

Issue Analysis Form

Date: November 22, 2016 - Board of Supervisors Meeting

Item: Ophelia S. Fludd Rezoning Request

Lead Department: Community Development

Contact Person: Douglas Miles, Planning Manager



Description and Current Status

The applicant proposes to rezone a 1.07 +/- acre parcel and 2.21 +/- acre parcel from the B-1, General Business to the A-1, General Agricultural Zoning District to permit the sale of the existing single family dwelling use.

Government Path

- | | | |
|---|---|--|
| Does this require IDA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require BZA action? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does this require Planning Commission action? | <input checked="" type="checkbox"/> Yes | October 27, 2016
Recommended for
Approval by 6-0 vote. |
| Does this require Board of Supervisors action? | <input checked="" type="checkbox"/> Yes | November 22, 2016 |
| Does this require a Public Hearing? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| If so, before what date? | n/a | |

Fiscal Impact Statement

The proposed Rezoning request has no fiscal impact to the County. However, it will allow the owner to vacate a common lot line to consolidate and sell the property to a prospective purchaser.

County Impact

The subject properties are not served by County water or sewer and they are not located within the Enterprise Zone. It is not economically feasible to serve this B-1 zoned property with public utilities and a rezoning from B-1 to A-1 is appropriate. Future business growth is to be focused at Exit 45 where water and sewer is available for commercial development at this interchange.

Notes

n/a

Board of Supervisors
County of Prince George, Virginia

Ordinance

At a regular meeting of the Board of Supervisors of the County of Prince George held in the Boardroom, Third Floor, County Administration Building, 6602 Courts Drive, Prince George, Virginia this 22nd day of November 2016:

Present:

Vote:

William A. Robertson, Jr., Chairman
Jerry J. Skalsky, Vice Chairman
Alan C. Carmichael
Donald Hunter
T. J. Webb

REZONING CASE RZ-16-06 Request of Ophelia S. Fludd to rezone a 1.07 +/- acre parcel and 2.21 +/- acre parcel from the B-1, General Business to the A-1, General Agricultural Zoning District. The Comprehensive Plan indicates that the subject properties are appropriate for Commercial uses. The subject properties are located at 13000 South Crater Road and are known as Tax Maps 430(0A)00-099-0 and 430(0A)00-098-0.

BE IT ORDAINED by the Board of Supervisors of Prince George County that the rezoning case identified as RZ-16-06 is granted for A-1, General– Agricultural zoning to the official zoning map.

Adopted on November 22, 2016 and becoming effective immediately.

**BOARD OF SUPERVISORS
REZONING REPORT SUMMARY**

CASE NUMBER: RZ-16-06
APPLICANT: Ophelia S. Fludd
LOCATION: 13000 South Crater Road South Prince George, VA 23803
TAX MAPS: 430(0A)00-098-0 and 430(0A)00-099-0
REQUEST: Rezoning from B-1 to A-1, General Agricultural
EXISTING ZONING: B-1, General Business Zoning District
EXISTING USE: Single Family Dwelling
PROPOSED USE: Single Family Dwelling
UTILITIES: Private well and septic
REAL ESTATE TAXES: Delinquent taxes are not owed to the County

MEETING INFORMATION:

Planning Commission: Thursday, October 27, 2016 at 7:30 p.m.

**Planning Commission recommended Approval
6-0 onto the Board of Supervisors as presented.**

Board of Supervisors: Tuesday, November 22, 2016 at 7:30 p.m.

Recommendation: Recommend Approval

Attachments:

Rezoning Application and Power Of Attorney Form
Staff Report and GIS Map of the Surrounding Properties

PRINCE GEORGE COUNTY, VIRGINIA
BOARD OF SUPERVISORS STAFF REPORT
REZONING RZ-16-06 OPHELIA S. FLUDD
PUBLIC HEARING DATE: NOVEMBER 22, 2016

Request:

A rezoning request from B-1, General Business to A-1, General Agricultural to permit the sale of the existing single family dwelling use.

Comprehensive Plan:

The 2014 Comprehensive Plan Update identifies this area as appropriate for commercial use.

Case Summary:

The subject properties are zoned B-1, General Business which occurred back on July 1, 1965. The property was originally subdivided back in 1962 and the existing single family dwelling was built in 1964 and the detached garage was built in 1977. The applicant was unaware that her property was zoned B-1 until she asked her real estate agent to list her property and it was then discovered through his due diligence research with Prince George County. A Zoning Certificate was issued on August 23, 2016 relative to the non-conforming status of the existing home there.

Economic Development:

The subject properties are not served by County water or sewer and they are not located within the Enterprise Zone. It is not economically feasible to serve this B-1 zoned property with public utilities and a rezoning from B-1 to A-1 is appropriate. Future business growth is to be focused at Exit 45 where water and sewer is available for commercial development at this interchange.

