

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, NOVEMBER 18, 1997, IN THE BOARD ROOM OF THE  
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: Fred S. Crittenden, Pinetop District  
Kenneth W. Williams, Pinetop District  
John D. Miller, Jr., Saluda District  
Lenora O. Weber, Saluda District  
Frank Jessie, Jamaica District

Charles M. Culley, Jr., County Administrator  
Michael T. Soberick, County Attorney

**CALL TO ORDER**

It was noted that the meeting originally scheduled for November 12, 1997, had been cancelled due to lack of a quorum. A special meeting had been called for November 18<sup>th</sup>, at 6:30 P.M.

The meeting was called to order at 6:30 p.m. by the Chairman, Mr. Crittenden, and opened with a prayer.

**EXECUTIVE SESSION**

The motion to convene in executive session for briefings by staff members pertaining to specific matters requiring the provision of legal advice by counsel, per Code of Virginia, Section 2.1-344.a7, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

Upon reconvening in open session, the following motion was made by Mr. Williams, seconded by Mr. Miller and carried unanimously:

- To the best of the members' knowledge, only public business matters lawfully exempted and identified in the motion by which the executive meeting convened were discussed in executive session.

Action:

There was no action as a result of the executive session.

**RECESS**

Due to the large crowd anticipated for the scheduled public hearings, the motion to recess and reconvene the meeting in the Court Room was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

**AMENDMENT APPLICATION – AM-97-008**

Mr. Wilson presented Amendment Application 97-008, a request to have "repair garage" added as a permitted use by special exception in Low Density Rural zoning district. Action on this application had been tabled following the Board's public hearing on October 21<sup>st</sup>, due to lack of a recommendation by the Planning Commission. The Commission had since met and recommended approval of the application, noting that conditions could be applied on a case by case basis.

The motion to approve the application as recommended was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

**PUBLIC HEARING - ZONING AMENDMENT APPLICATION 97-009, LOW DENSITY RURAL ZONING DISTRICT CHANGES**

Mr. Wilson presented application 97-009, requesting amendment of Article 7, to increase the minimum lot size, frontage, setback and yard requirements to the Low Density Rural District. The amendment proposes the following changes to the District regulations:

- Article 7-5: To increase the minimum lot area for permitted uses from 40,000 square feet to 2.5 acres. To increase the minimum lot width from 150 feet to 250 feet and establish a new minimum lot frontage requirement of 75 feet.
- Article 7-6: To change and increase the minimum setback distance for all structures *from* the existing 60 feet on state secondary highways, 80 feet on state primary and U.S Highways, 35 feet on interior subdivision road, and 55 feet (from centerline) on private streets and right-of-ways less than 40 feet wide, *to* 100 feet on any street or right-of-way 50 feet or greater in width and 125 feet from the centerline of any street or right-of-way less than 50 feet in width.
- Article 7-6A: To increase the minimum side yard setback distance for the side facing a street on a corner lot from 35 feet to 50 feet.
- Article 7-7: To increase the minimum distance that a structure may be located to an adjoining property line from 10 feet for all structures along any property line, to 35 feet from a side property line and 50 feet from a rear property line for main structures and 20 feet along side and rear property lines for an accessory structure.

Mr. Wilson presented excerpts from the Comprehensive Plan that relate to the future use and development of rural areas of the county, including the necessity to preserve the rural nature and character of the County as one of the basic and highest needs.

The Planning Commission recommended approval of the application as presented, with the exception that the proposed lot frontage requirement be reduced from 75 feet to 60 feet and that the proposed lot width requirement be reduced from 250 to 200 feet. In addition, exceptions are to be made for family subdivisions, allowing both the lots divided off, and the remaining parent tract, be one (1) acre in the Low Density Rural Zone.

Mr. Crittenden opened the public hearing for comments, noting that each individual would be allowed three (3) minutes to speak. Those speaking in favor of the amendment were as follows: letters from J. Randolph Segar and David Johnson read by Mr. Culley, Jeannie Jenkins, Alana Courtney, Jack Schwanhausser, Kay Traband, Lee Rosser, Garrison Hart, Marilyn South, Granville Crane, Mark Walker, Jim Berlinghoff, John England, Harry Madsen, Jimmy Pitts, Jerry Bray, John Fleet, Jerry McMurtrie, and Doug Banfield. Comments in favor referred to attracting a better caliber of developer, directing growth to residential areas and avoiding further overburdening of both volunteer and governmental services.

Robert Bunch, C. L. Morrissette, and William Wade Douglas spoke against the proposal, with Mr. Douglas offering his current proposed subdivision for sale to the county if that type of growth was not desirable.

There being no further comments, the public portion of the hearing was closed.

Mr. Miller discussed the possibility of increasing lot sizes in Low Density Rural to 2.0 acres, a little more than double the current amount, with family subdivisions allowed to remain at the current 40,000 square feet. Mr. Jessie was opposed to the proposed 2.5 acre lot size. Mr. Williams spoke in favor of the proposal, as did Mrs. Weber, who agreed with the Comprehensive Plan guidelines. The motion to approve the proposal as recommended by the Planning Commission with the reduction in the proposed lot frontage and minimum lot width requirement as further proposed by the Planning Director, was made by Mrs. Weber and seconded by Mr. Miller. Mr. Crittenden noted

his concern with increasing growth relative to school population growth, as the current real estate tax still does not cover local school expenditures. The motion carried by a vote of four to one (4 to 1), with Mr. Jessie opposed.

### **PUBLIC HEARING – SUBDIVISION ORDINANCE AMENDMENT AM-97-010**

Mr. Wilson presented Ordinance Amendment Application AM-97-010, an application to require properties proposed for major subdivisions (more than 6 lots) to be classified Residential (R) District. Analysis was presented that the proposed amendment would serve towards preserving the rural character of the County as was emphasized repeatedly through the Comprehensive Plan. A Residential Zoning classification would allow for greater densities and would direct residential development in and around population centers. The Planning Commission recommended approval of the proposal.

Mr. Crittenden opened the public hearing for comment. Those speaking in favor of the proposal included: Marilyn South, Jim Robinson, John Fleet, Kay Traban, John England, Jerry Bray and William Wade Douglas. Comments from the above encouraged quality growth while preserving the identity of communities and allowed developers to be more creative with development. No one spoke in opposition of the proposal. There being no additional comment, the public portion of the hearing was closed.

The motion to approve Amendment application AM-97-010 was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

### **CHRISTMAS CONTEST**

The motion for the Board of Supervisors to sponsor the Christmas decorating contest, with Mrs. Jones co-chairing the event, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

### **SCHOOL BONDS**

Mr. Culley advised the Board of the re-issuance of General Obligation School Bonds, 1992 Series A, which require the signature of the Chairman. The current bond will be re-issued, split over two (2) bonds for the same total amount. The County Attorney had authorized the signing of the bond forms, and there was no opposition to the Chairman signing them.

### **CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT**

Board members asked staff to provide a list of CBLAD requests for amendments to the Comprehensive Plan and Zoning Ordinance.

### **ADJOURN**

There being no further business, the Chairman adjourned the meeting until December 2, 1997, at 9:00 A.M..

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Fred S. Crittenden, Chairman  
Board of Supervisors