

BOARD OF SUPERVISORS
COUNTY OF FAUQUIER
WARRENTON, VIRGINIA

AGENDA

May 22, 2009

Adjourned Meeting
Northern Fauquier Community Park
7500 John Marshall Highway • Marshall, Virginia 20115
12:00 P.M.

Possible additions to the agenda and related materials are not set forth herein.

1. **CALL TO ORDER**
2. **ADOPTION OF THE AGENDA**
3. **CONSENT AGENDA**
 - A Resolution to Approve the Brown Family Request to Reduce the Ten Year Sale Restriction for a Family Transfer Lot (Chester W. Stribling, Sponsor; Cynthia Porter-Johnson, Staff)
4. **APPOINTMENTS**
 - Fauquier County Board of Assessors – Marshall District
5. **ADJOURNMENT**

Next Regular Meeting
Warren Green Building • 1st Floor Meeting Room
10 Hotel Street • Warrenton, VA 20186
June 11, 2009 ~ 6:30 P.M.

CONSENT AGENDA REQUEST

Sponsor/Applicants:

Chester Stribling, Lee District Supervisor
Christina L. Brown

Board of Supervisors Meeting Date:

May 22, 2009

Staff Lead:

Cynthia Porter-Johnson, Planner

Department:

Community Development

Magisterial District:

Lee

PIN:

7804-58-9600-000

Topic:

A Resolution to Approve the Brown Family Request to Reduce the Ten Year Sale Restriction for a Family Transfer Lot

Topic Description:

In July of 2004, the County approved the creation of a 1.3125-acre lot as a family transfer. This lot is located off a private easement that connects to Maryann Lane, which is off of Sumerduck Road (Route 651) in the Lee Magisterial District (PIN #7804-58-9600-000). The attached vicinity map shows the location of this parcel. The lot was conveyed to Christina L. Brown by her parents, Raymond and Linda Hawkins, and the conveyance included the affidavit requiring that the grantee not transfer the property to a non-immediate family member for ten (10) years.

Ms. Brown is now requesting that the Board of Supervisors reduce the 10-year time requirement of Section 2-39.3.A.3 of the Subdivision Ordinance, so that she will not have to hold the property for ten (10) years before voluntarily transferring the property. Section 2-39.3A.15 of the Subdivision Ordinance states that, if the Board of Supervisors finds that an extraordinary hardship is caused by the ten (10) year restriction, it may reduce the time period to alleviate the hardship. If approved, Ms. Brown would have held the property for four and a half (4 ½) years.

The Applicant has encountered financial hardship due to being on extended leave without pay. Ms. Brown can no longer sustain the financial impacts and needs to sell the property in order to alleviate that hardship. Ms. Brown's letter requesting the reduction, along with the specific justification is provided under separate cover. Additional financial documents, outlining her situation in more detail, are available for review under separate cover and these personal financial documents are exempt from release under Virginia Code Section 2.2-3705.A.2, 4 and 5.

Requested Action of the Board of Supervisors:

Consider adoption of the attached resolution.

Financial Impact Analysis:

None

Other Departments, Organizations or Individuals affected by this request:

None

ATTACHMENTS:

1. Vicinity Map

RESOLUTION

A RESOLUTION TO APPROVE THE BROWN REQUEST TO REDUCE THE TEN YEAR SALE RESTRICTION FOR A FAMILY TRANSFER LOT

WHEREAS, on July 22, 2004, the applicant Christina L. Brown was the recipient of a family transfer parcel; and

WHEREAS, Section 2-39.3(A)(3) of the Subdivision Ordinance does not permit such a lot to be voluntarily transferred to a non-immediate family member for at least ten (10) years; and

WHEREAS, the applicant has encountered severe financial hardship; and

WHEREAS, Section 2-39.3(A)(15) of the Subdivision Ordinance allows the Board of Supervisors to reduce the ten (10) year restriction on selling a family transfer parcel to a non-immediate family member if it finds an extraordinary hardship is caused by the ten (10) year restriction; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 22nd day of May 2009, That the requirement that Christina L. Brown hold his family transfer parcel for a period of ten (10) years be, and is hereby, reduced so that the parcel may be transferred to a non-immediate family member.

A Copy Teste

*Paul S. McCulla
Clerk to the Board of Supervisors*

VICINITY MAP

Christina Brown
WVRP09-LE-014

