



## BATH COUNTY BOARD OF ZONING APPEALS

DOCKET  
BATH COUNTY COURTHOUSE  
ROOM 115 – 7:00 P.M.  
July 15, 2024

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

Eastern Appalachian Teen Challenge, Inc., Green Vally Hunt Club and Lance Lyons – Tax map #55-1 – Application for a Conditional Use Permit to operate an Harescramble Event at Green Valley Hunters Paradise for the benefit of a non-profit group that provides services to teenage girls with life controlling issues at the address of 6715 Indian Draft Road, Millboro, Virginia. The property is zoned A-2 Agricultural General and comprises 952.88 acres. The property is situate in the Williamsville Magisterial District.

6. Chairman's Report
7. Staff Report
8. Old Business
9. New Business:
10. Approve Minutes of May 20, 2024 meeting
11. Adjourn



## BATH COUNTY BOARD OF ZONING APPEALS SUMMARY

<p><b><u>AGENDA TITLE:</u></b> Eastern Appalachian Teen Challenge, Inc., Green Vally Hunt Club and Lance Lyons – Tax map #55-1 – Application for a Conditional Use Permit to operate an Harescramble Event at Green Valley Hunters Paradise for the benefit of a non-profit group that provides services to teenage girls with life controlling issues at the address of 6715 Indian Draft Road, Millboro, Virginia. The property is zoned A-2 Agricultural General and comprises 952.88 acres. The property is situate in the Williamsville Magisterial District.</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST:</u></b> Conditional Use Permit</p> <p><b><u>STAFF CONTACT(S):</u></b> Ms. Sherry Ryder, County Planner/Zoning Administrator</p>	<p><b><u>AGENDA DATE:</u></b> 7-8-2024</p> <p><b><u>ACTION TO BE TAKEN:</u></b> <u>yes</u></p>
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### **BACKGROUND:**

The Eastern Appalachian Teen Challenge, Inc., Green Valley Hunt Club, and Luke Lyons (beneficiary of Lance Lyons) have made application for a Conditional Use Permit to operate a harescramble event on the property at the address of 6715 Indian Draft Road, for the purpose of a benefit for a non-profit Christian residential program that provides services to teenage girls with life-controlling issues.

This is the same area that Operation DAP was issued a Conditional Use Permit for their event.

You will see website printouts of a Harescramble, as well as the Eastern Appalachian Teen Challenge, Inc.

As you will see, AMA has these events in various states and are well attended. Rescue will be on scene for the entire event. Toilets, handwashing stations, parking, etc will also be addressed. The trails are existing trails located upon the property. There will be no alcohol allowed.

The current use of this property is agriculture.

There is ample room for parking.

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

**RELEVANT SECTION(S):**

**603.03-20 Bath County Land Use Regulations**

**Page 10-6 Bath County Comprehensive Plan - Community Facilities and Services Goal 3 and Objective O**

**NOTES:**

**The Planning Commission met on June 24, 2024 and voted 5-0 to recommend approval of the Conditional Use Permit for a period of five years with up to two events per year, along with the other conditions that are listed on the application.**



COUNTY OF BATH, VIRGINIA  
 65 Courthouse Hill Road  
 P. O. Box 216  
 Warm Springs, VA 24484  
 (Please Make Checks Payable to Bath County Treasurer)

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

### Conditional Use Permit Application

**Applicant:**

Name: Harley Cox, Eastern Appalachian Teen Challenge, Inc.

Address: 4281 BOTTLENECK ROAD FINCASTLE, VA 24109

Telephone Number: 540 312 7456

**Owner of Record: (if different than applicant)**

Name: Green VALLEY Hunt CLUB

Address: 6760 Deerfield Road, MILLBORO VA 24460

Telephone Number: 540 460-4927

Exact directions to property from the Courthouse \_\_\_\_\_

**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
- \_\_\_\_\_ 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.

**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)		N/A	N/A
Part Time Employees (on site)			
Visitors/Customers (M-F)			
Visitors/Customers (S&S)			
Residents			
Peak Hours			
# Trucks/Service Vehicles			
Hours/Days of the Weeks			
# Parking Spaces Full Size/Compact			
Gross sq/ft of Building (structure)			

**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.**

Harley Z CJ 6.10.24  
Applicant/Date

\_\_\_\_\_  
Property Owner/Date

**Department Use Only**

Case Number: \_\_\_\_\_

Tax Map Number: 55-1 Deed Book # \_\_\_\_\_ page \_\_\_\_\_

Magisterial District: Wmsvle Zoning District: A:2

Subdivision Name & Lot (if applicable): \_\_\_\_\_

Acreage of the Property: 952.88 Current Property Use: Ag.

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

Date Authorized for Advertisement: 6/13/24 T 6/20/24

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: <u>Billy + Rhonda Grimm</u>	Address: <u>6304 Ind. Draft Rd</u>
Tax Map Number: <u>55-1B</u>	<u>Mill</u>
Name: <u>Clyde Proctor Est</u>	Address: <u>134 Rosen Ln.</u>
Tax Map Number: <u>55-3</u>	<u>Staunton VA 24401</u>
Name: <u>Timothy Plecker</u>	Address: <u>2764 Mt Valley Rd.</u>
Tax Map Number: <u>55-2</u>	<u>Mill</u>
Name: <u>Billy Chambers</u>	Address: <u>8940 Mill Creek Rd</u>
Tax Map Number: <u>55-5</u>	<u>Mill</u>
Name: <u>Fort Lewis Farm LP</u>	Address: <u>603 Millstone Lane</u>
Tax Map Number: <u>44-19</u>	<u>Mill</u>
Name: <u>Percy + Anne Montague</u>	Address: <u>500 Westfield Rd</u>
Tax Map Number: <u>55-1E, 1C, 1D</u>	<u>Charlottesville VA 22901</u>
Name: <u>Bottom Land LLC</u>	Address: <u>5574 Sam Sneed Hwy</u>
Tax Map Number: <u><del>56</del> 56-5</u>	<u>Hot Springs VA 24445</u>
Name: _____	Address: _____
Tax Map Number: _____	_____

**Fees**

New Conditional Use Permit-----	\$ 200.00
Conditional Use Permit Renewal -----	\$ 100.00
Total Fees Due-----	\$ <u>200.00</u>

August 4, 2024 Eastern Appalachian Teen Challenge, Inc. (EATC) wants to conduct a hare scramble event at Green Valley Hunters Paradise in Bath County. EATC is a chartered member with American Motorcycle Association (AMA). The event will be sanctioned by AMA and will have a event specific insurance policy for August 4, 2024. EATC will contract with Emergency services to be on site during the entire event. Riders will be attracted the event from the states of Virginia, West Virginia, Tennessee, and North Carolina.

