

Patrick County Planning Commission

Meeting of December 7, 2006

Present: Leon Holt, Chairman; Johnny Marion, Vice Chairman; Ed Anthony; and Jonathan Large

Also Present: Michael Burnette, Assistant County Administrator; Lisa Sheppard, Administrative Assistant; Lisa Price Hughes and Joshua Hendrick with Virginia Department of Transportation; A.C. Carter; Karl Weiss

Absent: None

A meeting of the Patrick County Planning Commission was held on Thursday, December 7, 2006 at 7:00 PM in the Second Floor Conference Room of the Patrick County Veterans' Memorial Building.

Mr. Leon Holt called the meeting to order and asked for a moment of silence. The agenda was presented for approval. Mr. Johnny Marion made the motion and was seconded by Mr. Ed Anthony to approve the agenda. Minutes of the November 9, 2006 meeting were presented for approval. Mr. Marion made the motion and was seconded by Mr. Anthony to approve the minutes as presented.

Voting Aye: All
Voting Nay: None

SUBDIVISION VARIANCE REQUEST

Mr. A. C. Carter of 24 Bouldin Church Lane in Stuart appeared before the members of the Patrick County Planning Commission to present his questions with regards to the Patrick County Subdivision Ordinance. Mr. Carter explained that currently he owns two tracts of land which are 0.5 acre and 0.87 acre. He further explained that they were larger tracts; however, Virginia Department of Transportation bought part of this tract. He stated that both lots have an approved septic system and well. Mr. Carter asked if these lots could be combined to create one tract of land. Mr. Holt explained that this request would be a lot line revision since the request was to combine two lots rather than dividing any existing property. Mr. Michael Burnette asked Mr. Carter when the two lots were created, and Mr. Carter answered that it occurred in 1958. The members agreed to the proposed lot line revision. Mr. Carter further asked if he would be able to build on both lots. Mr. Holt said that technically he could; however, he did not recommend doing so due to the potential septic issues that may arise.

Mr. Carter then presented the members of the Planning Commission with a preliminary survey for a separate tract of land that has an acreage of 2.628 acres. He explained that he would like to divide this property into two (2) one-acre lots and one (1) 0.628 acre lot. Mr. Carter stated that he spoke with Mr. Roger Maxey at the Patrick County Health Department who has

approved the proposed septic systems and stated that the tract would support three separate septic systems. Mr. Carter explained that VDOT purchased part of his land in 1979 for the expansion of Route 58 thereby decreasing the original acreage. Mr. Carter explained that Mr. David Scott has surveyed the outside perimeters of the property and that the land would remain in Mr. Carter's name. He further explained that he wanted to keep the smaller (0.628 acre) tract on the upper end of the property. He stated that he currently owns three houses and that he proposed to set one house on each lot. Mr. Ed Anthony inquired as to the layout of the land. Mr. Karl Weiss answered that it was level land.

Mr. Holt stated that he viewed this as a hardship case because of the issues involving VDOT. He and Mr. Marion stated that they felt more comfortable with proceeding with the variance request because the Patrick County Health Department has approved the placement of three septic systems on the tract. Mr. Burnette reminded the members of the Commission that any time a variance is granted, a precedent is set. He further explained that if the same situation arises in the future, the members would have to approve the variance request. Upon review of Article 9 of the Patrick County Subdivision Ordinance, the members agree that all conditions of the variance request are met in that a hardship has been created due to VDOT issues; it should not be of substantial detriment to adjacent or nearby property; the authorization of the variance will not be detrimental to the public safety, health, or welfare; and the variance will not substantially compromise the intent of this Ordinance.

Mr. Anthony made a motion to proceed with a public hearing regarding the variance request of the Patrick County Subdivision Ordinance made by Mr. A.C. Carter for the purpose of dividing his 2.628 acre tract of land into three separate lots, two lots being one (1) acre in size and one lot being 0.628 acre in size for the purposes of moving a house onto each lot. The motioned was seconded by Mr. Marion.

Aye: All
Nay: None

Mr. Holt directed Mrs. Sheppard to prepare a notice of a public hearing in connection with this variance request on Thursday, December 21, 2006 at 7:00 p.m.

VDOT UPDATE

Mr. Holt turned the meeting over to Ms. Lisa Price Hughes from the Virginia Department of Transportation, who distributed copies of a memorandum explaining the details of the Rural Addition Program. Ms. Hughes summarized that the Rural Addition Program was designed to improve the old county roads and not to fix the streets for a developer. She explained that another problem encountered by VDOT was the lack of notification allowing them to review the design of private streets. Mr. Joshua Hendrick stated that VDOT needs to review the entrances to the subdivision from the state road. Ms. Hughes explained that a subdivision street is considered a commercial entrance since it serves more than one residence. The letter from VDOT stated that the following paragraph should be added to the current subdivision ordinance:

“Any and all streets that are not constructed to meet the standards necessary for inclusion in the system of state highways will be privately

maintained and will not be eligible for acceptance into the system of state highways unless improved to current Department of Transportation standards with funds other than those appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.”

The letter also included a recommended note to add to deeds and plats to further clarify streets that are included in the state system and those that are not included.

Mr. Anthony made a motion to add the necessary language to the subdivision ordinance and forward it to Eric Monday, County Attorney, for his review and approval. Johnny Marion seconded the motion. The Planning Commission will then forward the amended ordinance to the Patrick County Board of Supervisors for their review and approval.

Aye: All
Nay: None

PROPOSED COUNTY ZONING ORDINANCE

The members reviewed a list of questions to present to County Attorney Eric Monday with regards to the proposed county zoning ordinance. A meeting is scheduled with Mr. Monday for Friday, December 8, 2006 at 10:00 a.m. to review their questions and concerns.

With no further business to discuss, on motion by Mr. Anthony and seconded by Mr. Marion, the meeting was adjourned.

Chairman

Date