

**A. CONDITIONAL USE PERMIT  
BOBBY AND AMY PITTS**OPENING STATEMENT

This public hearing is held pursuant to § 15.2-2204, Code of Virginia, 1950, as amended to receive public comment on a request by Bobby and Amy Pitts, owners, for a Conditional Use Permit to keep livestock for personal enjoyment on property with a zoning designation of R-1, Residential, per Section 18-127(16) of the Zoning Ordinance. Specifically, the request seeks permission to have a private stable to house three (3) miniature horses. The property is located at 29039 Darden Point Road, Courtland, VA in the Darden Mills Estates Subdivision and is known as Tax Parcel 46A-4-21. It is located on Darden Point Road approximately 1150' west of the intersection of Darden Point Road (CR 1017) and Lakeside Drive (CR 1015). It is in the Jerusalem Voting District and the Jerusalem Magisterial District.

The notice of this public hearing was published in the Tidewater News on June 12 and June 19, 2011 and all adjacent property owners were notified in writing by first class mail as required by law. Following its public hearing on May 12, 2011, the Southampton County Planning Commission voted unanimously to recommend approval of the request.

After conclusion of this morning's public hearing, the Board of Supervisors will consider all comments and may act upon the matter or defer action until such time as it deems appropriate.

Mrs. Beth Lewis, our Director of Community Development and Secretary to the Planning Commission will provide introductory remarks after which all interested parties are invited to come forward and express their views.

**MOTION REQUIRED:** A motion is required to accept the Planning Commission recommendation and approve the Conditional Use Permit.

## **CUP 2011:02**

Bobby and Amy Pitts, owners

Application Request: Conditional Use Permit for a private stable

### **IDENTIFICATION AND LOCATION INFORMATION**

Current Comprehensive

Plan designation: Single Family Residential

Current Zoning: R-1, Residential District

Acreage: Approximately 2.56 acres

Proposed Use: Stable for personal use

Tax Map No.: 46A-4-21

Location: 29039 Darden Point Road in the Darden Mills Estates subdivision

Magisterial District: Jerusalem

Voting District: Jerusalem

Adjacent Zoning: North: A-1, Agricultural  
South: R-1, Single Family Residential  
East: R-1  
West: R-1

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

### **LAND USE ANALYSIS**

#### Overview

The applicants have a stable in the rear yard of a single family residence, discovered in response to a complaint. Once the need for a Conditional Use

Permit to house their three miniature horses in a residential district was discovered, the applicants sought the required permit. The lot is approximately 288' wide in the area of the stable, and the stable is located near the center of the lot, making it more than the required 100' from any side or rear property line. The stable is surrounded by a fence.

Per the application, the property owners will have no more than three (3) miniature horses. The horses have been boarded off-site for some time, but family and economic circumstances have caused the owners to bring the horses to their home. The horses range from 26" to 35" tall. One is handicapped and needs extra care as well. The feed and hay for the horses are stored in the stable the horses are housed in. The fenced area is cleaned twice daily and the waste composted.

#### Site Topography and Characteristics

The site is a typical single family residential home site. The site is approximately 2.56 acres in size, is fairly flat and wooded along the property lines, and abuts agricultural property to the rear. The stable is located in the rear yard, not less than 100' from the property lines, as required by Sec. 18.2-127(16) of the zoning ordinance.

#### Transportation

NA. A stable for personal use has no effect on the transportation system or anyone's ability to access their property.

#### Utilities

NA. The existing residence is provided with water/sanitary/electrical service and the services to this or other residences in the neighborhood will not be affected by the stable. Water use in conjunction with the stable is limited.

#### Issues to be considered

- The zoning ordinance requires that any building used to house livestock be at least 100' from the property line. The location of this stable meets that requirement.
- Conditional Use Permits are granted for a specific use on a specific parcel of property, so any Conditional Use Permit granted would not transfer to a different parcel of property.
- The applicant has offered the following conditions:
  - No more than 3 miniature horses will be housed on-site.
  - Waste generated by the horses will be composted on-site.
  - Feed and hay are stored in the stable with the horses.
  - A fence has been installed to contain the horses.

