



Albemarle County

Legislation Text

File #: 23-368, **Version:** 1

AGENDA DATE: 8/16/2023

TITLE:

Schedule a Public Hearing for Spot Blight Ordinance for 2087 Commonwealth Drive, Parcel ID 061W0-03-00-05600

SUBJECT/PROPOSAL/REQUEST: Schedule a Public Hearing for Spot Blight Ordinance for 2087 Commonwealth Drive, Parcel ID 061W0-03-00-05600

ITEM TYPE: Consent Action Item

STAFF CONTACT(S): Richardson, Rosenberg, Herrick, Filardo, Dellinger

PRESENTER (S): Michael Dellinger, Jodie Filardo

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: The presence of blighted and deteriorated properties can have negative safety, economic, and environmental impacts on properties and neighborhoods, resulting in unsafe communities and other public nuisances.

"Blighted property" is defined as a structure or improvement that is dilapidated or deteriorated because it violates minimum health and safety standards (Virginia Code § 36-3). Though blight is more often considered in the context of Development Areas; it exists also in the Rural Areas.

The Community Development Department (CDD) currently administers several regulations that relate to blight and building maintenance: uncontrolled vegetation (County Code § 7-501 et seq.), stagnant water (County Code § 7-505 et seq.), inoperable vehicles (County Code § 9-500), trash and refuse (County Code § 13-302), safety/health-related upkeep of residential rental properties (Virginia Uniform Statewide Building Code (USBC) § 104.1), unsafe buildings and structures (County Code § 5-300 et seq.), and Zoning Ordinance provisions that prohibit junk yards (County Code § 18-5.1.10).

On April 6, 2016, the Board authorized staff to address problem properties using the County's spot blight abatement authority enabled by Virginia Code § 36-49.1 :1. Previously, this process was used for the property located at 2514 Smithfield Road.

On December 1, 2021, the Board directed staff to continue to pursue spot blight abatement using the County's current authority and to report back on the results. Since that time, seven properties were investigated, with six properties identified as possibly blighted properties. The seventh, 2632 Hydraulic Road, was mitigated using other ordinances and remains an ongoing maintenance obligation today. The remaining six present ongoing public health and safety concerns.

Below, in this first report, staff is outlining the overall approach taken since 2021 on the six properties before

the Board for consideration. The spot blight abatement process requires the Board to first set public hearings for each individual ordinance - one per property. Each of the related agenda items on the consent agenda at this meeting first authorizes staff to conduct future public hearings. If authorized at this meeting, public hearings will occur at future Board meetings yet to be scheduled.

The process to declare a property blighted includes the following steps:

1. A property complaint is received and investigated by staff.
2. Zoning, building, or other ordinance violations are explored and the overall condition of the structures on the property is evaluated.
3. If structures are found to raise public health and safety concerns, the owner is notified of the need to address the specific problems within 30 days of the date of the notice or to contact the Building Official with an abatement plan.
4. If structures raise other concerns during the investigation, other violations may be issued based on zoning, building, or other ordinances - each with specific actions required.
5. If the owner does not present an abatement plan within the designated timeframe, the owner is again contacted.
6. Led by the Building Official, the County develops an appropriate abatement plan, which may include the owner remediating the issues up to and including demolition of the structures, or the County may pursue correcting the issues.
7. If the County intends to correct the issues, the following process to declare the properties blighted begins:
 - a. The Board approves the scheduling of a public hearing for each property.
 - b. The public hearing is scheduled and appropriate notice is given.
 - c. A public hearing is held on each ordinance to declare a property blighted.
 - d. If declared blighted and sufficient County funding exists, the cleanup begins.
 - e. All expenses related to the cleanup are tracked and the tax liens process is used to apply the liens to the property.
8. If the County performs the abatement plan, all expenses incurred by the County will result in tax liens on the property.
9. When multiple blighted properties exist, the staff will recommend a prioritized list to the Board based on the investigations performed and the impacts on public health and safety. The Board may modify that list at the public hearings.
10. Cleanups will be performed and limited by the funding appropriated by the Board and the estimated costs of the corrections needed.

At this Board meeting, requests to set public hearings for the following properties are scheduled. In this staff report, the specifics for 2087 Commonwealth Drive are outlined. Properties 2-6 below are reviewed in subsequent agenda items for individual requests to set public hearings.

1. 2087 Commonwealth Drive, Parcel ID 061W0-03-00-05600
2. 8038 Blenheim Road, Parcel ID 13100-00-00-01200
3. 5005 Rolling Road, Parcel ID 11500-00-00-027A4
4. 3239 Rolling Road, Parcel ID 10300-00-00-05100
5. 3247 Rolling Road, Parcel ID 10300-00-00-051B0
6. 2941 Rolling Road, Parcel ID 10300-00-00-06700

Below is a summary of actions taken thus far on 2087 Commonwealth Road, which is being considered for a spot blight ordinance.

2087 Commonwealth Drive. Staff identified this property as a “blighted property,” and initiated the required steps to abate the identified blight. Specifically, as the County Executive’s designee, the County Building Official made a preliminary determination that the property was blighted and sent notice to the property owners specifying the reasons why the property was blighted. Because the property owners failed to respond within

30 days with a written spot blight abatement plan acceptable to the County Executive's designee, staff is requesting that the Board schedule and advertise a public hearing in the future to consider an ordinance declaring this property to be blighted.

Staff has engaged with the property owner to summarize the following items to be corrected by the owner in the County-generated Abatement Plan: "The work is limited to the exterior and to include removal of the deck, replace missing and rotted siding, repairing eaves, installation of gutter and downspouts as needed, and painting. Also included will be the removal all tall grass and weeds."

If the Board authorizes a public hearing, staff would generate the necessary information, including a cost estimate for this work. In addition, CDD would work with the Department of Finance and Budget to determine a funding source and recommendation.

STRATEGIC PLAN: Safety & Well-being - Nurture a safe and healthy community.

DISCUSSION: This agenda item, if approved, would authorize the scheduling of a public hearing on a spot blight ordinance for 2087 Commonwealth Drive, Parcel ID 061W0-03-00-05600.

BUDGET IMPACT: Abatement costs for 2087 Commonwealth Drive, Parcel ID 061W0-03-00-05600, would be presented at the public hearing, if approved.

RECOMMENDATION:

Staff recommends the Board authorize a public hearing for a spot blight abatement ordinance on 2087 Commonwealth Drive, Parcel ID 061W0-03-00-05600.

ATTACHMENTS:

- A - Vicinity map - 2087 Commonwealth Dr.
- B - Property conditions - 2087 Commonwealth Dr.