

11. PUBLIC HEARING**A. REZONING REQUEST – IOLA SCOTT LAMISON**

This public hearing is held pursuant to § 15.2-2204, Code of Virginia, 1950, as amended to receive public comment on an application by Iola Scott Lamison, applicant, on behalf of Lennie E. Scott, owner, for a zoning map amendment from A-1, Agricultural District, to CRR, Conditional Rural Residential District for a 3.399 acre portion of a parcel known as Tax Parcel 47-60. The property is located on the north side of Cobb Road (Rt. 642) approximately 176' east of its intersection with Rosemont Road (Rt. 646).

The notice of public hearing was published in the Tidewater News on January 5, and January 12, 2014 as required by law. After conclusion of the public hearing, the Board of Supervisors will consider the comments offered this evening and will proceed to approve, deny or defer action on the proposed application.

MOTION REQUIRED:

If the Board is so inclined, a motion is required to accept the Planning Commission recommendation and approve the attached application.

REZ 2013:01

Lennie E. Scott, owner
Iola Scott Lamison, applicant

Application Request: Zoning map amendment (Rezoning)

IDENTIFICATION AND LOCATION INFORMATION

Current Comprehensive Plan designation: Agriculture/Forest/Open Space/Rural Residential

Current Zoning: A-1, Agricultural District

Requested Zoning: CRR, Conditional Rural Residential

Acreage: 3.399 acres +/-, portion of a 37.642 acre tract

Proposed Use: One (1) buildable lot for a single family detached residence

Tax Map No.: Portion of 47-60

Location: North side of Cobb Road (Rt. 642) approximately 176' east of its intersection with Rosemont Road (Rt. 646)

Magisterial District: Jerusalem

Voting District: Jerusalem

Adjacent Zoning: North: A-1, Agricultural District
South: A-1
East: A-1
West: A-1

Adjacent Land Use: North: Agriculture/forestry
South: Agriculture/forestry, one single family residence
East: Agriculture, one single family residence
West: Single family residences

LAND USE ANALYSIS

Overview

The subject property is part of a larger parcel that has been in use for agriculture and forestry for many years. The 3.399 acres that is the subject of this request is separated from the rest of the family property that makes up the parcel by Cobb Road and it is separated from the agricultural use to the east by an existing old farm path. The owner

and her family continue to live on the remainder of the family property on the south side of Cobb Road. To the west, fronting Rosemont Road, are a number of single family residences. The requested zoning amendment to Conditional Rural Residential conforms to the Comprehensive Plan.

A property line adjustment was recorded in June 2013. Tax Parcel 47-59 & 60 originally included a total of 57.642 acres. The lot lines were adjusted so that Tax Parcel 47-59 includes 20 acres and the owner's residence. Tax Parcel 47-60 included the remaining 37.642 acres, out of which this proposed lot of 3.399 acres will be created. The property owner is seeking to create one residential lot under the Rural Residential designation. Under those requirements, the original lot size must be at least 25 acres. The requirements permit the creation of one lot for the first 25 acres and additional lots are permitted at one lot for each additional 40 acres. As such, this is the only lot that can be created of the original 37 acre lot unless lots exempt from the Subdivision Ordinance are created, as with a family transfer. The property owners have included the typical proffer in their request, to be paid at the time a building permit is sought.

Site Topography and Characteristics

The site is wooded. The property is for the most part flat per County GIS but drops slightly along the western side toward the branch. The parcel has over 480' of road frontage along Cobb Road and over 500' along the branch that makes up the western property line, sufficient space to locate one single family residence. The property is not within the floodplain. A soils report is included.

Transportation:

The property is accessed by Cobb Road, Rt. 642. A driveway permit will be required through the Virginia Department of Transportation prior to construction if no suitable driveway exists.

Environmental

Per GIS, the tract is not within the floodplain.

Utilities

The site will be served by private water and wastewater facilities and existing overhead power lines.

