

**B. REZONING APPLICATION
ANTHONY AUSTIN**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 Anthony Austin, owner, requesting a change in zoning map designation from A-1, Agricultural to CB-2, Conditional General Business for approximately 0.5 acres of a 1.505 acre tract. The parent tract is located on Barrow Road (Rt. 658) approximately 1,500 feet west of its intersection with Meherrin Road (Rt. 35). The property address is 22419 Barrow Road, Capron, VA 23829. The applicant seeks to establish the Austin Cycle Company on the site, using an existing garage building. The residential use on the remainder of the site would remain. The property is known as Tax Parcel 74-8C and is located in the Capron Voting District and the Capron Magisterial District.

The notice of this public hearing was published in the Tidewater News on April 10 and April 17, 2011 and all adjacent property owners were notified in writing by first class mail as required by law.

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

MOTION REQUIRED

A motion is required to accept the Planning Commission recommendation and approve the rezoning application.

CPA 2011:01

Anthony W. Austin, owner

Application Request: Zoning map amendment (Rezoning)

IDENTIFICATION AND LOCATION INFORMATION

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

Current Zoning: A-1, Agricultural

Requested Zoning: CB-2, Conditional General Business

Acreage: Parent tract 1.5 acres
Area proposed for amendment 0.5 acres MOL

Proposed Use: Automobile/ATV/truck/motorcycle/farm
equipment/lawnmower repair, and sales and installation
of tires and mufflers

Tax Map No.: 74-8

Location: 322419 Barrow Road, Capron. The tract is on the north
side of Barrow Road (Rte 658) approximately 1,500 feet
west of its intersection with Meherrin Road (US 35).

Magisterial District: Capron

Voting District: Capron

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

Adjacent Land Use: North: Agriculture
South: Agriculture
East: Agriculture
West: Applicant's home and agriculture

LAND USE ANALYSIS

Overview

The property is in the Capron area. The applicant seeks to amend the Comprehensive Plan designation of approximately 0.5 acres of his 1.5 acre lot from Agriculture/Forestry/Open Space/Rural Residential to Commercial so as to be able to use an existing garage on site for his business that is now located in Courtland, the Austin Cycle Company. He plans to provide automobile, motorcycle, ATV, truck, lawnmower, and farm equipment repairs, and sell and install mufflers and tires. The following conditions are offered:

- The hours of operation will be 9AM to 5PM Monday through Friday and 9AM to 1PM on Saturday
- The services include motorcycle, off road vehicle, automotive, truck, lawn mower and farm equipment repair, and sales and installation of tires and mufflers
- There will be no exterior storage of business equipment or vehicles, loud noises, or offensive odors

As the zoning map amendment is for a commercial designation rather than a residential designation, no proffer is appropriate or provided.

Site Topography and Characteristics

The property in whole is now used as a residence with a detached shop/garage building. The applicant will continue to use the residence. The property is fairly flat, and surrounded by agricultural uses.

Transportation

The property is accessed by Barrow Road, a two-lane State maintained secondary roadway. One driveway from Barrow Road serves both the residence and the garage/shop building. Southampton County has forwarded the request to VDOT for review and comment.

Environmental

A survey provided by the applicant indicates that the property is not within a flood zone. The property is now being used as a residence and therefore has been cleared of vegetation except for a wooded area at the rear of the parcel.

Utilities

The property is served by existing overhead lines for electricity, and private water and sewer systems.

Community Comments

None received.

CONCLUSION

Strengths of application:

- Should the Comprehensive Plan amendment request be approved, the Plan designation of Commercial is appropriate for the proposed business.
- Limits to the hours of operation may provide protection for surrounding properties. The closest residence is over 1,700' from the subject property.
- The farm equipment repair could be done on the property with the current Agricultural zoning as a home occupation. Adding the possibility to repair other types of motorized equipment and vehicles may not have any greater negative impact on the surrounding property owners.
- Approximately one mile to the west of the subject property on Barrow Road is a five-acre tract of land that has a zoning designation of M-2, Industrial. This property houses a trucking company and attendant repair facility. The proposed vehicle repair business requested by the applicant may be seen as similar to the nearby existing business.

Weaknesses of application:

- A half-acre tract of commercially-zoned property surrounded by agriculturally-zoned property could be seen as inconsistent.
- Almost all of the other areas within Southampton County with Commercial zoning are within one of the Planning Areas. The closest property with commercial zoning that is not within a Planning Area is over 2.8 miles from the subject site.
- The requested amendment and the existing similar business a mile to the west may open the Barrow Road area to more requests for non-agricultural businesses and intrude on the residential and agricultural uses in the area.

