

**11. PUBLIC HEARING****B. REZONING REQUEST – BOARD OF SUPERVISORS**

This public hearing is held pursuant to § 15.2-2204, Code of Virginia, 1950, as amended to receive public comment on an application by the Southampton County Board of Supervisors, owner, for a zoning map amendment from R-1, Residential District, to A-2, Agricultural District for a parcel known as Tax Parcel 15-59A, formerly the Ivor Elementary School. The parcel is approximately 8.02 acres in size and is located at 7486 Proctor's Bridge Road (Rt. 616), approximately 1,100' north of the intersection of Proctor's Bridge Road and Browns Avenue (Rt. 736).

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 2013:02**

Southampton County Board of Supervisors, owner  
Michael Johnson, County Administrator, applicant

Application Request: Zoning map amendment (Rezoning)

### **IDENTIFICATION AND LOCATION INFORMATION**

Current Comprehensive  
Plan designation: Single Family Residential, Ivor Planning Area

Current Zoning: R-1, Residential District

Requested Zoning: A-2, Agricultural District

Acreage: 8.02 acres +/-

Proposed Use: Agricultural

Tax Map No.: 15-59A

Location: 7486 Proctor's Bridge Road, site of former Ivor Elementary  
School

Magisterial District: Berlin-Ivor

Voting District: Berlin-Ivor

Adjacent Zoning: North: A-2, Agricultural District  
South: A-2  
East: R-1, Residential  
West: A-2

Adjacent Land Use: North: Agriculture and forestry  
South: Agriculture and forestry  
East: Single family residential  
West: Agriculture and forestry

### **LAND USE ANALYSIS**

#### Overview

The subject property is an 8.02 acre parcel that once housed Ivor Elementary School but has since been cleared. Impervious surfaces cover portions of the tract, including a driveway to Proctor's Bridge Road.

The current R-1 zoning designation permits the development of single family detached residences on 30,000 square foot lots with private wells and septic systems. This property could be platted by right into at least eight (8) buildable lots under the current zoning classification. The Planning Commission recommended to the Board of Supervisors that the zoning map amendment from R-1 to A-2 be undertaken for the following reasons:

- The change to A-2 would eliminate the opportunity for a potential purchaser to subdivide the property by right into eight single family residential lots, although a zoning map amendment to a residential district could be sought by a new owner.
- The property to the west has the A-2 zoning designation, so this change would not create an inconsistency.
- The property is seen as being too far from the US 460 Expressway, the Commonwealth Connector, to hold much value for commercial or industrial development influenced by the new roadway.
- It is seen as having the most value to someone who farms in the area and may need an area for storage of equipment or goods.

#### Site Topography and Characteristics

The site once housed the Ivor Elementary School. It is relatively flat. The school has been removed, but some impervious surface areas remain. There are homes to the east of the property, both between the school property and Proctor's Bridge Road, and across Proctor's Bridge Road. There are also some houses of worship located along Proctor's Bridge Road, as well as a fraternal lodge. The property is not within a floodplain.

#### Transportation:

The property is accessed by Proctor's Bridge Road (Rt. 616). A driveway from Proctor's Bridge Road into the property is in place near the southern property line.

#### Environmental

Per GIS, the tract is not in a floodplain.

#### Utilities

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

#### Development Requirements

This is the definition of the A-2, Agricultural district from the Municipal Code:

Sec. 18-71. - Purpose of the district.

The purpose of the agricultural district, A-2, is to provide for gradual extension and filling in of single-family residential and other appropriate development in areas where urban services are planned, generally near the incorporated towns and the City of Franklin. The district is intended also to provide for continued general agriculture and forestry until such time as the land is needed for urban

purposes, although new intensive agricultural uses are not permitted, and it may be applied to certain outlying locations where concentrations of dwellings exist and where additional development is appropriate. The limitations on subdivisions which apply in the agricultural district A-1 do not apply in this district where the normal process of urban subdivision is anticipated.

Following are the permitted uses in the A-2, Agricultural district:

Sec. 18-72. - Permitted uses.