Development Requirements

Should the requested zoning map amendment be approved, the zoning ordinance provides development criteria as follows:

- Development will take place under the Sliding Scale provision of the zoning ordinance (Sec. 18-179). Each tract of at least 25 acres may be allowed one division. One additional division shall be permitted for each 40 acres of the tract, so the planned lot is the only division permitted.
- Each homesite is limited to five acres in size. The planned site is 3.399 acres.
- The remainder of the family property will retain its agricultural zoning designation.

Community Comments

The staff received no questions or comments concerning the request.

CONCLUSION

Strengths of application:

- The proposed development meets the requirements of the Comprehensive Plan in the Agriculture/Forest/Open Space/Rural Residential designation and no Plan amendment is requested or required.
- The proposed development meets the requirements of the Rural Residential zoning classification.
- There are similar single family homesites in the area and the property abuts the Sedley Community area, so residential development is expected.
- The proffers provide for the typical proffer amount to be paid at the time of building permit.

Weaknesses of application:

- A residential use of agricultural property takes the property out of agricultural use, although this property is separated from the remainder of the family farm by Cobb Road.

SUPPORT INFORMATION AND ATTACHMENTS

- 1) Staff Analysis
- 2) Application and proffered conditions statement
- 3) Notification of adjacent landowners
- 4) Site map and soils information

PLANNING COMMISSION ACTION

The Planning Commission discussed the request and held a public hearing at their December 12, 2013 regular meeting:

Vice-Chairman Randall stated that we would move on to item number three. We have two public hearing tonight. The first public hearing is number 1. RZA 2013:01 which is a request by Iola Scott Lamison, applicant, on behalf of Lennie E. Scott, owner, for a zoning map amendment from A-1, Agricultural District, to CRR, Conditional Rural Residential District for a 3.399 acre portion of a parcel known as Tax Parcel 47-60. The property is located on the north side of Cobb Road (Rt. 642) approximately 176' east of its intersection with Rosemont Road (Rt. 646). That is in the Jerusalem District. We can open the public hearing and then have comments from Mrs. Beth Lewis.

Mrs. Beth Lewis said thank you. She said she would like to start with two notes. First, when Mrs. Iola Lamison filled out the application and she and Mrs. Lennie Scott signed

it, I forgot about the proffer amount because a year ago the proffer amount increased from \$1,728 to a number that I don't even really remember now. It was \$2,000 and something and is payable at the time when someone gets a building permit. It doesn't even affect the current owner now. So that may be something that Mrs. Lola Lamison chooses to say that she would amend. Secondly, the owner of the property was Mrs. Lennie Scott and Mrs. Lola Lamison is her daughter. Unfortunately, a couple of weeks ago Mrs. Lennie Scott passed away. Mrs. Lennie Scott and Mrs. Lola Lamison had signed this application and at the time Mrs. Lola Lamison had power of attorney for Mrs. Lennie Scott. So I spoke with Mr. Richard Railey yesterday and he said that this could go forward just as it was regardless of the fact that Mrs. Lennie Scott was the applicant and that she had passed away. You understand that changing the zoning of this property, if the family heirs decide not to create a subdivision plat and create this new lot they don't have to. It can stay just as it is. It can all stay as part of the larger piece if they want. Even if this is approved it doesn't have any negative effect on the property that the heirs would acquire. So I just want to make that clear from the beginning that the applicant has passed away, but that doesn't change anything. This is a request under the rural residential district. Starting with at least 25 acres you can create at least one additional lot if the zoning is changed to rural residential and one lot for each additional 40 acres. This piece of property was part of a 37 acre tract. So this is the only lot that can be created. The County's online GIS is kind of unusual in this area and it is not really accurate. But you do have a map in there that shows this property is separated by Cobb Road from the rest of the family farm. It is a triangular piece of property. The southern property line is Cobb Road and the western property line is a creek and the eastern property line is a path. So it is a very clearly defined piece of property. It was part of a larger family farm in that area. The family still lives on part of the property. The site is wooded. It is about 3.4 acres. It has plenty of road frontage along Cobb Road. There are about 500 feet along Cobb Road. A soils report is included. It is accessed by Cobb Road. A driveway permit would be required from VDOT and it would be provided electricity by existing overhead power lines and would have a private well. She stated that she received one phone call regarding this request and it was from one of the abutting property owners asking how many additional lots could be made out of this piece of property. I explained that this lot couldn't have any more lots made out of it unless it was through the family transfer process. The remainder of this piece, the other 33 acres, isn't large enough to have any other lots created under the rural residential zoning designation.