Public Comments:

As of the writing of this report, County Staff has not received any letters, telephone calls, social media postings or any e-mails in support or in opposition to this rezoning case request. A Zoning Sign has been posted on the subject property as a courtesy for any public comments.

Staff Recommendation:

Staff recommends approval of this rezoning request from B-1, General Business to A-1, General Agricultural without any conditions in order to return the two properties to a residential land use.

***Community Development &
Code Compliance***



*Julie C. Walton, Director
Jeff Brown, Building Official
Douglas Miles, Planning Manager*

County of Prince George, Virginia

"A global community where families thrive and businesses prosper"

November 4, 2016

BOARD OF SUPERVISORS - NOTICE OF PUBLIC HEARING

Dear owner, agent or occupant of each parcel involved that is abutting property and property immediately across the street or the road from the property affected:

This is notification that the Prince George County Board of Supervisors will hold a public hearing on **Tuesday, November 22, 2016, beginning at 7:30 p.m.** in the Board Meeting Room, on the third floor of the County Administration Building, 6602 Courts Drive, Prince George, VA, to consider the following request that involves the Prince George County Zoning Ordinance:

REZONING CASE RZ-16-06 Request of Ophelia S. Fludd to rezone a 1.07 +/- acre parcel and 2.21 +/- acre parcel from the B-1, General Business to the A-1, General Agricultural Zoning District. The Comprehensive Plan indicates that the subject properties are appropriate for Commercial uses. The subject properties are located at 13000 South Crater Road and are known as Tax Maps 430(0A)00-099-0 and 430(0A)00-098-0.

A copy of the related materials may be examined in Planning and Zoning within the County Administration Building, (804) 722-8678. The department is open from 8:30 am to 5:00 pm, Monday - Friday. All interested persons shall have the opportunity to be heard at said public hearing.

Sincerely,

Douglas Miles

Douglas Miles, CZA
Planning Manager / Zoning Administrator



REZONING APPLICATION

Department of Community Development and Code Compliance
 6602 Courts Drive
 Prince George, VA 23875
 Planning Division (804) 722-8678
www.princegeorgecountyva.gov

OFFICE USE ONLY

APPLICATION #:

RZ-16-06

DATE SUBMITTED:

9/22/16

(Please fill-in all blanks)

GENERAL PROPERTY INFORMATION

LEGAL OWNER(S) OF PROPERTY REQUESTED TO BE REZONED:

DPHELIA S. FLUDD

ADDRESS:

13000 SOUTH CRATER ROAD

TAX MAP OF SUBJECT PARCEL:

430(OA)00-099-0 and 430(OA)00-098-0

CITY:

SOUTH PRINCE GEORGE

STATE:

VIRGINIA

ZIP CODE:

23805

DISTRICT:

RIVES

E-MAIL ADDRESS:

RECORDED IN THE CIRCUIT COURT CLERK'S OFFICE:

DEED BOOK ²⁰⁰180 PAGE ⁷⁰⁹631 Date ¹⁹⁶⁹1964

DEED RESTRICTIONS: NONE

CURRENT LAND USE:

RESIDENTIAL

ACREAGE:

2.21 and

COMPREHENSIVE PLAN DESIGNATION:

COMMERCIAL USE

ZONING CLASSIFICATION

PRESENT ZONING:

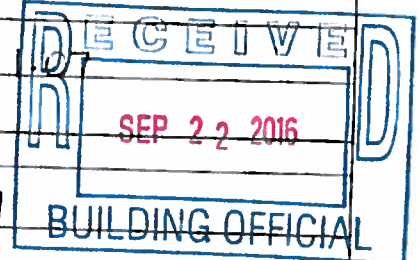
B-1

PROPOSED ZONING:

A-1

REASON(S) FOR REZONING REQUEST, INCLUDING DESCRIPTION OF PROPOSED USE:

SEE BELOW *



OWNER AGENT/REP

AGENT OR REPRESENTATIVE OF PROPERTY OWNER(S), IF ANY (SPECIFY INTEREST):

NAME:

F. LEWIS WYCHE, JR.

PHONE NUMBER:

804-732-4019

ADDRESS:

6405 COURTHOUSE RD / P.O. BOX 160

CITY:

PRINCE GEORGE

STATE:

VIRGINIA

ZIP CODE:

23875

E-MAIL ADDRESS:

lewis@lewiswychelaw.com

PROVIDE A GENERAL DESCRIPTION OF THE PROJECT: (Attach a separate letter if necessary)

* Both parcels were listed for sale and a prospective purchaser was under contract to purchase, but could not obtain a bank loan to make the purchase because of the zoning and the potential restoration or replacement restrictions for the non-conforming use (residential) in the B-1 business zoning. Therefore, the sale was lost. Owner needs to sell the property as residential as she currently lives with her daughter and will need the proceeds for her future care and living expenses.