In an agricultural district A-2, structures to be erected or land to be used shall be for one (1) or more of the following uses:

- (1) General agriculture, farming and forestry, ...but not intensive agriculture as herein defined and not commercial slaughtering or processing of animals or poultry.
- (2) Reserved.
- (3) Detached single-family dwellings.
- (4) Detached single-family dwelling or manufactured home on a farm of fifty (50) acres or more for use as a dwelling unit by one (1) or more persons employed on the farm as farm labor with a conditional use permit (CUP).
- (5) Modular home as herein defined.
- (6) Manufactured home.
- (7) Reserved.
- (8) Manufactured home, temporary, as defined.
- (9) Reserved.
- (10) Industrialized buildings, as an accessory use, with a special use exception.
- (11) Bed and breakfast inn.
- (12) Camps, day or boarding, church camp, scout camp or similar camp involving permanent commercial or noncommercial facilities, with a CUP.
- (13) Cemeteries not accessory to a church with a CUP.
- (14) Churches and Sunday schools, rectories, parish houses, convents and monasteries, temples and synagogues and cemeteries accessory thereto.
- (15) Convalescent homes, nursing homes or homes for the aged and family care homes, with a CUP.
- (16) Country inn with more than four (4) guest rooms with a CUP.
- (17) Dog kennels, commercial, with a CUP.
- (17.1) Dog kennel, private.

- (18) Facilities and structures necessary for rendering public utility service, but not including buildings, treatment plants, water storage tanks, pumping or regulator stations, major transmission lines, storage yards and substations which are permitted with a CUP.
- (19) Home occupation, rural.
- (20) Hospital or clinic for humans with a CUP.
- (21) Hospital or clinic for large or small animals with a CUP.
- (22) Hospital or clinic for small animals.
- (23) Hunting club, private.
- (23.1) Hunt club kennel, as an accessory use.
- (24) Lodges, with a CUP.
- (25) Marina or yacht club with a CUP.
- (26) Nursery schools, kindergartens, child care centers, day nursery or child day care centers with a CUP.
- (27) Private schools, colleges, or universities with a CUP.
- (28) Public or governmental buildings and uses with a CUP.
- (29) Radio or television transmission or receiving station or tower less than one hundred twenty-five (125) feet in height; tower more than one hundred twenty-five (125) feet in height with a CUP.
- (30) Recreational uses or facilities. Amusement parks, fairs, circuses and carnivals may be permitted with a CUP.
- (31) Stable, commercial.
- (32) Stable, private.
- (33) School bus passenger shelter without advertising.
- (33.1) Wireless communication facilities.
- (34) Yard sale or garage sale.
- (35) Accessory buildings and uses.

### Community Comments

The staff received no questions or comments concerning the request.

### **CONCLUSION**

#### Strengths of application:

- The County has no defined use for the property presently. Should the County continue to own the property, regular maintenance, i.e., grass cutting, would be required.
- It is the wish of the County to divest itself of the property and return it to the tax rolls under private ownership, although a recent offering for sale brought no offers.
- The development of the property under the R-1, Residential zoning designation is not seen as an appropriate use in the best interest of the County as a whole.

Should a prospective buyer wish to seek a residential zoning classification in the future, such a change could be sought.

- The proposed A-2 zoning designation is already in place on abutting property, so no inconsistency would be created. Many of the non-residential permitted uses in A-2 require a Conditional Use Permit, permitting review by the Planning Commission and Board of Supervisors of specific uses for appropriateness.
- The possibility of commercial or industrial use is not seen as a probability, taking into account the distance from both the existing and the proposed US 460 highway. Additionally, the introduction of commercial or industrial use into the existing residential neighborhood is seen as intrusive.
- Use of the property for storage or office uses for a nearby farmer is seen as the most likely use.
- The proposed agricultural zoning designation is not uncommon in the Single Family Residential Plan designation, so no Plan amendment is necessary.

Weaknesses of application:

- Should a potential buyer wish to develop the property residentially as is permitted under the present zoning classification, time and costs on the part of the potential buyer would be incurred.