Revenues from the event will be deposited and used towards helping teenaged girls with life controlling issues. Any questions, please call me at 540.312.7456.

Harley Cox





**COUNTY OF BATH, VIRGINIA**  
**65 Courthouse Hill Road**  
**P. O. Box 216**  
**Warm Springs, VA 24484**  
**(Please Make Checks Payable to Bath County Treasurer)**

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

## RECEIPT

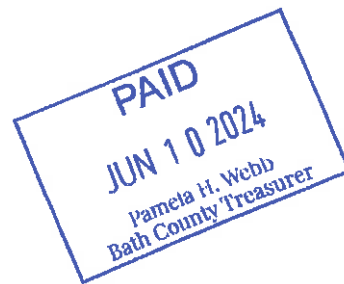
DATE 06-10-2024

RECEIVED FROM: Harley Cox

Amount: \$ 200.00

Paid By: Credit Card -Am. Express

For: Conditional Use Permit Application



RECEIVED BY: Karen Finel

Payments made by VISA, MC, AMEX or Discover. A convenience fee will be added to your transaction by the Treasurer's Office.  
Credit – 2.19% & Debit – 1.79%

Credit Card Company receipts will be emailed to you from: \*\* [MSBpayments@gilacorp.com](mailto:MSBpayments@gilacorp.com)



## PUBLIC NOTICE

The Bath County Planning Commission will meet on **Monday, June 24, 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:

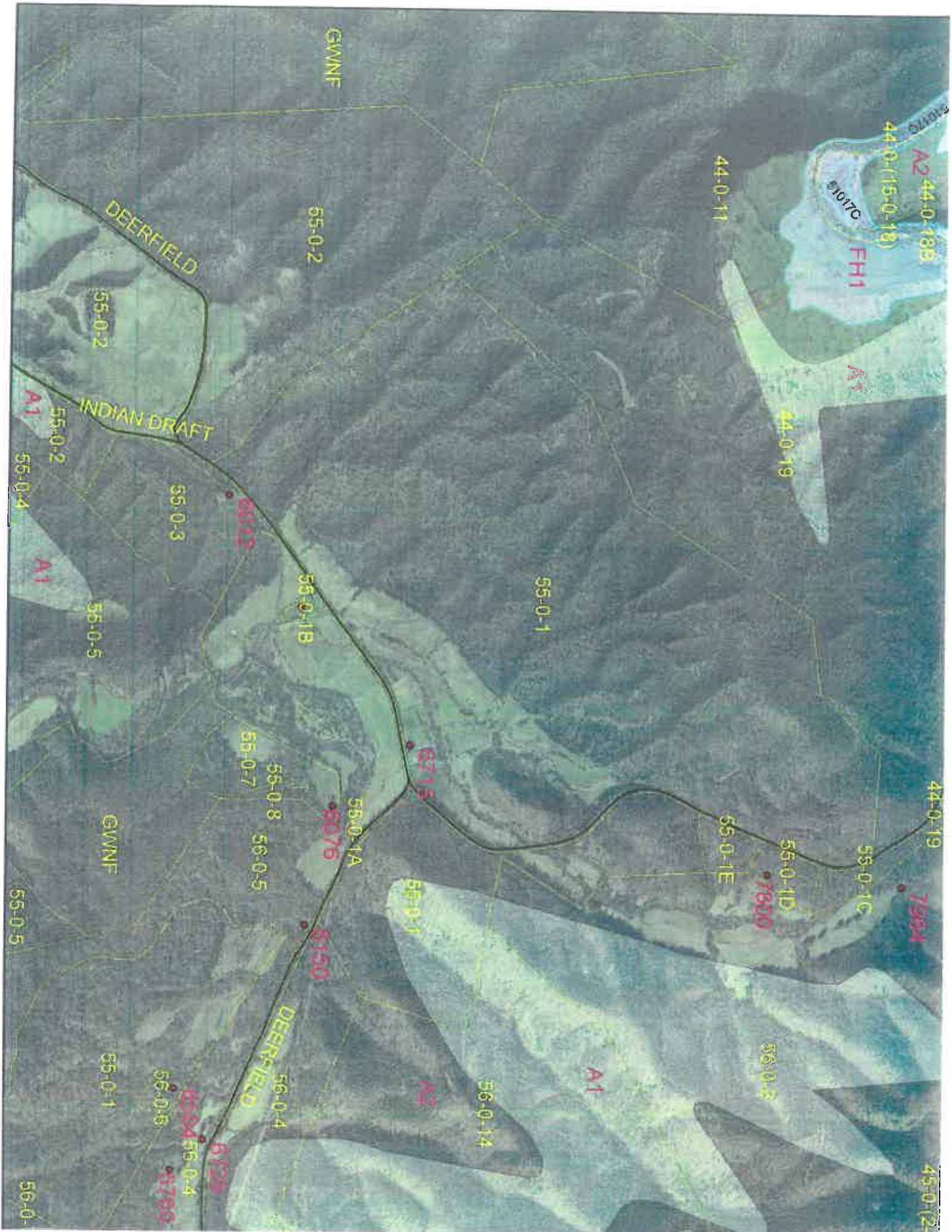
Eastern Appalachian Teen Challenge, Inc., Green Vally Hunt Club and Lance Lyons – Tax map #55-1 – Application for a Conditional Use Permit to operate an Harescramble Event at Green Valley Hunters Paradise for the benefit of a non-profit group that provides services to teenage girls with life controlling issues at the address of 6715 Indian Draft Road, Millboro, Virginia. The property is zoned A-2 Agricultural General and comprises 952.88 acres. The property is situate in the Williamsville 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](mailto: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.









(540) 473-8148



## EASTERN APPALACHIAN TEEN CHALLENGE

Transforming a Generation of Girls...

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DECLINE

ACCEPT

Bekka is a depressed fifteen year old from a rural neighborhood and she ingests pain medication in an effort to ease her sadness over a broken relationship with her father.

Kelly is a sweet fourteen year old who has been secretly and purposely cutting her arms on a daily basis to help overcome the emptiness she longs to be free from.

***Does this situation sound familiar?***

***Could this be your daughter?***

***Are you worried she is experiencing a life-controlling problem that could threaten her life?***

Everyone on Earth needs at least one person that is crazy about them and here at Eastern Appalachian Teen Challenge we want to introduce your daughter to the one person that absolutely adores them...Jesus! Our mission is to reconcile individuals experiencing life controlling problems back into a loving relationship with God, where freedom and healing can take place for both the individual and their family. There is hope!

