

MOTION:

**March 1, 2011
Regular Meeting
Res. No. 11-**

SECOND:

**RE: AUTHORIZE PUBLIC HEARING TO DECLARE 17415 MINE
ROAD, DUMFRIES, VIRGINIA, A NUISANCE – DUMFRIES
MAGISTERIAL DISTRICT**

ACTION:

WHEREAS, the Virginia State Code allows the Board of County Supervisors to determine if a blighted property should be declared a nuisance, and subsequently demolished; and

WHEREAS, the Board of County Supervisors approved administrative guidelines for the Spot Blight Abatement Program as allowed by the Code of Virginia § 36-49.1:1; and

WHEREAS, the property at 17415 Mine Road, Dumfries, Virginia, is dilapidated and detrimental to the safety, health, or welfare of the community and therefore blighted because of the following conditions: it has been vacant or boarded for at least one year, it has been the subject of documented complaints, it is no longer being maintained for useful occupancy, and it lacks normal maintenance and upkeep; and

WHEREAS, the Board of County Supervisors wishes to determine whether the blighted property is a nuisance that the County should abate;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby authorize a Public Hearing to be properly advertised and held on the first available date to determine if the Board should, by ordinance, declare the property located at 17415 Mine Road, Dumfries, Virginia, to be a nuisance and authorize action to abate the nuisance;

BE IT FURTHER RESOLVED that the County Attorney's Office shall send written notice, by certified mail, to the owner or owners at the last-known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records.

**March 1, 2011
Regular Meeting
Res. No. 11-
Page Two**

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

For Information:

County Attorney

Director of Public Works

Neighborhood Services

ATTEST: _____
Clerk to the Board



Melissa S. Peacor
County Executive

COUNTY OF PRINCE WILLIAM


OFFICE OF EXECUTIVE MANAGEMENT
1 County Complex Court, Prince William, Virginia 22192-9201
(703) 792-6600 Metro 631-1703 FAX: (703) 792-7484

BOARD OF COUNTY SUPERVISORS

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February 9, 2011

TO: Board of County Supervisors

FROM: Thomas Bruun 
Director of Public Works

THRU: Melissa S. Peacor
County Executive

RE: Authorize a Public Hearing to Declare 17415 Mine Road, Dumfries,
Virginia, a Nuisance – Dumfries Magisterial District

I. Background in chronological order is as follows:

- A. Spot Blight Program Overview – The Board of County Supervisors (BOCS) approved Administrative Guidelines for the Spot Blight Abatement Program on June 1, 1999, as allowed by the Code of Virginia § 36-49.1:1. The attached guidelines were amended on October 1, 2007. The Administrative Guidelines incorporate the definition of blighted property as set out in Virginia Code § 36-3, and provide four additional criteria by which County staff may determine whether a property can be considered for action under the Spot Blight Abatement Program. If a property is determined to be blighted, the BOCS may declare the property a nuisance for the purposes of demolition, repair, or acquisition. The guidelines provide criteria for the BOCS to use in deciding whether to declare the blighted property a nuisance.
- B. Spot Blight Determination – Public Works staff reviewed the property located at 17415 Mine Road, Dumfries, Virginia under the State Code definition of blighted property and the County's four spot blight criteria and determined that the property meets all four of the criteria set forth in the Administrative Guidelines. The criteria are as follows:

1. It has been vacant or boarded for at least one year.
 2. It has been the subject of documented complaints.
 3. It is no longer being maintained for useful occupancy.
 4. It lacks normal maintenance and upkeep.
- C. Property Photographs – Photos of the blighted property are attached as Attachment B.

II. Current Situation is as follows:

- A. Inaction by Property Owner – The property has been owned by Jean McCants since July 18, 2005. There is a single-family structure on the property that was damaged by fire in December 2006 and has since remained vacant. There are also three accessory structures on the property. On November 28, 2007, the property owner was notified by letter of the repairs needed to make the primary structure habitable. On December 9, 2008, the owner was again notified by letter that repairs were needed to abate the blight and public nuisance issues the property is causing to the surrounding community. Although the owner obtained a permit to repair the roof of the single-family structure, no repairs have been made to date. The structures remain vacant and continue to deteriorate, endangering the health, safety and welfare of the community.
- B. Property Deterioration – There is a single-story wood frame residential structure on the property that is dilapidated, deteriorated, and has been damaged by fire. There are also three accessory structures on the property that are dilapidated and deteriorated. The property has been vacant for over four years. All three structures are open and unsecured, and there is partial structural collapse of the roof of the residential structure which is allowing rainwater to enter. The paint on the siding and trim is peeling and chipping and is not providing a proper weatherproof coating to the wood surfaces. The walls and foundation show signs of shifting and racking and photographs taken immediately after the fire show evidence of significant fire damage to the interior of the residential structure. There is also evidence of trespassing and vandalism of the residential structure and one of the outbuildings.
- C. County Actions to Date – The County has taken the following actions to date:
- July 10, 2007 – The County completed a post-damage report for the property following a fire on December 10, 2006, which resulted in

