

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
SOUTHAMPTON COUNTY, VIRGINIA INITIATING A CHANGE IN ZONING**

WHEREAS, in regular session on July 28, 2008, the Board of Supervisors of Southampton County approved a change in the zoning classification of approximately 55 acres of a 238-acre parent parcel, identified as Tax Map Parcel Number 24-43, from A-1, Agricultural to C-M1, Conditional Limited Industrial; and

WHEREAS, said approval was subject to a signed, written, voluntary proffer by the applicants and property owners, Anthony and Victoria Scodes, expressly and exclusively limiting use of the subject 55 acres for a race track or course as permitted in Section 18-282 (a) (49) of the Southampton County Code; and

WHEREAS, Section 18-282 (a) (49) of the Southampton County Code further provides that use of any property in an Industrial District, Limited M-1 as a race track or course is subject to issuance of a conditional use permit by the Board of Supervisors; and

WHEREAS, in regular session on October 27, 2008, the Board of Supervisors of Southampton County, upon recommendation of the Planning Commission citing inconsistency of the proposed use with the Comprehensive Plan of Southampton County, denied issuance of a conditional use permit for a race track or course on the subject 55 acres; and

WHEREAS, on February 15, 2011, the Circuit Court of Southampton County, Virginia found that the the change in zoning approved by the Board of Supervisors on July 28, 2008 was unreasonable, incompatible and inconsistent with the Comprehensive Plan, and clearly a case of spot zoning, and by Order dated March 24, 2011 remanded the matter back to the Board for reconsideration; and

WHEREAS, Section 18-541 of the Southampton County Code and § 15.2-2286 (7) of the Code of Virginia, provide that the Board of Supervisors may, by resolution, initiate a change in zoning, provided that such resolution specifically states the public purpose therefor.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Southampton County, Virginia finds that restoration of the zoning classification of the subject 55 acres to A-1 Agricultural follows good zoning practice and is consistent with the Comprehensive Plan of Southampton County; and

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes and directs the County Administrator to initiate on its behalf, at no cost to the property owners, a change in zoning of the subject 55 acres, being a portion of Tax Map Parcel 24-43, from C-M1, Conditional Limited Industrial to A-1, Agricultural, effectively seeking to reverse the zoning change approved on July 28, 2008.

**RAILEY AND RAILEY, P.C.**  
ATTORNEYS AND COUNSELLORS AT LAW

RECEIVED MAR 29 2011

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March 28, 2011

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Mr. Michael W. Johnson, Administrator  
Southampton County  
Post Office Box 400  
Courtland, VA 23837

Re: Diane Wynn Kropewnicki, et al, plaintiffs, v. Southampton  
County Board of Supervisors, Virginia, defendant

Dear Mike:

Please find enclosed herewith the Court's Order in the Kropewnicki matter, which was entered by the Court on March 24, 2011. Your cooperation will be appreciated.

With kind personal regards, I am

Very sincerely,  


Richard E. Railey, Jr.

abr

Enclosure

VIRGINIA :

IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY

DIANE WYNN KROPEWNICKI, *et al*

Plaintiffs,

v.

Case No. CL08-381

SOUTHAMPTON COUNTY  
BOARD OF SUPERVISORS, VIRGINIA

Defendant.

**ORDER**

On February 15, 2011 came the plaintiffs in person and by counsel and came the defendant by counsel and trial of the issues presented in the amended complaint and answer were tried, evidence taken *ore tenus* and exhibits filed therewith; and

IN CONSIDERATION WHEREOF, the Court finds that the action taken by the Board of Supervisors to approve the rezoning request of Anthony Scodes to rezone fifty-five acres of land from A-1 agricultural to conditional industrial limited (C-M-1) for the purpose of a motorcycle dirt track/recreational facility was clearly a case of spot zoning that was unreasonable, incompatible and inconsistent with the Comprehensive Plan and Future Land Use Map, and in violation of §18-545(a) of the Zoning Ordinance of Southampton County as an unplanned isolated

spot zoning, which benefited only the landowner and not the community; and the Court further finds the issue of the rezoning is not fairly debatable.

IN CONSIDERATION WHEREOF, the Court remands this rezoning issue to the Board of Supervisors for their reconsideration and action consistent with the decision of the Court expressed herein.

Entered this 24 day of MARCH 2011.

William C. Anderson  
Judge DESIGNATE

Seen:

William C. Anderson  
Counsel for plaintiffs

Seen: [Signature], and executed to:  
[Signature]  
Counsel for defendant

I certify that the document to which this authentication is affixed is a true copy of a record in Southampton Circuit Court. That I have custody of the record and that I am custodian of that record.  
Richard Francis, Clerk  
Kathleen B. [Signature] BC  
Southampton Circuit Court