A. REZONING REQUEST
ROBERT W. BAIN, 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 Robert W. Bain, applicant, for Mamie J. Bain Life Estate, owner, requesting a change in zoning map designation from A-1, Agricultural, to CRR, Conditional Rural Residential, for approximately 2.0 acres of a 44.55 acre tract. The parent tract is located on Sadler Road (Rt. 618) at its intersection with Ivor Road (Rt. 616). The applicant seeks to create a two acre lot for single family residential use, and the proposed new lot is located approximately 2,200 feet north of the intersection of Sadler Road and Ivor Road. The property is known as Tax Parcel 14-9 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 2010:01

Robert W. Bain, applicant, for Mamie J. Bain Life Estate, owner

Application Request: Zoning map amendment (Rezoning)

IDENTIFICATION AND LOCATION INFORMATION

Current Comprehensive Plan designation:	Agriculture/Forest/Open Space/Rural Residential
Current Zoning:	A-1, Agricultural District
Requested Zoning:	CRR, Conditional Rural Residential, Timed Approach
Acreage:	2.0 acres +/-, portion of a 44.55 acre tract
Proposed Use:	One (1) single family detached residence
Tax Map No.:	Portion of 14-9
Location:	The parent parcel is on the east side of Sadler Road (Rte. 618) at its intersection with Ivor Road (Rte. 616). The two acres affected by this request are 2,200 feet north of the intersection of Sadler Road and Ivor Road.
Magisterial District:	Berlin-Ivor
Voting District:	Berlin-Ivor
Adjacent Zoning:	North: A-1, Agricultural District South: A-1 East: A-1 West: A-1
Adjacent Land Use:	North: Residential along roadway, agriculture/forestry at rear of property South: Agriculture/forestry East: Agriculture/forestry West: Agriculture/forestry, scattered residential

LAND USE ANALYSIS

Overview

The property is southwest of Ivor. The entire tract is 44.55 acres, and the applicant seeks to amend the zoning classification from A-1 to Conditional Rural Residential for a two (2) acre portion of the site. The amendment would permit the two (2) acre parcel to be subdivided from the parent tract, and the remaining 42.55 acres would be retained in agricultural use. The applicant is the son and holder of power of attorney for the owner. He seeks to create the two acre lot to sell to raise funds to provide care for his mother. There have been three other parcels subdivided out of the parent tract, but those subdivisions were all completed before the Rural Residential zoning classification was put into place in 2007, and recent changes to those lots have merely been in the form of boundary line adjustments, which are permitted amendments under the applicable ordinances. This request is made under the regulations for the timed approach for the subdivision of agricultural land for residential use. The timed approach would permit no further subdivision of the property for three (3) years after approval of this request, if granted.

Site Topography and Characteristics

The site is under cultivation at the present time. There are a few scattered homes in the area, including one under construction abutting the proposed lot to the north, and one recently-completed residence just north of the home under construction. The site is fairly flat, per Southampton County GIS, and no wetlands exist.

Transportation:

The site is located on Sadler Road, a two lane roadway. The current right-of-way for Sadler Road, as provided by County GIS, is 30'. The preliminary plat indicates that an additional 10' of right-of-way will be provided during the platting process, to provide this property's share of the additional land required for the standard 50' right-of-way.

Environmental

The site is not within the floodplain and is fairly flat, per Southampton County GIS. The 44.55 acre site is currently used for agriculture and 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).
    - Under the Timed Approach, the minimum parent tract size is 25 acres. One division is permitted each three (3) years, so no further divisions are permitted until at least 2013, at which time another zoning amendment could be requested to subdivide out another lot.
- Each home site is limited to five acres in size. This request limits the lot size to two (2) acres.
- The residual property, in this case the remaining 42.55 acres, will retain its agricultural zoning designation.
- While shared driveways are a development requirement under the Rural Residential zoning classification, such driveways were not required when the previous lots were created, so the proposed new lot is not required to share a driveway with the residence under construction. However, as this and any further lots develop, shared driveways will be required.

Community Comments

None received

CONCLUSION

Strengths of application:

- The proposed development meets the requirements of the Comprehensive Plan in the Agriculture/Forest/Open Space/Rural Residential designation 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 the lot sells and is recorded, per the applicant's statement. Typically, the proffer amount is paid at the time of the issuance of a building permit.

Weaknesses of application:

- A residential use of agricultural property takes the property out of active agricultural use, although the siting of the proposed parcel near the road retains the agricultural land in one large contiguous tract.

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 first public hearing was to consider the following:

RZA 2010:01 – Request by Robert W. Bain, applicant, for Mamie J. Bain Life Estate, owner, requesting a change in zoning map designation from A-1, Agricultural, to CRR, Conditional Rural Residential, for approximately 2.0 acres of a 44.55 acre tract. The parent tract is located on Sadler Road (Rt. 618) at its intersection with Ivor Road (Rt. 616). The applicant seeks to create a two acre lot for single family residential use, and the proposed new lot is located approximately 2,200 feet north of the intersection of Sadler Road and Ivor Road. The property is known as Tax Parcel 14-9 and is located in the Berlin-Ivor Magisterial District and the Berlin-Ivor Voting District.

