

Board Agenda Item
October 30, 2012

ADMINISTRATIVE -

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 7239 Dell Avenue, Clifton, VA 20124 (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 7239 Dell Avenue, Clifton, VA 20124 (Tax Map No. 085-2 ((02)) 0011A).

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of a public hearing.

TIMING:

Authorization to advertise on October 30, 2012, the public hearing to be held Tuesday, November 20, 2012, at 4:00 P.M.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2011) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2012) or Va. Code Ann. § 15.2-1115 (2012) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered "blighted" under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about

Board Agenda Item
October 30, 2012

specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state.

A property can be considered blighted if it meets the standards set forth in Va. Code Ann. § 36-3 (2011) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 7239 Dell Avenue was cited under the Virginia Maintenance Code in November, 2011 for the property maintenance violations. The owner made no attempt to make necessary repairs or demolish the structure as cited in the Notice of Violation, and the property was referred to the Blight Abatement Program (BAP) in April, 2012 by the Maintenance Official.

Located on the subject property is an abandoned, extremely dilapidated two story wood frame dwelling that was constructed in 1925. The structure has been vacant for at least seven years according to the complainant and was vacant in November, 2011 when the Virginia Maintenance Official initially investigated the property. The structure is in a state of partial collapse, and further collapse is likely. The structure is unsecured against entry from the public.

On April 18, 2012, the structure was placarded as unfit/unsafe for human occupancy. Due to the extreme lack of maintenance and deteriorated condition of the structure, BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on September 13, 2012 and the NETF Committee found that the subject property met the blighted property guidelines and the property received a preliminary blight determination. Certified and regular Notice was sent to the owner advising her of this determination.

Although the County will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on the site pursuant to Va. Code Ann. §15.2-1115 (2012) as authorized under the Spot Blight Abatement Statute. If the owner fails to

Board Agenda Item
October 30, 2012

abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition process for the structure. The County will incur the cost, expending funds that are available in Fund 300-C30010, County Construction, Project 2G97-001-000, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land and judgment records.

FISCAL IMPACT:

In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition from Fund 300-C30010, County Construction, Project 2G97-001-000, Strike Force Blight Abatement. Funding is available in Project 2G97-001-000 to proceed with the demolition estimated to cost approximately \$32,000.

