen P. Douty, C.L.S., which said plat is
recorded herewith, incorporated herein, and made a part hereof, and
further being a portion of those two (2) certain tracts or parcels
(1) 0.287 acres, conveyed unto Richard E. Wheeler, et.ux., by
Clifford A. Hodge, et. als., by Deed dated December 15, 1987, and

of record in the Office of the Clerk of the Circuit Court of Bath County, Virginia, in Deed Book 118, at page 752, and (2) 38 acres, more or less, conveyed unto Richard E. Wheeler, et.ux., by Genevieve H. Sanders, et.als., by deed dated December 15, 1987, and of record in Deed Book 119, at page 527, to which reference is made for a further description of the property hereby conveyed and to chain of title thereto.

This conveyance is made subject to all recorded easements, conditions, restrictions, and agreements that may lawfully apply to the real property subject of this transaction, or any portion thereof, and further conveyed subject to matters visible to inspection.

In further consideration as aforesaid, and in consideration of the mutual agreements, covenants, and restrictions hereinafter set forth, the Grantors and the Grantee, for themselves, their heirs, successors, and assigns, do hereby covenant and agree, to-wit:

(1) That the 35.057 parcel, Lot 2, subject of this conveyance shall not be subdivided, divisioned, or otherwise separated into more than three (3) parts or parcels;

(2) That the said Lot 2, or any portion thereof, shall not be used for any business or commercial purpose, excepting only farming and agricultural use;

(3) That no mobile homes or trailers shall be situate upon the premises of said tract, Lot 2;

(4) That no structural improvements and/or residential

dwellings shall be situate upon that portion of the subject Lot 2 such as is denoted as "ZONE A" on the aforesaid Douty plat; Zone A is inclusive of the portion of Lot 2 along and nearest to U.S. Route 220, to the rear or to the westerly direction from the lands of Hurt, and westerly to a line running from the westerly line of Lot 1 in a southerly direction to a point situate on the line of Lot 35, W. W. Talbott Subdivision;

(5) That Lot 1, containing 2.170 acres, the remaining lands of Richard E. Wheeler, et.ux., (being a portion of (a) the parcel conveyed unto them pursuant to the deed aforesaid, of record in Deed Book 199, at page 527; (b) that certain parcel conveyed unto Richard E. Wheeler, et.ux., by Roy H. Hodge, Jr., et.als., by deed dated July 25, 1979, and recorded in Deed Book 99, page 225, and (c) a portion of that 0.287 acre tract conveyed unto Richard E. Wheeler, et.ux., by Clifford Hodge, et.als, by deed dated December 15, 1987 and of record in Deed Book 188, at page 752), shall neither be subdivided nor have constructed thereon any additional residential dwelling.

(6) That the agreements, covenants, and restrictions hereinabove set forth shall be construed as covenants running with the land for the benefit of said Lots 1 and 2 aforesaid.

In further consideration as aforesaid, the Grantors do hereby remise, release and forever quitclaim, without warranty, unto the Grantee, all the Grantors' right, title and interest in and to that certain tract or parcel of land, situate and lying between the western right of way line of U. S. Route 220 and the easterly line of the 35.057 acre parcel hereinabove conveyed, with it being

specifically intended (1) to convey and quitclaim such portion of the "bridle trail," denoted on the aforesaid survey plat, as adjoins said 35.057 acre parcel and situate to the north of the Hurt line, N 48 33' 3" W on said plat, and to the southerly direction of the Lot 1, N 48 33' 35" W 156.66' line on said plat, as extended easterly to the Route 220 right of way.

A portion of the lands conveyed pursuant to this instrument, (1) being the portion of Lot B, the 0.287 acres, conveyed unto Clifford A. Hodge, predecessor in title to the Grantors, by deed dated July 25, 1979, Deed Book 99, at page 221, was conveyed by Roy H. Hodge, Jr., et.als., pursuant to a Power of Attorney (2) being the well lot, Lot C, 0.344 acres, together with certain water rights, conveyed unto the said Clifford A. Hodge and to Dorothy H. Hurt, et.ux., per deeds of record in Deed Book 99, at page 221, and Deed Book 99, at page 231, respectively, were also conveyances pursuant to Power of Attorney as aforesaid. Said deeds recite the date of the said Roy H. Hodge, Jr., Power of Attorney, as November 28, 1978; the November 28, 1978 Power of Attorney is of record in Deed Book 99, at page 212, and is a Power of Attorney executed by certain heirs at law of Roy H. Hodge, Sr. A subsequent Power of Attorney, dated March 1, 1979, of record in Deed Book 99, at page 216, was executed by not only the heirs aforesaid but also their respective spouses. Both said Powers of Attorney provided for sale of the lands of Roy H. Hodge, Sr.

WITNESS the following signatures and seals:

Richard E. Wheeler (SEAL)
RICHARD E. WHEELER

Paige H. Wheeler (SEAL)
PAIGE H. WHEELER

STATE OF VIRGINIA
County of Bath, to-wit:

Subscribed and sworn to before me this 24th day of July,
1991, by Richard E. Wheeler and Paige H. Wheeler.

My commission expires: February 28, 1994
Juan F. Livramento
Notary Public

VIRGINIA: In the Clerk's Office of the Circuit Court
of the County of Bath. This instrument, with certificate
of acknowledgement annexed, is admitted to record at
2:43 o'clock P. M. July 24 19 91.
Taxes Paid: Pursuant to Sect. 58-1-802 \$ 63.00
Teste W. Clark Holman Clerk

MOUNTAIN TOP SURVEYORS, INC.

P. O. BOX 22 LOW MOOR, VIRGINIA 24457 PH. (703) 862-5215
 P. O. BOX 46 FINCASTLE, VIRGINIA 24090 PH. (703) 473-3695



GEORGE WASHINGTON NATIONAL FOREST

LEGEND:

- FENCE
- SET IRON ROD WITH ALUMINUM CAP
- 1" PIPE
- V.O.M. MONUMENT
- FENCE CORNER WITNESSED BY SET IRON ROD WITH ALUMINUM CAP
- +— POWER LINE

NOTES:

- 1) LIBER: DEED BOOK 118 PAGE 327
TAX REF. 63-13
PRESENT OWNERS: RICHARD E. & PAIGE H. WHEELER
- 2) THE PROPERTY SHOWN IS SUBJECT TO THE FOLLOWING RIGHT-OF-WAYS AND EASEMENTS:
AJ D.B. 49 PG. 114 R/W TO VALLEY ELECTRIC COMPANY
BJ D.B. 81 PG. 7 NEW YORK STATE NATURAL GAS COMPANY
CJ D.B. 89 PG. 48 HOPE NATURAL GAS COMPANY
- 3) SEE ATTACHED REPORT OF SURVEY.

EDWARD ALVEY, JR.