**Teen Challenge is for you!**

**AN OPPORTUNITY FOR YOUR DAUGHTER TO EXPERIENCE  
LASTING CHANGE!**

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**Encountering Christ**

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Our first most important mission here at EATC is to help nurture girls to experience an authentic relationship with God through Jesus Christ for themselves. This is the foundation for all other changes in esteem, beliefs, attitudes and ultimately behavior. We will present biblical solutions for the whole person and train students in practical life skills to manage their emotions, relationships, and choices.

***Eastern Appalachian Teen Challenge for Adolescent Girls takes a holistic Christ-centered approach to helping young girls, ages 12 to 17, exhibiting at risk behaviors.***

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DECLINE

ACCEPT





We have a small student-to-staff ratio, with one staff member for every three students. Each student needs one-one-one help to overcome their life controlling issues. We also believe lasting change is not an overnight process. The program tenure is 12 months.

***Program Tenure: 12 months***

## Private Academic Setting

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**DECLINE**

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**ACCEPT**

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As a private school with the state of Virginia, your daughter will continue her academic training in a quiet private classroom on campus equipped with residential staff who will work as her tutors. She will receive a full transcript that falls in line with Virginia standards.

Our team will tailor a specialized education plan specifically for your daughter and her academic needs. She will learn at her ability level with small group and one-on-one instruction, and she will progress towards her academic goals.

## A Safe Haven

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**DECLINE**

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**ACCEPT**

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Our campus is a safe haven set apart in the Blue Ridge Mountains. Free from cell phones, social media and internet access, your daughter will have time to breathe from negative distractions as she learns to make healthy habits.

Our ranch-style house accommodates twelve students at a time. Students sleep in dormitory-style quarters and learn to have healthy friendships in a positive peer environment.

## Family Restoration

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**DECLINE**

**ACCEPT**



With family privileges in place that include mail, phone calls and visitation, one of our goals is to see family relationships with your daughter restored.

## Extra-Curricular Activities

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**DECLINE**

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**ACCEPT**

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Students take part in activities that foster a strong work ethic, like community service and physical activity. Not only will your daughter work hard, but she will also play hard too! We participate in plenty of recreational activities in our local community.

## CONTACT US

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**DECLINE**

**ACCEPT**

Email\*

Message\*

Phone Number\*

SEND

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This site is protected by reCAPTCHA and the Google Privacy Policy and Terms of Service apply.

(540) 473-8148  
lisa@teenchallenge4u.com

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HOME

This website uses cookies.

We use cookies to analyze website traffic and optimize your website experience. By accepting our use of cookies, your data will be aggregated with all other user data.

DECLINE

ACCEPT

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PO Box 19385 Roanoke, VA 24019

(540) 473-8148

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# AMERICAN MOTORCYCLIST ASSOCIATION

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## HARE SCRAMBLES





**Hare scrambles — also called cross country racing — are a hugely popular form of off-road competition.**

Unlike enduros, where riders set off solo or in small groups and are timed separately, hare scrambles are mass-start races with all riders in a single class starting on the same row and then racing all-out to the finish.

Hare scrambles courses are typically several miles through woods or desert and over rugged natural terrain, including tight single track, long climbs and descents, and high-speed open fields. Racers keep turning laps until the leader either completes a pre-determined number of laps or has raced for a pre-determined amount of time — usually an hour or two. Riding skill is just one part of the equation to be a successful here; you also need the physical fitness to complete such a long and demanding event at race pace.

Grand prix races are a variation of the hare scrambles format. These are usually shorter races held on more open, faster courses. Most grand prix races run for 45 minutes and run different sessions for similar classes, which allows riders to compete in multiple classes — unlike hare scrambles events, where all classes run simultaneously.

**+ National Championship - Grand National Cross Country Series**

**+ Regional Championships - AMA East and West Regional Hare Scrambles Championship Series**

**+ Grand Championship - AMA Vintage Hare Scrambles Grand Championship**

**Cross Country and Hare Scramble rules are included in the AMA Amateur Competition Rulebook.**



## AMA-SANCTIONED EVENTS

City	State ▼	Hare Scrambles/Cro ▼
Dates: 6/17/2024 	-	 Search

Event	Start Date	Type
Back Mountain Enduro Riders (/CharterAndEventSearch/Event/Details/c3c12f28-00e0-cf02-3efb-0b4639a5505b)	6/22/2024	Compe
Snowshoe - GNCC Series Rnd 9 (/CharterAndEventSearch/Event/Details/c3c12f28-00e0-c787-2b5c-0b466278a8ff)	6/22/2024	Compe
BCMX Two Day Harescramble (/CharterAndEventSearch/Event/Details/c3c12f28-00e0-c9a4-c655-0b46997b9ff7)	6/22/2024	Compe
Full Gas Off Road Series (/CharterAndEventSearch/Event/Details/c3c12f28-00e0-ce92-6e62-0b46e99d6cde)	6/22/2024	Compe
Sprint Enduro (/CharterAndEventSearch/Event/Details/c3c12f28-00e0-c6b6-3089-0b46cd8011f9)	6/23/2024	Compe
OxBo "Skip Stoner Memorial" H/S (/CharterAndEventSearch/Event/Details/c3c12f28-00e0-c9df-54d8-0b464d87ca9c)	6/29/2024	Compe
Kairos (/CharterAndEventSearch/Event/Details/c3c12f28-00e0-c3d6-e9dd-0b46949c041e)	6/29/2024	Compe
Trollhaugen Hare Scramble (/CharterAndEventSearch/Event/Details/c3c12f28-	6/30/2024	Compe



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304

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364

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As a 501(c)(4) non profit, the AMA promotes the motorcycle lifestyle and protects the future of motorcycling

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American Motorcyclist Association

13515 Yarmouth Drive

Pickerington, OH 43147

Member Services (M-F, 8:30a-5p ET):

800-262-5646

614-856-1900

[Email the AMA](#)

## International Affiliations



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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, John Loeffler

**PUBLIC IN ATTENDANCE:** Zack Potter (press), Harley Cox (Director of Teen Challenge, Inc), Clint Burk, Luke Lyons, Jess Pritt, Lynn Ellen Black, teens from Teen Challenge

**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:**

**Chairman Loeffler:** welcomed everyone.

**PUBLIC COMMENT- MATTERS UNRELATED TO THE AGENDA:** None

**ADDITIONS OR CORRECTIONS TO THE AGENDA:** None

**PUBLIC HEARING(S):**

- Eastern Appalachian Teen Challenge, Inc., Green Valley Hunt Club and Lance Lyons – Tax Map #55-1 – Application for a Conditional Use Permit to operate an Harescramble Event at Green Valley Hunters Paradise for the benefit of a non-profit group that provides services to teenage girls with life controlling issues at the address of 6715 Indian Draft Road, Millboro, Virginia. The property is zoned A-2 Agricultural General and comprises 952.88 acres. The property is situate in the Williamsville Magisterial District.