AFFIDAVIT

A. The undersigned (1) Property Owner or (7) duly authorized agent or representative certifies that this petition and the foregoing answers, statement, and other information herewith submitted are in all respect true and correct to the best of their knowledge and belief.

NAME: OPHELIA S. FLUDD

SIGNED: Ophelia S. Fludd by F. Lewis Wycher Jr.
her attorney in fact. DATE: 9/22/16

MAILING ADDRESS: IRA F. WALKER 3335 UNION BRANCH ROAD

CITY/STATE/ZIP: SOUTH PRINCE GEORGE, VA 23805

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

STATE BELOW THE NAME, ADDRESS, AND PHONE NUMBER OF PERSON(S) TO BE CONTACTED REGARDING THIS APPLICATION IF OTHER THAN ABOVE PERSON(S):

NAME: F. LEWIS WYCHE, JR., ATTY-IN-FACT

MAILING ADDRESS: PO BOX 1100

CITY/STATE/ZIP: PRINCE GEORGE, VA 23875

PHONE NUMBER: 804-732-4019

E-MAIL ADDRESS: lewis@lewisnychelaw.com

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STATE OF VIRGINIA

COUNTY OF: PRINCE GEORGE

Subscribed and sworn before me this 21ST day of September, 2016.

Alisha Sue Marchant

Notary Public

My Commission expires: August 31, 2017



Alisha Sue Marchant
Commonwealth of Virginia
Notary Public
Commission No. 316427
My Commission Expires 8/31/2017

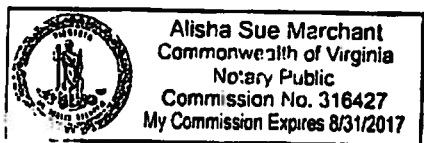
AFFIDAVIT

SPECIFIC POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS that I, **OPHELIA S. FLUDD**, hereby make, constitute and appoint **F. LEWIS WYCHE, JR.** as my true and lawful attorney-in-fact who may, in my name, place and stead, perform any and all acts necessary and execute any and all documents necessary to have rezoned, my land in Prince George County, Virginia, consisting of 2.21 acres, Rives District, Tax Parcel ID No. 430(OA)00-099-0 and 1.09 acres, Rives District, Tax Parcel ID No. 430(OA)00-098-0, from B-1, General Business District to A-1 General Agricultural District.

This specific power of attorney shall not terminate upon my becoming disabled, incompetent, or incapacitated, and all power and authority granted hereunder to said attorney-in-fact shall continue and be exercisable by said attorney-in-fact, notwithstanding that I may subsequently become disabled, incompetent, or incapacitated, and all acts done by said attorney-in-fact pursuant to this specific power of attorney during the period of any such disability, incompetence or incapacity, shall have in all respects the same effect and shall inure to the benefit of and bind me as fully as if I were not subject to such disability, incompetence, or incapacity, and until all power and authority granted hereunder shall be revoked by me in writing.

WITNESS, the following signature, this 22nd day of September, 2016.



Opheelia S. Fludd (SEAL)
Opheelia S. Fludd

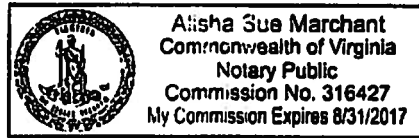
COMMONWEALTH OF VIRGINIA,
County of Prince George, to-wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that
Ophelia S. Fludd has acknowledged the same before me in the jurisdiction aforesaid.