WELL BOOK 15 PAGE 354
TAX REF. 63-10 & 11

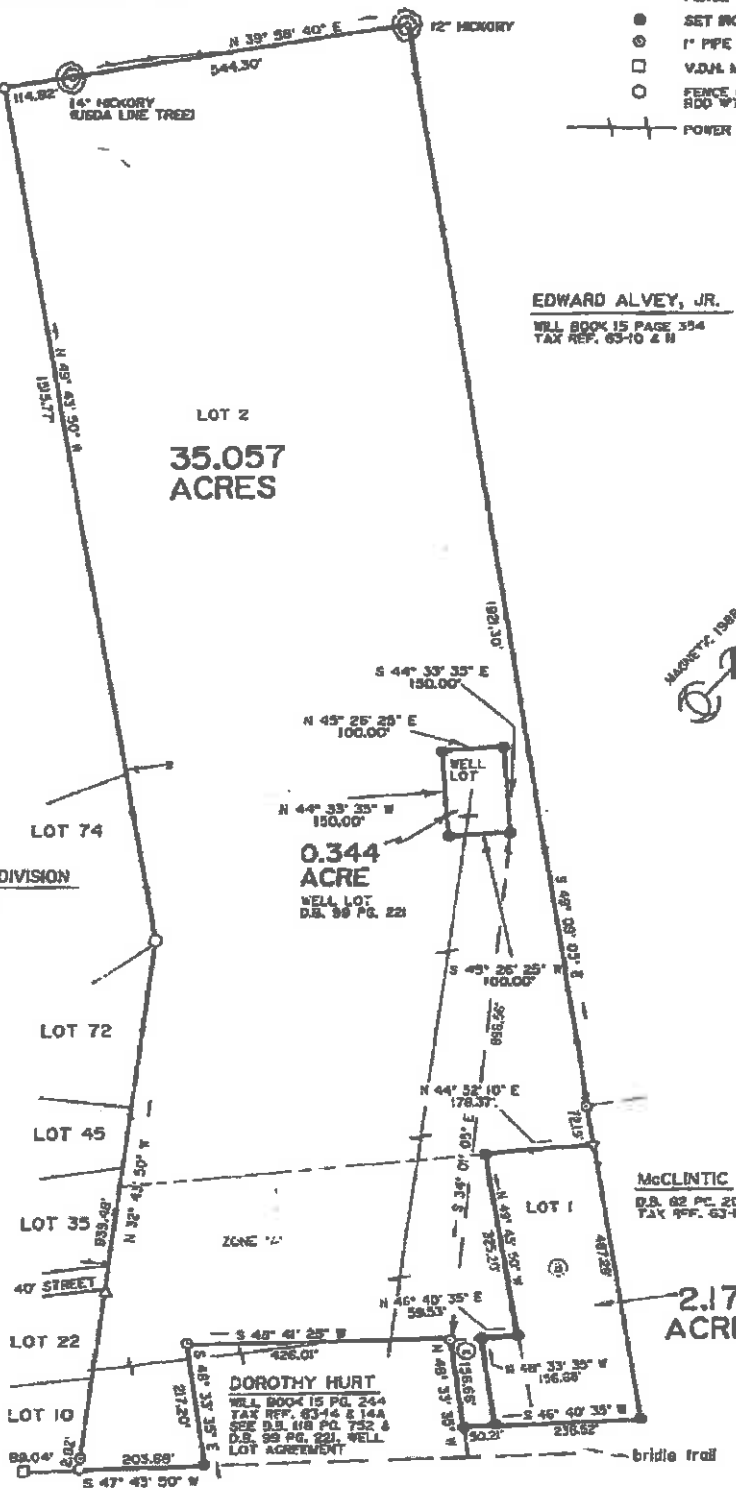
LOT 2
35.057 ACRES

1) RICHARD WHEELER, et als.
DEED BOOK 118 PAGE 327
TAX REFERENCE: 63-13B
SEE DEED BOOK 83 PAGE 221 FOR WELL LOT AGREEMENT

2) RICHARD WHEELER
DEED BOOK 83 PAGE 221
TAX REFERENCE: 63-12

W.W. TALBOTT SUBDIVISION
DEED BOOK 66 PAGE 182

RESERVED FOR APPROVING AUTHORITY
 Division of Wheeler property
 into lots 1 & 2 is approved thru
 sec. 2-34-5 of Survey. Act
 [Signature]
 9 Oct 91



0.344 ACRE
WELL LOT
D.B. 89 PG. 221

McCLINTIC
D.B. 82 PG. 267
TAX REF. 63-129

2.170 ACRES

DOROTHY HURT
WELL BOOK 15 PG. 244
TAX REF. 63-14 & 14A
SEE D.B. 118 PG. 732 &
D.B. 89 PG. 221, WELL
LOT AGREEMENT

SURVEY FOR RICHARD E. & PAIGE H. WHEELER

CEDAR CREEK MAGISTERIAL DISTRICT
BATH COUNTY, VIRGINIA
SURVEYED NOVEMBER 7, 1988

SCALE: 1" = 150'
REVISED JUNE 26, 1991

U.S. ROUTE 220
PROJECT # 388-A4
SHEET 10

*See deed Book 129
Page 746 for deed*



012900746

608.09-2 **Compliance with Preliminary Plan:** The final development plan shall be in substantial compliance with the preliminary development plan. The final development plan shall be deemed in substantial compliance providing modification does not involve any of the following and provided further that such modification does not exceed the limitations of this district's regulations:

- (a) Variation of the proposed residential density or intensity of use by more than ten (10) percent;
- (b) Reduction of more than ten (10) percent of the area reserved for common open space;
- (c) Increase of the floor area proposed for nonresidential use by more than ten (10) percent; and
- (d) Increase of the total ground area covered by buildings by more than five (5) percent.

608.09-3 **Final Plan Approval:** The Planning Commission shall review the final development plan and shall approve the final development plan if it is in substantial compliance with the preliminary development plan. The Clerk of the Court in whose office deeds are conveyed will record the final development plan in the manner provided for recording plats or subdivisions.

608.10 **Subdivision Plat Requirements.** Refer to Article 9, Subdivision Regulations, Section 904.00.

609.00 **CONVENIENCE BUSINESS DISTRICT B-1**

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.

609.02 **Permitted Uses.** Within Convenience Business District B-1, the following uses are permitted:

609.02-1 Generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, including: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions, or hardware, barber and beauty shops, liquor store, florists;

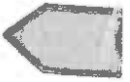
609.02-2 Hotels and motels, inns;

609.02-3 Banks and loan and finance offices, including drive-in types;

- 609.02-4 Churches;
- 609.02-5 Hospitals;
- 609.02-6 Funeral home and/or mortuary;
- 609.02-7 Automobile service stations and garages;
- 609.02-8 Restaurants;
- 609.02-9 Business and professional offices;
- 609.02-10 Museums;
- 609.02-11 Nursing homes;
- 609.02-12 Child care centers;

- 609.02-13 Public utilities and facilities serving the neighborhood;
- 609.02-14 One (1) and two (2) family dwellings;
- 609.02-15 One (1) inoperable automobile;
- 609.02-16 One (1) automobile for salvage.

- 609.03 ***Conditional Uses.*** When, after review of an application and hearing thereon, in accordance with Article 8 herein, the Board of Zoning Appeals finds as a fact that the proposed use is compatible with surrounding uses, is consistent with the intent of this Ordinance and of the *Land Use Element of the Comprehensive Plan*, is in the public interest, and will comply with all other provisions of law and ordinances of Bath County, the following uses may be permitted:
 - 609.03-1 Personal service establishments which performs services on the premises including repair shops, photographic studios, and self-service laundries;
 - 609.03-2 Post office and similar governmental office buildings serving persons living on the adjacent residential area;
 - 609.03-3 Public utility transformer stations, pumping stations, major transmission lines, towers, and telephone exchanges, not including service or storage yards;
 - 609.03-4 Campgrounds or recreational vehicle storage areas in compliance with Section 711.00;



- 609.03-5 Overnight lodging establishments and Bed & Breakfast establishments.
- 609.04 *Accessory Uses.* Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized. The following rules are applicable:
 - 609.04-1 Home occupations provided that the requirements of Article 7, Section 705 are met;
 - 609.04-1A Mobile Food Vendor provided that the requirements of Article 7, Section 715.00 are met;
 - 609.04-2 Living quarters of persons employed on the premises;
 - 609.04-3 Private parking garage;
 - 609.04-4 Temporary buildings for uses incidental to construction work, such buildings shall be removed upon completion or abandonment of the construction work;
 - 609.04-5 Signs as provided for in Article 7;
 - 609.04-6 Parking as provided for in Article 7.

610.00 GENERAL BUSINESS DISTRICT B-2

- 610.01 *Intent of General Business District B-2.* The intent of the General Business District B-2 is to provide space for the general commercial development to which the public requires direct and frequent access, including retail business and services at locations where it is convenient.
- 610.02 *Permitted Uses.* With the General Business District B-2, the following uses are permitted:
 - 610.02-1 Bakery, laundry, dry cleaning, clothes dyeing, cannery or similar establishment;
 - 610.02-2 Banks and loan and finance offices, including drive-in types;
 - 610.02-3 Bowling alley, pool hall, billiard parlor and similar enterprises provided that such use is conducted within a completely enclosed building and such building if less than two hundred (200) feet from any Residential District shall have no openings other than stationary windows or required fire exits within such distance;
 - 610.02-4 Business and professional offices;
 - 610.02-5 Carpenter, electrical, Plumbing, heating, welding sheet metal, appliance repair, painting, publishing, lithographing, upholstering, gunsmith or similar shops provided that any use shall be conducted within a completely enclosed building and provided that no part of a building for such use shall have any opening other than stationary

Permitted Uses:

(Allowed without further application or use permit. May still require permits from other agencies.)

- Generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, including groceries, meats, dairy products, baked good or other foods, drugs, dry goods, clothing notions, hardware, barber and beauty shops, liquor store, or florists.
- Hotels and motels, inns.
- Banks, loan and finance offices.
- Churches
- Hospitals
- Funeral homes
- Automobile service stations and garages.
- Restaurants
- Business and professional offices.
- Museums
- Nursing Homes
- Child care centers
- Public utilities and facilities serving the neighborhood.
- One (1) and two (2) family dwellings
- One (1) inoperable automobile
- One (1) automobile for salvage

Conditional Uses: *

(May be allowed after application to and approval by the Planning Commission and Board of Zoning Appeals.)

- Personal service establishment which performs services on the premises including repair shops, photographic studios and self-service laundries.
- Post office and similar governmental office buildings serving persons living on the adjacent residential area.
- Public utility transformer stations, pumping stations, major transmission line, towers and telephone exchanges, not including service or storage yards.
- Campgrounds or recreational vehicle storage areas.
- Overnight lodging and Bed & Breakfast establishments.

