

**Northumberland County Planning Commission  
July 16, 2009  
Minutes**

The regular monthly meeting of the Northumberland County Planning Commission was held on July 16, 2009 at 7:00 p.m. in the Courthouse at Heathsville, VA with the following attendance:

Thomas Basker	Present	Bill Kling	Present
Chris Cralle	Absent	George Kranda	Present
Kevin Elmore	Absent	Garfield Parker	Absent
Alfred Fisher-Chairman	Present	Jim Stone	Present
Ed King	Absent	Charles Williams	Present

Others in attendance:

Richard Haynie (Board of Supervisors Liaison)  
Luttrell Tadlock (Assistant County Administrator)  
W.H. Shirley (Zoning Administrator)

**RE: CALL TO ORDER**

Al Fisher, Chairman, called the meeting to order.

George Kranda gave the invocation.

**RE: BOARD OF SUPERVISORS' REPORT**

Luttrell Tadlock gave the Board of Supervisors' Report.

**RE: MINUTES**

With a motion from Charles Williams, seconded by Bill Kling, and approved by all, the Planning Commission approved the June 18, 2009 monthly meeting minutes. The vote on the matter was as follows:

Thomas Basker	AYE	Bill Kling	AYE
Chris Cralle	Absent	George Kranda	AYE
Kevin Elmore	Absent	Garfield Parker	Absent
Alfred Fisher-Chairman	AYE	Jim Stone	AYE
Ed King	Absent	Charles Williams	AYE

**RE: REQUEST BY PAUL ROBERTSON, OWNER, AND MANUEL HAYNIE, AGENT, TO REZONE 38B-(1)-141 FROM RESIDENTIAL WATERFRONT TO BUSINESS GENERAL.**

Luttrell Tadlock explained to the Commission the rezoning request before them. He commented that the 2006 Comprehensive Plan denotes this area as a residential area; however, there are businesses in this area which were inadvertently overlooked when the Comprehensive Plan was updated. The Commission may wish to revise the Reedville Future Land Use Plan when the time comes to review the Comprehensive Plan.

Al Fisher opened the public hearing.

Manuel Haynie said that he was representing Mr. Robertson. He noted that Mr. Robertson is trying to sell the property and one of the contingencies is that the property be rezoned to Business, B-1, in order for the investment to be protected.

There were no other public comments; therefore, Mr. Fisher closed the public hearing.

With a motion from Charles Williams, seconded by George Kranda, and approved by all, the Commission is recommending to the Board of Supervisors that the property known as tax map 38B-(1)-141 be rezoned from Residential Waterfront (R-2) to Business (B-1).

The vote was as follows:

Thomas Basker	AYE	Bill Kling	AYE
Chris Cralle	Absent	George Kranda	AYE
Kevin Elmore	Absent	Garfield Parker	Absent
Alfred Fisher-Chairman	AYE	Jim Stone	AYE
Ed King	Absent	Charles Williams	AYE

#### **RE: ZONING REVIEW**

Luttrell Tadlock explained that staff needs more time to evaluate the next zoning review section. Staff had planned to have a working session at this meeting but decided that more time was needed. This change was noted on the agenda posted on the County's webpage on 7/10/2009. Staff will try to have the next section to the Commission at the August 20, 2009 meeting.

#### **RE: OTHER BUSINESS**

There was no other business to be brought before the Commission

#### **RE: PUBLIC COMMENT PERIOD**

Larry Moore asked if the Commission did alter the Comprehensive Plan, and the Board did approve the alteration, would the Plan have to be filed with the State. Have you finished Section 1 of the Zoning Review?

Luttrell Tadlock responded that other than some agencies such as the Virginia Department of Transportation and the Division of Chesapeake Bay Local Assistance, and possibly some other agencies, the County is not required to send the Comprehensive Plan

to any one individual to be approved by the State of Virginia. The Comprehensive Plan does have to go through a review process with the Planning Commission and the Board of Supervisors. Section 1 has been tentatively approved but will be reviewed again and another public hearing will be held on all the sections before final approval.

Bill Kling stated that he has trouble saying that it has been tentatively approved, when we are still working on the document.

Al Fisher stated that he believes the term Mr. Tadlock used at the last meeting was a working document.

Rebecca Bowles commented that she has lived in the Northern Neck all her life. Northumberland County has really grown and changed. She noted that they built a home on Coan Stage Rd. approximately 15 years ago on 13.9 acres. Beside them, Wayne Burgess had already purchased his property, but he has now placed two large box trailers beside their home. There are also five tanker trailers, and he is going to make this his truck depot and storage shed/repair. It is a building 40'x 100'. She noted that they work all week and like to find a little peace on the weekends. They go out now and have this as their view.

Al Fisher questioned if the property they live on was Agriculture and the property next to them was zoned Agriculture.

Rebecca Bowles stated that was correct. She continued by saying that the way the zoning is, if you do not own the land beside you, you do not know what someone will put beside you. She noted that it has hurt them terribly that someone would do this to our home. She noticed an article in the paper on the front page, but she only wished that a picture had been placed in the paper with the article so people would realize that it is not only Tom and her "picking". It is too late for them. The zoning needs to be changed to protect homes and communities. This has no business in our community. If they had known he was going to do this 15 years ago, they would not have purchased the property.