Vice-Chairman Randall said so there were no negative calls at all, just the one procedural question, but nothing negative. Mrs. Beth Lewis said that is correct. The property was posted and the ad was put in the paper and the notices were sent in the mail. Vice-Chairman Randall said alright ladies and gentlemen the public hearing is open. He asked if anyone have any comments in reference to the public hearing tonight on RZA 2013:01.

Mrs. Beth Lewis stated that Mrs. Lola Lamison is here this evening. Vice-Chairman Randall asked Mrs. Lola Lamison if she could come up to the podium. He asked her if there was anything that she would like to say on behalf of her application.

Mrs. Lola Lamison said I think Mrs. Beth Lewis has covered everything. She said please excuse her voice tonight. She stated that she and her family would like to have it rezoned as residential. She stated that it is no use to them really except for woodland. The farm is on the other side of Cobb Road and this portion could go. Initially they wanted to do something with the property because her mom was in a nursing home and it would have provided some income for that purpose. Now, they would still like to go ahead with having it rezoned.

Vice-Chairman Randall said he just had one question. What was your relationship to the applicant? Mrs. Lola Lamison said she was my mother. Vice-Chairman Randall said your mother, okay. Mrs. Lola Lamison said she was the executor of her estate. Vice-Chairman Randall said we are very sorry for your loss. Mrs. Lola Lamison said thank you. She stated that there were three of them left and they all agree. She asked if there were any questions. Vice-Chairman Randall said thank you very much mam. Mrs. Lola Lamison said thank you.

Vice-Chairman Randall asked if there were any other public comments as it relates to RZA application 2013:01 requested by Mrs. Lola Lamison. Are there any other comments going once, going twice, there being none he closed the public hearing on this application.

Vice-Chairman Randall opened it up to the Commissioners. He asked if there were any comments or motions. Commissioner Chesson said it is real close to Sedley. I mean, there are houses, kind of right next door to it. I mean it is residential. There are houses right across the road. It seems to be a very reasonable request to me. Vice-Chairman Randall said he would agree with that.

Commissioner Chesson said if there is no other discussion I will put the motion out there that we recommend it to the Board of Supervisors for approval.

Commissioner Parker seconded the motion.

Vice-Chairman Randall asked if there was any further discussion. Commissioner Mann asked how about the issue of the proffer. Vice-Chairman Randall stated that we need to address that. The proffer was... Commissioner Chesson said this is awkward. Commissioner Edwards said it used to be \$1,728. But I think its \$2,200 something... Mrs. Beth Lewis said \$2,200, \$2,400, or something like that. Commissioner Edwards said \$2,414 I would guess now. That's my best guess. Mrs. Beth Lewis said I'm sorry I don't know. Commissioner Edwards said its \$2,200 or \$2,400 now. She (Mrs. Lola Lamison) should know that before she leaves here tonight. Mrs. Lola Lamison asked if they could explain that. Mrs. Beth Lewis said the proffer amount is a voluntary payment to the county when someone requests a building permit to cover the cost of an additional residence in Southampton County. Until recently, about a year ago, it was \$1,728 and that was the number that I quoted to you. But, I did remember that it was recently, in the past year, to \$2,200 or \$2,400. I don't remember what it is. I am very

sorry. But, that is payable by whoever wants a building permit. It is not payable until that time. So if you agree to that then we would just change your application to indicate that to the proffer that is in effect as of this date.