**SUPPORT INFORMATION AND ATTACHMENTS**

- 1) Staff Analysis
- 2) Application
- 3) Notification of adjacent landowners
- 4) Site map
- 5) Soils report

**PLANNING COMMISSION ACTION**

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

Vice-Chairman Randall stated that the second public hearing is for RZA 2013:02 which is requested by our County Administrator, Mr. Michael Johnson, applicant, on behalf of the Southampton County Board of Supervisors, owner, for a zoning map amendment from R-1, Residential District, to A-1, Agricultural District for a parcel known as Tax Parcel 15-59A, formerly the Ivor Elementary School. The parcel is approximately 8.02 acres in size and is located at 7486 Proctor's Bridge Road (Rt. 616), approximately 1,100' north of the intersection of Proctor's Bridge Road and Browns Avenue (Rt. 736). He stated that he was opening the public hearing on application RZA 2013:02. He asked Mrs. Beth Lewis if she had any comments.

Mrs. Beth Lewis said if you will recall the Board of Supervisors asked this Board for their recommendation as what to do with the Ivor School Property. This Board

recommended to the Board of Supervisors that they should consider amending the zoning from residential to agricultural. With the residential zoning approximately 8 single family residences could have been built by right. And this Board was feeling that was probably not the best use for this property for the county as a whole. So this Board recommended that the Board of Supervisors consider amending the zoning to A-2 Agricultural District which is the same zoning district as the property to the north, west, and part of the south. Right in front of the school, between the school property and Proctor's Bridge Road, there are some single family homes. So the Board of Supervisors took this Board's recommendation and initiated a zoning map amendment to the A-2 agricultural zoning district. This property was used for a school. It has been cleared and everything has been taken out. The property was discussed by the people on this Board who are in the agricultural community. It doesn't have a lot of use for agriculture. It is kind of a rough piece of property. But it is what it is. The zoning notices were sent out to the abutting property owners. The notice was put in the paper and was posted on the property. She stated that she received no calls or any inquiries from anyone. She stated that she did receive one of the notices from an adjacent property owner back saying it was undeliverable.

Vice-Chairman Randall said we should be fairly familiar with this; we have discussed it numerous times. The public hearing is open. He asked if anyone had any comments about this application RZA 2013:02. He said good to see you Mr. Michael Johnson.

Mr. Michael Johnson said I've got about four slides that I'd like to show you very quickly if that is okay. Mr. Michael Johnson said I think everybody is probably very familiar with the site, but this is U.S. Route 460 and Highway 616 or Ivor Road and then on the north side of Highway 460 you have got Proctor's Bridge Road. The Ivor School property is located off of Proctor's Bridge Road about seven tenths of a mile north of the intersection with U. S. Route 460. The school property itself is just a little more than eight acres. You can see the footprint of the property where it wraps around several residential uses. Then there are also residential uses across the road. You can see the footprint of the old school building that was demolished. He pointed out the old bus route. That is an asphalt surface on that and that is still intact. He pointed out the old wastewater lagoon. There was an on-site package system there on that site. He said he thought they were familiar with the area in the comprehensive plan, but you can see right here where it is located. He stated that it was difficult to see that coloring, but it is shown in the future land use plan as single family residential. That fact notwithstanding, if you look around the property which is shown here, you can see that it is completely surrounded by agricultural A-2 property and there is also A-2 property on the opposite side of the road. The Board is certainly very interested in having the property rezoned. Obviously, their intent is to sell it. They feel confident that the market will be better with an agricultural land use than it is in the current residential. So we hope you will favorably consider it. I will be pleased to answer any questions if you have any.

Commissioner Mann said the lagoon system has been cleared out correct? Mr. Michael Johnson said it is gone. Commissioner Mann said I didn't see it the last time I was there. And just for clarification this is going A-2 and not A-1, right. Mr. Michael Johnson

said correct. Commissioner Chesson said that is right. And, I guess maybe you heard what I did. I think Vice-Chairman Randall when you read that you said A-1. Vice-Chairman Randall said oh, did I? Commissioner Chesson said the minutes should reflect A-2. Vice-Chairman Randall said Residential District, to A-2 Agricultural District for Parcel Tax Map 15-59A if I read that incorrectly. Commissioner Chesson said thank you.

Vice-Chairman Randall asked if there were any other public comments. He closed the public comment period being there was no further comment. He asked if there was any discussion from the Board. Commissioner Chesson asked if there were any proffers.