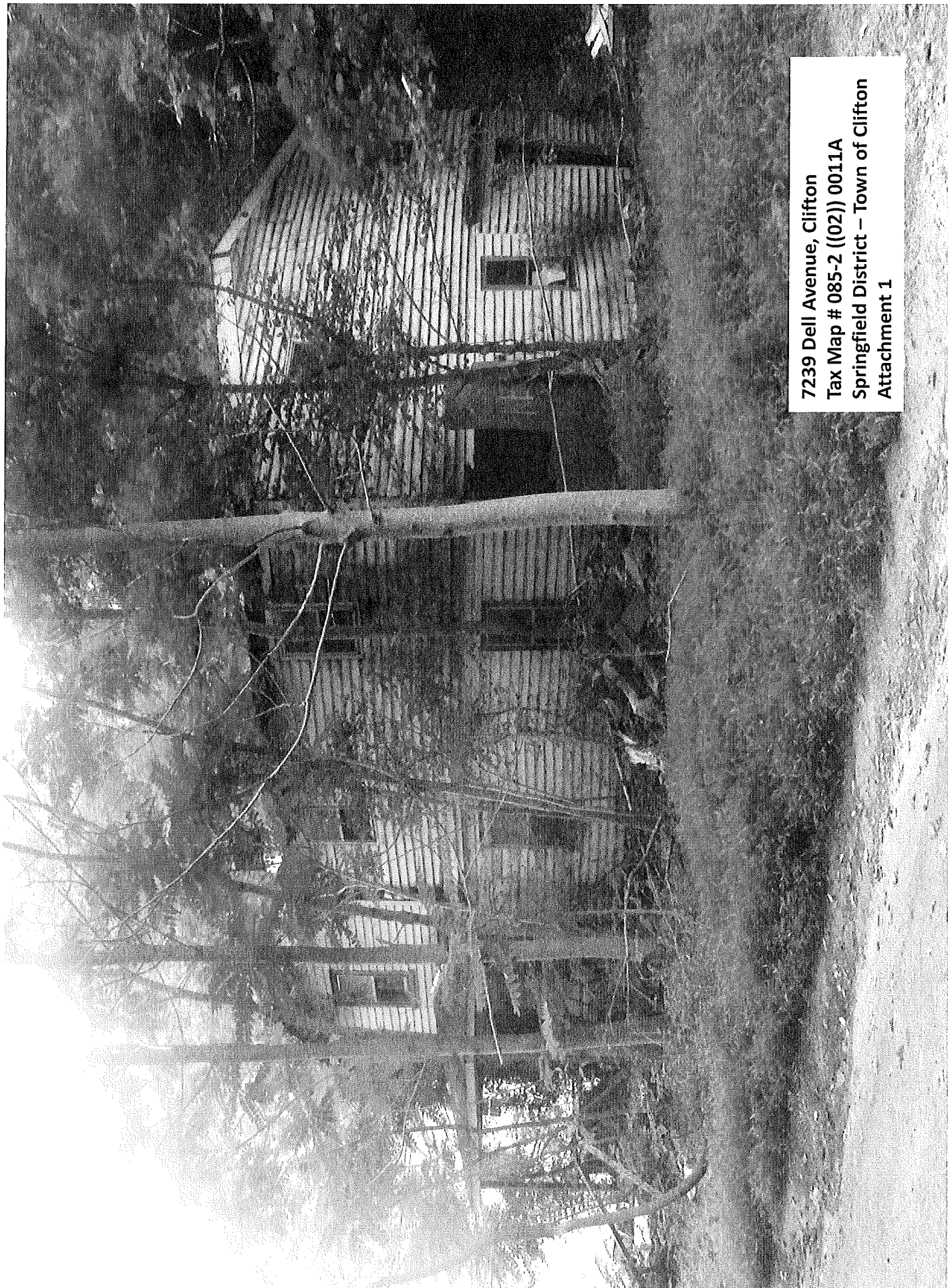
It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

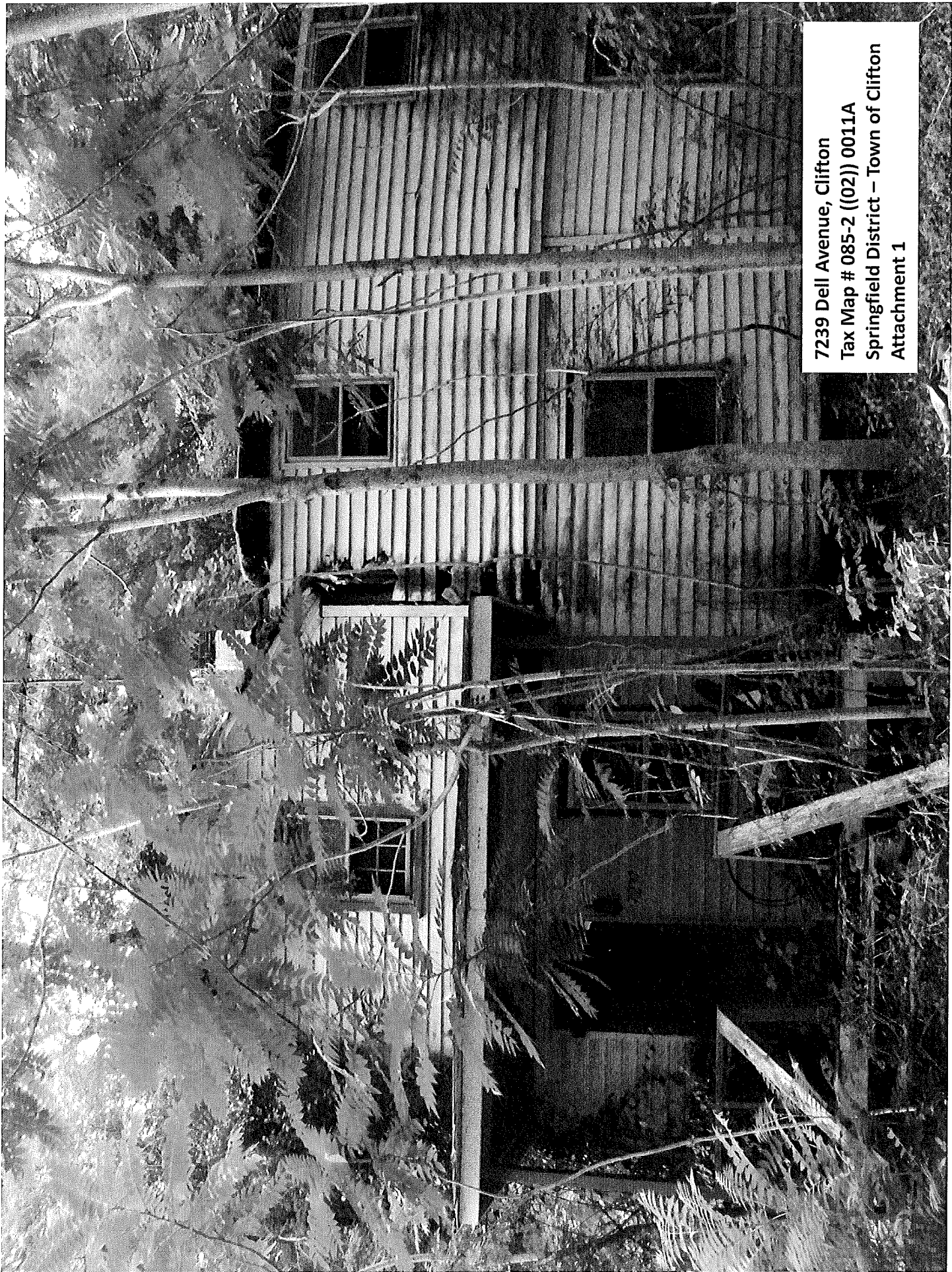
Attachment 1: Property Photographs
Attachment 2: Public Hearing Advertisement