## Community Comments

A number of speakers spoke at the public hearing; all were in favor of the request.

## **CONCLUSION**

### Strengths of application:

- The locational requirement for the stable outlined in the Zoning Ordinance is met by this request.
- The property abuts agricultural property, so there are neighbors only to the sides of the property, not to the rear.
- The horses as described in the application are dog-sized, rather than the size of typical horses.
- Conditions as listed above have been provided by the applicants that seek to limit the impacts on the neighborhood, including provisions for waste.

### Weaknesses of application:

- Horses, no matter their size, may generate noise or odors.

## **SUPPORT INFORMATION AND ATTACHMENTS**

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

Ad in Tidewater News 6/12/2011, 6/19/2011  
Sign posted 5/3/2011  
Letters mailed 6/13/2011

## **PLANNING COMMISSION ACTION**

At their regular meeting on May 12, 2011, the Planning Commission heard the request, as follows:

Chairman Edwards announced that the first public hearing was to consider the following:

Request by Bobby and Amy Pitts, owners, for a Conditional Use Permit to keep livestock for personal enjoyment on property with a zoning designation of R-1, Residential, per Section 18-127 (16) of the Zoning Ordinance. Specifically, the

request seeks permission to have a private stable to house three (3) miniature horses. The property is located at 29039 Darden Point Road, Courtland, VA in the Darden Mills Estates Subdivision and is known as Tax Parcel 46A-4-21. The property is located on Darden Point Road approximately 1150' west of the intersection of Darden Point Road (CR 1017) and Lakeside Drive (CR 1015). The property is in the Jerusalem Voting District and the Jerusalem Magisterial District.

Mrs. Beth Lewis, Secretary, advised that the applicants were found to have 3 miniature horses in their back yard in a stable. The Zoning Ordinance, in the R-1, Residential Zoning District, did not speak to the animals – it speaks to the stable. Accordingly, the applicants needed to request a conditional use permit (CUP) for a stable to house livestock. A stable was defined as anything that housed livestock. The lot was 2.5 acres and 288' wide in the area of the stable. The stable was near the center of the lot, making it more than 100', as required by the Zoning Ordinance. It was also surrounded by a fence. She stated that per the application, the property owners would have no more than 3 miniature horses. The horses had been boarded off-site for some time, but family and economic circumstances had made it necessary for the owners to bring the horses to their home. The horses ranged from 26" to 35" tall. One was handicapped and needed extra care. The fenced area was cleaned twice daily and the waste composted.

Chairman Edwards opened the public hearing.

Mr. Bobby Pitts, owner/applicant, addressed the Commission. He advised that the horses were very small and quiet and were family pets. He shared some pictures of the horses to show how small they were. He and his family wanted to keep the horses at their home so they could better take care of them. One horse was handicapped and required extra attention. It was also more economically feasible to take care of the horses at home, as they would not be spending gas money to drive back and forth. He lost his job with International Paper, and his wife recently lost her job. He noted that the area was kept clean and the waste composted.

Commissioner Jones asked how long he had owned the horses. Mr. Pitts replied, 4 or 5 years. Chairman Jones asked how long the horses had been located on his residential property. Mr. Pitts replied, since January 2011.

Richard and Patricia Sawyer of Darden Point Road spoke. They stated they had lived there 6 years and were the direct next door neighbors of the Pitts. The Pitts were good neighbors. The horses were quiet and not messing in anyone's yards. They supported the Pitts and their horses.

Ms. Amanda Hall spoke. She advised that she had known the Pitts for 20 years. They were good people and would not bring their pets into the neighborhood if they would cause any problems. The horses were quiet and gentle and did not bother anyone.

Ms. Toni Nolf spoke. She stated that she posted a petition in support of the Pitts in her front yard, and 35 people signed the petition. And that was without her going door to door.

Mr. Keith Blythe spoke. He stated that he whole-heartedly supported the Pitts. He was big on freedom and personal rights.