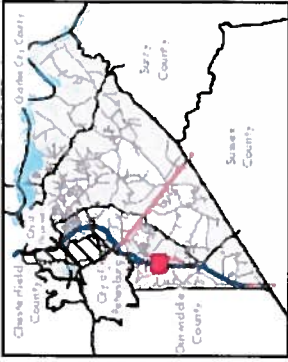
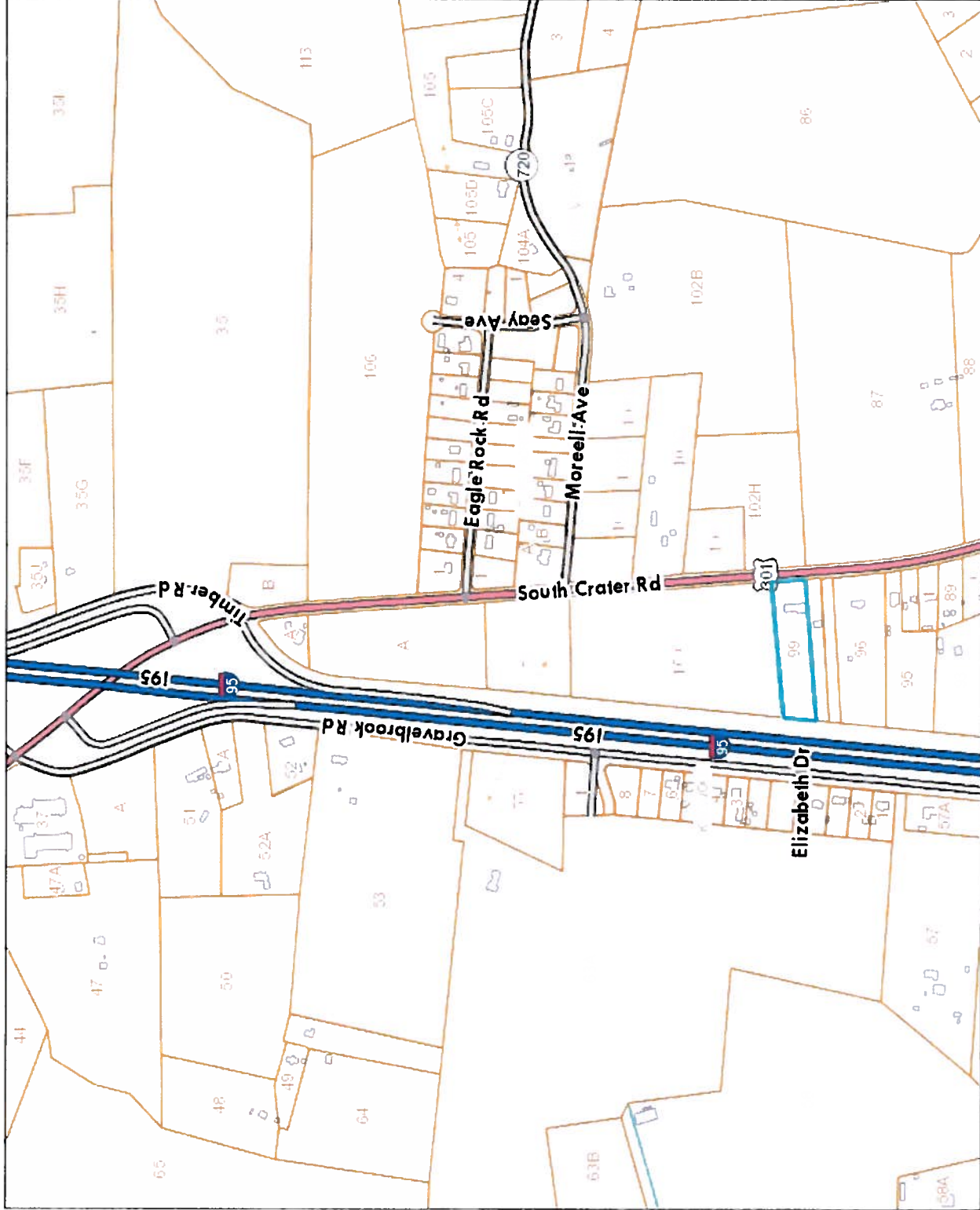
Given under my hand this 22nd day of September, 2016.

Alisha Sue Marchant
Notary Public

My Commission expires: 8-31-2017



County of Prince George



Legend

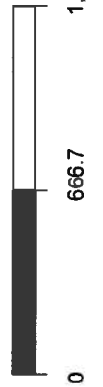
- Taxparcels
- Access Easements
- Subdivisions

Notes

The information contained in this data should not be used as a "legal description". Map information is believed to be accurate, but accuracy is not guaranteed.



Copyright, 2014 County of Prince George, VA



Map Scale 1: 8,000
10/14/2016



**PUBLIC NOTICE
COUNTY OF PRINCE
GEORGE**

Public Notice is hereby given to all interested persons regarding the following public meeting:

The Prince George County Board of Supervisors will hold a public hearing on Tuesday, November 22, 2016 beginning at 7:30 p.m. concerning the following request:

REZONING CASE RZ-16-06
Request of Ophelia S. Fludd to rezone a 1.07 +/- acre parcel and 2.21 +/- acre parcel from the B-1, General Business to the A-1, General Agricultural Zoning District. The Comprehensive Plan indicates that the subject properties are appropriate for Commercial uses. The subject properties are located at 13000 South Crater Road and are known as Tax Maps 430(0A)00-099-0 and 430(0A)00-098-0.

The meeting will be held in the Board of Supervisors Meeting Room, third floor, County Administration Building, pursuant to §15.2-2204, §15.2-2225 and §15.2-2285, The Code of Virginia (1950, as amended). A copy of the related material may be examined in Planning and Zoning in the County Administration Building, first floor, open from 8:30 a.m. to 5:00 p.m., Monday – Friday, or 804.722.8678. All interested persons shall have the opportunity to be heard at said public hearing.

Percy C. Ashcraft
County Administrator