“complete structure loss” and multiple safety concerns with electrical, plumbing and mechanical systems.

July 2007 through July 2010 – The County issued eight notices to the owner for violations of state and County Code, including spot blight, property maintenance, zoning and vegetation violations. The owner abated the zoning and vegetation violations, but has not abated the spot blight or property maintenance violations.

November 28, 2007 – The owner was notified by letter of the need for repairs, the permits that would be required, and of the need to secure the structure. The owner secured the structure and obtained a permit for repair of the roof on November 5, 2008, but no repairs have been made.

December 30, 2010 – The structure was condemned by the Building Official as unsafe under Ch. 5, Art. IV of the Prince William County Code for being open and unsecured.

January 3, 2011 – The structure was condemned by the Building Official as unsafe under § 105.1 of the Virginia Maintenance Code (2006 edition) for fire damage and partial collapse of the roof.

January 27, 2011 – The County took action to secure the structure under unsafe provisions of the Prince William County Code.

D. Loss of Assessment Value – Due to the extent of damage to the structure, the parcel upon which the structure is situated is assessed as vacant land.

E. Public Safety Concerns – Staff has identified the following conditions on the property to be public safety concerns:

1. Condemned Structures – On December 30, 2010, the structure was condemned by the Building Official as unsafe under Ch. 5, Art. IV of the Prince William County Code for being open and unsecured. On January 3, 2011, the structure was condemned by the Building Official as unsafe under § 105.1 of the Virginia Maintenance Code (2006 edition) for fire damage and partial collapse of roof. The violations which resulted in the structure being condemned have not yet been abated.

2. Vacant, Unsecured Structures – The structure is vacant and has been unsecured on more than one occasion. A vacant existing structure open or unsecured has been specifically identified by the Uniform Statewide Building Code, Part III, (the Virginia Maintenance Code) as an unsafe structure.

3. Fire Hazards – Prince William County Fire and Rescue has specifically requested that all structures designated as unsafe or unfit be reported automatically to their Public Safety Computer Aided Dispatch System on a regular basis in order to alert first responders to specific hazards on the property. This structure was declared unsafe under both the Virginia Maintenance Code and the Prince William County Code and has been reported to the Public Safety Communications Center as such. Furthermore, the primary structure is open and unsecured and either cannot be secured or has been secured or boarded and the structure has been opened or boards have been removed on more than one occasion, creating the potential for arson or accidental fire by trespassers.
 4. Arson Potential – The US Fire Administration reports that over 12,000 fires in vacant structures are reported each year in the US, resulting in \$73 million in property damage annually. Fires are likely in vacant properties because of poor maintenance, faulty wiring, and debris. In the winter, homeless people burn candles for light and heat and may even bring in outdoor grills. But more importantly, vacant buildings are a primary target of arsonists. More than 70 percent of fires in vacant or abandoned buildings are arson or suspected arson. The structures have not been kept secured and there is evidence of trespassing in both the primary and one accessory structure, creating the potential for arson.
 5. First Responder Injury Potential – Since vacant buildings often contain more open shafts, pits, and holes that can be an invisible threat to firefighters, the cost of fighting those fires is more than financial. The National Fire Protection Association (NFPA) estimates that 6,000 firefighters are injured every year in vacant or abandoned building fires. The single-family structure has already been rendered structurally unstable by a previous fire, and thus presents an increased risk of potential injury to first responders.
 6. Attractive Nuisance – There are children living in the vicinity of the property and there is evidence of trespassing into the structure and the surrounding outbuildings. A vacant, abandoned structure, open and unsecured, is a potential attractive nuisance to children.
- F. Public Health Concerns – Staff has identified the following conditions on the property to be public health concerns:
1. Rodent/Vermin Infestation – The roof and basement portion of the single-family structure are open and unsecured, creating the potential for rodent or vermin infestation. There is evidence that vermin have been entering the structure.