Mr. John Pope of 29030 Darden Point Road spoke. He advised that he lived directly across from the Pitts. There were some good neighbors in the neighborhood, and there were some not so good neighbors. The Pitts were very good neighbors. He supported their request.

Mr. Barry Nolf spoke. He asked all those present who were in support of the Pitts to please stand. (A fair amount of people stood up).

Ms. Shirley Blythe spoke. She stated that the barn/stable in which the horses were kept was very cute and neat. It was in better condition than some people's sheds in the neighborhood.

Secretary Lewis read into the record the following email she received from Mr. Ash Cutchin:

Beth,

When you make your presentation tonight re: the Pitts' miniature horses, please state that as long as they make their best effort to control the insects and the odor, I have no objection to the Conditional Use Permit if NO MORE than 3 horses, and as long as they meet all setback requirements and lot size.

Thank you.

Ash Cutchin

Chairman Edwards closed the public hearing.

Chairman Edwards informed that he visited the property and it was immaculate. He did not smell any odors whatsoever.

Commissioner Jones stated that he loved horses. He had his dad's saddle in his den. He did not see anything wrong with having miniature horses on the property.

Commissioner Tennessee thought the use was appropriate, as the horses were family pets.

Commissioner Drake appreciated that the applicants had the full support of their neighbors.

Chairman Edwards suggested that they add the condition "no commercial uses" to be consistent with conditions placed on other conditional use permits.

Commissioner Chesson moved, seconded by Commissioner Tennessee, to recommend approval of the Conditional Use Permit, subject to all conditions. All were in favor.



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: Bobby G. Pitts

Address: 29039 Darden Point Rd

City, State, Zip: Courtland, Virginia 23837

Phone: Day 757-334-6015 Evening Same Mobile Same

Owner Name: Bobby G. Pitts and Amy J. Pitts

Address: 29039 Darden Point Rd

City, State, Zip: Courtland, Va. 23837

Phone: Day 757-334-6015 Evening Same Mobile Same

**PROPERTY INFORMATION**

Address or Location: 29039 Darden Point Rd

Tax Parcel Number: 46A-4-21

Total Acreage of Parcel: 2.56 acres

Amount of above acreage to be considered: 2.56 acres

Current Use of property: Single family home

Rezoning request from NA to \_\_\_\_\_

Comprehensive Plan request from NA to \_\_\_\_\_

Conditional Use request: Section 18-127 (16) of the Southampton County Code

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

Conditional use permit to have three miniature horses at very back of property as pets. Back of property is against farm land.

Required Items to be submitted with application:

- Application Form
- Application Fee of \$ \_\_\_\_\_
- 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.

3-30-11  
Date

*Abby M. O'Connell*  
Signature

\_\_\_\_\_  
Signature

**OFFICE USE ONLY**

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

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

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

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

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

## PROFFERS FOR CONDITIONAL REZONING

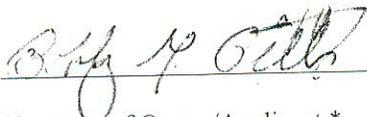
\_\_\_\_\_ Original

\_\_\_\_\_ 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:

we plan to have no more than three miniature horses. They are smaller than ponies and some dogs. one is 26" tall, one is 27" inches tall and the largest being only 35" inches tall. There is only residential property on two sides and farm land to the back and right side. Cattle have been on back and side of my property with no problems, we plan to have a small shelter for them to stay in. we have a small area at the back of the property fenced with red brand fence to keep minis in and other animals out. The fence and shelter will be at least 300 ft or more from road front. These animals are pets and they are very gentle and quiet with low maintenance. Feed (1 bag per month and hay will be kept in storage shed) we plan to try road frontage of our property has trees and we have 2.56 acres. These pets will be cleaned up behind twice a day and this will be deposited in a compost container.



