

At a regular meeting of the Southampton County Board of Zoning Appeals (BZA) held in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive, Courtland, Virginia on March 19, 2007 at 7:30 PM.

COMMISSIONERS PRESENT

Peter F. Copeland, Chairman
David M. Holland, Vice-Chairman
Douglas A. Chesson
Thomas Daisey
Marie Sykes

COMMISSIONERS ABSENT

James A. Bradshaw
Elma A. Brown

OTHERS PRESENT

Robert L. Barnett, Director of Community Development (Secretary)
Richard E. Railey, Jr., County Attorney
Susan H. Wright, County Administration Executive Secretary

Chairman Copeland called the meeting to order.

Chairman Copeland sought approval of the minutes of the January 16, 2007 meeting. **Vice-Chairman Holland moved, seconded by Commissioner Sykes, to approve the minutes as presented. All were in favor.**

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

The application of Sam E. Pope Jr., requesting a Special Use Exception, 18-482(8), "Temporary Use" of the Southampton County Zoning Ordinance. Said Special Use Exception is requested on property identified as Tax Map 70, Parcel 6 of the Southampton County Zoning Map and located at Southampton Parkway, Drewryville, Virginia, Drewryville Magisterial District.

Chairman Copeland asked Mr. Robert Barnett, Secretary, if he wished to speak to this application.

Secretary Barnett clarified that the property was located on the south side of Southampton Parkway at the intersection of Routes 58 and 303 (Three Creeks Road). He confirmed for Chairman Copeland that this property was formerly used as VDOT's asphalt site. Secretary Barnett advised that the applicant wished to place 4-6 temporary buildings on the subject property for retail sales of hams, vegetables, peanuts, etc. and for a mini information center for the Jamestown 2007 activities beginning in May 2007. The buildings would be built on skids and would be removed after the use. The use could be for a maximum of 24 months.

Chairman Copeland recognized that the applicant was not present.

Commissioner Daisey advised that he did not think they should approve the application because the applicant was not present.

Commissioner Chesson asked if a site map was submitted with the application? Secretary Barnett replied no. Commissioner Chesson pointed out that the applicant could place the buildings anywhere on the 358.17 acres. Secretary Barnett advised that it would only be advantageous for the applicant to place the buildings at the road front.

Commissioner Sykes asked if the applicant knew that he was supposed to be present? Secretary Barnett replied yes.

Commissioner Daisey advised that they needed to know what kind of signs he would have. They also needed to ensure that there was an adequate entrance to the property off of Route 58.

Chairman Copeland stated that there were a lot of unanswered questions.

Attorney Railey cautioned them against turning down an application simply because the applicant was not present. He noted that the applicant could have had an emergency. If they did not want to approve

an application unless the applicant was present, the better alternative would be to table the application and give the applicant another opportunity to appear.

Chairman Copeland closed the public hearing.

Commissioner Daisey moved, seconded by Commissioner Sykes, to table the application until the next meeting.

Commissioner Chesson advised that he would like for the applicant to present a landscaping design, highway entrance and exit design, and a site map depicting the exact location on the property.

Secretary Barnett noted that he was fairly certain that the applicant was not planning on doing any landscaping because the use was temporary.

All were in favor.

Moving to old business, Chairman Copeland advised that at the last meeting, Commissioner Daisey requested an update regarding the porch situation on Forks of the River Road.

(Note: Lindbergh and Shirl Boone were the subjects of a public hearing on January 18, 2005 in which the BZA denied their request for a variance which would have allowed them to keep the porch on their house. The Boone's submitted a letter to Commissioner Chesson, who was Chairman at the time, asking that the BZA hear the application again. Commissioner Chesson responded in writing to the Boone's informing them that the BZA had made their decision and would not hear the application again, and informing them of the proper appeals process. The Boone's did not exercise the appeals process. To date, the decision of the BZA to have the Boone's remove their porch has not been enforced.)

Mr. Richard Railey, County Attorney, advised that Secretary Barnett had written him a letter regarding this situation and he had not gotten back to him. He stated that the Boone's were clearly in violation.

Secretary Barnett advised that the decision had not been enforced because of the circumstances with the setbacks, etc. Also Commissioner Brown, who was absent tonight, had made known that she thought the letter the Boone's submitted should have been presented to the entire BZA and the entire BZA should have voted on whether or not they wished to hear the application again.

Commissioner Chesson advised that when he received the letter, he communicated with Secretary Barnett and Attorney Railey, and nothing he did at the time was in contrary to any code section. To his knowledge, the letter was addressed to the Chairman of the BZA, and as Chairman, he responded. There was adequate time for the Boone's to file an appeal and they did not do so.

Commissioner Copeland stated that if the letter was addressed to the Chairman, he thought he was correct in responding.

Vice-Chairman Holland moved, seconded by Commissioner Daisey, to have Secretary Barnett draft a letter to the Boone's reminding them of the BZA's decision, and informing that the BZA had revisited it tonight and that the porch needed to be removed.

Commissioner Chesson stated that it was not their responsibility to enforce the decisions. Commissioner Sykes agreed. She asked, if they went by the code, why did they need to discuss it?

Attorney Railey advised that it was good to have consensus behind Secretary Barnett.

Secretary Barnett advised that his department could enforce the decision – that was not a problem. The motion that was made tonight indicated that the BZA acknowledged the concerns of Commissioner Brown, but that the BZA did not think that it was enough of a concern to overturn the decision of the BZA.

There being no further business, the meeting was adjourned at 7:54 PM.

Peter F. Copeland, Chairman

Robert L. Barnett, Secretary