

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE June 16, 2008

TO: Board of Supervisors

FROM Jeffrey A Harvey
Director of Planning and Zoning

ISSUE: Resolution Granting Exemption to Section 22-5 of the Subdivision Ordinance for a Family Subdivision

STAFF RECOMMENDATION: N/A

BUDGET IMPACT N/A

ATTACHMENTS: (5)

- [1] Background Report
- [2] Letter dtd 06/06/08
- [3] Location Maps
- [4] Reso/Ord/Proc # R08-337
- [5] Reso/Ord/Proc # R08-338
- [] Reso/Ord/Proc #

- REVIEW**
- County Administration
 - Legal
 - Code Administration

- Consent Agenda
- Discussion Item
- New Business
- Other Business
- Presentation
- Public Hearing
- Unfinished Business

PRESENTATION BY: Jeffrey A Harvey
Director of Planning and Zoning

ELECTION DISTRICT. Garrisonville

BACKGROUND REPORT

Mary Jennings, at 17 Winding Creek Road (site map attached), has requested relief of the five year statutory requirement to retain property that was created as part of a family subdivision. Roy and Mary Jennings subdivided a 2.10 acre parcel under the provisions of Stafford County Code, Section 22-5 of the Subdivision Ordinance, Family and Minor Subdivision. It was done for the purpose of conveying a 1.06 acre parcel to Mary Jennings. An affidavit was submitted with the family subdivision application stating Mrs. Jennings would retain the property for a minimum of five (5) years at the time of conveyance. The family subdivision was recorded May 27, 2004 per instrument number 040020064, Plat Map 40000120. The property is known as Assessor's Parcel 19F-8. Mrs. Jennings would not be eligible to sell or transfer the parcel until May 28, 2009 to a non-immediate family member.

Mrs. Jennings is requesting relief from Section 22-5(a)(4) due to her age and health. She requests this relief to allow her to move to North Carolina with her daughter.

Section 22-5(a)(4) of the Subdivision Ordinance authorizes the Board to reduce the time period to alleviate the hardship if the Board finds that an extraordinary hardship is being caused by the five-year restriction. This hardship provision shall be noted on the plat or in the deed.

June 6, 2008

Dear Lisa,

I am requesting a waiver for plot
 recording on May 2004 for family & d

lot 8 10626 acre

Old Homestead

Parcel ID 19 F 8 RT

17 Winding Creek Rd

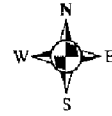
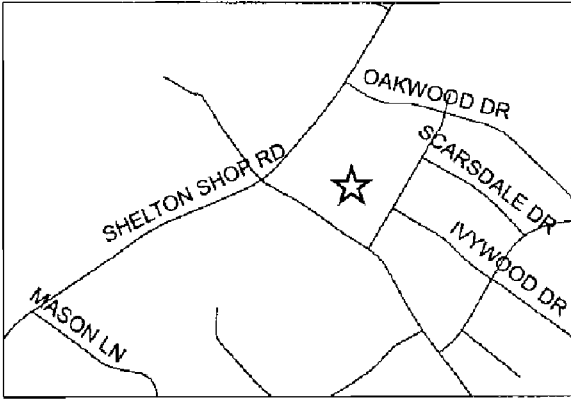
My husband has passed away and
 I am unable at age 73 to take care of
 this property I am going to live with
 my daughter.

Thank you for your consideration

Respectfully

May & Jennifer

JENNINGS FAMILY SUBDIVISION



05-10-08

Stafford County Department of
Planning & Zoning
P O Box 339, Stafford VA 22555
(540) 658 - 8668

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 17th day of June, 2008

MEMBERS

George H. Schwartz, Chairman
M. S. "Joe" Brito, Vice Chairman
Harry E. Crisp II
Mark Dudenhefer
Paul V. Milde III
Cord A. Sterling
Robert "Bob" Woodson

VOTE

On motion of , seconded by , which carried by a vote of , the following was adopted

A RESOLUTION GRANTING AN EXEMPTION OF STAFFORD
COUNTY CODE, SECTION 22-5, OF THE SUBDIVISION ORDINANCE
ENTITLED "FAMILY AND MINOR SUBDIVISIONS"

WHEREAS, Mary E. Jennings, owner of Assessor's Parcel 19F-8 received the land under the provisions applicable to family subdivision on May 27, 2004, and

WHEREAS, Section 22-5(a)(4) of the Subdivision Ordinance requires that a family subdivision lot cannot be voluntarily transferred to a non-immediate family member for at least five (5) years, and

WHEREAS, Section 22-5(a)(14) stipulates that if the Board finds a hardship is being caused by the time restriction, it shall reduce the time period to alleviate the hardship, and

WHEREAS, the Board has found that a hardship does exist with imposition of the time limitation in this case,

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of June, 2008 that the exemption to the five (5) year family subdivision property transfer restrictions for Assessor's Parcel 19F-8, Mary E Jennings be and it hereby is granted, and

BE IT FURTHER RESOLVED that this hardship provision shall be noted on a subsequent plat or deed in accordance with Stafford County Code, Section 22-5(a)(14) of the Subdivision Ordinance

AJR JAH dfk

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

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M. S. "Joe" Brito, Vice Chairman
Harry E. Crisp II
Mark Dudenhefer
Paul V. Milde III
Cord A. Sterling
Robert "Bob" Woodson

VOTE

On motion of , seconded by , which carried by a vote of , the following was adopted

A RESOLUTION DENYING AN EXEMPTION OF STAFFORD
COUNTY CODE, SECTION 22-5 OF THE SUBDIVISION
ORDINANCE ENTITLED FAMILY AND MINOR
SUBDIVISIONS

WHEREAS, Mary E. Jennings, owner of Assessor's Parcel 19F-8 received the land under the provisions applicable to family subdivision on May 27, 2004, and

WHEREAS, Section 22-5(a)(4) of the Subdivision Ordinance requires that a family subdivision lot cannot be voluntarily transferred to a non-immediate family member for at least five (5) years, and

WHEREAS, Section 22-5(a)(14) stipulates that if the Board finds a hardship is being caused by the time restriction, it shall reduce the time period to alleviate the hardship, and

WHEREAS, the Board has not found that a hardship does exist with imposition of the time limitation in this case,

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of June, 2008, that the exemption to the five (5) year family subdivision property transfer restrictions for Assessor's Parcel 19F-8, Mary E Jennings be and it hereby is not granted

AJR JAH dfk