Signature of Owner/Applicant \*

3/30/11

Date

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

Bobby, Amy, and Katie Pitts  
290309 Darden Point Road  
Courtland, Virginia  
(757-562-7754)

To: Members of the Southampton County Planning Commission

We are applying for a conditional use permit for three miniature horses that are on our property at 29039 Darden Point Road. We do not plan on having anymore than three, for these are pets that we have had for the last few years and we need to have them with us to give them the care they deserve. They are very quiet, small and gentle. One is 26 inches tall, another is 27 inches and the last one is only 35 inches, which is not even as large as some dogs. There are several reasons why we need them here. One is to be able to give them the love and care they need. We were boarding them but it's hard to be with them as regular as you like and need, especially since both of my parents are in East Pavilion and we visit them and care for them more regular. My mother has Alzheimer's and my dad is in the late stages of cancer with very little time left so having the mini's at our home has relieved some of the stress and helped in visiting my parents more often. Also the boarding got to be very expensive at \$300 a month, \$40 a month for food and with the travelling back and forth and now we can feed them for \$40 a month and this is a big relief since I lost my job last May and I'm now working for a lot less money and no benefits. Another reason is that one was born with a handy cap and we have to do regular things to her hooves so she can walk without having to walk on the sides of her hooves. We had to trim her hooves regular and glue shoes on her feet. We now have her feet corrected enough as to where we now have to trim her feet and then build her hooves up with glue on a regular basis without the use of shoes. Being able to do this regularly keeps her from regressing.

We have 2.56 acres and almost 400 feet of the property is against farm land. There are woods on three sides of the property and that works as a buffer. The fenced in grassy area for the mini's is more than 300 feet from the road and the shelter is located as near the center as possible. The feed (one bag) and the hay (four bales) are kept in the shelter and they are fed in the shelter. Their waste is very small, about a 1/2 inch to 3/4 inch in size and they are cleaned up behind twice a day and the waste is put into a composter. They are let out for a little while in the day to run and play and are not left out for long periods for this keeps them in good health and keeps them from over feeding on grass.

So I ask the planning commission to please consider this conditional use permit for it would mean so much to me and my family. Thank You, Bobby, Amy and Katie Pitts.

Mailing List  
CUP 2011:02  
Pitts

Owner  
Bobby and Amy Pitts  
29039 Darden Point Road  
Courtland, VA 23837  
46A-4-21

Abutting  
John and Martha Smolak  
29011 Darden Point Road  
Courtland, VA 23837  
46A-4-20

Ryland F. Beale Jr etals  
19914 Governor Darden Road  
Courtland, VA 23837  
46-16

Richard and Patricia Sawyer  
29067 Darden Point Road  
Courtland, VA 23837  
46A-4-22

E. Warren Beale Jr  
P.O. Box 67  
Courtland, VA 23837  
46A-4-7

John and Darlene Pope  
29030 Darden Point Road  
Courtland, VA 23837  
46A-4-8

Adolph and Virginia Cutchin  
29018 Darden Point Road  
Courtland, VA 23837  
46A-4-9

REPORT, AND AS SUCH THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE

I HEREBY CERTIFY THAT THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN ZONE "C" ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 510315 0150 B DATED DEC. 15, 1982

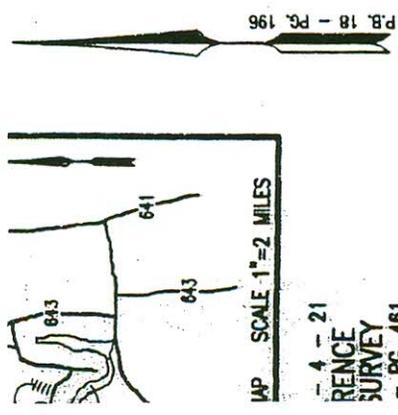
THIS IS TO CERTIFY THAT ON APRIL 13, 1995 I SURVEYED THE PROPERTY AS SHOWN AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