STAFF:

Robert A. Stalzer, Deputy County Executive
Jeffrey L. Blackford, Director, Department of Code Compliance
Karen McClellan, Operations Manager, Department of Code Compliance
Susan Epstein, Division Supervisor, Department of Code Compliance
Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance



7239 Dell Avenue, Clifton
Tax Map # 085-2 ((02)) 0011A
Springfield District – Town of Clifton
Attachment 1



7239 Dell Avenue, Clifton

Tax Map # 085-2 ((02)) 0011A

Springfield District – Town of Clifton

Attachment 1

ATTACHMENT 2

Notice is hereby given that the Fairfax County Board of Supervisors will hold a **PUBLIC HEARING** on

TUESDAY
November 20, 2012
4:00 P.M.

in the Board Auditorium of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia to make determinations regarding a proposed Spot Blight Abatement Ordinance for 7239 Dell Avenue in accordance with Virginia Code Annotated § 36-49.1:1 (I) (2011).

The Blight Abatement Case concerns a blighted, single family structure located at 7239 Dell Avenue, Clifton, Virginia on approximately 22,154 square feet parcel of land in the Springfield District (Town of Clifton). The blight abatement plan is to demolish the structure, clear the lot and collect costs of blight abatement, including County overhead, from the owner of this property, Tax Map No. 085-2 ((02)) 0011A.

Copies of the proposed Blight Abatement Ordinance for the subject property may be obtained from the Department of Code Compliance, 12055 Government Center Parkway, Suite 1016, Fairfax, VA 22035. Persons desiring to speak at the public hearing may call the Clerk to the Board of Supervisors at 703-324-3151 to have their names placed on the speakers' list. TDD 703-324-3903. Questions regarding the plan may be directed to the Department of Code Compliance, Blight Abatement Program, at 703-324-1300. Office hours are Monday through Friday, 8:00 a.m. to 4:30 p.m.



Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services and activities. Reasonable accommodations will be provided upon request. For information, call the Clerk's Office **as soon as possible but no later than 48 hours before** the public hearing. Alternative listening devices are available at the hearing.

In accordance with the usual procedures of the Board, all individual speakers are asked to limit their presentations to three minutes. Representatives of organizations may be eligible for additional time. The staff in the Office of the Clerk can provide more information on the procedures of the Board.