2. Health Hazard – There is partial collapse of the roof, admitting rainwater into the structure. The accumulation of water within the structure provides a breeding ground for mosquitoes and poses a health hazard to surrounding residences and businesses.

G. Public Welfare Concerns – Staff has identified the following conditions on the property to be public welfare concerns:

1. Diminution in Property Values – The property has not been maintained for useful occupancy for at least four years. Prince William County citizens have specifically expressed concern that structures that are not actively maintained bring down the value of neighboring properties. The Temple University Center for Public Policy published a study in 2001 which found that houses within 150 feet of a vacant or abandoned structure experienced a net loss of \$7,627 in value. Financial losses were realized as far as 450 feet away from the abandoned or vacated structure. A local real estate agent has indicated that, based on his expertise, a blighted property brings down the fair market value of neighboring properties by as much as 10 to 15%.
2. Previous Citations – The structure has been the subject of numerous complaints to the Property Code Enforcement Office since at least July 2007, including complaints for property maintenance, unsafe structure, tall weeds and grass, inoperative vehicles and spot blight. Citizens have specifically identified numerous zoning and property maintenance violations on a property as a concern within the community.
3. Expenditure of County Resources – The County has expended 40 to 60 hours or more of time in enforcement activity, including issuing 8 notices to the owner, conducting 30 inspections, and signing off on more than 100 activities in connection with the case. None of these expenses will be recovered from the property owner. Inspection costs are considered a sunk cost. Citizens have specifically identified concerns that County resources are expended repeatedly over time to deal with blighted properties that are not demolished.
4. Potential Transfer Outside Jurisdiction – The owner has informed County staff that she has received an offer from the National Park Service to purchase the property. Such a conveyance would transfer the property with all buildings and improvements thereon outside the County's jurisdiction and the County will no longer have enforcement power. Citizens have specifically identified

properties that have transferred outside the County's enforcement authority to be a problem within the community and have expressed concerns that such properties will deteriorate, attracting trespassers, vandals and criminal activity, and will bring down property values in the neighborhood.

5. Vacant/Abandoned Properties – The structure is vacant, dilapidated and deteriorated and its condition is visible and apparent from Mine Road as well as from neighboring properties. Citizens have specifically identified vacant and abandoned properties as a problem within the community and have expressed concerns that they attract trespassers, vandals and criminal activity, and bring down property values in the neighborhood.
 6. Vandalism/Defacement – The structure has been entered by trespassers, resulting in damage and vandalism, and in the structure being left open and unsecured on more than one occasion. Citizens have expressed concern that blighted structures within the community will encourage illegal activity such as trespassing, theft, vandalism and defacement.
- H. Declaration of Nuisance Necessary – In order to have the County repair or demolish the structure without acquiring the property first, the BOCS must declare the property a nuisance.
- I. Board Action Requested – The Board of County Supervisors is requested to authorize a public hearing to declare 17415 Mine Road, Dumfries, Virginia, a nuisance – Dumfries Magisterial District.

III. Issues in order of importance are as follows:

- A. Timing – When should a public hearing be held?
- B. Legal – Does the BOCS have the authority to declare a blighted property a nuisance?
- C. Fiscal Impact – Are there any costs incurred by the County to demolish the property?
- D. Service Level/Policy Impact – Does the blighted property meet nuisance criteria? Has staff selected the appropriate abatement plan? What impact will declaring this property a nuisance have on public safety, health and welfare?