Commissioner Edwards said I asked that earlier. We are still looking. **Basically, I would like to recommend that we go ahead and get through with this because both groups, the Planning Commission and the Board of Supervisors, agreed unanimously what we ought to do with it.** It is the best thing for it so we can find something to do with it. He recommended, based on this discussion, that we go ahead and approve this.

**Commissioner Parker seconded the motion.**

**Vice-Chairman Randall stated that we have a motion made and it was seconded appropriately. He 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: Michael Johnson, County Administrator

Address: P.O. Box 400

City, State, Zip: Courtland, VA 23837

Phone: Day 919-653-3015 Evening NA Mobile NA

Owner Name: Southampton County Board of Supervisors

Address: same as above

City, State, Zip: same as above

Phone: Day same as above Evening NA Mobile NA

**PROPERTY INFORMATION**

Address or Location: Proctor's Bridge Road

Tax Parcel Number: TP 15-59A

Total Acreage of Parcel: 8.02 acres

Amount of above acreage to be considered: 8.02 acres

Current Use of property: vacant

Rezoning request from R-1, Residential to A-2, Agricultural

Comprehensive Plan request from NA to NA

Conditional Use request: Section NA of the Southampton County Code

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

The Board of Supervisors seeks to amend the zoning of the property that formerly housed Ivor Elementary School from the current R-1, Residential zoning classification to the A-2, Agricultural district so as to facilitate the sale of the property for agricultural use, in line with the uses found on neighboring properties.

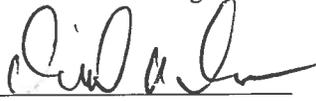
Required Items to be submitted with application:

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

10-29-2013  
Date

  
Signature

MICHAEL W. JOHNSON, CLERK  
BOARD OF SUPERVISORS  
Signature

**OFFICE USE ONLY**

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Received By: \_\_\_\_\_

Date: \_\_\_\_\_

Post Sign By: \_\_\_\_\_

PC Agenda Date: \_\_\_\_\_

BOS Agenda Date: \_\_\_\_\_

**PROFFERS FOR CONDITIONAL REZONING**



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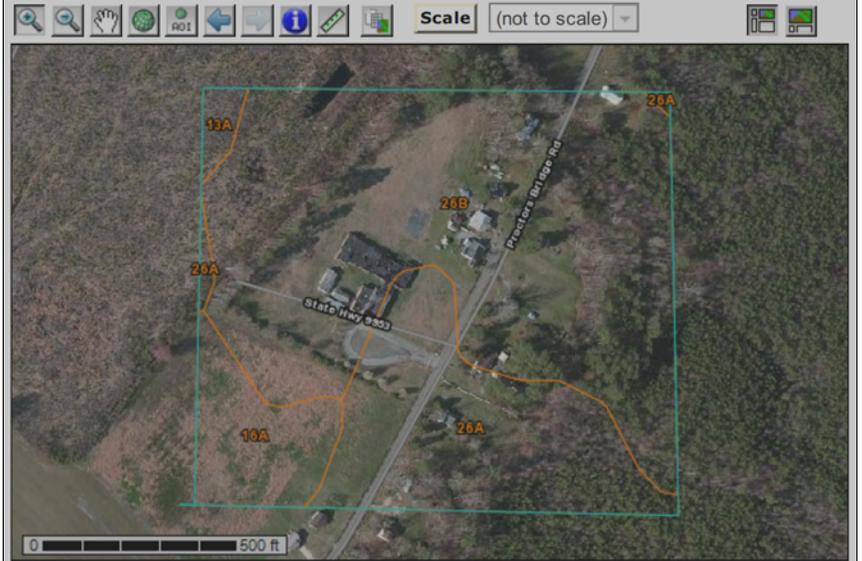
Search

Map Unit Legend

**Southampton County, Virginia (VA175)**

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
13A	Emporia fine sandy loam, 0 to 2 percent slopes	0.4	1.4%
16A	Myatt loam, 0 to 2 percent slopes	2.7	8.7%
26A	Slagle fine sandy loam, 0 to 2 percent slopes	7.7	24.9%
26B	Slagle fine sandy loam, 2 to 6 percent slopes	20.0	65.0%
<b>Totals for Area of Interest</b>		<b>30.7</b>	<b>100.0%</b>

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.

Southampton County Board of  
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