Accessory Uses:*

(Secondary to Primary Permitted or Conditional Uses)

- Home Occupations.
- Living quarters of persons employed on the premises.
- Private parking garage.
- Temporary buildings for use in construction work that are to be moved upon completion of the construction.
- Signs
- Parking

*Some restrictions may apply. Contact the Bath County Planner at (540) 839-7236 or visit our second floor office at the Bath County Courthouse.

USES NOT LISTED ARE NOT PERMITTED IN THIS DISTRICT.

VIRGINIA LAND RECORD COVER SHEET
FORM A - COVER SHEET CONTENT

Instrument No.

18-834

Date: 11/15/18

Instrument Date: 10/1/2018
Instrument Type: AG
Number of Parcels: 1 Number of Pages: 3
 City County

BATH

TAX EXEMPT? VIRGINIA/FEDERAL LAW

Grantor:
 Grantee:

Consideration: \$0.00
Existing Debt: \$0.00
Actual Value/Assumed: \$0.00

PRIOR INSTRUMENT UNDER § 58.1-803(D):

Original Principal: \$0.00
Fair Market Value Increase: \$0.00

INSTRUMENT 180000834
RECORDED IN THE CLERK'S OFFICE OF
BATH COUNTY CIRCUIT COURT ON
NOVEMBER 15, 2018 AT 09:47 AM
ANNETTE T. LOAN, CLERK
RECORDED BY: ATL

(Area Above Reserved For Deed Stamp Only)

Original Book Number: Original Page Number: Original Instrument Number:

Prior Recording At: City County

Percentage In This Jurisdiction: 100%

BUSINESS / NAME

1 Grantor: BAKER, TAYLOR M

Grantor:

1 Grantee: TUCK, ANDY

Grantee:

GRANTEE ADDRESS

Name: ANDY TUCK

Address:

City: State: VA Zip Code:

Book Number: Page Number: Instrument Number:

Parcel Identification Number (PIN): 63-12 & 63-13B Tax Map Number: 63-12 & 63-13B

Short Property Description: TRACT, CEDAR CREEK MAG. DIST

Current Property Address: 30 SEPP KOBER DRIVE

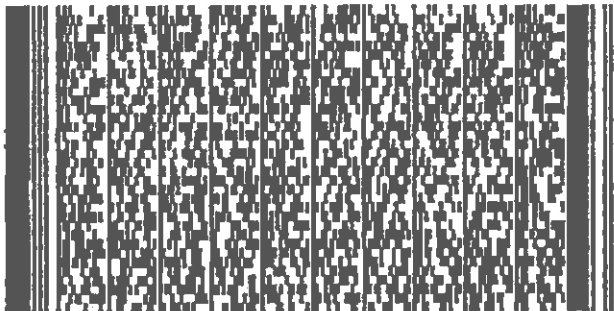
City: HOT SPRINGS State: VA Zip Code: 24445

Instrument Prepared By: BETTY K. CAULEY Recording Paid By: JOHN C. SINGLETON

Recording Returned To: JOHN C. SINGLETON

Address: P.O. BOX 116 54 COURTHOUSE HILL ROAD

City: WARM SPRINGS State: VA Zip Code: 24484



Instrument No.
18-834

Date: 11/15/18

Tax Map Nos. 63- 12
63- 13B

Prepared by:
Betty K. Cauley
5621 Hard Rock Place
Richmond, VA 23230

**TEMPORARY RELEASE OF RESTRICTION
AGAINST USE OF PROPERTY AS RESIDENTIAL DWELLING**

This Temporary Release of Restriction Against Use of Property As Residential Dwelling is made this 1 day of October, 2018, by and between TAYLOR M. BAKER (hereinafter referred to as "Baker"), ANDY TUCK (hereinafter referred to as "TUCK")

WITNESSETH

WHEREAS, pursuant to a Deed dated July 15, 2016, recorded in the Clerk's Office of the Circuit Court of Bath County, Virginia (hereinafter referred to as the "Clerk's Office") as Instrument No. 160000385, Baker is the owner of a parcel of real property containing 1.986 acres, more or less, identified on the Tax Map records of Bath County, Virginia as Tax Map No. 63 ---- 12 (hereinafter referred to as the "Baker Tract"; and

WHEREAS, the Baker Lot is one holder of a restriction as set forth in a Deed dated July 24, 1991, recorded in the Clerk's Office in Deed Book 129, Page 746, against use of an adjacent lot containing 0.219 acres identified on the Tax Map records of Bath County, Virginia as Tax Map No. 63 ---- 13B (hereinafter referred to as the "0.219-acre Lot"), which restriction prohibits use of the 0.219-acre Lot for a residential dwelling; and

WHEREAS, Andy Jo Tuck (hereinafter referred to as "Tuck") is the potential Purchaser of the 0.219-acre Lot pursuant to a Commercial Purchase Agreement dated August 20, 2018 (and effective August 27, 2018); and

WHEREAS, Baker has agreed to temporary release of the restriction against use of the 0.219-acre Lot as a residential dwelling subject to the terms and conditions set forth below.

NOW, THEREFORE, Baker does hereby release the restriction against use of the 0.219-acre Lot as a residential dwelling (hereinafter referred to as "Release"), subject to the following terms and conditions:

1. The Release shall become effective, and shall be recorded, simultaneously with Tuck's closing on purchase of the 0.219-acre Lot.
2. The release of restriction against the use of the 0.219-acre lot as a dwelling shall be effective solely during the period of Tuck's ownership of the 0.219-acre Lot, and the restriction against use of the 0.219-acre Lot as a residential dwelling shall immediately and automatically be reinstated at the time Tuck is no longer the owner of the 0.219-acre Lot.
3. The Release is contingent upon Tuck's conveyance to Baker, simultaneously with Tuck's closing on the purchase of the 0.219-acre Lot, of a right of first refusal for purchase, approved by Baker, of the 0.219-acre Lot.
4. The Release is non-transferable and shall not be conveyed or assigned by Tuck.

WITNESS the following signatures and seal.



TAYLOR M. BAKER

COMMONWEALTH OF VIRGINIA
COUNTY OF BATH

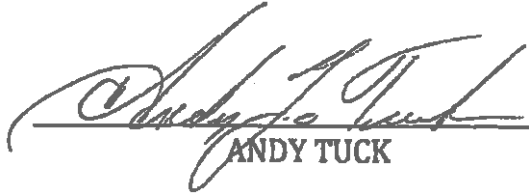
The foregoing was duly acknowledged before me this 1st day of October, 2018, by Taylor M. Baker.

My commission expires: 8-31-20
My registration number is: 7697732

PETER JOHN JUDAH
NOTARY PUBLIC
REG. #7697732
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES AUG. 31, 2020



NOTARY PUBLIC


ANDY TUCK

COMMONWEALTH OF VIRGINIA
COUNTY OF BATH

The foregoing was duly acknowledged before me this 1st day of October,
2018, by ANDY TUCK.

My commission expires: 2-28-2022
My registration number is: 108474




NOTARY PUBLIC

INSTRUMENT 180000834
RECORDED IN THE CLERK'S OFFICE OF
BATH COUNTY CIRCUIT COURT ON
NOVEMBER 15, 2018 AT 09:47 AM
ANNETTE T. LOAN, CLERK
RECORDED BY: ATL

Instrument No.

02-995

Date 9/11/02

BOOK 186 PAGE 113

Ronald W. Vaught, PLC
P.O. Box 38 *Delivered 9/11/02*
Warm Springs, Virginia 24484
(540) 839-3511

TAX# 63-12-13B

TRUSTEE'S DEED

THIS DEED is made this 11th day of September 2002, by and between Ronald W. Vaught, Substitute Trustee, Grantor, and Betty K. Cauley, married, Grantee, whose address is P.O. Box 219, Warm Springs, Virginia 24484.

W I T N E S S E T H

THAT WHEREAS, by deed of trust dated December 9, 1999, and recorded in the Clerk's Office of the Circuit Court for the County of Bath Virginia, in Deed Book 164, page 475, Geoffrey Wright and Vivien F. Wright conveyed the property hereinafter described to Ronald W. Vaught, Trustee, in trust to secure unto Richard E. Wheeler and Paige H. Wheeler, but assigned by Assignment of Deed of Trust, dated June 30, 2000, recorded in Bath County Deed Book 171, at page 170, unto Betty K. Cauley, herinafter "Noteholder," the payment of a certain indebtedness therein described, said deed of trust providing for sale of the property hereinafter described in the event of default in the payment of said indebtedness or in the event of a breach of the covenants and conditions contained in the note or the deed of trust; and

WHEREAS, default was made in the payment of the indebtedness secured by said deed of trust, and Noteholder, the holder of the note evidencing said indebtedness, in accordance with the provisions of said note and deed of trust and as evidenced by an Appointment of Substitute Trustee dated August 22, 2002, and recorded in the aforesaid Clerk's Office in Deed Book 185, page 607, Noteholder requested Grantor to advertise and sell the

property conveyed by the aforesaid deed of trust in accordance with the terms thereof; and

WHEREAS, Ronald W. Vaught, Substitute Trustee, Grantor, in accordance with the provisions of the said deed of trust, having first given written notice of such sale by certified mail, return receipt requested, and by regular first class mail, postage prepaid, to the owners of the property and those obligated on the underlying note, and to any subordinate lienholders at their last-known addresses more than 14 days before the date of the sale as required by statute, and after having first advertised the time, place, and terms of sale one (1) time(s) per week for four (4) consecutive weeks, on August 24, 2002, August 30, 2002, September 4, 2002 and September 9, 2002, in the Covington, Virginia, Virginian Review a newspaper in general circulation in the County of Bath, Virginia, did offer the property hereinafter described for sale at public auction to the highest bidder at the steps of the Courthouse for the County of Bath, on September 10, 2002, at 11:00 o'clock a.m.; and

WHEREAS, at said sale Betty K. Cauley became the purchaser of the property hereinafter described at the price of \$43,800.00, that being the last and highest bid received.