SUPPORT INFORMATION AND ATTACHMENTS

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

Sign posted 4/18/2011

Letters mailed 4/15/2011

Legal ad Tidewater News 4/10/2011, 4/17/2011

PLANNING COMMISSION ACTION

Chairman Edwards announced that the second and final public hearing was to consider the following:

Request by Anthony Austin, owner, requesting a change in zoning map designation from A-1, Agricultural to CB-2, Conditional General Business for approximately 0.5 acres of a 1.505 acre tract. The parent tract is located on Barrow Road (Rt. 658) approximately 1,500 feet west of its intersection with Meherrin Road (Rt. 35). The property address is 22419 Barrow Road, Capron, VA 23829. The applicant seeks to establish the Austin Cycle Company on the site, using an existing garage building. The residential use on the remainder of the property would remain.

Secretary Lewis advised that the applicant had offered the following conditions:

- The hours of operation will be 9AM to 5PM Monday through Friday and 9AM to 1PM on Saturday
- The services will include motorcycle, off road vehicle, automotive, truck, lawn mower and farm equipment repair, and sales and installation of tires and mufflers
- There will be no exterior storage of business equipment or vehicles, loud noises, or offensive odors

Secretary Lewis noted that there was a trucking company located about 1 mile west of this property. In addition, the closest residence was 1700 away.

Chairman Edwards opened the public hearing. No members of the public desired to speak. Chairman Edwards closed the public hearing.

Vice-Chairman Barham moved, seconded by Commissioner Harrell, to recommend approval of the rezoning. 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: Anthony Wayne Austin

Address: 22419 Barrow Rd.

City, State, Zip: CAPRON, VA. 23829 //

Phone: Day 757-617-9117 Evening '' Mobile ''

Owner Name: Anthony Wayne Austin

Address: 22419 Barrow Rd.

City, State, Zip: CAPRON, VA. 23829 //

Phone: Day 757-617-9117 Evening '' Mobile ''

PROPERTY INFORMATION

Address or Location: 22419 Barrow Rd.

Tax Parcel Number: 74-8C

Total Acreage of Parcel: 1.5 ACRES

Amount of above acreage to be considered: 0.50 ACRES

Current Use of property: _____

Rezoning request from A-1 to B-2 Conditional

Comprehensive Plan request from Agricultural to Business

Conditional Use request: Section _____ of the Southampton County Code

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

A.T. ~~Auto~~ motorcycle repairs, Auto-
motive & truck repairs, farm
equipment service, lawn-
mower repairs, tire sales & installation
& muffler

Required Items to be submitted with application:

- Application Form
- Application Fee of \$ 500.00
- 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.

1-20-11
Date

Anthony W. Austin
Signature

OFFICE USE ONLY

Received By: _____

Date: _____

Post Sign By: _____

PC Agenda Date: _____

BOS Agenda Date: _____

To The Southampton County Committee Board,

I am presenting this request to have Austin Cycle Company rezoned from A-1 to B-2 conditional zone. The hours of operation are 9:00 a.m. to 5:00 p.m., Monday through Friday and 9:00 a.m. to 1:00 p.m. Saturday.

Our services consist of motorcycle, off road vehicle, automotive, truck, lawn mower, and farm equipment repair. We also sell and install tires and muffler.

There will be no exterior storage of business equipment or vehicles, loud noises, or offensive smells present. I appreciate the consideration in this matter.

Sincerely,

Anthony W. Austin
Owner of
Austin Cycle Company

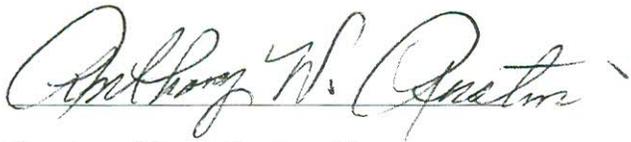
PROFFERS FOR CONDITIONAL REZONING

_____ 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:



Signature of Owner/Applicant *

1-20-11

Date

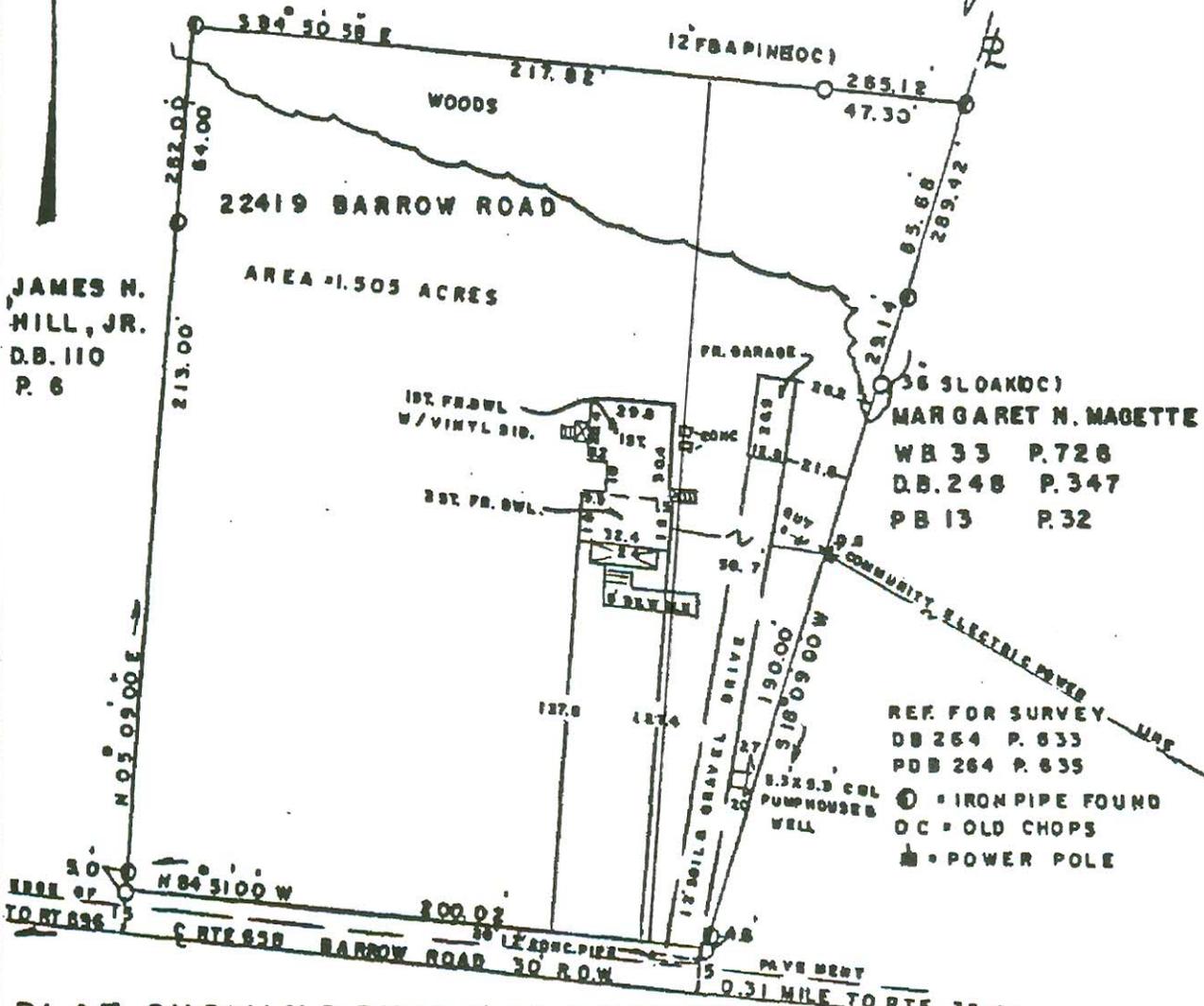
* If applicant is someone other than the owner, a Special Limited Power of Attorney Form must be submitted with this application.

I HEREBY CERTIFY THAT THIS PROPERTY IS NOT WITHIN HUD FLOOD ZONE

This is to certify that on 6-26-92 I surveyed the property shown on this plat and that the title lines and physical improvements are shown. The improvements stand strictly within the title lines and there are no encroachments or visible easements except as shown.

S. V. CAMP III
JAMES H. HILL, JR.
DB 110 P. 6

S. V. Camp III C.L.S.



PLAT SHOWING PHYSICAL SURVEY FOR

WILLIAM D. HAMIC
CAPRON MAGIS. DISTRICT
SOUTHAMPTON CO., VIRGINIA
SCALE 1" = 50' JUNE 26, 1992
SURVEY BY S. V. CAMP, III AND
ASSOCIATES C.L.S. COURTLAND, VA.
TOTAL AREA = 1.505 ACRES



N-LEGAL-PAD

VIRGINIA: In the Clerk's Office of the Circuit Court of Southampton County, the 6th day of July, 1992. This Plat, showing property for William D. Hamic in Capron Magisterial District was this day received and admitted to record together

Mailing List CPA 2011:01, RZA 2011:01, Austin

Owner/Applicant
Anthony and Letitia Austin
24419 Barrow Road
Capron, VA 23828
TP 74-8C

Abutting property owners
Dorothy W. Hill Life Estate
921 Forest Hill Drive
South Hill, VA 23970
TP 73-26

Joseph Magette Jr.
P.O. Box 162
Courtland, VA 23837
TP 74-8B

William B. Simmons IV
300 Dixon Street
Unit 307
Easton, MD 21601
TP 74-39