Chairman Edwards opened the public hearing.

Mrs. Beth Lewis, Principal Planner and Secretary, advised that Mr. Robert W. Bain, applicant, was the son and holder of power attorney for his mother, Mamie J. Bain, owner. He was seeking to create the two acre lot to sell to raise funds to provide care for his mother. There had been three other parcels subdivided out of the parent tract, but those subdivisions were all completed before the Rural Residential zoning classification was put into place in 2007, and recent changes to those lots had merely been in the form of boundary line adjustments. The current request was being made under the Timed Approach of the Rural Residential zoning regulations. The applicant would have to wait 3 years before applying for an additional division. The applicant had proffered $1,728 to be paid upon issuance of the building permit. She noted that she did not receive any phone calls or inquiries.

Mr. Robert W. Bain, applicant, indicated that he was available to answer any questions.

Commissioner Drake asked if the property was presently being farmed? Mr. Bain replied yes, but they had talked to the farmer and this section of property was not good farmland.

Commissioner Drake advised that he understood and he was not against the application. However, he was curious as to the number of parcels being converted from active farmland and woodlands into development. He asked Mrs. Lewis if she would begin to track that information. Mrs. Lewis replied that she would be glad to.

Chairman Edwards commented that we were losing 3 million acres of good farmland a year in the United States. We were losing it in areas located next to cities.

Chairman Edwards closed the public hearing.

Commissioner Chesson moved, seconded by Vice-Chairman Barham, 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): Mamie Bain's Estate
Robert W. Bain

Application Completed Date: _____

Requested Action: Rezoning

Current Zoning: A-1 Agriculture

Total Acreage: 44.56 acres

Acreage to be rezoned: 2 acres

Proposed Zoning: RR, Rural Residential

Proposed Use: One Residential Structure

Tax Map Identification: Tax Map, 14 Parcel 9

Location of Property: Sadler Road

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

Conditional Use Required: No

Proffers: See proffer .

Agl Forest/OS/RR

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

APPLICATION FOR:

REZONING	COMPREHENSIVE PLAN AMENDMENT	CONDITIONAL USE PERMIT
X		

CONTACT INFORMATION

Applicant or Representative Name: Robert W. Bain / Marie J. Bain, Life Estate

Address: 10286 Ivor Road

City, State, Zip: Ivor, VA 23866

Phone: Day 757-899-5263 Evening _____ Mobile 757-641-8060

Owner Name: Same as above

Address: _____

City, State, Zip: _____

Phone: Day _____ Evening _____ Mobile _____

PROPERTY INFORMATION

Address or Location: Sadler Road

Tax Parcel Number: 14-9

Total Acreage of Parcel: 44.56

Amount of above acreage to be considered: 2.00

Current Use of property: Agriculture

Rezoning request from A1 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):

Would like to subdivide + sell a 2 acre lot off of parent tract
Will pay proffer of $1728 at time of Building Permit issue.

Required Items to be submitted with application:

✓ Application Form

✓ Application Fee of $ 500

✓ 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 x Owner x Applicant authorizes the entry of Southampton County personnel onto the property in order to perform their duties with regard to this request.

3/3/10
Date

Signature

Marnie J. Bain by
Signature
Robert W. Bain POA

OFFICE USE ONLY

Received By: _____

Date: _____

Post Sign By: _____

PC Agenda Date: _____

BOS Agenda Date: _____

March 3, 2010

To whom it may concern:

I wish to have the two acres on Sadler Road rezoned to rural residential. I need to raise money to care for my mother who is 92 years old. I am willing to pay the appropriate proffer fee at the time the lot sells and is recorded.

Sincerely,

Robert W. Bain

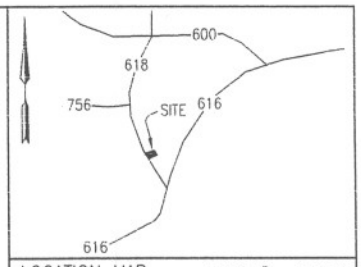
I HEREBY CERTIFY THAT THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE " X " ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 510315 0050 C, DATED SEPTEMBER 4, 2002.