NOW, THEREFORE, IN CONSIDERATION of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Ronald W. Vaught, sole acting Substitute Trustee, does hereby grant unto Betty K. Cauley, with Covenants of Special Warranty of Title, all of the following lot or parcel of land lying and being in the County of Bath, Virginia, and more particularly described as follows:
Tax# 63-12-13B. All that certain tract or parcel of real property, together with improvements thereon and the privileges

and appurtenances thereto appertaining, containing 2.170 acres, more or less, situate near and along U.S. Route 220, Cedar Creek Magisterial District, Bath County, Virginia, and being further denoted as Lot 1, 2.170 acres, more or less, as shown on that certain survey dated November 7, 1988, revised June 26, 1991, by Stephen P. Douty, L.S., which said survey is of record in the Office of the Clerk of the Circuit Court of Bath County, Virginia, in Plat Cabinet 1, at Slide 87, and further being the same tract conveyed unto Geoffrey Wright, et.ux., by Richard E. Wheeler, et.ux., by Deed dated December 9, 1999, and of record in Bath County Deed Book 167, at page 457; subject to a certain Boundary Line Agreement and Deed of Easement, dated October 14, 1991 and of record in Bath County Deed Book 130, at page 548.

This conveyance is made subject, however, to all easements, restrictions, and covenants of record that affect the property just hereinabove described, and further subject to that lien by Deed of Trust, dated December 9, 1999, from from Geoffrey N. Wright and Vivian Wright, recorded in Bath County Deed Book 167, at page 460, for the benefit of Full Spectrum Lending, Inc, and any subsequent assignments thereof.


Property Value: \$143,500.00

Bid Price: \$43,800.00, subject to prior Deed of Trust Lien

Debt: >\$240,000.00

Equity Amount: \$0.00

WITNESS the following signature:



Ronald W. Vaught
Substitute Trustee

COMMONWEALTH OF VIRGINIA
COUNTY OF Bath, to-wit:

The foregoing Deed was acknowledged before me this 11th day
of September 2002, by Ronald W. Vaught, Substitute Trustee.

Lois A. Jony
NOTARY PUBLIC

My commission expires: December 31, 2005.

INSTRUMENT #020000995
RECORDED IN THE CLERK'S OFFICE OF
BATH COUNTY ON
SEPTEMBER 11, 2002 AT 04:21PM
\$145.50 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$72.75 LOCAL: \$72.75
DARLENE W. CARPENTER, CLERK
BY: M. J. [Signature] (DC)

Instrument No.
15-723
Date: 11/23/15

Plat transferred to Cabinet 2
Slide 35

Prepared by and returned to:

Tax Map Nos. 63 - - - - 13, and
63 - - - - 12-13B

Betty K. Cauley
P.O. Box 219
Warm Springs, VA 24484

**BOUNDARY ADJUSTMENT AGREEMENT,
RELEASE OF RESTRICTION AGAINST SUBDIVISION,
and SUBDIVISION OF LOT**

This Boundary Adjustment Agreement, Release of Restriction Against Subdivision, and Subdivision of Lot is made this 28th day of November, 2015, by and between MARION VON HAGEN KOBER (hereinafter referred to as "Kober"), BETTY K. CAULEY (hereinafter referred to as "Cauley").

WITNESSETH

WHEREAS, pursuant to a Deed dated May 28, 1999, recorded in the Clerk's Office of the Circuit Court of Bath County, Virginia (hereinafter referred to as the "Clerk's Office") in Deed Book 164, Page 482, Kober became the owner (with her husband Joseph H. Kober, who is now deceased, thus vesting sole ownership in Kober) of a tract or parcel of real property containing 35.057 acres, more or less, identified on the Tax Map records of Bath County, Virginia, as Tax Map No. 63 - - - - 13 (hereinafter referred to as the "Kober Tract"); and

WHEREAS, pursuant to a Deed dated September 11, 2002, recorded in the Clerk's Office in Deed Book 186, Page 113, Cauley is the owner of a lot or parcel of real property containing 2.170 acres, more or less, identified on the Tax Map records of Bath County, Virginia, as Tax Map No. 63 - - - - 12-13B (hereinafter referred to as the "Cauley Lot"); and

WHEREAS, the parties wish to make certain adjustments in their common boundary line;
and

WHEREAS, the Cauley Lot is subject to certain restrictions for the benefit of the Kober Tract, as set forth in a Deed dated July 24, 1991, recorded in the Clerk's Office in Deed Book 129, Page 746, one of which is a restriction against subdivision of the Cauley Lot; and

WHEREAS, Kober has agreed to release the restriction against subdivision of the Cauley Lot as set forth in the above-described deed dated July 24, 1991, so as to permit the carve out from the Cauley Lot of a separate lot containing 0.219 acre as further described below; and

WHEREAS, Cauley wishes to subdivide the Cauley Lot as described below.

NOW, THEREFORE, the parties agree as follows:

FIRST: A portion of the common boundary line between their adjacent properties (identified on the Tax Map records of Bath County, Virginia, as Tax Map Nos. 63 - - - - 13, and 63 - - - - 12-13B) is hereby adjusted as shown on that certain plat titled "Plat of Survey for Betty K. Cauley" dated October 29, 2015, by Jeffrey Hiner, Land Surveyor (hereinafter referred to as the "Plat"), which Plat is attached hereto and recorded herewith. As a result of such adjustment, there is added to the Cauley Lot and removed from the Kober Tract an area of 0.035 acre, the metes and bounds description of which 0.035-acre parcel is set forth on Exhibit A attached hereto and incorporated herein;

SECOND: Kober does hereby release the restriction against subdivision of the Cauley Lot, which restriction is set forth in that certain deed dated July 24, 1991, recorded in the Clerk's Office in Deed Book 129, Page 746, so as to permit the subdivision of the Cauley Lot into two lots, one containing 0.219 acres, and one containing 1.986 acres, as shown on the Plat.

AND FURTHER, Cauley does hereby subdivide the Cauley Lot into two lots, one lot containing 0.219 acre as shown on the Plat, the metes and bounds description of which is set forth on Exhibit B attached hereto and incorporated herein, and the other lot containing 1.986 acres as shown on the Plat, such 1.986 acres being the remainder of the Cauley Lot after the boundary adjustment set forth above and after the carve out of the 0.219 acre lot.

WITNESS the following signatures and seals.


MARION VON HAGEN KOBER


BETTY K. CAULEY

Jeffrey Hiner ~ Land Surveyor

2724 Jackson River Road ~ Monterey VA 24465 ~ Phone 540 468-2040
Licensed Land Surveyor
jhiner@htcnet.org
October 29, 2015

Description of 0.035 acres

A parcel of land in Cedar Creek District, Bath County, Virginia, located about a mile southwest of the village of Warm Springs, lying about 210 feet northwest of U.S. Route 220, and about 18 feet northeast of a private road known as Sepp Kober Drive, being more particularly described as follows:

Beginning at a found iron rod about 210 feet northwest of the northwest right of way line of U.S. Route 220, and about 18 feet northeast of the centerline of a private road known as Sepp Kober Drive, being a corner to a 0.219 acre parcel of land owned by Betty K. Cauley and surveyed at this time;

thence leaving the 0.219 acre parcel and with two new lines:

N 57°20'43" W, roughly parallel to Sepp Kober Drive, 25.78 feet to a set iron rod;

thence N 46°45'41" E 62.94 feet to a iron rod set on the line of the land of Betty K. Cauley, 2.14 feet southwest of the south corner of a brick out-building that stands on the land of Betty K. Cauley;

thence with the line of Cauley, S 49°40'41" E, at 2.20 feet passing 0.90 feet southwest of a power pole, in all 25.16 feet to a found iron rod, being a corner to the aforesaid 0.219 acre parcel owned by Betty K. Cauley and surveyed at this time for her;

thence with a line of said 0.219 acre parcel, S 46°45'41" W 59.48 feet to the point of beginning, containing 0.035 acres, more or less, as shown on a plat attached hereto and made a part of this description.

Being a part of a 35.057 acre parcel of land conveyed to Marion Von Hagen Kober and Joseph H. Kober from Herbert J. Holzheimer, Jr. by deed, with right of survivorship, dated May 28, 1999 and recorded in the Office of the Clerk of the Circuit Court of Bath County, Virginia in Deed Book 164 at page 482.



Jeffrey Hiner ~ Land Surveyor

2724 Jackson River Road ~ Monterey VA 24465 ~ Phone 540 468-2040

Licensed Land Surveyor

jhiner@htcnet.org

October 29, 2015

Description of 0.219 acres

A parcel of land in Cedar Creek District, Bath County, Virginia, located about a mile southwest of the village of Warm Springs, lying about 54 feet northwest of U.S. Route 220, being more particularly described as follows:

Beginning at spike nail set at a found iron rod embedded in the root of a 12" sugar growing against the north side of a large white oak about 54 feet northwest of the northwest right of way line of U.S. Route 220 and about 3.9 feet northeast of the center of said white oak, roughly 30± feet northeast of the centerline of a private road known as Sepp Kober Drive, being a corner to the land of Marion Von Hagen Kober and being the southernmost corner of a 2.170 acre parcel of land shown on a plat recorded in Plat Cabinet 1 at slide 87;

thence with the line of Kober, N 48°33'36" W 156.42 feet to a found iron rod, being a corner of a 0.035 acre parcel of land to be conveyed from Marion Von Hagen Kober to Betty K. Cauley;

thence with a line of said 0.035 acre parcel, N 46°45'41" E 59.48 feet to a found iron rod;

thence with three new lines:

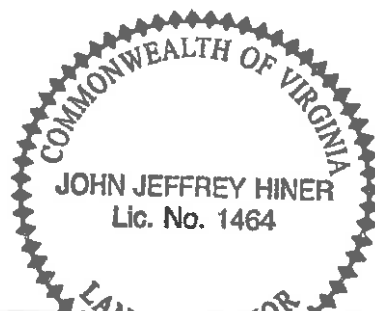
S 49°40'41" E 49.07 feet to a set iron rod;

thence N 46°45'41" E 9.02 feet to a set iron rod;

thence S 40°30'29" E 107.05 feet to a set iron rod on the southeast line of said 2.170 acre parcel;

thence with said line, S 46°41'56" W, crossing a driveway, 54.40 feet to the point of beginning, containing 0.219 acres, more or less, as shown on a plat attached hereto and made a part of this description.

Being a part of a 2.170 acre parcel of land conveyed to Betty K. Cauley from Ronald W. Vaught, Substitute Trustee, by deed dated September 11, 2002 and recorded in the Office of the Clerk of the Circuit Court of Bath County, Virginia in Deed Book 186 at page 113.



COMMONWEALTH OF VIRGINIA
COUNTY OF BATH

The foregoing was duly acknowledged before me this 23 day of November, 2015 by
Marion Von Hagen Kober.

My commission expires:
My registration number is:



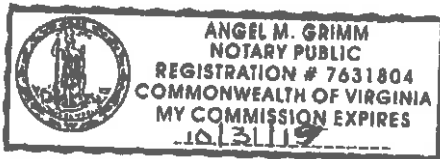
Angel M Grimm

Notary Public

COMMONWEALTH OF VIRGINIA
COUNTY OF BATH

The foregoing was duly acknowledged before me this 23 day of November, 2015 by
Betty K. Cauley.

My commission expires: 10/31/2019
My registration number is: 7631804



Angel M Grimm

Notary Public

INSTRUMENT #150000723
RECORDED IN THE CLERK'S OFFICE OF
BATH COUNTY ON
NOVEMBER 23, 2015 AT 11:28AM

M. WAYNE WINEBRINER, CLERK
RECORDED BY: CRW

SOURCE OF TITLE:
THE 0.219 ACRE PARCEL IS PART OF THE LAND CONVEYED TO BETTY K. CAULEY FROM RONALD W. VAUGHT, SUBSTITUTE TRUSTEE, BY DEED DATED SEPT. 11, 2002 AND RECORDED IN DEED BOOK 165 AT PAGE 113.

ACKNOWLEDGEMENT:
THE DIVISION OF LAND SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE OWNER.
SIGNED: *Betty K. Cauley*
OWNER

COMMONWEALTH OF VIRGINIA
COUNTY OF BATH, TO WIT:
I, CERTIFY THE OWNER DO ACKNOWLEDGE THE ABOVE SHOWN SUBDIVISION CERTIFICATE BEFORE ME IN MY JURISDICTION OF
Bath
THIS 23RD DAY OF
November, 2015.
SIGNED: *Carol M. Sullivan*
NOTARY PUBLIC
MY COMMISSION EXPIRES: 10/31/2019



MARION VON HAGEN KOBER
D.B. 164-482
TAX # 63-13

SOURCE OF TITLE:
THE 0.035 ACRE PARCEL IS PART OF THE LAND CONVEYED TO MARION VON HAGEN KOBER AND JOSEPH H. KOBER, WITH RIGHT OF SURVIVORSHIP, FROM HERBERT J. HOLZHEIMER, JR. BY DEED DATED MAY 28, 1998 AND RECORDED IN DEED BOOK 164 AT PAGE 482.

SUBDIVISION CERTIFICATE:
THE DIVISION OF LAND SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE OWNER.
SIGNED: *Marion von Hagen Kober*
OWNER



COMMONWEALTH OF VIRGINIA
COUNTY OF BATH, TO WIT:
I, CERTIFY THE OWNER DO ACKNOWLEDGE THE ABOVE SHOWN SUBDIVISION CERTIFICATE BEFORE ME IN MY JURISDICTION OF
Bath
THIS 23RD DAY OF
November, 2015.
SIGNED: *Carol M. Sullivan*
NOTARY PUBLIC
MY COMMISSION EXPIRES: 10/31/2019

THE 0.035 ACRE PARCEL IS TO BE ADDED TO AND COMBINED WITH THE REMAINING LAND OF BETTY K. CAULEY (TAX PARCEL 63-112).

THIS PLAT IS APPROVED IN ACCORDANCE WITH SECTION 164 OF THE BATH COUNTY LAND SURVEYING REGULATIONS AND STATUTE 18-2-10.
SIGNED: *Jeffrey Hiner* 11-20-2015
LAND SURVEYOR

THIS PLAT IS BASED ON A CURRENT FIELD SURVEY. THE OUTSIDE LINES REPRESENT A RETRACEMENT OF A BOUNDARY SURVEY SHOWN ON A PLAT RECORDED IN PLAT CABINET 1 AT PAGE 87.
THIS PLAT DOES NOT SHOW ALL UTILITIES, ALL FENCES, ALL ROADS, WATER LINES, RIGHT OF WAYS AND EASEMENTS THAT MAY EXIST AND AFFECT THIS PROPERTY.
THE SURVEYOR WAS NOT FURNISHED WITH A CURRENT TITLE REPORT FOR THIS PROPERTY.

DAVE L. & LOU ANN WINCENT
D.B. 200-782
TAX # 63-103

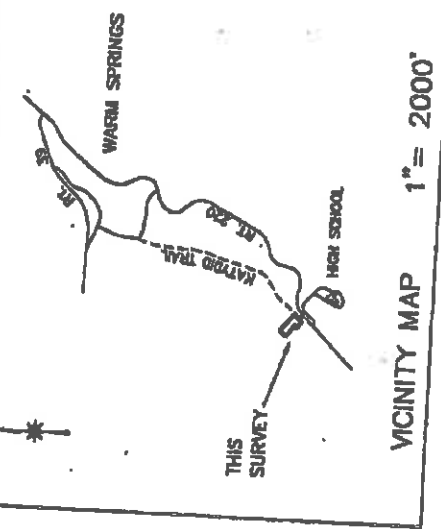
BETTY K. CAULEY
D.B. 188-113
TAX # 63-12

2170 ACRES
- 0.718
1,451 ACRES
+ 0.035
1,486 ACRES

0.035 ACRES
FD. IRON ROAD
TAX # 63-128
0.219 ACRES

WASHTY, LLC
D.B. 189-282
TAX # 63-144

PLAT NORTH
P.C. 1-87

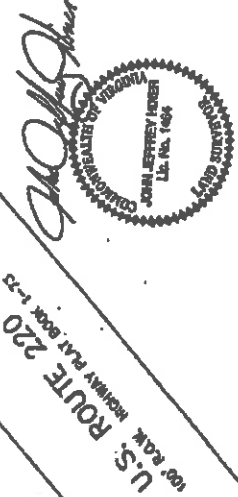


○: REPRESENTS A SET IRON ROD UNLESS OTHERWISE NOTED

LINE	BEARING	DISTANCE
L1	N 45° 35' 00" W	156.42
L2	N 40° 45' 00" E	59.47
L3	S 47° 47' 00" E	48.07
L4	N 88° 45' 00" E	9.87
L5	S 40° 35' 00" E	107.05
L6	S 40° 41' 00" W	54.40
L7	N 87° 20' 45" W	24.70
L8	N 40° 45' 00" E	82.94
L9	S 49° 40' 00" E	25.18