**Sherry Ryder:** This is the same area Operation DAP was issued a CUP for their event. I printed out some web-site printouts from their Eastern Appalachian Teen Challenge as well as the AMA that show the events that are held in various states, they are very well attended. Rescue will be on site for the event. We normally put as part of the Conditional Use Permit, the toilets and hand washing stations, and parking will be addressed for the event. Trails will be the same trails that are already there and used for the other event. There will be no dirt removal for E&S and no alcohol is allowed. The current property is Ag and there is

ample room for parking. The adjoining properties are all zoned A-2 and the adjoining property owner's names are in your copy of the application. There are pictures of the site and are the same as the other application if you remember. I have not had any complaints. I did have one just today asking if there would be any drinking alcohol and would there be any law enforcement present to make sure they didn't have the dirt bikes running up and down the roads. I do know they have a very good reputation and reviews from places they have been at before. This is a weekly event held in various places on the Eastern Coast and the applicant can elaborate more and answer other questions you may have.

**Chairman Loeffler:** I saw the event is listed for August 4<sup>th</sup>.

**Sherry Ryder:** I believe that is the open calendar date they have. So, once or when it is approved, they can put it on the open calendar date. Individuals that participate go to their calendar to see where it is going to be.

**Chairman Loeffler:** Remind me on what was approved the last time.

**Sherry Ryder:** We addressed the noise, nothing after 10 p.m. BZA approved the Operation DAP for five years, up to twice per year, after getting your (PC) recommendations for the condition of five years, with the condition that it can be withdrawn if there are any problems.

**Vice-Chair Cowden:** This is a daylight event? Hours?

**Sherry Ryder:** Yes.

**Chairman Loeffler:** I open the meeting for public comment.

**Mr. Harley Cox:** The hours for the event on August 4<sup>th</sup> will be, begin at 8:30 a.m. and end about 3:30 p.m. for all of the different class events offered that day. I am the Director of the Eastern Appalachian Teen Challenge. It is a 501C3 organization. We have been located in Botetourt County for sixteen years. The ladies with me this evening, Joy, is our intern and graduated from our special program a couple years ago. The program is a twelve-month residential program. Then there is Layla, Hope and Kelly. The last three students are in our program now. There are about ten to twelve students in our program at any given time. It cost us about \$3500-\$4000 a month to take care of these young ladies. We don't receive any private funding, government support or insurance funding. About half of that comes from the families, about \$2000. If the family loses their job or something, we will not dismiss their daughter because of funding or financial hardship. Today we are debt free and have been for twenty-five years and the reason is because we have Harescramble event fundraisers throughout the year. We started the series to help raise money to help take care of the students in the program. Teen Challenge is a nationwide organization with over 200 centers nationwide. We have many in other countries. Students who are in the program have life controlling issues, cutting disorders, eating disorders, etc. when they come into the program.

I would ask the Commission to consider instead of a five-year permit an unlimited time permit. The reason why, because myself and the owner Clint, will be working together for the next five years. That will take money and time and if there is a problem that comes up, not between us, but with the Commission or the people who make the decisions, I would really like to come back and defend that, if possible and I would hate that be taken away from us. I know that is a big request, and I understand that but what I have been doing with our non-profit for twenty-five years and I have favor in Botetourt County. When I bring our series here to race. I am hopeful Bath County will get a lot of benefits from it. I know the landowner will but when the racers come in, they are going to purchase gas, food, possible lodging and other amenities Bath County has to offer. I am a veteran, and we have a veteran class within the series, the warrior's class. We don't charge them a dollar to race, because we are trying to provide them with an outlet so they can

disconnect from PTSD or whatever issue they live with. You can disconnect when running your dirt bike. You want to survive, do well and compete with everyone around.

**Mr. Hall:** At your last event, how many participants did you have?

**Mr. Cox** stated there was, 117 riders and with the kids it was around 160 riders. He then shared a story about a young man.

**Mr. Farmer** asked Mr. Cox how many races he would like to have per year.

**Mr. Cox** stated he would be okay with one event but would like to have two events per year if he could and the landowner approved. The only training would be the little kids that are at the race with his event.

**Mr. Burk:** To address one of Sherry's concerns, as far as police presence. With Operation DAP, I am also a representative of that, we do a hunt every December and it's for veterans. Robert Plecker does our food for that and always makes sure there is a deputy or two there and Jeff Grimm will be there with or without a uniform, but with the Rescue Squad. A lot of people come in and they buy gas, and stuff like that. It helps Tourism and anything that helps Bath County is a good thing.

**Vice-chair Cowden:** So, you are asking for two events per year?

**Mr. Cox:** Yes, if we could.

**Chairman Loffler:** Your application reads for just one.

**Mr. Cox** stated he did put only one on application. He apologized

**Sherry Ryder:** It's a Conditional Use Application, so if they are asking for two at this Public Hearing and the Planning Commission can make recommendation for as many as they like, with DAP we did two per year for five years.

**Mr. Farmer:** Why would you not be satisfied with five years. In five years, if it was successful, you can come back. I am concerned about unlimited time.

**Mr. Cox** stated he was aiming high and wants the best it can be. He is working hard with the landowner and Mr. Burk and would like to have it unlimited but if five years is all he can get then it would be okay

**The Board and Sherry** discussed the limits put on similar events.

**Sherry Ryder:** Jess Pritt, have you and your family attended any of the events they have had?

**Jess Pritt:** I have been to several events and have done this one since 2005. And another Virginia series since 1999. Having the kids involved is the main attraction to this series. I'm getting older and can't do as well, but getting the kids into it and this series involves the children. My involvement here will be maintaining the trail and helping get things ready for the race day event, deciding how long it will be, where to go, how to run it and so on.

**Sherry Ryder:** Have any of the events you've been, had any problems with alcohol, or anybody fighting?



**Jess Pritt:** I have never seen a fight for the entire time I have been doing it.

**Sherry Ryder:** With any Conditional Use Application, if you grant it, whatever the number of years you grant it, if there is a complaint, and it isn't addressed and corrected, it can be pulled. I think that's what he's (Mr. Cox) referring to, the whole marketing behind it in getting things out there in advance and you are paying and you have this unknown five years. If you are subscribing to all these different networks getting the publicity out there to keep the young kids out there coming. You have to book ads in these magazines way out there because they need to know. You have to have your calendar out there and to have to change that. They didn't realize our timeline was as tight as it was when they made application. It was fill out this and get it back to me as quick as possible to make it for this month's date and for BZA next month. If we had more time to discuss it, then it could have been better. As far as getting kids in the county involved is beneficial and the economic benefits as far as Tourism, it gets your name out there.