STAFFORD C. CAMP

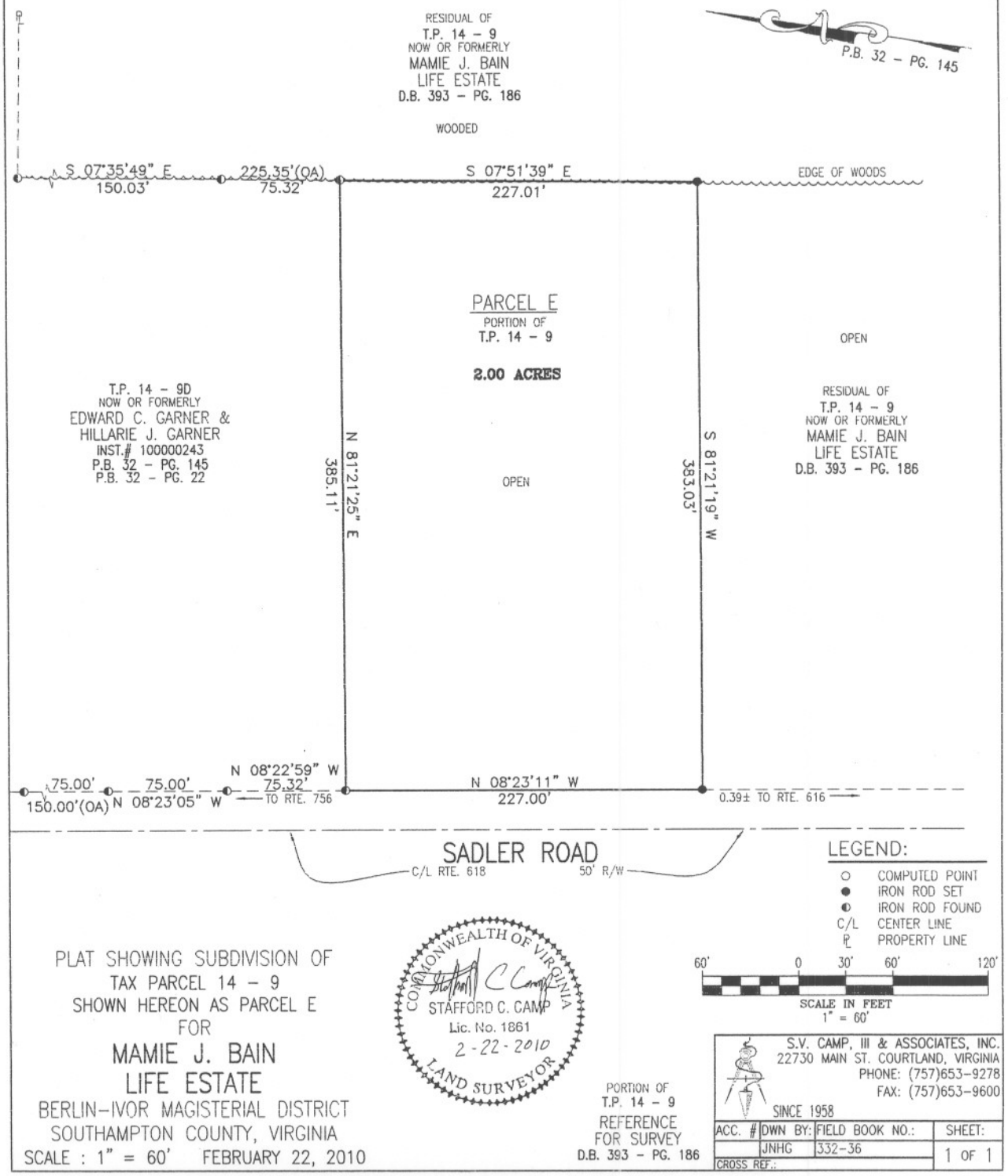
THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A CURRENT TITLE REPORT, AND AS SUCH, THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

AREA TABLE

ORIGINAL AREA T.P. 14-9 =	44.55 ACRES
LESS PARCEL E =	2.00 ACRES
RESIDUAL AREA T.P. 14-9 =	42.55 ACRES



LOCATION MAP SCALE 1" = 2 MILES



LEGEND:

- ○ COMPUTED POINT
- ● IRON ROD SET
- ◐ IRON ROD FOUND
- C/L CENTER LINE
- ⅊ PROPERTY LINE

60' 0 30' 60' 120'

SCALE IN FEET
1" = 60'

PLAT SHOWING SUBDIVISION OF
TAX PARCEL 14 - 9
SHOWN HEREON AS PARCEL E
FOR

MAMIE J. BAIN LIFE ESTATE

BERLIN-IVOR MAGISTERIAL DISTRICT
SOUTHAMPTON COUNTY, VIRGINIA
SCALE : 1" = 60' FEBRUARY 22, 2010

COMMONWEALTH OF VIRGINIA
STAFFORD C. CAMP
Lic. No. 1861
2-22-2010
LAND SURVEYOR

PORTION OF
T.P. 14 - 9
REFERENCE
FOR SURVEY
D.B. 393 - PG. 186

S.V. CAMP, III & ASSOCIATES, INC.
22730 MAIN ST. COURTLAND, VIRGINIA
PHONE: (757)653-9278
FAX: (757)653-9600
SINCE 1958

ACC. #	DWN BY:	FIELD BOOK NO.:	SHEET:
	JNHG	332-36	1 OF 1
CROSS REF.:			