IV. Alternatives in order of feasibility are:

- A. Authorize a Public Hearing to declare 17415 Mine Road, Dumfries, Virginia, a nuisance – Dumfries Magisterial District.
1. Timing – The structure has been vacant for at least four (4) years and is a blight to the community. A public hearing should be scheduled as soon as possible.
 2. Legal – The Board has the authority to declare a blighted property a nuisance pursuant to §36-49.1:1(I) of the Code of Virginia, and thereafter abate the nuisance.
 3. Fiscal Impact
 - a. Demolition – The cost to abate the nuisance property by demolishing the structure is estimated to be \$25,950. If unknown private water or septic systems, asbestos or hazardous materials are found on the property, the cost to abate the nuisance will be higher. The abatement costs incurred shall be funded by OCA 407559, and can later be assessed against the property as a lien enforceable in the same manner as a tax lien. Demolition of the structure will permanently abate the blight. A copy of the demolition estimate is attached as Attachment D.
 - b. Repairs – The cost to abate the nuisance property by repairing the structure would be cost prohibitive. Minimal repairs to abate the blight by making the structure weathertight, replacing windows and doors and painting, repairing and or replacing the exterior surfaces would not restore the structure to a habitable condition, nor would they be likely to preserve the value of the structure for future residential use.
 4. Service Level/Policy Impact – Declaring the blighted property a nuisance furthers the goals of the Spot Blight Abatement Program. Demolition of the structure will remove blight from the community, thereby improving public safety, health and welfare.
- B. Take No Action:
1. Timing – Not applicable.

2. Legal – The property cannot be declared a nuisance without a public hearing.
3. Fiscal Impact – If the property is not declared a nuisance, the County could continue to incur enforcement costs that may not be recoverable as a lien against the property.
4. Service Level/Policy Impact – The property will continue to deteriorate thereby compromising the surrounding community. This is contrary to the Spot Blight Abatement Program guidelines. Public safety, health and welfare will not be improved and may be compromised.

V. **Recommendation** is that the Board of County Supervisors concur with Alternative A and approve the attached Resolution.

Attachments: Attachment A, Prince William County Spot Blight Abatement Guidelines
Attachment B, Photos of Structure
Attachment C, Location and Vicinity Map
Attachment D, Demolition Estimate

Staff Contact: Patricia M. Reilly, x6892

**PRINCE WILLIAM COUNTY
SPOT BLIGHT ABATEMENT PROGRAM
ADMINISTRATIVE GUIDELINES**

Definitions:

“Blighted property” shall be defined by Virginia Code § 36-3, as may be amended. The Virginia Code currently defines “blighted property” 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 previously designated as blighted pursuant to §36-49.1:1, under the process for determination of “spot blight.”

A property can be considered for action under the spot blight abatement program if it meets the definition of “blight property” set forth in Virginia Code § 36-3, and if it meets any of the following criteria.

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

If the property is determined by staff to be blighted based on the guidelines above, the following considerations will be used in recommending to the Board of County Supervisors whether to declare the blighted property to be a nuisance for the purposes of demolition or repair:

1. Location of Property - The location of surrounding properties and other relevant circumstances of the surrounding neighborhood;
2. Condition - The overall condition of the property;
3. Neighborhood Impact - The impact of the property's condition on the surrounding neighborhood, and the nature of the threat it poses to people or other property; and
4. Threat to Health, Safety, Morals or Welfare - Whether, given the circumstances of the neighborhood, the property's condition, and the impact of that condition on the neighborhood, the condition of the property threatens the health, safety, morals or welfare of the community.

There are three options to address a property that is determined to be blighted and a nuisance.

1. To demolish (raze and remove) structures on blighted property;
2. To repair the property (do construction work, landscaping, and/or debris removal work sufficient to bring the property into compliance with all applicable codes);
3. To purchase property against the will of the owner, repair it to bring it into compliance with all applicable codes, and then sell the property to a third party.

The following may be considered by staff when determining the recommended option to address the blighted property.

1. Cost of demolition - The estimated cost of demolition and removal of blighted structures;
2. Cost of repair - The estimated cost of repair of the blighted property to remove the blight and bring the property into conformance with all laws applicable to it;
3. Neighborhood Impact - The severity of the effect of the property's blighting influence on the neighborhood, and the particular circumstances of the neighborhood;
4. Owner Can Repair at Own Cost - Whether the property owner is willing to make repairs or demolish structures within a time the Board finds to be reasonable, and at the owner's expense;
5. Owner Needs Financial Assistance - If the owner is willing to make necessary repairs or perform necessary demolition, but demonstrates that it is financially unable to do so, whether financial assistance is available for that work through other public programs, or the donations/efforts of private entities, and when the work could be performed if that assistance were provided;
6. Owner is Unwilling to Repair - If the owner is unwilling or unable to make necessary repairs or perform demolition work within a reasonable time at its own expense, the likelihood of recovery of those costs from the owner after the abatement action is taken at public expense;
7. Cost of Acquisition and Repair - The estimated cost of acquisition of the property, repair of the property, and the likelihood of recovering those costs through sale of the repaired property to a third party;
8. Historic or Cultural Resources - Whether the property has been designated as an historic or cultural resource through listing on the National Register of Historic Places, the Virginia Landmarks Register, or through specific recognition as an historic or cultural resource in the County's Comprehensive Plan.