PLAT OF SURVEY
FOR
BETTY K. CAULEY
CEDAR CREEK DISTRICT
BATH COUNTY, VIRGINIA
OCT. 29, 2015 SCALE: 1" = 60'
P.N. 151007 F.B. 137-31

JEFFREY HINER
LAND SURVEYOR
MONTEREY, VA



See Instrument # 15-783 - Plat Cabinet 2 slide 35

**VIRGINIA LAND RECORD COVER SHEET
FORM A - COVER SHEET CONTENT**

Instrument Date: 11/14/2018
Instrument Type: DBS
Number of Parcels: 1 Number of Pages: 3
 City County

BATH
TAX EXEMPT? VIRGINIA/FEDERAL LAW

Grantor:
 Grantee:

Consideration: \$110,000.00

Existing Debt: \$0.00

Actual Value/Assumed: \$0.00

PRIOR INSTRUMENT UNDER § 58.1-803(D):

Original Principal: \$0.00

Fair Market Value Increase: \$0.00

Original Book Number: Original Page Number: Original Instrument Number:

Prior Recording At: City County

Percentage In This Jurisdiction: 100%

BUSINESS / NAME

1 Grantor: CAULEY, BETTY K

Grantor:

1 Grantee: TUCK, ANDY JO

Grantee:

GRANTEE ADDRESS

Name: ANDY JO TUCK

Address: P.O. BOX 64

City: WARM SPRINGS State: VA Zip Code: 24484

Book Number: Page Number: Instrument Number:

Parcel Identification Number (PIN): 63-13B Tax Map Number: 63-13B

Short Property Description: TRACT, CEDAR CREEK MAG. DIST

Current Property Address: 30 SEPP KOBER DRIVE

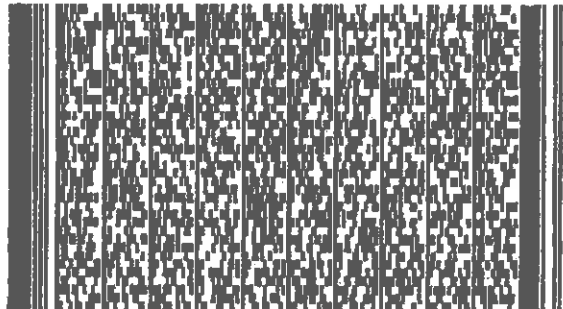
City: HOT SPRINGS State: VA Zip Code: 24445

Instrument Prepared By: JOHN C. SINGLETON Recording Paid By: JOHN C. SINGLETON

Recording Returned To: JOHN C. SINGLETON

Address: P.O. BOX 116 54 COURTHOUSE HILL ROAD

City: WARM SPRINGS State: VA Zip Code: 24484



Instrument No.

18-835

Date: 11/15/18

INSTRUMENT 180000835
RECORDED IN THE CLERK'S OFFICE OF
BATH COUNTY CIRCUIT COURT ON
NOVEMBER 15, 2018 AT 09:50 AM
\$110.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$55.00 LOCAL: \$55.00
ANNETTE T. LOAN, CLERK
RECORDED BY: ATL

(Area Above Reserved For Deed Stamp Only)

Prepared by and Delivered to:
John C. Singleton
P.O. Box 116
Warm Springs, VA 24484

Tax Assessment: \$112,900.00
Consideration: \$110,000.00

TAX MAP NO. 63-13B

THIS DEED, made and entered into this 14th day of November, 2018, by and between BETTY K. CAULEY, Grantor, and ANDY JO TUCK, P.O. Box 64, Warm Springs, VA 24484, Grantee.

- WITNESSETH -

NOW, THEREFORE, for and in consideration of the sum of ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000.00), cash in hand paid and other good and valuable consideration, the receipt of which is hereby expressly acknowledged by the Grantor, the Grantor does hereby GRANT, BARGAIN, SELL, and CONVEY unto the Grantee in FEE SIMPLE with GENERAL WARRANTY and ENGLISH COVENANTS OF TITLE, all of that certain parcel of land in the Cedar Creek Magisterial District of Bath County, Virginia, located about a mile southwest of the Village of Warm Springs, lying about 54 feet northwest of U. S. Route 220, being more particularly described as follows:

Beginning at a spike nail set at a found iron rod embedded in the root of a 12" sugar growing against the north side of a large white oak about 54 feet northwest of the northwest right of line of U. S. Route 220 and about 3.9 miles northeast of the center of said white oak, roughly 30± feet northeast of the centerline of a private road known as Sepp Kober Drive, being a corner to the land of Marion Von Hagen Kober and being the southernmost corner of a 2.170 acre parcel of land shown on a plat recorded in Plat Cabinet 1 at Slide 87; thence with the line of Kober N 48°33'36" W 156.42 feet to a found iron rod, being a corner of a 0.035 acre parcel of land; thence with a line of said 0.035 acre parcel, N 46°45'41" E 59.48 feet to a found iron rod; thence with three new lines: S 49°40'41" E 9.02 feet to a set iron rod; thence N 46°45'41" E 9.02 feet to a set iron rod; thence S 40°30'29" E 107.05 feet to a set iron rod on the southeast line of said 2.170 acre parcel; thence with said line, S 46°41'56" W, crossing a driveway, 54.40 feet to the point of beginning, containing 0.219 acres, more or less, as shown on a "Plat of Survey for Betty K. Cauley" dated October 29, 2015, recorded in the Office of the Clerk of the Circuit Court of Bath County, Virginia, in Plat Cabinet 2, Slide 35.

This being a portion of the property conveyed to Betty K. Cauley by deed dated September 11, 2002, recorded in the aforesaid Clerk's Office in Deed Book 186, Page 113, to which deed reference is made for a more complete history of the property.

Further the Grantor GRANTS and CONVEYS to the Grantee that certain permanent EASEMENT for an electric distribution line across the adjacent property previously owned by the Grantor. Reference is hereby made to that certain deed dated the 15th day of July, 2016, to Taylor M. Baker from Betty K. Cauley recorded in the aforesaid Clerk's Office as Instrument No. 16-385, for a more particular description of said easement.

Recorded immediately prior to this deed are two (2) documents dated August 30, 2018 and October 1, 2018 whereby Marion von Hagen Kober and Taylor M. Baker both executed separate releases of restrictions against the use of property being acquired by Andy Jo Tuck as residential property.

Andy Jo Tuck executes this deed to confirm that in the event that Andy Jo Tuck, her heirs, successors or assigns decides to sell the above described property, the right to purchase the property at the same price and terms as has been offered for the property shall be given to Taylor M. Baker, his heirs, successors and assigns and Taylor M. Baker, his heirs, successors and assigns shall have thirty (30) days to match said offer.

Further conveyed herein is that certain access easement recorded in Deed Book 150 at Page 735 as depicted on the aforesaid plat in Plat Cabinet 2, Slide 35.

This conveyance is made expressly subject to the easements, conditions, restrictions and reservations contained in duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to the property hereby conveyed which have not expired by the limitation

of time contained therein or otherwise become ineffective.

Witness the following signature and seal.

Betty K. Cauley (SEAL)
Betty K. Cauley

STATE OF VIRGINIA, AT LARGE, to-wit:

The foregoing Deed was duly acknowledged before me in the County of Bath, Virginia, this 15th day of November, 2018, by Betty K. Cauley.

My commission expires: 2-28-2022
Registration #: 108474



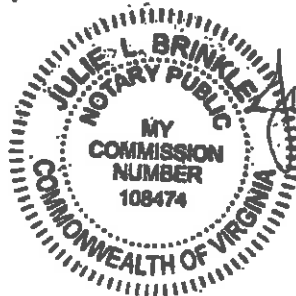
Julie L. Brinkley
Notary Public

Andy Jo Tuck (SEAL)
Andy Jo Tuck

STATE OF VIRGINIA, AT LARGE, to-wit:

The foregoing Deed was duly acknowledged before me in the County of Bath, Virginia, this 14th day of November, 2018, by Andy Jo Tuck.

