



Albemarle County

Legislation Text

File #: 17-118, **Version:** 1

AGENDA DATE: 1/4/2017

TITLE:

Spot Blight Ordinance for 2514 Smithfield Road

SUBJECT/PROPOSAL/REQUEST: Adopt a spot blight ordinance for 2514 Smithfield Road

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Foley, Walker, Kamptner, Herrick, Graham, Abplanalp, Schlothauer

PRESENTER (S): Jay Schlothauer

LEGAL REVIEW: Yes

REVIEWED BY: Thomas C. Foley

BACKGROUND: On April 6, 2016, the Board directed staff to begin addressing problem properties using the County's spot blight abatement authority under *Code of Virginia* § 36-49.1:1. County staff identified the property at 2514 Smithfield Road (Tax Map Parcel 060D0-00-0F-00700) 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, on November 2, 2016, County staff requested that the Board schedule and advertise a public hearing in January 2017 to consider an ordinance declaring 2514 Smithfield Road as blighted. The Board approved the recommendation to advertise and schedule this public hearing. Although not required under *Code of Virginia* § 36-49.1:1, the County Building Official subsequently sent the property owners a letter informing them of the Board's action of November 2, and the possible consequences of an official spot blight determination. No response to that letter was received. County staff is now requesting that the Board adopt an ordinance declaring the property as blighted (Attachment A). Under *Virginia Code* § 36-49.1:1(D), no spot blight abatement plan prepared by the County may be effective until an ordinance declaring the property as blighted has been adopted by the Board.

STRATEGIC PLAN: Development Areas: Attract quality employment, commercial, and high density residential uses into development areas by providing services and infrastructure that encourage redevelopment and private investment while protecting the quality of neighborhoods.

DISCUSSION: An ordinance (Attachment A) has been prepared by the County Attorney's Office. The Facilities and Environmental Services Department has prepared a spot blight abatement plan. (Attachment B). Based on previous Board discussions of this issue, staff believes the ordinance advances the Board's intent.

BUDGET IMPACT: Any abatement costs (as outlined in Attachment B) must be appropriated by the Board for the County to act if the ordinance is adopted. If the Board adopts this ordinance, an appropriation request of \$23,752 will be presented to the Board at a future meeting. If the actual cost of repairs exceed this estimate,

staff will advise the Board of the need for additional funding and request a second appropriation. If the ordinance is adopted and work completed, the County will have a lien on all property repaired under an approved spot blight abatement plan to recover the cost of improvements to bring the blighted property into compliance with applicable building codes. However, the experience of other localities suggests that it could be a number of years until these funds are recovered.

RECOMMENDATION:

Staff recommends that the Board adopt the attached ordinance (Attachment A) declaring 2514 Smithfield Road as a “blighted property”, enabling work to proceed under an approved spot blight abatement plan.

ATTACHMENTS:

A - Proposed Ordinance

B - Abatement Plan