

SOUTHAMPTON COUNTY

26022 Administration Ctr. Dr.
P.O. Box 400
Courtland, Virginia 23837



757-653-3015
Fax: 757-653-0227

February 5, 2009

VIA CERTIFIED MAIL TO:

Mr. Anthony Scodes
10266 New Road
Ivor, VA 23866; and

Mr. Anthony Scodes
1551 Azalea Garden Road
Norfolk, Virginia 23502

**RE: Resolution initiating a zoning change - portion of Tax Map Parcel
24-43**

Dear Mr. Scodes:

Attached for your reference please find a draft resolution to be considered by the Board of Supervisors at their next regular session on February 23, 2009, beginning at 8:30 a.m.

Preparation of this resolution was directed by motion of the Board at their January 26, 2009 meeting. If adopted, the resolution will authorize and direct me to initiate, on the Board's behalf and at no expense to you, a change in zoning of approximately 55 acres of your property from C-M1, Conditional Limited Industrial to A-1, Agricultural, effectively seeking to reverse the zoning change approved on July 28, 2008.

In accordance with the provisions of the *Code of Virginia* and the *Southampton County Code*, the zoning change will first be referred to the Planning Commission for its recommendations. In addition, the matter will be subject to no less than two (2) public hearings, one each before the Planning Commission and the Board of Supervisors.

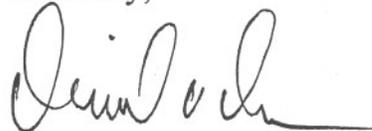
Mr. Anthony Scodes
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While the resolution is not subject to public comment on February 23 (unless specifically authorized by the Chairman), you and/or your representative are invited to submit advance written comments, if you so desire. Any written comments that I receive by noon on February 17 will be copied and transmitted to each Board member along with their respective agenda packages.

The resolution will be considered in open session where all citizens are welcome to attend and bear witness.

If you have any questions, please feel free to contact me at 757-653-3015.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Johnson", with a long horizontal flourish extending to the right.

Michael W. Johnson
County Administrator

cc: Mr. Richard E. Railey, Jr.

**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, the forgoing circumstances deprive the owners of any lawful use of the subject 55 acres, until such time as a conditional use permit for a race track or course is issued by the Board of Supervisors; and

WHEREAS, Section 18-547 of the Southampton County Code provides that whenever a petition requesting a supplement (conditional use permit) has been denied by the Board of Supervisors, such petition or one substantially similar, shall not be reconsidered sooner than one year following the denial; 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 the forgoing circumstances do not provide for the general welfare by unfairly depriving the owners of any use of their property and, 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.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Anthony Scodes
10266 New Road
Ivor, VA 23864

2. Article Number

(Transfer from service label)

7003 2260 0006 9374 2287

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

ANTHONY SCODES Agent
 Addressee

B. Received by (Printed Name)

ANTHONY SCODES

C. Date of Delivery

2-6-09

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Anthony Scodes
1551 Azalea Garden Rd.
Norfolk, VA 23501

2. Article Number

(Transfer from service label)

7003 2260 0006 9374 2270

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

ANTHONY SCODES Agent
 Addressee

B. Received by (Printed Name)

ANTHONY SCODES

C. Date of Delivery

2-6-09

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes