

**B. REZONING REQUEST
HUNTER DARDEN, III, APPLICANT**OPENING STATEMENT

This public hearing is held pursuant to § 15.2-2204, Code of Virginia, 1950, as amended to receive public comment on the application of Hunter Darden, III, applicant, for Narvie Frank Britt, Jr., owner, requesting a change in zoning map designation from A-2, Agricultural, to CRR, Conditional Rural Residential, for approximately 5.0 acres of a 99.71 acre tract. The parent tract is located on New Road (Rt. 622) approximately 1.62 miles northwest of its intersection with Tucker Swamp Road (Rt. 635). The applicant seeks to create a five acre lot for single family residential use at the southeastern edge of the parent tract. The property is known as Tax Parcel 15-34 and is located in the Berlin-Ivor Magisterial District and the Berlin-Ivor Voting District.

The notice of this public hearing was published in the Tidewater News on June 6 and June 13, 2010 and all adjacent property owners were notified in writing by first class mail as required by law. Following its public hearing on May 13, 2010, the Southampton County Planning Commission voted unanimously to recommend approval of the request.

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

Mrs. Beth Lewis, our Principal Planner 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: If the Board is so inclined, a motion is required to accept the Planning Commission recommendation and approve the zoning change described above.

REZ 2010:02

Hunter Darden, III, applicant, for Narvie F. Britt, Jr., owner

Application Request: Zoning map amendment (Rezoning)

IDENTIFICATION AND LOCATION INFORMATION

Current Comprehensive Plan designation: Single Family Residential, Ivor Planning Area

Current Zoning: A-2, Agricultural District

Requested Zoning: CRR, Conditional Rural Residential, Timed Approach

Acreage: 5.0 acres +/-, portion of a 99.71 acre tract

Proposed Use: One (1) single family detached residence

Tax Map No.: Portion of 15-34

Location: The parent parcel is on both sides of New Road (Rte. 622), between Tucker Swamp Road (Rte. 635) and Ivor Road (Rte. 616). The five acres affected by this request are at the southern end of the property on the east side of New Road.

Magisterial District: Berlin-Ivor

Voting District: Berlin-Ivor

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, scattered residential
East: Forestry
West: Forestry, scattered residential

LAND USE ANALYSIS

Overview

The property is southeast of Ivor. The entire tract is 99.71 acres. The applicant seeks to amend the zoning classification from A-2 to Conditional Rural Residential for a five (5) acre portion of the site. The amendment would permit the five (5) acre parcel to be subdivided from the parent tract, and the remaining 94.71 acres would be retained in agricultural use. This request is made under the Timed Approach in the Rural Residential zoning designation. A zoning map amendment for a 2.78 acre portion of the parent tract was approved in 2007 (REZ 2006:18), so the property owner had to wait until February 2010 to request another division. Should this request be approved, the property owner will be required to wait three years from the approval to seek any further division of property from the remaining parent tract.

There are a number of standards outlined in the zoning ordinance for the division of land under the Rural Residential requirements. Sec. 18-178 (3) states: "The first two lots shall be located on private shared driveways that serve no more than two residences, with no frontage on the public road unless specific conditions necessitate variations and are approved by the board of supervisors." The first lot created was located at the north end of the parent tract, as the potential owners planned to provide care for a family member whose home was located in that area. The lot as planned for this division is located at the southern end of the property and therefore not able to share a driveway. The proposed lot will be located at the southern end of the property for a number of reasons:

- the proposed lot will be provided access to ponds that are located at the southern end of the parent parcel,
- the location of a hunt club and the kennels associated with the club may cause disruptions to a home located nearby and therefore close enough to use a shared driveway, and
- the southern end of the parent tract is made up of soils more suitable for a traditional septic system than areas of the tract located nearer the lot created in 2006, per the applicant.

For these reasons, it is requested that the Board of Supervisors permit the proposed lot to be located in an area that would not use a shared driveway.

The applicant has proffered to pay the typical \$1728 proffer amount at the time of building permit.

Site Topography and Characteristics

Per Southampton County GIS, the property drops slightly in elevation from northwest to southeast toward the ponds. The proposed lot is a portion of a tract that includes the home of the owner, a lot that was created in 2007 to provide

housing for a caretaker for an elderly family member, and a hunt club. The existing structures are close to New Road, while the proposed lot will be located away from New Road, nearer the ponds at the southeast corner of the site. The property is currently forested, and several single family residences exist on both sides of New Road.

Transportation:

The site is located on New Road, a two lane State maintained secondary roadway. The current right-of-way for New Road, as provided by County GIS, is 30'. The lot that was created in 2007 from the parent tract included an additional 10' of right-of-way to provide half of the additional right-of-way for the ultimate 50' right-of-way width, and this lot will be required to provide that additional 10' as well should the lot be located along the New Road frontage.

Environmental

The site is not within the floodplain and no wetlands are shown per Southampton County GIS. The parent tract is used for agriculture/forestry.

Utilities

The site will be served by private water and wastewater facilities and existing overhead power lines.

Development Requirements

Should the requested zoning map amendment be approved, the zoning ordinance provides development criteria as follows:

- Development will take place under the Timed Approach of the zoning ordinance (Sec. 18-179).
 - The parent parcel is at least 25 acres, and the proposed lot size falls within the one acre minimum/five acre maximum as required.
 - One division was approved in February 2007, so this request is more than three (3) years subsequent.
 - The lot is located at the far southern end of the parent tract, so as to permit the center of the tract to remain as one parcel to maximize its continued use for agriculture.
 - No shared driveway is planned with the lot created in 2007. The reasons for the lack of a shared driveway are provided in the overview above.
 - The remaining 94.71 acres will retain its agricultural designation. No further divisions for residential purposes may be requested until three (3) years after this approval, should it be granted.

Community Comments

Two gentlemen stopped while the sign was being installed and asked questions. No objections were raised.

CONCLUSION

Strengths of application:

- The proposed development meets the requirements of the Comprehensive Plan in the Single Family Residential designation within the Ivor Planning Area and no Plan amendment is requested or required.
- There are other single family home sites in the area, so limited residential development is not unusual.
- The proffers provide for the typical \$1728 proffer amount to be paid at the time of building permit.

Weaknesses of application:

- A residential use of agricultural/forestry property takes the property out of active agricultural use, although the siting of the proposed parcel retains the agricultural land in one large contiguous tract.
- The decision not to provide for a shared driveway leads to one more driveway along New Road. However, the decision to locate the proposed new lot further from the existing hunt club may avoid noise and other conflicts in the future.

SUPPORT INFORMATION AND ATTACHMENTS

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

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a public hearing and discussion at the May 13, 2010 meeting. The approved minutes and recommendation follows:

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

RZA 2010:02 – Request by Hunter Darden, III, applicant, for Narvie Frank Britt, Jr., owner, requesting a change in zoning map designation from A-2, Agricultural, to CRR, Conditional Rural Residential, for approximately 5.0 acres of a 99.71 acre tract. The parent tract is located on New Road (Rt. 622) approximately 1.62 miles northwest of its intersection with Tucker Swamp Road (Rt. 635). The applicant seeks to create a five acre lot for single family residential use at the southeastern edge of the parent tract. The property is known as Tax Parcel 15-34 and is located in the Berlin-Ivor Magisterial District and the Berlin-Ivor Voting District.

Secretary Lewis advised that the request was being made under the Timed Approach of the Rural Residential zoning designation. A zoning map amendment for a 2.78 acre portion of the parent tract was approved in 2007. The owner of the property had to wait 3 years to request another division, and would be required to do so again should this request be approved. Shared driveways were required under the Rural Residential requirements. However, the Board of Supervisors had the authority to waive the requirement for a shared driveway if conditions were such that it was not feasible. She stated that the first lot created was located at the north end of the parent tract, as the potential owners planned to provide care for a family member whose home was located in that area. The lot currently being requested for division would be located at the southern end of the property for several reasons: 1) the proposed lot would provide access to ponds that were located at the southern end of the parent parcel, 2) to keep distance from the hunt club and kennels, and 3) the soils were more suitable for a traditional septic system. The applicant had proffered \$1,728 to be paid upon issuance of the building permit. She noted that two gentlemen stopped and asked questions while the rezoning sign was being placed on the property, but no objections were raised. Otherwise, she did not receive any phone calls or inquiries.

Chairman Edwards opened the public hearing.

Mr. Hunter Darden, applicant, indicated that he was available to answer any questions.

Mr. Darden clarified for Commissioner Drake that the subject property was all woodlands/cutover.

Chairman Edwards closed the public hearing.

Commissioner Chesson moved, seconded by Commissioner Harrell, to recommend approval of the rezoning request. All were in favor.

ROBERT L. BARNETT CPCA,CBO
DIRECTOR OF COMMUNITY DEVELOPMENT

BUILDING DEPARTMENT, ZONING DEPARTMENT
SUBDIVISION AGENT, GIS 911 ADDRESSING
EROSION AND SEDIMENT CONTROL
CONSERVATOR OF THE PEACE
STORMWATER MANAGEMENT

ZONING INFORMATION:

Project Owner(s): Narvie Britt

Application Completed Date: _____

Requested Action: Rezoning

Current Zoning: A-2 Agriculture

Total Acreage: 99.71 acres

Acreage to be rezoned: 5 acres

Proposed Zoning: RR, Rural Residential

Proposed Use: One Residential Structure

Tax Map Identification: Tax Map, 15 Parcel 34

Location of Property: 10025 New Road

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

Conditional Use Required: No

Proffers: Yes ,See proffer .