**Lynn Ellen Black** read out a list of questions/concerns from the neighbors. They were all answered, and Mrs. Black was satisfied.

**Vice-Chair Cowden** stated he understood why Mr. Cox wanted more than five years and he also understood why Mr. Farmer was concerned about the added time request. He is sure the next time they come back the future Board will have more understanding of what to expect with this group. He is happier with the five years too.

**The Board** discussed the restrictions to add. Daytime hours, driving on roads and noise.

**Chairman Loeffler** closed the public comment and asked for a motion.

**Vice-Chair Cowden:** I make a motion to recommend approval to the Board of Zoning Appeals of the Conditional Use Permit application from the Eastern Appalachian Teen Challenge, Inc. and the Green Valley Hunt Club, Lance Lyons as described in the application. With the conditions, daylight hours only, two events per year and for a time frame of five years.

Mr. Hall: Second

VOTE: 5-0 motion approved.

**Sherry Ryder** informed the applicants that the BZA will meet on July 15, 2024 at 7 p.m. for the final decision.

**CHAIRMAN'S REPORT** - None

**STAFF REPORT:**

**Sherry Ryder:** My report is in your packet. I will gladly answer any question you may have. We are still working with VDOT on the requested walkway with lights in Hot Springs.

**OLD BUSINESS:**

**Sherry Ryder:** The Board of Supervisors will be having the public hearing on the Comprehensive Plan Draft to adopt it on July 9<sup>th</sup> at 6 p.m.

**NEW BUSINESS:**

**APPROVE MINUTES:**

**Chairman Loeffler:** Do I hear a motion to approve the April 22, 2024 meeting minutes.

**Vice-Chair Cowden:** I'll make a motion to approve the minutes of April 22<sup>nd</sup> minutes.

**Mr. Farmer:** Second.

**VOTE: 4-0-1 (Chairman Loeffler was absent) motion approved.**

**ADJOURN**

**Mr. Hall:** Motion to adjourn.

**Mr. Gram:** Second.

**Vote: 5-0 approved.**

\_\_\_\_\_  
Chairman John Loeffler

\_\_\_\_\_  
Date



## PUBLIC NOTICE

The Bath County Board of Zoning Appeals will meet on **Monday, July 15, 2024 at 7:00 p.m.**, or as soon thereafter, in Room 115 of the Bath County Courthouse to receive public input on, discuss, and consider the following:

Eastern Appalachian Teen Challenge, Inc., Green Vally Hunt Club and Lance Lyons – Tax map #55-1 – Application for a Conditional Use Permit to operate an Harescramble Event at Green Valley Hunters Paradise for the benefit of a non-profit group that provides services to teenage girls with life controlling issues at the address of 6715 Indian Draft Road, Millboro, Virginia. The property is zoned A-2 Agricultural General and comprises 952.88 acres. The property is situate in the Williamsville Magisterial District.

Please address all correspondence to: Bath County Board of Zoning Appeals, 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 [sherry.ryder@bathcountyva.gov](mailto:sherry.ryder@bathcountyva.gov). 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.

## **Planning and Zoning**

**6/6/2024 – 7/2/2024**

### **Tax Maps**

- No progress made this month; will see increase in updates next month

### **Zoning/Planning Issues**

- Followed up on complaint of trash being strewn from top of truck down roadways
- Received an appeal – spoke with County Attorney – no matter to appeal before zoning as it was a Court’s decision
- Received Conditional Use Permit application for harescramble event
- Received complaint of dogs not being properly cared for – gave information to animal control
- Follow up on complaint re signage – no sign permit – advice given regarding desired uses and the zoning district would prohibit those uses - sign is to be removed until permit is obtained
- Planning Commission held public hearing on a harescramble event (motorbike competition) for a non-profit – recommended approval
- Board of Zoning Appeals to have public hearing on harescramble event on July 15<sup>th</sup>
- Followed up with VDOT regarding pedestrian safety issue near Hot Springs Firehouse – still working on it and should hear back week of July 8<sup>th</sup>
- County Attorney is working on modifying ordinance so that warrants can be issued with a summons or obtained through the magistrate
- Comprehensive Plan public hearing by Board of Supervisors on August 13<sup>th</sup>
- Completed FEMA flood survey
- Spoke with Hurt & Profitt – they will be doing edits to the GIS tax maps for the county
- Correspondence with County Attorney re: county code (trash) violation
- Site visits – re zoning and trash complaints
- Board of Supervisors voted to deny rezoning request

**Meetings**

- Attended VATI PMT zoom conference call
- Attended meeting with Discover Bath
- Attended Board of Supervisors meeting
- Attended Planning Commission meeting
- Attended Rural Transportation Technical Advisory meeting in Staunton

**Permits and Fees**

YTD permits issued 2024 .....	64
Permits issued this month .....	11
Monthly:	
Construction .....	10
Conditional Use Permit .....	1
Fees collected .....	\$200.00

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  
May 20, 2024**

**MEMBERS PRESENT:** Chairman Janice O’Farrell, John Fowler, Greg Tuning, Mark Hall,

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

**PUBLIC IN ATTENDANCE:** Austin Hall (Press), Adryin Glynn, Taylor Baker, Peter Judah

**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:**

- 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.

**Sherry Ryder:** Ms. Glynn has made an application for overnight lodging in accordance with (Section 609.03-5). The definition of Overnight Lodging Establishments which is (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, Ms. Glynn’s mother, and agreed upon by Mrs. Kober and Taylor Baker. They were the holders of the restrictions and when Ms. Tuck passed away the property was passed on 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, that are Land Use Regulations that allowed her to make application for. The Planning Commission heard this matter. You have the minutes in your packet, on April 22<sup>nd</sup>, and they voted 0-4 to deny this application permit based on the fact that there is a restriction in the deed. They did not feel they could recommend approval of the Conditional Use Permit with that restriction being in there. Overnight Lodging is reference to a residential dwelling and the restriction is the property can only be used as a business and not as a residence. You have the minutes, application, and Ms. Glynn is here to present her application. You also have a copy of Ms. Glynn’s papers with some of the arguments she has to why she thinks the Conditional Use permit should be granted.

I will be glad to answer any question. The deed is in here, the temporary release that was filed that Ms. Tuck signed.

**Mr. Fowler:** I learned a long time ago that a deed can continue a right but cannot continue a condition. It's my position that this property, first there is a legal thing and John Cowden, of the Planning Commission brought up in his minutes, but it is my opinion that nothing is restricted by that deed. Or the so called, passing on a restriction. There is no deed, there is no movement, paper, that does that. It is just there, so My position is these people should be able to open a Bnb there and the emotional argument go out the door. I'd be hard pressed if I was a businessman working, and this was in my territory, and I had to come down and depend on the three big hens to spend the night. That is why Airbnb's are done and that's why they are done in the fashion they are done or attempted to be done here.

**Sherry Ryder:** So, at this point, with Robert's Rule of Order, it was to ask me a question and then we get to hear from the public then a motion is made and then the board can discuss.

**Mr. Fowler:** Everybody looked at me. Normally that means I need to talk.

**Sherry Ryder:** Okay.

**Chairman O'Farrell** asked Greg if he had any questions for Sherry Ryder. He had none. She then asked if anyone had a comment.

**Ms. Glynn** stated she was there to represent herself. She was unsure about the formality.

**Sherry Ryder:** You can represent your request and why you want it with something new that you have in your correspondence that you thought you needed to address to them and then the public also gets to comment.

**Ms. Glynn:** Thanked everyone for being there and asked if they had already heard the recording from the last Planning Commission meeting. They all stated they had. Ms. Glynn continued to state that she knows these conditions can be very emotional for both parties. She had to drive 5 hours to come to the meeting and it was a picturesque drive and talked about the area being great for tourism between April-November. Businesses need to rely on tourism for a living. Her mother's house would attract that one individual who wanted a business or who wanted to scout out the area to retire here and open their own business. The house is barely 1000 square feet and is trying to find the right solution for this property.

The noise level of an individual or business can't be more than the high school or the gas station next door. Dr. Steven Greer lives nearby and has workshops that have people coming and going at times.

She talked about the 2017 census report she included in her packet and how shocked she is that it shows no business owners by women and minorities, that live here, they don't even have a mark on the map.

Ms. Glynn stated she hasn't had any communication from Mr. Baker other than the objections to the filing of this permit. He did answer a letter to the broker that has the house listed, stating he wasn't afraid to file legal action against the owner or purchaser. This isn't the thing that she does and is out of her comfort zone. She doesn't understand how easy it is for someone to say, I am going to decline my first right of refusal on this house and also, I will take legal action if you exceed in getting permission for an Airbnb. She feels the way the deed was done was to sort of tie her hands. The Bakers are the neighbors and there was a restriction in place when her mom purchased the house that allowed her to live there. This place would be a beautiful Airbnb. This place was inherited, and she can't do even what Mr. Baker wants to do with it. Have his wife's parents stay there. She would like Mr. Baker to at least make a reasonable offer on the place. Baker made two offers that are unreasonable to her. Ms. Glynn doesn't have the time to travel here each time she has an offer on the place. And to make sure they do only normal business hours. What are normal business hours for a commercial business? She isn't trying to be difficult, but does want clarity and movement, she feels her rights are being violated.

**Mr. Fowler** started to speak.

**Chairman O'Farrell:** The public. Does anyone else have anything to say?

**Mr. Baker:** As the Board knows, I do object to the Conditional Use Permit. Me and my family don't want an Airbnb less than 100 feet from our door. Originally this was one parcel. In 1991 there was a deed restriction put in place stating that it couldn't be used as a dwelling in order for the previous owner, Mrs. Cauley, to open up her office. It was agreed upon to be only for non-dwelling purposes. When that property was sold to Mrs. Tuck, releases had to be obtained from Mrs. Kober and myself, in order for Mrs. Tuck to reside there. I was reluctant at the time. I didn't want a neighbor. I did meet with Mrs. Tuck and spoke to Mrs. Tuck. She was local, I appreciated her situation and between me, her attorney and the realtor and her, we agreed upon the restrictions and now the release is no more. Once again, it is not to be a dwelling and that is where my objection comes from. The character of the neighborhood is not one of close together homes. Mrs. Kober objected by letter, due to health reasons. Stated she didn't want the traffic, the in and out of people we don't know or an Airbnb there. That being said, Ms. Glynn at the last meeting said she didn't want to operate an Airbnb, she lives in North Carolina. This is simply about her wanting to increase the market value price of the property.

**Mr. Fowler:** I object! She didn't say she wouldn't run it. She isn't going to live there and run it. She certainly didn't say she would run it.

**Mr. Baker:** Respectfully, you identified that you listened to the previous meeting.

**Mr. Fowler:** I am listening to her now and she is under oath and that's what she said and obviously she isn't going to come up every five hours to check somebody in.

**Sherry Ryder:** You aren't supposed to speak until he gets through.

**Chairman O'Farrell:** Mr. Fowler we are not open to talking until he finishes his speech.

**Mr. Fowler:** I can object to something he said that is outside the rim.

**Chairman O'Farrell:** You can object after he finishes.

**Mr. Fowler:** I can object right at the time.

**Mr. Baker:** The Airbnb regulations require that you live within a certain mile radius or have someone available to do it. Tonight, it's not about anyone running an Airbnb or the merits of an Airbnb. We do believe we have a deeded protection that was temporarily released. We along with the other neighboring properties, do object to the concept of an Airbnb or residence overall. As the Greers, we don't have control of any of that. When we bought the property, in the title, we do have protections on what's going on in that office building and we want that to remain.

**Peter Judah:** I am here representing the owners of the 11 lots on Routier Hill. So, it is within proximity of this property, and I am here to ask you to deny the application. I respectfully disagree with this problem. I have very little to say, because it seems to me that Mr. Baker is taking the position that there is a covenant on the property against using it for residential purposes. Clearly, an Airbnb the essence of it is for resident. I understood what Mr. Fowler is saying, just at the beginning, but I think the solution to the problem is, why don't they go to court? And ask the court to decide if the covenant is not binding on the property. That's their right and I believe Mr. Fowler practiced in West Virginia, and I'm not sure if the law there is the same as it is here, but it seems to me, from all I know, that the covenant is binding. It was released for a certain purpose and a certain period of time. The applicant's mother unfortunately passed away and the covenant then took over the property. In my humble opinion, it is binding on the property. Of course it is a beautiful area, we all know that, but the rule of law suggests to me that if there is a covenant then we must abide by the covenant. If you were to grant the application, you would be flying in the face of that covenant and rule of law. As I said before, if the covenant isn't binding then they should go to court and ask the judge for a ruling.