Vice-Chairman Randall said while we are looking that number up, I remember \$2,275. That sticks in my head for some reason. But, it is in that range. Commissioner Edwards said Commissioner Chesson you could check for us; you don't remember what it is? Commissioner Chesson said I think if we got an application signed by the applicant and it has got the amount on it either we like it or we don't. I guess I'm still...well it is unfortunate that at the time of the application we didn't recall what it was correctly. But, it is what it is on paper tonight - \$1,728 and that is what my motion was. I know I don't particularly like it, but I will accept it this one time just to get it done. Vice-Chairman Randall said so your motion is for the proffer of the old amount, Commissioner Chesson said for the application that is in front of us as it stands. Vice-Chairman Randall said and I have a second for it. He asked if there was any other discussion. Commissioner Edwards said run that by me again. Commissioner Chesson said it is for the application that we have in front of us. It was presented in your packet for the proffer amount of \$1,728. Commissioner Edwards said if that is not the legal amount I'm not sure that we can go along on with that. Mr. Richard Railey said she has agreed to an amendment. Commissioner Pope said right. Commissioner Chesson said she did. Mrs. Beth Lewis said right. Mr. Richard Railey said she did. Commissioner Edwards said we can end up charging somebody A and somebody else A-. Commissioner Chesson said I know it is kind of awkward being in this situation. But if there was an amendment to the application, yes, I'll amend my motion to accept that. Mr. Richard Railey said in response to Mrs. Beth Lewis question I did it. I mean what you have got here is equivalent to a typographical error that I think everybody has corrected in the briefing amendment.

Commissioner Chesson said okay can the minutes reflect the motion was to approve the amended application. Vice-Randall said correct. We are just waiting for our records custodian to return so she can get that in the minutes. Commissioner Chesson said okay. Mrs. Beth Lewis said \$2,260 is the amount. Vice-Chairman Randall said okay. Commissioner Chesson said \$2,260. Mr. Richard Railey said it's cheaper than what you said. Vice-Chairman Randall said \$15.00. Fifteen dollars is for the attorney's fees, right? Mrs. Beth Lewis said that was on your discussion in the meeting of January 2012. Commissioner Edwards said we are making this negotiable now? Vice-Chairman Randall said no.

Commissioner Chesson said \$2,260 was the amended application amount.

Commissioner Edwards said okay. Mrs. Beth Lewis said if you remember though proffers are voluntary. That is what makes them proffers. Commissioner Chesson said yeah. Commissioner Edwards stated that there was a motion on the table. Are we ready to vote? Vice-Chairman Randall said can we vote without our records custodian here? Commissioner Edwards said is she coming back to record it? Vice-Chairman

Randall said I thought she was stepping out for maybe two minutes, but... Mrs. Beth Lewis said her machine is on. Mr. Richard Railey said the machine is on.

Vice-Chairman Randall said okay we have a motion and a second and called for the vote which carried unanimously.



Southampton County
Post Office Box 400
Courtland, Virginia 23837
757-653-3015

APPLICATION FOR:

REZONING COMPREHENSIVE PLAN AMENDMENT CONDITIONAL USE PERMIT

CONTACT INFORMATION

Applicant or Representative Name: Iola Scott Lamison

Address: 31166 Cobb Road

City, State, Zip: Franklin, VA. 23851

Phone: Day 757-630-8117 Evening 757-562-2864 Mobile 757-630-8117

Owner Name: Lennie E. Scott

Address: 31166 Cobb Road

City, State, Zip: Franklin

Phone: Day 757-562-2864 Evening _____ Mobile _____

PROPERTY INFORMATION

Address or Location: _____

Tax Parcel Number: T.P. 47-59+60 (Parcel 11)

Total Acreage of Parcel: 3.399

Amount of above acreage to be considered: _____

Current Use of property: Forestry

Rezoning request from A-1 to CRR-Conditional Rural Residential

Comprehensive Plan request from _____ to _____

Conditional Use request: Section _____ of the Southampton County Code

Give a brief description of the application request (attach additional sheets if necessary):

Required Items to be submitted with application:

- Application Form
- Application Fee of \$1,000
- Cover Letter
- Site Plan / Exhibit
- Proffer Statement (if applicable)
- Other (To be determined by agent)

Note: If applicant is anyone other than the fee simple owner, written authorization of the fee simple owner designating the applicant as the authorized agent for all matters concerning this application shall be filed with the agent. A Special Limited Power of Attorney form is available upon request.