My commission expires: 2-28-2022
Registration #: 108474



Julie L. Brinkley
Notary Public
INSTRUMENT 180000835
RECORDED IN THE CLERK'S OFFICE OF
BATH COUNTY CIRCUIT COURT ON
NOVEMBER 15, 2018 AT 09:50 AM
\$110.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$55.00 LOCAL: \$55.00
ANNETTE T. LOAN, CLERK
RECORDED BY: ATL

**VIRGINIA LAND RECORD COVER SHEET
FORM A - COVER SHEET CONTENT**

Instrument Date: 10/1/2018
Instrument Type: AG
Number of Parcels: 1 Number of Pages: 3
 City County

BATH
TAX EXEMPT? VIRGINIA/FEDERAL LAW

Grantor:
 Grantee:
Consideration: \$0.00
Existing Debt: \$0.00
Actual Value/Assumed: \$0.00

PRIOR INSTRUMENT UNDER § 58.1-803(D):
Original Principal: \$0.00
Fair Market Value Increase: \$0.00

Original Book Number: Original Page Number: Original Instrument Number:

Prior Recording At: City County

Percentage In This Jurisdiction: 100%

BUSINESS / NAME

1 Grantor: BAKER, TAYLOR M
 Grantor:
1 Grantee: TUCK, ANDY
 Grantee:

GRANTEE ADDRESS

Name: ANDY TUCK
Address:

City: State: VA Zip Code:

Book Number: Page Number: Instrument Number:

Parcel Identification Number (PIN): 63-12 & 63-13B Tax Map Number: 63-12 & 63-13B

Short Property Description: TRACT, CEDAR CREEK MAG. DIST

Current Property Address: 30 SEPP KOBER DRIVE

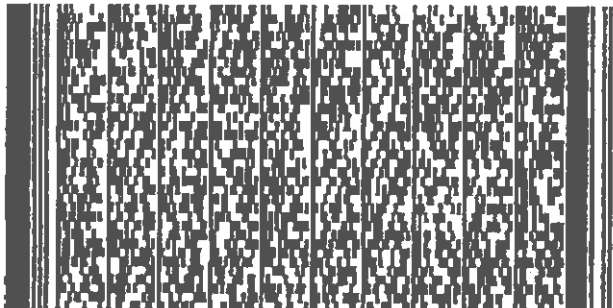
City: HOT SPRINGS State: VA Zip Code: 24445

Instrument Prepared By: BETTY K. CAULEY Recording Paid By: JOHN C. SINGLETON

Recording Returned To: JOHN C. SINGLETON

Address: P.O. BOX 116 54 COURTHOUSE HILL ROAD

City: WARM SPRINGS State: VA Zip Code: 24484



Instrument No. 18-834

Date: 11/15/18

INSTRUMENT 180000934
RECORDED IN THE CLERK'S OFFICE OF
BATH COUNTY CIRCUIT COURT ON
NOVEMBER 15, 2018 AT 09:47 AM
ANNETTE T. LOAN, CLERK
RECORDED BY: ATL

(Area Above Reserved For Deed Stamp Only)

Instrument No.
18-834
Date: 11/15/18

Prepared by:
Betty K. Cauley,
5621 Hard Rock Place
Richmond, VA 23230

Tax Map Nos. 63- 12
63- 13B

**TEMPORARY RELEASE OF RESTRICTION
AGAINST USE OF PROPERTY AS RESIDENTIAL DWELLING**

This Temporary Release of Restriction Against Use of Property As Residential Dwelling is made this 1 day of October, 2018, by and between TAYLOR M. BAKER (hereinafter referred to as "Baker"), ANDY TUCK (hereinafter referred to as "TUCK"

WITNESSETH

WHEREAS, pursuant to a Deed dated July 15, 2016, recorded in the Clerk's Office of the Circuit Court of Bath County, Virginia (hereinafter referred to as the "Clerk's Office") as Instrument No. 160000385, Baker is the owner of a parcel of real property containing 1.986 acres, more or less, identified on the Tax Map records of Bath County, Virginia as Tax Map No. 63 ---- 12 (hereinafter referred to as the "Baker Tract"; and

WHEREAS, the Baker Lot is one holder of a restriction as set forth in a Deed dated July 24, 1991, recorded in the Clerk's Office in Deed Book 129, Page 746, against use of an adjacent lot containing 0.219 acres identified on the Tax Map records of Bath County, Virginia as Tax Map No. 63 ---- 13B (hereinafter referred to as the "0.219-acre Lot"), which restriction prohibits use of the 0.219-acre Lot for a residential dwelling; and

WHEREAS, Andy Jo Tuck (hereinafter referred to as "Tuck") is the potential Purchaser of the 0.219-acre Lot pursuant to a Commercial Purchase Agreement dated August 20, 2018 (and effective August 27, 2018); and

WHEREAS, Baker has agreed to temporary release of the restriction against use of the 0.219-acre Lot as a residential dwelling subject to the terms and conditions set forth below.

NOW, THEREFORE, Baker does hereby release the restriction against use of the 0.219-acre Lot as a residential dwelling (hereinafter referred to as "Release"), subject to the following terms and conditions:

1. The Release shall become effective, and shall be recorded, simultaneously with Tuck's closing on purchase of the 0.219-acre Lot.
2. The release of restriction against the use of the 0.219-acre lot as a dwelling shall be effective solely during the period of Tuck's ownership of the 0.219-acre Lot, and the restriction against use of the 0.219-acre Lot as a residential dwelling shall immediately and automatically be reinstated at the time Tuck is no longer the owner of the 0.219-acre Lot.
3. The Release is contingent upon Tuck's conveyance to Baker, simultaneously with Tuck's closing on the purchase of the 0.219-acre Lot, of a right of first refusal for purchase, approved by Baker, of the 0.219-acre Lot.
4. The Release is non-transferable and shall not be conveyed or assigned by Tuck.

WITNESS the following signatures and seal.


TAYLOR M. BAKER


COMMONWEALTH OF VIRGINIA
COUNTY OF BATH

The foregoing was duly acknowledged before me this 1st day of October, 2018, by Taylor M. Baker.

My commission expires: 8-31-20
My registration number is: 7697732

PETER JOHN JUDAH
NOTARY PUBLIC
REG. #7697732
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES AUG. 31, 2020


NOTARY PUBLIC


ANDY TUCK

COMMONWEALTH OF VIRGINIA
COUNTY OF BATH

The foregoing was duly acknowledged before me this 1st day of October,
2018, by ANDY TUCK.

My commission expires: 2-28-2022
My registration number is: 108474




NOTARY PUBLIC

INSTRUMENT 180000834
RECORDED IN THE CLERK'S OFFICE OF
BATH COUNTY CIRCUIT COURT ON
NOVEMBER 15, 2018 AT 09:47 AM
ANNETTE T. LOAN, CLERK
RECORDED BY: ATL

Prepared by:
Betty K. Cauley, Seller
P.O. Box 219
Warm Springs, VA 24484

Assessed Value: \$258,000.00
Consideration: \$280,000.00

THIS DEED is made and entered the 15th day of July, 2016, by and between BETTY K. CAULEY ("Grantor") and TAYLOR M. BAKER ("Grantee"), whose address is P.O. Box 1309, Hot Springs, VA 24445.

WITNESSETH

THAT FOR AND IN CONSIDERATION OF the sum of \$10.00, cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby GRANT, BARGAIN, SELL, and CONVEY unto Grantee, the said TAYLOR M. BAKER, in fee simple with GENERAL WARRANTY and English Covenants of title, that certain lot or parcel of real property, together with all improvements thereon and all appurtenances thereunto belonging, containing 1.986 acres, more or less, as shown on that plat of survey titled "Plat of Survey for Betty K. Cauley" dated October 29, 2015, by John Jeffrey Hiner, Land Surveyor (hereinafter referred to as the "Plat"), which Plat is recorded in the Clerk's Office of the Circuit Court of Bath County, Virginia (hereinafter referred to as the "Clerk's Office") with a Boundary Adjustment Agreement dated November 23, 2015, as Instrument No. 15-723. Reference is made to the Plat for a more complete description of the property conveyed herein.

This being a portion of the property conveyed to Betty K. Cauley, Grantor herein, by Deed dated September 11, 2002, recorded in the Clerk's Office in Deed Book 186, Page 113, to which Deed reference is made for a more complete history of the property, a portion of which is conveyed herein, as such property was adjusted by the November 23, 2015 Boundary Adjustment Agreement described above.

Grantor herein does hereby RESERVE a permanent EASEMENT across the property conveyed herein for an electrical distribution line which leads from the existing power line pole next to the intersection of L8 and L9 as shown on the Plat (such pole being hereinafter referred to as the "Pole") and then extends underground to the 0.219-acre lot shown as Tax Map No. 63-13B on the Plat. The reserved easement is at the location of such existing Pole and line. The exact location of the underground line is unknown, but the approximate location extends from the Pole along and/or near to L9 and L3 as shown on the Plat. The reserved easement shall be for the benefit of and an appurtenance to the lot identified on the Plat as Tax Map No. 63-13B, and shall permit the continuing placement of such distribution line at its current location and any maintenance, repair, and reconstruction of such line as may be needed. In the event of any necessary maintenance, repair, and reconstruction of such line, the owner of Tax Map No. 63-13B shall be responsible to restore any disturbed area on Grantee's property to a condition comparable to the condition which existed prior to such disturbance.

