

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 December 15, 2008 at 7:30 PM.

COMMISSIONERS PRESENT

Peter F. Copeland, Chairman
James E. "Jeb" Bradshaw
Elma A. Brown
Thomas Daisey

COMMISSIONERS ABSENT

David M. Holland, Vice-Chairman
Douglas A. Chesson
Marie Sykes

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. He indicated that there was a quorum, as 4 commissioners were present.

Chairman Copeland sought approval of the minutes of the May 20, 2008 meeting. **Commissioner Brown moved, seconded by Commissioner Daisey, to approve the minutes as presented. All were in favor.**

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

The application of Williams Pittman, requesting a Special Use for the purpose of having a dog kennel consisting of 70 adult dogs as per Section 18-50 (3), of the Southampton County Zoning Ordinance. Said Special Use is requested on property identified as Tax Map 31, Parcel 14, of the Southampton County Zoning Map and located on Route 606, Cabin Point Road. Berlin-Ivor Magisterial District.

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

Mr. Barnett advised that Mr. Pittman's application for a seventy (70) dog kennel was before them tonight because requests for 50 or more dogs could not be issued administratively and automatically became the subject of a public hearing.

Chairman Copeland opened the public hearing.

Ms. Anita Malcolm of 15096 Cabin Point Road addressed the BZA. She advised that the dog kennel(s) were less than 4/10 of an acre from her house. Seventy dogs was double the amount of dogs that were originally on the property and she was concerned about the barking.

Chairman Copeland asked how long she had lived there? Ms. Malcolm replied 27 years. Chairman Copeland asked how long the dogs had been there? She replied 4 or 5 years.

Mr. Sam Eugene Story addressed the BZA. He advised that he started helping with the dogs on the property in 2004. They were not bringing in more dogs – they were keeping the same amount of dogs. They took good care of the dogs.

Chairman Copeland asked how many people kept dogs on the property? Mr. Story replied that there were 3 primary owners.

Commissioner Daisey asked Mr. Story how far away he lived from the dog kennels? Mr. Story replied about 10 miles.

Chairman Copeland asked Ms. Malcolm how long did the dogs bark? Ms. Malcolm replied that sometimes it seemed as though they barked all the time.

Mr. Richard E. Railey, Jr., County Attorney, asked Ms. Malcolm what was her primary complaint? Would she be ok with a small number of dogs on the property? Ms. Malcolm replied that she would be ok with it if the dogs did not bark all the time. The people who kept dogs there lived a minimum of 10 miles away. She lived within site of the pens. Why couldn't the pens be placed somewhere else on the 200+ acre property?

Commissioner Brown stated that it looked like the pens could be moved where the dogs would not be as noisy to Ms. Malcolm. She would like to see them reach a happy median.

Mr. Bill Pittman, owner, addressed the BZA. He advised that it would be very difficult to move the pens due to the water supply, electricity, etc.

Chairman Copeland asked Mr. Pittman if there was anything he could do to try and be more neighborly and cut down on the noise? Mr. Pittman advised that when the trees grew back, that would help. There used to be 20-year pines on the property. Chairman Copeland advised that the trees would not grow back for quite some time. They were looking for more of an immediate solution.

Mr. Pittman advised that Bobby Pope currently had dogs on the property and would be moving them, so that would cut down on the number of dogs. He noted that the BZA approved Mr. Pope's dog kennel application several months ago.

Mr. Story advised that the dogs on the chains were going to be moved.

Chairman Copeland asked when Mr. Pope would be moving the dogs? Mr. Pittman replied that he was not sure, but he thought it would be sometime shortly after hunting season.

Chairman Copeland asked how many dogs would be on the property after Mr. Pope's dogs were moved? Mr. Story replied that he was not exactly sure.

Chairman Copeland closed the public hearing.

It was consensus of the BZA to table a decision on the application for 60 days, to afford the applicant time to find out when Mr. Pope would be moving his dogs, and to determine the number of dogs that would be on the property after that.

Commissioner Daisey moved, seconded by Commissioner Brown, to table a decision on the application for 60 days. All were in favor.

Chairman Copeland turned the meeting over to Mr. Robert Barnett, Secretary.

Mr. Barnett advised that in order to not have to meet in January specifically to elect officers, they could elect officers this evening if they desired. It was consensus of the BZA to elect officers this evening. Mr. Barnett noted that Commissioner Holland, who was not present, had indicated to Mrs. Susan Wright, Assistant Secretary, that if it was their desire, he would be willing to serve again as Vice-Chairman.

Commissioner Brown made a motion to keep all the officers the same (Peter Copeland as Chairman, David Holland as Vice-Chairman, Robert Barnett as Secretary, and Susan Wright as Assistant Secretary). All were in favor.

Secretary Barnett advised that the Planning Commission now required that all new members complete training and become certified. It was mentioned that perhaps the BZA may be interested in requiring new and/or current members to become certified.

Commissioner Daisey stated that he thought all the BZA members should be certified.

Commissioner Brown advised that she thought they should discuss it when all members were present.

Commissioner Daisey made a motion to require all BZA members to complete training and become certified. The motion died due to the lack of a second.

Commissioner Brown made a motion to wait 60 days to discuss this. Commissioner Bradshaw seconded the motion. Chairman Copeland and Commissioners Bradshaw and Brown voted in favor of the motion. Commissioner Daisey abstained. The motion failed because it lacked a majority vote.

Mr. Barnett commented that now the topic was sitting out "no man's land." He advised that he would put together some information regarding the training and certification program.

There being no further business, the meeting was adjourned at 8:45 PM.