The undersigned Owner Applicant authorizes the entry of Southampton County personnel onto the property in order to perform their duties with regard to this request.

10-28-13
Date

John Scott Jamison
Signature

[Signature]
Signature

OFFICE USE ONLY

Received By: _____

Date: _____

Post Sign By: _____

PC Agenda Date: _____

BOS Agenda Date: _____

PROFFERS FOR CONDITIONAL REZONING

_____ Original

_____ Amended

Pursuant to Section 18-546 (b) of the Southampton County Code, the owner or duly authorized agent hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

I (we) hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission:

Proffer \$1,728.00 at building permit.



Signature of Owner/Applicant *

10-29-13

Date

* If applicant is someone other than the owner, a Special Limited Power of Attorney Form must be submitted with this application.

Amended by Iola Lamson, 12/12/2013 Planning Commission mtg #2260

BL



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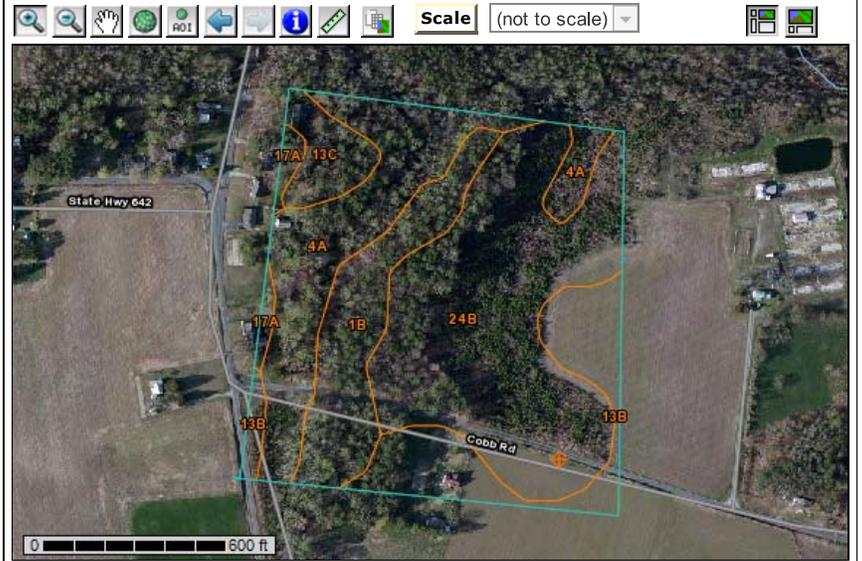
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Map Unit Legend

Southampton County, Virginia (VA175)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
1B	Alaga loamy sand, 0 to 6 percent slopes	5.1	14.5%
4A	Bibb sandy loam, 0 to 2 percent slopes, frequently flooded	7.8	22.2%
13B	Emporia fine sandy loam, 2 to 6 percent slopes	5.0	14.3%
13C	Emporia fine sandy loam, 6 to 10 percent slopes	1.7	4.8%
17A	Nansemond loamy fine sand, 0 to 2 percent slopes	0.6	1.7%
24B	Rumford, Kenansville, and Uchee soils, 0 to 6 percent slopes	14.9	42.5%
Totals for Area of Interest		35.2	100.0%

Soil Map



Warning: Soil Map may not be valid at this scale.

You have zoomed in beyond the scale at which the soil map for this area is intended to be used. Mapping of soils is done at a particular scale. The soil surveys that comprise your AOI were mapped at 1:24,000. The design of map units and the level of detail shown in the resulting soil map are dependent on that map scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Johnnie and Lennie Scott
P.O. Box 11
Sedley, Va 23878

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31166 Cobb Road
Franklin, VA 23851

Joseph and Kay Johnson
18173 Rosemont Road
Sedley, VA 23878

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Franklin, VA 23851

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