

REZ 2010:03

Mark R. Lohenitz, owner

Application Request: Zoning map amendment (Rezoning)

IDENTIFICATION AND LOCATION INFORMATION

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

Current Zoning: M-1, Industrial District, Limited

Requested Zoning: CA-1, Conditional Agricultural

Acreage: 33.06 acres

Proposed Use: One (1) single family detached residence for use as a hunting lodge

Tax Map No.: 111-32

Location: 33377 Joyner Road. The tract is on the east side of Joyner Road (Rte. 701) south of its intersection with Hugo Road (Rte. 186).

Magisterial District: Boykins

Voting District: Boykins-Branchville

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

Adjacent Land Use: North: Forestry
South: Forestry, sand pit
East: Forestry
West: Forestry, sand pit

LAND USE ANALYSIS

Overview

The property is southwest of Branchville. The applicant seeks to amend the zoning classification from M-1, Limited Industrial District, to CA-1, Agricultural District, to permit the construction of a single family residence/recreational residence. The structure's principal use will be as a hunting lodge for the members of the R&R Hunt Club per the applicant. The current zoning classification does not permit any residential uses, therefore an amendment is requested. The property has a Land Use Plan designation of Agriculture/Forestry/Open Space/Rural Residential. No Comprehensive Plan Amendment is required or requested. The applicant has provided a proffer of \$1,728 in conjunction with the request.

Site Topography and Characteristics

The property was used in large part for many years as a sand pit. Two sizeable lakes were created when sand was extracted and the lakes remain on the site. There are several buildings on the property that were used in the sand pit operation. The topography of the site was altered during the operation of the sand pit, but the area that is outside of the floodplain is relatively flat.

Transportation

The property is accessed by Joyner Road, a two-lane State maintained secondary roadway. GIS indicates that ½ of a 30' right-of-way has been dedicated along the northern 90' of the lot width, although pavement exists the entire lot width. An existing driveway access the property from Joyner Road.

Environmental

Most of the 33 acre site is classified as being within the floodplain. There is an area where the existing buildings are located, an area of approximately four (4) acres, which is not included in the floodplain per Southampton County GIS. Most of the site is comprised of lakes left from the sand pit operation, and the parcel was cleared in large part for the sand extraction business. Trees surround the lakes, however, and block much of the view of the lakes from Joyner Road.

Utilities

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

Community Comments

None received.

CONCLUSION

Strengths of application:

- The Comprehensive Plan designates the property as Agriculture/Forestry/Open Space/Rural Residential, the appropriate designation for the proposed use.
- As the property is no longer in use as a sand pit, reclaiming the land for residential use puts unused property into use. The re-use of the property permits the establishment of a residential use with no loss of productive farm or forest land.
- A proffer of \$1,728 is provided.

Weaknesses of application:

- None noted.

SUPPORT INFORMATION AND ATTACHMENTS

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

Sign posted August 12, 2010

Letters mailed August 12, 2010

Legal ad Tidewater News August 8 and 15, 2010

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a public hearing and discussion at the July 8, 2010 meeting. The approved minutes and recommendation follows:

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

Request by Mark R. Lohenitz, owner, requesting a change in zoning map designation from M-1, Industrial District, Limited, to A-1, Agricultural, for a tract of approximately 33.06 acres to construct one single family residence to be used as a hunting lodge. The tract is located on the east side of Joyner Road (Rt. 701) south of its intersection with Hugo Road (Rt. 186).

The site address is 33377 Joyner Road. The property is known as Tax Parcel 111-32 and is located in the Boykins-Branchville Voting District and the Boykins Magisterial District.

Chairman Edwards opened the public hearing.

Mrs. Beth Lewis, Principal Planner and Secretary, advised that the property had been used for quite a few years as a sand pit. However, most of the property was now taken up by large lakes. The request for a hunting lodge was an interesting re-use of the property. The hunting lodge could be built without taking any farm or forestry land. It was reverting industrial land back to a residential use. The one weakness was that no proffer was offered when the application was originally submitted. She noted that although this was called a hunting lodge, it was a 4-bedroom, 2-bath house, and there was no way to know whether someone would reside there year-round or if it would only be used as a hunting lodge. The owner/applicant had since proffered a monetary cash proffer in the amount of \$1,728. The application met the requirements of the Comprehensive Plan. She noted that she did not receive any phone calls with regard to this application.

Mr. Thomas, one of four owners of the property, advised that he would be pleased to answer any questions.

Mr. Thomas clarified for Commissioner Mann that the property was on the left on Joyner Road outside of the Branchville Town limits. They had bush-hogged everything – it was going to be nice. He confirmed that Mr. Glover owned the surrounding property.

Commissioner Mann asked, out of the 33 acres, how much of it was water? Mr. Thomas replied about 20 acres. He stated that he had 5 grandbabies and this would be a nice place to take his family. Commissioner Mann asked if they were going to keep the existing facility that was further down? He replied yes, that was the actual hunt club. They leased that property to the hunt club. He clarified that the property in which they wished to build a hunting lodge was separate from the hunt club and there would not be any hunting dogs, etc. located there.