The above are guidelines for administration of the Spot Blight Program. The staff will advise the Board of County Supervisors of any changes in the criteria.



Front of single-family structure



Window in front shows signs of deterioration

17415 Mine Road, various dates. Structures are dilapidated, deteriorated and single-family structure has been damaged by fire. Structures have been vacant and unsecured on more than one occasion, evidence of trespassing and vandalism.



Side of structure shows damage to roof

17415 Mine Road, various dates. Structures are dilapidated, deteriorated and single-family structure has been damaged by fire. Structures have been vacant and unsecured on more than one occasion, evidence of trespassing and vandalism.



Rear of structure shows damage to roof

17415 Mine Road, various dates. Structures are dilapidated, deteriorated and single-family structure has been damaged by fire. Structures have been vacant and unsecured on more than one occasion, evidence of trespassing and vandalism.



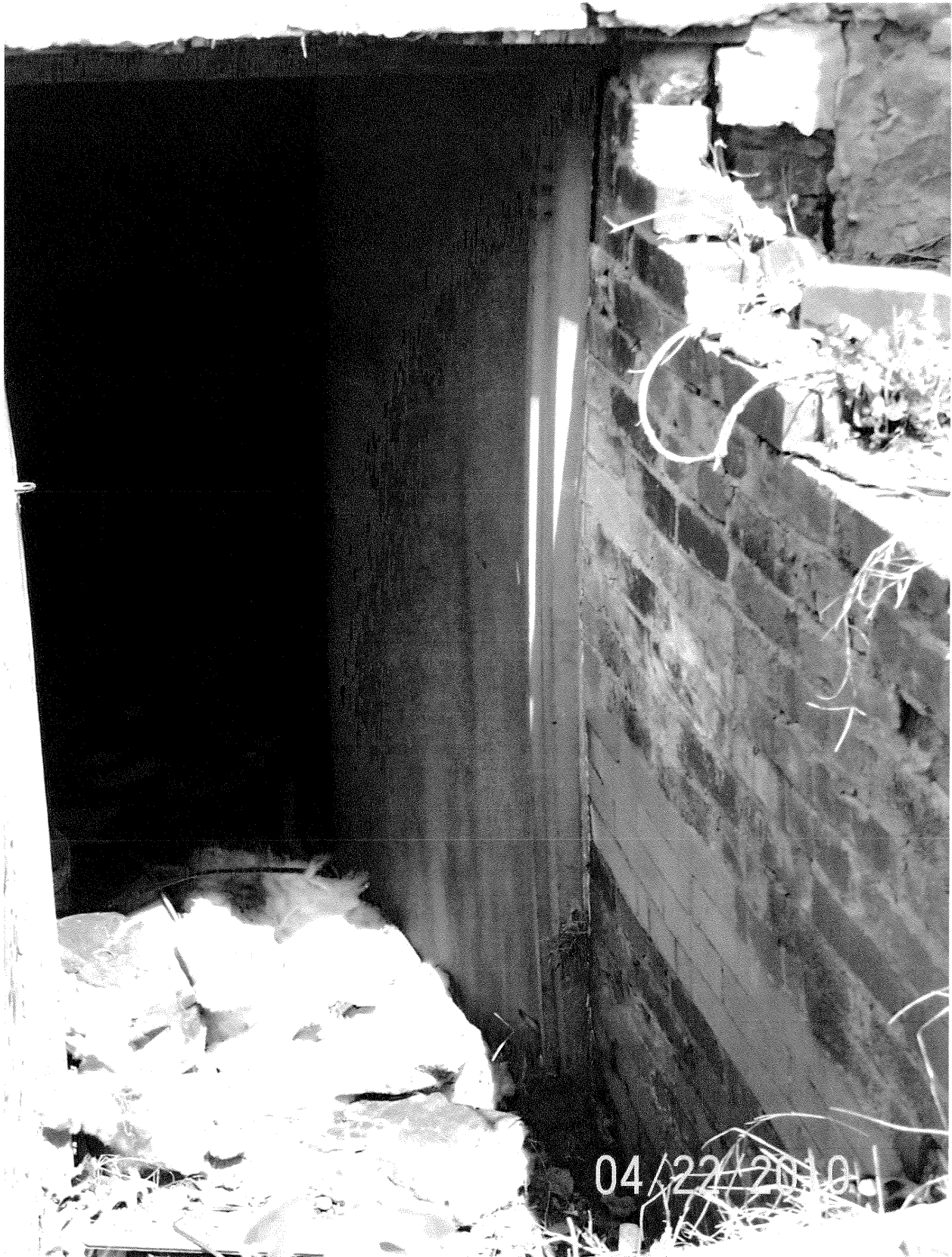
Roof is in state of partial collapse

17415 Mine Road, various dates. Structures are dilapidated, deteriorated and single-family structure has been damaged by fire. Structures have been vacant and unsecured on more than one occasion, evidence of trespassing and vandalism.



Basement of structure is open

17415 Mine Road, various dates. Structures are dilapidated, deteriorated and single-family structure has been damaged by fire. Structures have been vacant and unsecured on more than one occasion, evidence of trespassing and vandalism.



Basement to structure is open, foundation shows sign of lateral displacement

17415 Mine Road, various dates. Structures are dilapidated, deteriorated and single-family structure has been damaged by fire. Structures have been vacant and unsecured on more than one occasion, evidence of trespassing and vandalism.



Walls and foundation of structure show evidence of shifting and racking

17415 Mine Road, various dates. Structures are dilapidated, deteriorated and single-family structure has been damaged by fire. Structures have been vacant and unsecured on more than one occasion, evidence of trespassing and vandalism.



Wood trim deteriorated and exterior surfaces not weathertight



Rear window and door of structure open

17415 Mine Road, various dates. Structures are dilapidated, deteriorated and single-family structure has been damaged by fire. Structures have been vacant and unsecured on more than one occasion, evidence of trespassing and vandalism.