**Ms. Glynn:** In the packet I provided to you guys, on exhibit #13. I found some interesting information. Law isn't my forte, but Virginia's Restrictive Covenants in Deeds, chapter 748 from April 6, 2020. I think it says, if you are going to final something that is going to be on the title of the property. Look at Exhibit 14, it says:

"A deed may include a general provision that states that such deed is subject to any and all covenants and restriction of record; however, such provisions shall not apply to the specific portion of a restrictive covenant purporting to restrict the ownership or use of the property as prohibited by subsection A of § 36-96.6."

So, I get this was done after the deed was recorded with my mom's home in 2018, but I find it interesting, that maybe you can't even file a deed like that anymore. Because it caused problems, causing gridlock, people clogging the wheels of making things happen. For the sale of property or the way it is to be used.

And two more points. I brought this up at the last meeting. On the Fair Lodging law for the State of Virginia. It states it is unlawful to discriminate in residential housing on the basis of race, color, religion, or elderliness. Again, my mom was 72 years old when she signed this document. The last thing is, in Mr. Baker's notes in the last meeting, one of the objections was having an Airbnb next door, decreased the value of his home. Here I am again, trying to find my way to healing and closure. It's okay for my property value to get diminished, by the way everything is reported, by converting back to commercial use. It does not appear that Mr. Baker is not willing to be part of any solution or conclusion to the problem. To what would be best for both parties.

**Chairman O'Farrell:** Does anyone else have something to say?

**Sherry Ryder:** Just a reminder, the root of this is the Conditional Use Permit Application. Which has to be applied for because of the zoning. The underlining is the restrictions. Even if that restriction were to be taken off, we still have a Conditional Use Permit application here that we would go through the process just like any other conditional use permit application. Listen to the neighbors' input and then do your deciding vote. We are not determining the restriction. We are doing the conditional use permit application. Because it's in B1, they are required to have a Conditional Use Permit. So, when it went to the Planning Commission, their denial was highly based on the restriction and the adjoining neighbors and comments that were expressed as well. So, we are looking at the Conditional Use Permit and not deciding on the restriction.

**Mr. Fowler:** We are not going to vote on both issues?

**Sherry Ryder:** We are here to only decide on the Conditional Use Permit.

**Mr. Fowler:** What will happen if that passes?

**Sherry Ryder:** If the Conditional Use Permit passes?

**Mr. Fowler:** Will we have another hearing for the restrictions?

**Sherry Ryder:** I don't think that would come before the Board of Zoning Appeals. It's more of a civil issue. The county didn't put that restriction on, it was a self-imposed restriction by the landowners and by change of title.

**Mr. Fowler:** Can I speak?

**Chairman O'Farrell:** I haven't opened it yet. Sherry, did you have any more oppositions?

**Sherry Ryder:** They are all in the packet.

**Chairman O'Farrell:** I will close the public comment and open for Board discussion.

**Mr. Fowler:** I am basically apologizing for the Virginia Bar in that I think Mr. Baker has put himself in an unenviable conflict of interest and has actually made this house unsaleable except to him and I think it's disgusting and I would ask that this board contact an independent lawyer outside of Bath County to look at these

statutes and come up with an opinion and I'd go with that opinion. But it is a legal question, and it needs to be addressed.

**Sherry Ryder:** I did contact the County Attorney for an opinion.

**Mr. Fowler:** The County attorney is Mr. Baker.

**Sherry Ryder:** No Sir.

**Mr. Fowler:** Commonwealth Attorney?

**Sherry Ryder:** No. He is his own attorney. The County Attorney is Juilian Harf out of Roanoke.

**Mr. Fowler:** Did you submit the question to him?

**Sherry Ryder:** Yes Sir. If you look on page 3 of the Planning Commission minutes. I asked Julian, the County Attorney, about the restrictions, and he said he couldn't make that decision, it falls on to the Board of Planning to make a recommendation to the Board of Zoning Appeals based upon what was presented.

**Mr. Fowler:** That's a dodge, every lawyer that is hired to give an opinion, has an opinion. Are we paying this guy?

**Sherry Ryder:** Obvious we are paying him.

**Mr. Fowler:** I just wanted to know if we are paying him for a non-decision.

**Sherry Ryder:** He is on a retainer, so.

**Mr. Fowler:** What is his retainer?

**Sherry Ryder:** I do not know.

**Mr. Fowler:** I just wanted to know what kind of lawyer you had that didn't have an opinion. Even the Supreme Court has an opinion. Divided as it might be. If we are paying somebody for an opinion, then I suggest you find somebody else to give an opinion on this matter. We are not in any position to vote on either of these questions without that opinion and guidance.

**Chairman O'Farrell:** Are you through?

**Mr. Fowler:** For now.

**Chairman O'Farrell** asked the other Board members if they had anything to say. Mr. Tuning stated no.

**Mr. Hall:** When you get back to what we heard, I think there are opinions that need to be clarified before we could make a reasonable vote, but I think I will say that for tonight we are being asked to vote on the Conditional as it stands now, right? So, with that in mind, I move we go with the Planning Commission on denying this and I think it should be taken up to a civil matter or a legal opinion and out of our hands.

**Mr. Fowler:** That's all the common citizens need, more legal fees. You go to circuit court, she is going to end up thinking that offer, Mr. Baker has her cornered into, isn't so bad. I think it's a great disservice to not continue this matter, which was my pending motion before yours. We not make a decision until we get legal advice.

**Chairman O'Farrell:** Mark, are you making a motion?

**Mr. Hall:** No, it was just a suggestion. But he made a motion.

**Mr. Fowler:** I make a motion we seek independent legal counsel to give us an opinion. On these two pending matters, both can be voted on at once. So, this lady doesn't have to travel again up here. I will go with whatever decision the attorney recommends. She doesn't even have to be here. To continue this until we have that opinion.

**Chairman O'Farrell:** Sherry, can we do that?

**Sherry Ryder:** You would have to make a ruling next month. There has to be thirty days. If you wanted to continue to get legal advice. Or do the Conditional Use Permit with contingent upon. I don't know how the County feels about looking at the deed and making an interpretation. The property can be used so it's not like it can't be used. In B-1 it can be used as business and there is a list of businesses that can go there, and I am not saying one thing or another. If you guys are, that not sure, probably continuing this meeting and getting advice, I don't think Julian can give it, because he gets to a certain point with it, for the county. Then the BZA would have to get an independent attorney to give us advice.

**Mr. Fowler:** I don't want it to be a lawyer who inherited another lawyer's office and got the same building and it's put this one in the same corner. I want somebody that is independent.

