

The Richlands Town Council held a Joint Public Hearing with the Richlands Planning Commission to consider changing the zoning from R-1 to R-2 for the properties adjoining or near Hidden Valley Subdivision in the Richlands Council Chambers on August 12, 2014 at 7:05 pm with the following present:

Mayor: Jannis White  
Town Manager: Tim Taylor  
Town Clerk: Susan Whitt  
Town Attorney: Brad Ratliff  
Council Members: Joe McCracken, Rod Cury,  
Mary Ann Strong, Frances Meadows  
Absent: Larry Johnson, Doug Ratliff  
Planning Commission Members: Richard Smith, Mike Bandy,  
Randy Smith and Council Representative Rod Cury

Mayor White called the meeting to order and deferred to Brad Ratliff, Town Attorney.

Brad Ratliff said the purpose of this Public Hearing is to receive public comments to consider the rezoning of the properties adjoining or near Hidden Valley Subdivision, on the east side with present Zoning classification of R-1, Residential Limited to a classification of R-2, Residential General.

Mayor White asks if there are any public comments.

Ernest Edgell of 206 Terry Drive, Richlands, VA voiced his concerns about changing the zoning and said that he had spoken with some of the property owners affected by this change, and he said he felt like they wanted it left as is. He wanted to know why we would change it.

Frances Meadows explained that this was based on a request from Mrs. Mitchell who had purchased a newly built house in the referenced area. She wasn't aware when she bought the house that she could not have an accessory storage building in her backyard. Mr. Edgell said Mrs. Mitchell should be upset with the realtor that did not disclose this information to her. He also said he thought the realtor should be responsible for her grievance.

Council advised that Shawn Sawyers had also made a request as well. Mr. Edgell said he talked to the Fletchers and they are for it being Zoned as R-1 and he felt sure that the lady that lives next to them (Monette Boyd) would want it to stay as is. There is another house that is for sale and he didn't think anyone was living there. He said he felt sure that those other deeds down the hill where the duplexes are, they have restrictions in their deeds similar to Hidden Valley, so you will have all those deed restrictions although hers didn't have any in it.

Brad Ratliff addressed that issue and said that deed restrictions are covenants between property owners and there is no controversy. This is not a law against what is already in place.

Mr. Taylor said that the duplexes that were in area prior to the zoning, they do have deed restrictions as mentioned and there is one piece of that code that would affect them negatively if there was a fire that destroyed both of those properties beyond 50% of their value, they couldn't build back, under the current zoning, the R-1, because there is nothing in the R-1 that allows a duplex. That is one thing that the rezoning does correct and would be a positive thing for them, under R-2 they can build back the duplex.

Mr. Edgell said at the house beside of Mrs. Mitchell, they had a dog lot out in the yard, they have since moved it behind the house. He said if you live up there and you are trying to sell your house and they see things like this, they will think what kind of place is this. You already have to take them around by Wardell to keep them from seeing Kents Ridge. He said he knew there were a couple of people over there that would be against the rezoning.

Mr. Taylor said all of the said property owners affected had been sent letters and he had not received any response from them.

Wanda Lowe, 292 Plantation Drive, Richlands, VA-asked what is the difference between R-1 and R-2. I live over there and I don't fully understand that. Brad Ratliff said that R-1 is significantly more restrictive, has requirements that follow the deed restrictions of the entire Hidden Valley Subdivision. R-2 is less restrictive, in the simplest of terms.

Mrs. Lowe asked if when Hidden Valley was annexed, does the Town over-ride the subdivision. Mr. Taylor responded those are two different things. Mrs. Lowe stated she had lived there for close to thirty years and nobody hardly goes by the by-laws. You have outdoor buildings not connected to the house. When Mrs. Mitchell came and talked about that, I wondered if maybe she just didn't know that if she connected the building onto the back of her house; that is what we did to our house. She could have done that. When you say R-2, which there are lists of restrictions, is that how the Town restricts it?

Doug Ratliff joined the meeting at 7:15 pm.

Rod Cury spoke to clarify things for Mrs. Lowe. While there are less restrictions, there are also more openings in an R-2 that are not permitted in an R-1 and the whole point of that is to keep what is designed as a planned community, such as the original Hidden Valley Subdivision, to keep it in that scope to increase the quality of life of the people who live there and who accepted those deed restrictions when they bought it. Whereas, in an R-2, there are additional uses, such as a residence, an apartment, there are other things that can be in an R-2 that you might not want in an R-1. The word "restrictive" is a strange word, you feel like you are being bound by governmental regulations, but it is really a protection for your property value as opposed to just binding you up and saying you can't do things. The other thing is, we did exhaustive research on this with the Planning Commission. In Hidden Valley, there are those deed restrictions and people have done things that are not in compliance with the deed restrictions. When we took Hidden Valley into Town, we took all of the area, Birmingham, Hidden Valley- all of it was R-2. We did that as just a blanket thing and then we had a lot of citizens that wanted deed restrictions for various reasons. Because for example, building something that wasn't in the deed restrictions, the only way they could enforce it was to sue their neighbor and that becomes a personal hardship. So when the Town rezoned it as an R-1 that takes that element out. So for example, if someone wants to build a barn next to your house, it's not in the R-1. You don't have to worry about suing your neighbor, you call the Town Hall. And as Zoning Administrator, it is Tim's responsibility to take care of that. Hopefully this helps everyone understand why it was done this way.

Mrs. Lowe said now she wondered if we should stay R-1. She said if Mrs. Mitchell had been able to understand that she could have built that building and attach it to the back of her house, which is where she wants to put her lawnmower. Mr. Taylor said they explained that not only to Mrs. Mitchell but also to Mr. Sawyers. There were reasons that they gave for not wanting to do that. This is really not about the Mitchells and Sawyers. That is what brought this about, because the Planning Commission actually denied that as an added use.

He also explained that if you did not live in this particular area, then this would not affect you. Mrs. Lowe said this cleared things up for her but she did not want to take away from Mr. Edgell's concerns.

Mayor White asked for any further comments. Hearing none, Mayor White asked for a Motion to Adjourn the Hearing. Frances Meadows made the Motion, seconded by Mary Ann Strong. Vote, all in favor, 5/0. Motion carried.

Meeting adjourned at 7:18 pm.

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Jannis White, Mayor

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Susan Whitt, Clerk