*Stafford C. Camp*  
STAFFORD C. CAMP

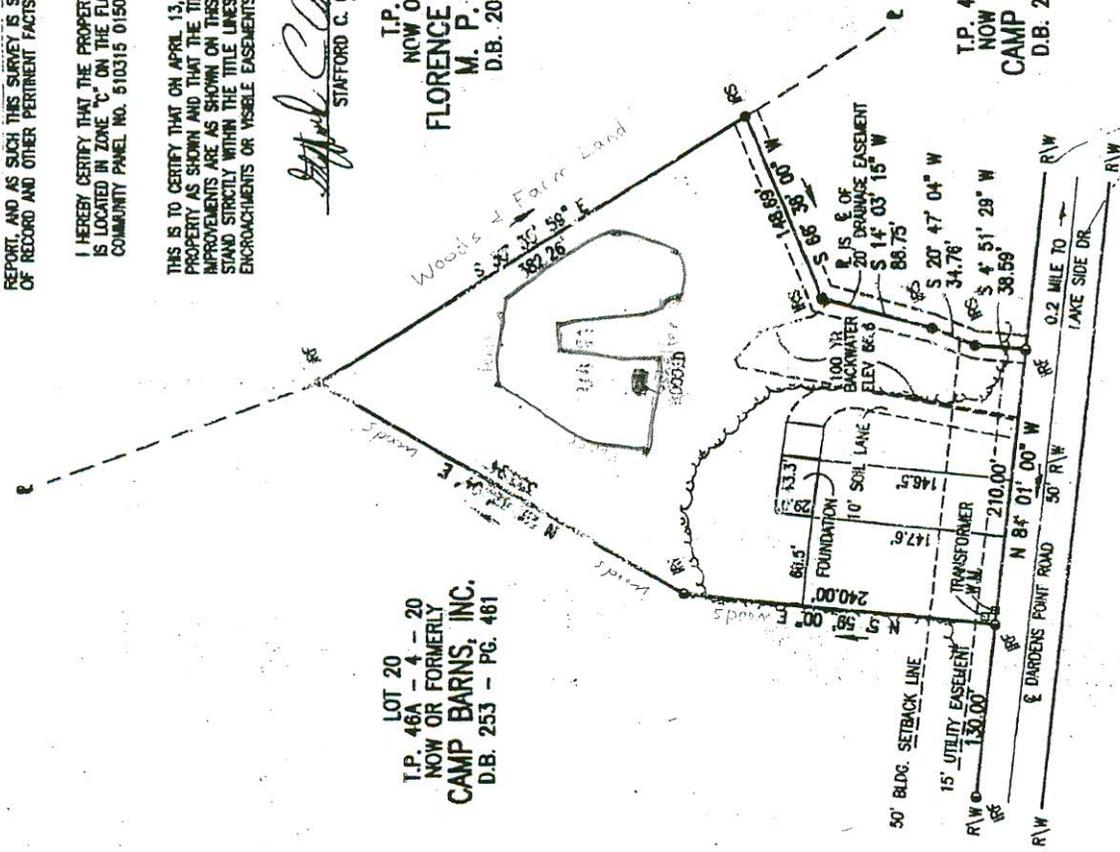
T.P. 46 - 16  
NOW OR FORMERLY  
FLORENCE S. WESSON &  
M. P. CALLAHAN  
D.B. 205 - PG. 670

LOT 22  
T.P. 46A - 4 - 22  
NOW OR FORMERLY  
CAMP BARNS, INC.  
D.B. 253 - PG. 461

LOT 20  
T.P. 46A - 4 - 20  
NOW OR FORMERLY  
CAMP BARNS, INC.  
D.B. 253 - PG. 461



PLAT SHOWING  
FOUNDATION SURVEY OF  
ARDEN'S MILL ESTATES  
SECTION 3 - LOT 21  
FOR  
BBY GENE PITTS &  
AMY J. PITTS  
JERUSALEM MAGIS, DISTRICT  
UTAHAMPTON COUNTY, VIRGINIA  
: 1" = 100' APRIL 13, 1995  
AI ARFA = 256 ARDFC



S.V. CAMP III & ASSOCIATES, INC.