**Sherry Ryder:** I understand where you are coming from, and I feel for Ms. Glynn, but at the same time it's like, are we going above and beyond the scope of what the Board of Zoning Appeals is here for. Has the ruling that the Planning Commission submitted. Does it fall in line? Is there any new evidence? Is it the juridical correct way? Maybe you are saying, maybe it's not. If you are looking at the Conditional Use Permit and you want to go ahead and vote on that without the contingency being there, get the restriction taken care of. You can approve it based on accurate parking, etc. but contingent upon what we see as the restrictions in there. Then they can figure it out. I know you don't want Ms. Glynn to have more legal expenses but at the same time, is that what the Board of Zoning here for?

**Mr. Fowler:** As Mr. Cowden said in the minutes, this Board is a Juridical Board. Which surprised me because no one ever told me what we are here for.

**Sherry Ryder:** I think I said that. I don't think it was Mr. Cowden.

**Mr. Fowler:** A Juridical Board and we can not make a legal judgment unless we know what the law is.

**Sherry Ryder:** Well, when you are looking at the Conditional Use Permit for an overnight lodging establishment in B-1 zoning district, and you have gone through your check list. Does it meet all of the criteria? What conditions do you want to impose? If you look at that, then you have the caveat of the deed restrictions that's in there.

**Chairman O'Farrell:** Looking at it from the point of a Conditional Use Permit, we have the right to say.

**Sherry Ryder:** Right, exactly. We listen to both sides and any other opinion from adjoining neighbors, anyone in the community as to whether they are for it or against it. The reasons why and then vote on it.

**Mr. Fowler:** The restriction is what we need to question. The legal question. The Conditional Use has been proven to be alright under everything I have read. If you don't want to live near the high school, then pick up the paper, there are lots of places for sale with more acres and are quieter.

**Mr. Hall:** The way I understand it, if we turn this down, Ms. Glynn can file for the thing, right? Then it goes to court.

**Sherry Ryder:** If it is denied, it can be appealed to the Circuit Court, yes. If it is approved, it can be taken to Circuit Court. Either party can say they have been aggrieved by the Board of Zoning Appeals.

**Chairman O'Farrell:** Are you making a motion?

**Mr. Fowler:** Yes mam.

**Sherry Ryder:** Are you withdrawing your other motion? You had a motion on seeking independence council.

**Mr. Fowler:** I will be like him. I will wait and see on how their motion is handled.

**Sherry Ryder:** You have to withdraw your other motion before making another.

**Mr. Fowler:** I will withdraw my motion so we can continue. But I will not let this legal opinion slip away. I'll go to Circuit Court if I have to. This is just wrong.

**Sherry Ryder:** Understood. So, what is your motion?

**Mr. Fowler:** My motion is we approve the Conditional Use. Aspect of the case.

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

**Sherry Ryder:** Usually with a Conditional Use Permit, there are conditions. Are there any conditions you want imposed, parking?

**Mr. Fowler:** It seems to me, everything.

**Sherry Ryder:** Okay.

**Chairman O'Farrell:** The motion has been made but not seconded, where do we go from there?

**Sherry Ryder:** If there is no second, it dies.

**Chairman O'Farrell:** Okay. Do I hear another motion?

**Mr. Fowler:** I make a motion we get independent council to rule on both issues. At the County's expense.

**Chairman O'Farrell:** I don't think that is my right to do that.

**Mr. Fowler:** It's my right to make a motion and I am making it. If you guys want go ahead and vote on something you don't know the answer to, then go ahead.

**Mr. Hall /// Greg Tuning :** Either way we go someone is going to pay for it. The County or Ms. Glynn, somebody's got to pay.

**Mr. Fowler:** The County recorded the tax bill I got. The County should have a lot of money. So, let the County pay. This is how you should do it. This is a County Organization that is asking for a legal question to be answered. So, it ought to be the County's responsibility.

**Chairman O'Farrell:** From where I understand it's been said, if it's been denied or accepted it's still going to court.

**Mr. Fowler:** Not necessarily, both parties may not want that expense, except Ms. Glynn, she is in a box, she doesn't have any place to go. Unless you want to open an ice cream shop. She is in between a rock and a hard place, and she needn't be.

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

**Sherry Ryder:** You have a motion, if no second, you need a substitute motion.

**Mr. Fowler:** Bunch of chickens.

**Mr. Tuning:** I'm no chicken. I don't have feathers.

**Mr. Fowler:** Go ahead and rule on something you have no idea what's legal.

**Mr. Tuning:** Don't call me a chicken. I'm telling you.

**Chairman O'Farrell:** I can understand if they don't want an Airbnb at their door, I can understand that.

**Mr. Fowler:** I can understand that you are one member of this Board too.

**Chairman O'Farrell:** That's okay, I have one vote.

**Mr. Fowler:** Okay, vote it, somebody make a motion. I would like to go home. Maybe that won't even pass.

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

**Mr. Hall:** I make a motion that we follow the Planning Commission's recommendation to deny the Conditional Use Permit.

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

**Mr. Tuning:** I will make the second.

**Chairman O'Farrell:** A motion has been made and second, to deny. Is there any discussion?

**VOTE: 3-1** (Jason Miller absent) Vote to deny the Conditional Use Permit.

Mr. John Fowler - No

Chairman Janice O'Farrell, Greg Tuning, Mark Hall, all voted Yes to deny.

**Mr. Fowler:** I am against whatever motion it was, I don't know which one we are on now.

**Chairman O'Farrell:** We are on the one to deny the application.

**Mr. Fowler:** The one on, deny getting council, deny application?

**Chairman O'Farrell:** We didn't say anything about getting council. That's not up to us.

**Fowler:** Is that still open?

**Sherry Ryder:** The vote is 3-1 to deny the application in accordance to the motion as presented to the Planning Commission. At this point it has been denied. If the situations change and make application again, but at this point, it's 3-1 to deny it.

**Chairman O'Farrell:** It's 3-1 to deny it. I will now close the hearing.

**CHAIRMAN'S REPORT:** None

**STAFF REPORT:**

**Sherry Ryder:** The report is in the packet. I will answer any questions you may have.

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**MINUTES:**

**Chairman O'Farrell:** I have the minutes for September 18, 2023. Do I hear a motion?

**Mr. Tuning:** I make a motion to approve the Minutes of September 18, 2023.

**Mr. Hall:** Second.

**VOTE:** 4-0

**ADJOURN**

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

**Mr. Tuning:** I make a motion to adjourn.

**Mr. Hall:** Second.

**Vote:** 4-0 meeting adjourned.

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**Chairman Janice O'Farrell**

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**Date**