This conveyance is further made expressly subject to all other reservations, covenants, conditions, easements, and restrictions, if any, of record that may lawfully apply to the subject real property, and to all matters visible upon inspection.

WITNESS the following signature and seal.


BETTY K. CAULEY

COMMONWEALTH OF VIRGINIA
COUNTY OF BATH, to wit:

The foregoing was duly acknowledged before me this 15th day of July, 2016, by Betty K. Cauley.

My commission expires: 2-28-2018
My registration number is: 108474



Julie L Brantley
Notary Public

INSTRUMENT #160000385
RECORDED IN THE CLERK'S OFFICE OF
BATH COUNTY ON
JULY 15 2016 AT 03:45PM
\$280.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$140.00 LOCAL: \$140.00
ANNETTE T. LEAN, CLERK
RECORDED BY: ERK

Building, Planning & Zoning
P.O. BOX 216
WARM SPRINGS, VIRGINIA
24484



PHONE: 540.839.7236
FAX: 540.839.7297

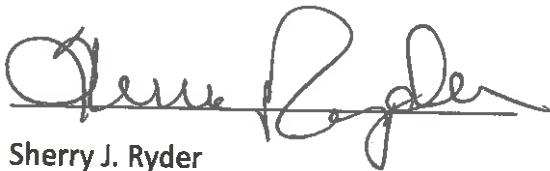
RECEIPT

Date: April 2, 2024

Received From: Adryin Glynn Design Inc.

For: Conditional Use Permit

Amount: \$200.00
Check #1013


Sherry J. Ryder

PAID
APR 04 2024
PAMELA H. WEBB
BATH COUNTY TREASURER



PUBLIC NOTICE

The Bath County Planning Commission will meet on **Monday, April 22, 2024 at 6:00 p.m.**, or as soon thereafter, in the Room 115 of the Bath County Courthouse to receive public input on, discuss, and consider the following:

Adryin Glynn (TM #63-13B) – Conditional Use Permit application to operate an AirBNB (overnight lodging establishment). The property is located at 30 Sepp Kober Drive, Hot Springs, Virginia. The property comprises approximately 0.21 of an acre. The property is zoned B-1 Convenience Business and situate in the Cedar Creek Magisterial District.

Please address all correspondence to: Bath County Planning Commission, c/o Building, Planning & Zoning Office, Box 216, Warm Springs, Virginia 24484. For more information, contact the Building, Planning & Zoning Office by calling (540)839-7236, or e-mail at bathbpz@tds.net. This matter will not be heard without applicant representation.

Bath County intends to comply with the requirements of the Americans with Disabilities Act. Should you need special assistance or accommodations in order to participate in the public hearing, please contact the Building, Planning & Zoning Office at least two work days prior to the hearing.

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 18, 2023**

MEMBERS PRESENT: Chairman Janice O’Farrell, Vice-Chair Greg Tuning, Jason Miller, Mark Hall, John Fowler

MEMBERS ABSENT:

PUBLIC IN ATTENDANCE: Austin Hall (Press), Charlie Alvis (Verizon Attorney), Stuart Squier (Verizon ‘s Site Consultant)

STAFF PRESENT: Sherry Ryder

PUBLIC COMMENT—MATTERS UNRELATED TO THE AGENDA: None.

ADDITIONS AND CORRECTIONS TO AGENDA: None

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

PUBLIC HEARING:

- Verizon Wireless and Peters Living Trust (c/o C. David Peters) (Tax Map #: 104-28A) – Application for a Conditional Use Permit to erect a Telecommunications Tower to serve as a communications tower (cell tower) for the Millboro area along the Cowpasture River Hwy. The property is zoned A-2 (Agricultural General) and A-1 (Agricultural Limited) and comprises 38.61 acres. The property is located in the Millboro Magisterial District.

Sherry Ryder: We have a couple gentlemen here representing Verizon. Their application is in your packet and was heard before the Planning Commission on August 28th with three members present. They gave the recommendation to issue the Conditional Use Permit with a 3-0 vote of approval. I now turn it over to them to give their presentation.

Mr. Alvis showed a power point of the site and cell tower on Rt. 42. The property has two zonings, and the tower is within the A-2 site. There will be 3 co-locations available for others. The tower will stand 199 feet which includes a 4’ lighting rod. The tower stands at 195’ and is under the limit of 199’ and will not be required to be lit. The site will have a 50’ x 50’ security fence surrounding the tower and equipment building. The number of electronics has increased over the years and this tower will help alleviate marginal user coverage from other towers in the area. The tower will have a low profile and blend into the surroundings and not be seen from most areas of the Cowpasture River Hwy.

Jason Miller: What is the coverage area you expect to gain?

Mr. Alvis: The application said 2-3 miles depending on direction and topographical layout.

Jason Miller: How far down Rt. 42 is it?

Sherry Ryder: It's 4 miles north.

Mr. Fowler: It's half mile from Lynchburg Camp and the Black's property is across the road.

Jason Miller: What is the lifetime on the lease?

Mr. Alvis: It's a 5-year initial term that automatically renews for 20 years.

Mr. Fowler: Is there a provision in the agreement for removal of the structure, should we go with a new generation of communication?

Mr. Alvis: I believe it is in the ordinance. It requires the removal of the structure once it is no longer used for telecommunication purposes. It also requires us to remove the structure if the property owner terminates the lease.

Jason Miller: That was the requirement for the last tower we did for Millboro.

Sherry Ryder: After not being used for one year they have 6 months to take it down. Altogether 18 months.

Mr. Fowler asked about the road conditions with possible drainage leading up to the site.

Mr. Alvis stated they have submitted plans for the E&S and Land Disturbance and will follow requirements.

Chairman O'Farrell: Sherry, you said in your report, you hadn't had any opposition. Have you had any since then?

Sherry: No.

Chairman O'Farrell: Are there anymore questions? Hearing none, I now close the public hearing and open the floor for comments. I open the floor for a motion.

Jason Miller: I make a motion to approve the Conditional Use Application as presented, for an indefinite period of time, with the stipulations that if it becomes inoperable or not used for 12 consecutive months, owner(s) would have 6 months to completely disassemble and remove the tower. This is in accordance with the Comprehensive Plan on pages 11-23 and 11-26 j 3. And 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.

Mr. Fowler: Second.

Vote: 5-0 Application passed.

CHAIRMAN'S REPORT: None

STAFF REPORT:

Sherry Ryder: The report is in the packet. I will answer any questions you may have. I will be at a Conference next week. We have a Rezoning next month that will go before the BOS.

OLD BUSINESS: None

NEW BUSINESS: None

MINUTES:

Chairman O'Farrell: I have the Minutes of August 21, 2023. Do I hear a motion?

Jason Miller: I make a motion we approve the minutes.

Mr. Hall: Second.

VOTE: 4-0 (Mr. Fowler abstained, was absent).

ADJOURN

Chairman O'Farrell: Do I hear a motion to adjourn?

Jason Miller: So moved.

Mr. Hall: Second.

Vote: 5-0 meeting adjourned.

Chairman Janice O'Farrell

Date

Planning and Zoning

4/4/2024 – 5/8/2024

Tax Maps

- Not a lot of progress has been made; hope to have more progress soon

Zoning/Planning Issues

- Discussion with County Attorney regarding next step and process for an ongoing zoning violation
- Rezoning to be heard by Board of Supervisors on May 14, 2024
- Conditional Use Permit application to be heard by Board of Zoning Appeals on May 20, 2024
- Telephone discussion and received correspondence regarding Parcel 9 of Homestead Preserve subdivision – correspondence forwarded to Planning Commission and Board of Supervisors for review and input
- Received correspondence on newly approved cell tower site on Route 42 that there were some complications from the historic viewshed – they are trying to get the issue resolved so it can move forward
- Comprehensive Plan update finalized and ready for Board of Supervisors public hearing
- Received additional tax parcels for the upcoming real estate tax sale for print out of tax maps
- Notice of Violation with Intent to Remove trash/debris prepared and asked Sheriff's Office to serve the notice
- Correspondence/phone calls re: permitting process for AirBNB
- Correspondence/phone call re: sign permit application and process
- Posted rezoning notice
- Posted Conditional Use Permit notice
- Site visit on complaint – no violation found
- Complaints from last month are working on compliance
- Site visits and notices of violations sent for too many inoperable vehicles, trash/debris

Meetings

- Attended Bath Highland Network Authority meeting in Bolar
- Attended VATI Project Management Team call
- Attended Local Emergency Planning Commission meeting
- Attended Virginia Association of Zoning Officials conference call
- Attended ARC LDD Ready conference call
- Attended Board of Supervisors meeting
- Attended Planning Commission meeting

Permits and Fees

YTD permits issued 2024	46
Permits issued this month	19
Monthly:	
Construction	17
Subdivision	1
Sign.....	1
Fees collected	\$55.00