Mr. Thomas clarified for Commissioner Drake that he owned the driveway, so it would not be a problem if Mr. Glover were to do any additional dredging.

Commissioner Parker confirmed with Mr. Thomas that they would be on the back of the pond on the left hand side and would be using the same driveway they were using when the sand pit was operating.

Commissioner Parker asked if the only thing they would have back there was the hunting lodge? Mr. Thomas replied yes. Commissioner Parker asked if he would have any trailers? Mr. Thomas replied that he may put a trailer back there only while they were building the lodge house. It was going to be nice.

Mr. Ash Cutchin spoke. He advised that as he had stated regarding some other parcels, he did not live anywhere near this property, but if the adjacent property owners had no objections, he thought they should approve it.

Commissioner Parker stated that it was a good location, as the hunting lodge would be the only thing back there, and nobody lived in a house within a ½ mile.

Chairman Edwards closed the public hearing.

Commissioner Parker moved, seconded by Commissioner Jones, to recommend approval of the rezoning request, subject to all voluntary proffers. All were in favor.



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

APPLICATION FOR:

REZONING

COMPREHENSIVE PLAN AMENDMENT

CONDITIONAL USE PERMIT

CONTACT INFORMATION

Applicant or Representative Name: Mark R. Lohentz

Address: 126 Lorna Doone Dr.

City, State, Zip: Yorktown, VA. 23692

Phone: Day 757-771-2495 Evening 757-833-6076 Mobile 757-897-0969

Owner Name: Mark R. Lohentz

Address: 126 Lorna Doone Dr

City, State, Zip: Yorktown, VA. 23692

Phone: Day 757-771-2495 Evening 757-833-6076 Mobile 757-897-0969

PROPERTY INFORMATION

Address or Location: Parcel A+B - RT. 701

Tax Parcel Number: 111/32

Total Acreage of Parcel: 33.06

Amount of above acreage to be considered: 33.06

Current Use of property: Open

Rezoning request from M-1 to A-1

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):

see attached letter

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.

6/4/10
Date

Mark A. White
Signature

Signature

OFFICE USE ONLY

Received By: _____

Date: _____

Post Sign By: _____

PC Agenda Date: _____

BOS Agenda Date: _____

Application/Request for rezoning

Property for consideration is tax parcel#111/32

Request date June 4, 2010

Prepared by Mr. Mark R. Lohenitz

ATTN: Southampton County Board members

Subject: Request for rezoning

To the board members of Southampton County I write this letter for consideration of zoning tax parcel#111/32 back to A-1 from M-1. This parcel and parcel #110/53 were recently purchased from Allied Sand and Gravel by Mr. James Thomas, Mr. William Thomas, Mr. Scott Engebretson and Mr. Mark Lohenitz attached you will find the deed and a map of the area to include a site plan. After speaking with Mr. Barnett he informed me that current zoning will not permit the intended use of the property therefore; we would like to request rezoning to take place to allow for the construction of a hunting lodge that will also be used for weekend recreation with our families. If approved we understand that the construction will have to be built as a single family dwelling and will need to be constructed in a manner that would apply to all codes to include state and local. The property in question is currently zoned M-1 which would prevent the legal construction of a structure of this type, the parcel that is across Rt. 701 is currently zoned A-1 but is unable to support any structure due to the swampy conditions that exist. All parties involved are members of the R&R Hunt Club and have been hunting in this area since the late 1960's.

I have been authorized by the above listed purchasers to submit this request.

All supporting information about the property and purchase are also being submitted along with our request, if you find that you need further information please contact me at (757) 897-0969.

Any attention on this matter is greatly appreciated; I would like to thank you for taking the time to bring this subject before this board for consideration.

V/R

Mr. Mark R. Lohenitz

PROFFERS FOR CONDITIONAL REZONING

 X 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:

A payment of \$1,728 will be made when a building permit is issued.



Signature of Owner/Applicant *

 7/7/10

Date

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

SOUTHAMPTON COUNTY
Board of Supervisors
Notice of Public Hearing

Notice is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended that the Southampton County Planning Commission will hold a public hearing on Monday, August 23, 2010 at 9:00 a.m. in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive in Courtland, Virginia to consider the following:

1. Request by Mark R. Lohenitz, owner, requesting a change in zoning map designation from M-1, Industrial District, Limited, to CA-1, Agricultural, for a tract of approximately 33.06 acres to construct one single family residence to be used as a hunting lodge. The tract is located on the east side of Joyner Road (Rte. 701) approximately 275' south of its intersection with Hugo Road (Rte. 186). The site address is 33377 Joyner Road. The property is known as Tax Parcel 111-32 and is located in the Boykins-Branchville Voting District and the Boykins Magisterial District.

Any persons desiring to speak in favor of or opposition to the above referenced application(s) are encouraged to appear and be heard at the aforementioned time and place. Any persons wishing to attend this hearing who may require auxiliary aids should contact Michael W. Johnson, County Administrator at (757) 653-3015, preferably seven days prior to the hearing.

Southampton County Board of Supervisors
Michael W. Johnson, Clerk