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: NARVIE FRANK BRITT JR / HUNTER DARDEN, JEC

Address: 10035 NEW RD

City, State, Zip: IVOR VA 23866

Phone: Day SAME Evening SAME Mobile 757-647-9172

Owner Name: NARVIE FRANK BRITT JR

Address: 10035 NEW RD

City, State, Zip: IVOR VA 23866

Phone: Day SAME Evening SAME Mobile 757-647-9172

PROPERTY INFORMATION

Address or Location: NEW ROAD IVOR, VA.

Tax Parcel Number: 15-34

Total Acreage of Parcel: 99.71

Amount of above acreage to be considered: 13.9 (5 AC RR)

Current Use of property: AGRICULTURAL

Rezoning request from A2 to RR

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):

CREATE ONE SINGLE FAMILY LOT
WITH ACCESS TO POND

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.

4-11-10
Date

Marion F. Britt Jr.
Signature

Keith D. ...
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:

I PROFFER A PAYMENT OF \$1,728.00
AT THE TIME OF BUILDING PERMIT.

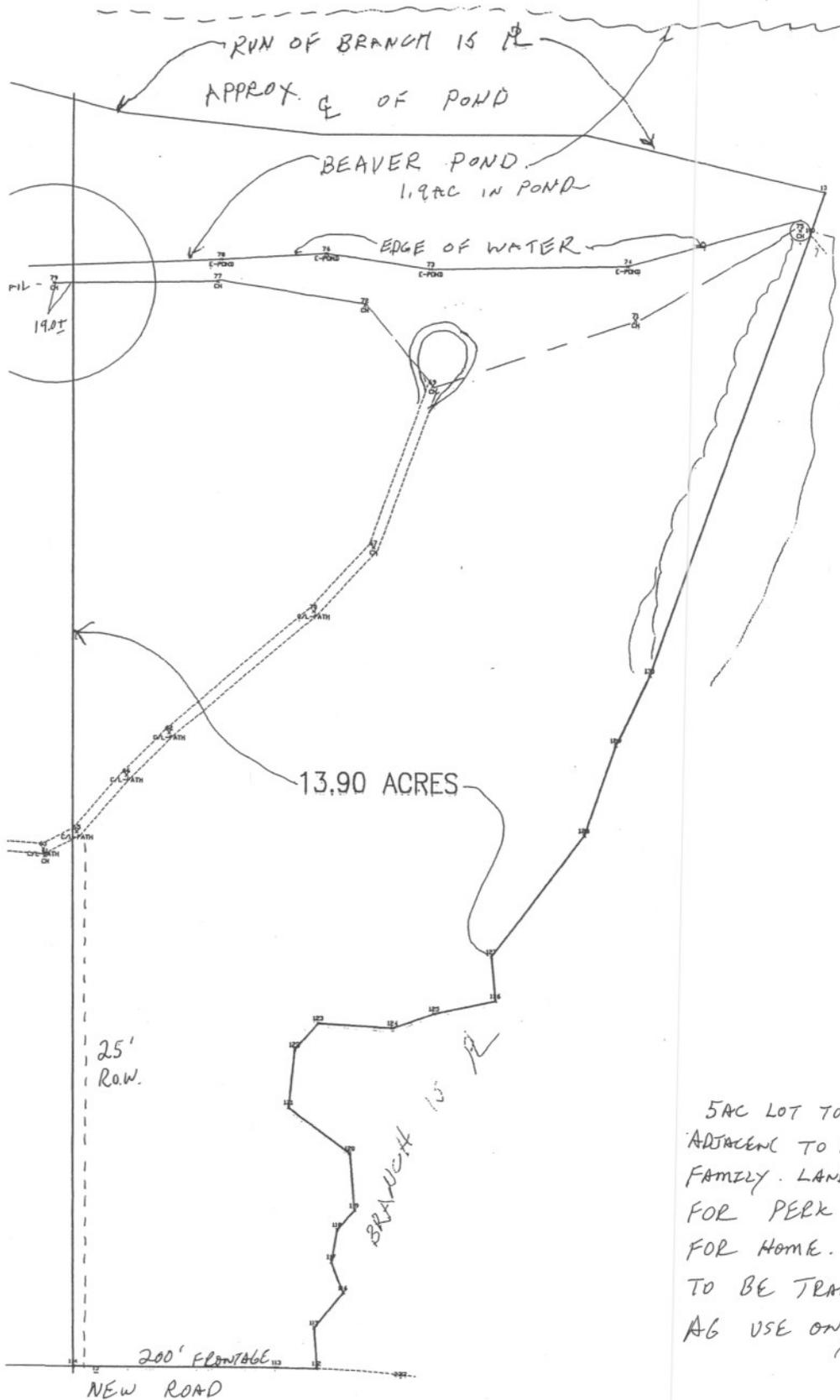


Signature of Owner/Applicant *

4-12-10

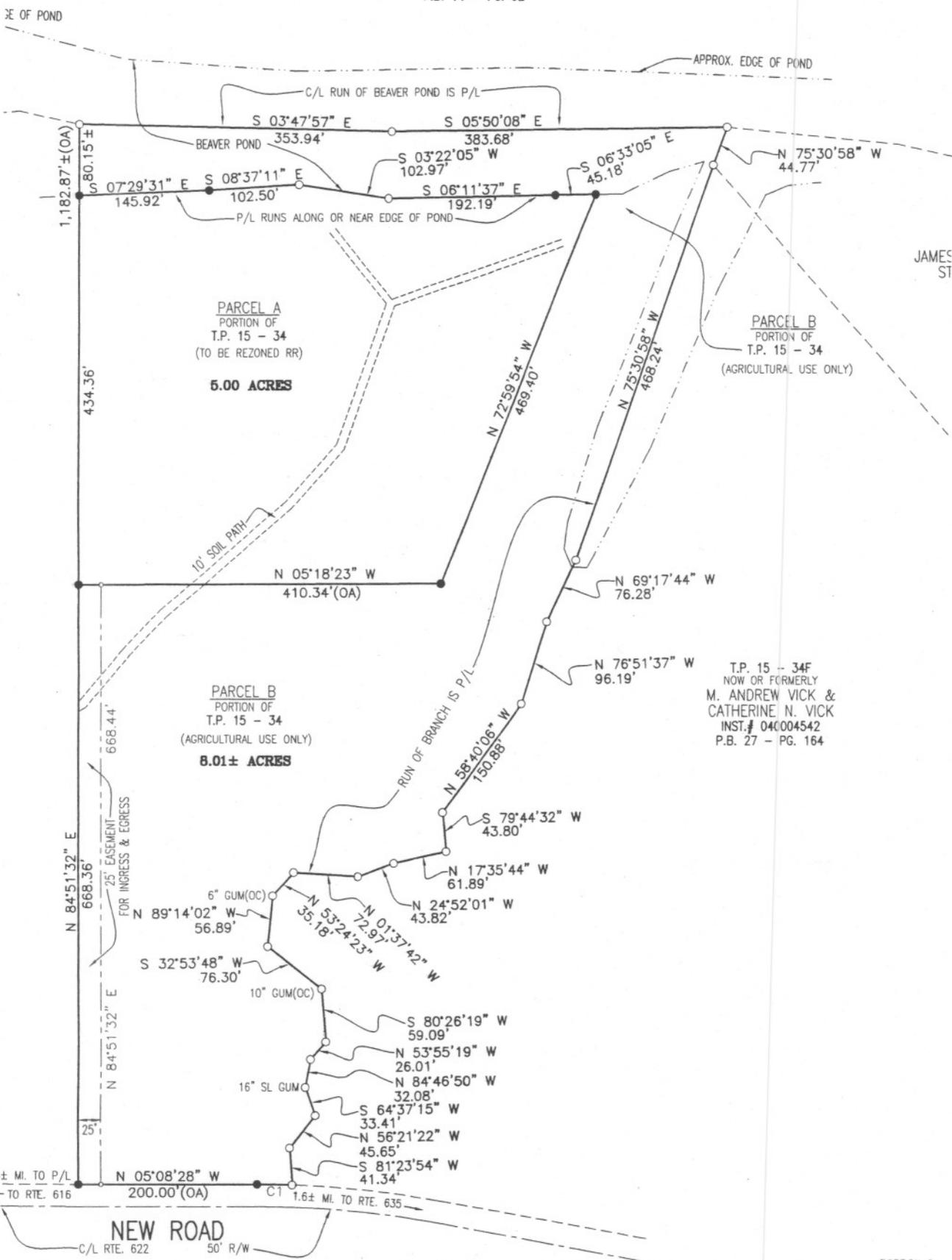
Date

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



5 AC LOT TO BE CREATED
 ADJACENT TO POND FOR SINGLE
 FAMILY. LAND IS BETTER
 FOR PERK & BETTER SUITED
 FOR HOME. BALANCE OF LAND
 TO BE TRANSFERRED AS
 AG USE ONLY.

T.P. 15 - 38
 NOW OR FORMERLY
 DUANE I. PRESTON &
 TERESA B. PRESTON TRUST
 INST. # 030004988
 P.B. 14 - PG. 92



PORTION C
 T.P. 15 -
 REFEREN
 FOR SUR
 INST. # 04000