Al Fisher asked Ms. Bowles what her comment was to those that say the Commission is taking their rights away. They should be able to do what they want with their land. We (the Commission) are not here to take peoples' rights away.

Rebecca Bowles noted the zoning needs to be changed to protect one's rights. You all are trying to protect our rights. She never realized all of what can be done. She has learned a lot about the zoning. She knows that there is a lot in the paper saying that land rights are being taken away. You better go to the meetings, and you better hope that they change the zoning. The Commission has to do something.

Charles Williams noted that Mrs. Bowles is in an unfortunate situation. He also commented he is glad she came tonight because it is important that this message gets out. People want to be able to do what they want without someone telling them what they can do, but on the other hand you have a situation like hers.

Rebecca Bowles noted everything has advantages and disadvantages. But those that are jumping up and down saying you are taking my rights away then let a tractor trailer depot, a fertilizer plant, grain bin, or sawmill be erected beside their house and see how they like it. This is why it is important to change the zoning.

Bill Kling asked if they thought this type of situation could be avoided by having certain uses as conditional use rather than by right.

Rebecca Bowles noted she believes so. They run a business in Lottsburg, and they could have put the business beside their house, but they didn't want the business next to their house.

Colston Newton wanted clarification that the Commission never had a working session set for 4:00 p.m. this afternoon.

Al Fisher commented that there was supposed to be a working session at 7:00 p.m. which is in the last meeting's minutes.

Ralph Millar stated he wanted to comment on the last discussion. He believes the way the Board of Supervisors approved Mr. Burgess' request was with conditions. He wanted to point out that is not an adequate solution. Changing a permitted use to a conditional use with conditions and then placing it next to a residential area is not going to solve the problem. Removing that use from that area is much preferred. Privacy fencing does not always do the trick.

Richard Haynie noted that on the property with Tom and Becky Bowles, it is terrible that something like this is going on, but if you look at what he could do by right, Mr. Burgess could have gone in and placed a truck and freight terminal. All Mr. Burgess would have had to do is go to the Courthouse to get a permit. But since Mr. Burgess wanted to place a private storage building on the property, this put it under a conditional use. Therefore, conditions were placed on the use to try and screen the use from the adjoining properties. The problem started years ago when the property was subdivided. The zoning should have been changed then, and this may be something the County needs to look at doing.

Bill Kling noted he is delighted that we are having this discussion. He became aware of the Bowles' situation over the last several weeks. He was puzzled by some of the written comments. So he inquired what was going on from several people, because these views were conflicting. He sent an e-mail to Mr. Tadlock inquiring about the situation. Mr. Tadlock responded to him very quickly and clarified the issue. He feels this is very instructive for all of us as we deal with the amendments to the zoning ordinance.

Larry Moore noted he sympathizes with Becky and Tom Bowles, but there are two sides to every story. Mr. Burgess had his expectations of what he could do with his property. It is difficult to please everyone. Had Mr. Burgess built a home, he would not have had

to come to the Board of Supervisors to construct the storage building. He believes that in the future one should have the right to have an accessory building.

E. D. Cockrell noted that the Commission was considering uses on a case by case basis. He thinks this is a good idea. But the bottom line is, he is trying to make a living. People need to have equipment to live around here. If this zoning passes, I'll be the first to go to jail. I have dump trucks, cranes, and other equipment, but if they want to move the trailers down next to my property and depreciate the value of the land, he wouldn't appreciate it.

Al Fisher noted this would not be the case. His personal feeling is it should be based on who was there first.

Manual Haynie stated if there are 15 acres on each parcel, they could have been built far enough apart from one another.

Larry Moore stated it seems that both parties may have made the mistake of not building central to the property rather building towards one property line, unless the lots are very narrow.

George Kranda asked what the definition is for truck and freight terminals.

W.H. Shirley noted there is not a definition for a truck and freight terminal.

George Kranda stated the use would then be defined by the owner, and therefore, a truck and freight terminal could be defined by the owner as 40 trucks.

W.H. Shirley noted he wanted to respond to a few comments made by Mr. Moore. If Mr. Burgess had a home on the property, he could have put an accessory building on the property. Accessory buildings are permitted uses in every residential and agricultural district. There has never been any language proposed to the Commission that would require a conditional use permit for an accessory building, nor has there been language proposed to not allow accessory buildings in any of these zoning districts. What we are concerned about is not the building itself, but we are concerned about the use of the building. Mr. Shirley noted that he has heard from several individuals that the County was considering architectural guidelines. Contrary to what has been spread around the County, we (Staff) have never advocated architecture standards for businesses

No further public comments were received

**RE: ADJOURNMENT**

With a motion from Bill Kling, seconded by Jim Stone, and approved by all, the meeting was adjourned. The vote was as follows:

Thomas Basker

AYE

Bill Kling

AYE

Chris Cralle	Absent	George Kranda	AYE
Kevin Elmore	Absent	Garfield Parker	Absent
Alfred Fisher-Chairman	AYE	Jim Stone	AYE
Ed King	Absent	Charles Williams	AYE