Rear window and door of structure open



Accessory structures open and in disrepair

17415 Mine Road, various dates. Structures are dilapidated, deteriorated and single-family structure has been damaged by fire. Structures have been vacant and unsecured on more than one occasion, evidence of trespassing and vandalism.



Accessory structure open, signs of previous occupancy



Accessory structure open, signs of previous occupancy

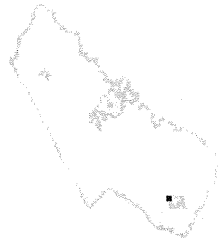
17415 Mine Road, various dates. Structures are dilapidated, deteriorated and single-family structure has been damaged by fire. Structures have been vacant and unsecured on more than one occasion, evidence of trespassing and vandalism.

Location and Vicinity Map, 17415 Mine Road

PWC-GIS CountyMapper



Location and Vicinity Map, 17415 Mine Road



















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Tue Feb 8 16:05:43 EST 2011

PWC-GIS CountyMapper

Map Legend

-  Road Edges
-  Parcels
-  Buildings and Structures
- (cont)
-  Parking Lot
-  Recreational Facility
-  Building/Structure
-  Hydrography
-  Major Stream (cont)
-  Minor Stream
-  Hydrography
-  Marsh
-  Perennial Water Feature
-  Parks
-  Aerial Imagery
-  Jurisdictions
-  Prince William County (cont)

Attributes of Selected Features:

GPIN: 8189-34-4429
Parcel Address: 17415 MINE RD

Owner: MCCANTS JEAN
4006 CANTERBURY WAY
TEMPLE HILLS, MD 20748

Acreeage: 0.6509 Instrument No: 200510120175615 Census Tract: 901001

**Demolition of a SF house and 3 sheds/out buildings
located at 17415 Mine Road
2/2/2011 Revised**

Quote includes disconnecting utilities to the property and removal of one above ground fuel oil tank. Also included is the cost of an asbestos inspection of all structures on the property and obtaining the building permit. Abandonment of one drilled well beside the driveway and abandonment of a well under the rear portion of the house--abandonment cost and 2 permits included. All structures on this lot will be demolished and debris hauled to the Potomac Landfill. Basements/crawlspace will be filled/sloped with dirt to make safe and not hold water. Site will be seeded and strawed when completed. If asbestos is found the removal and disposal of the asbestos will be an extra cost. If during the course of the project hazardous materials, tires, buried tanks, or other items that require special handling and disposal are located the removal and disposal of these items will be an extra cost.

Item	quantity	units	cost per	Total
Crew and equipment	4	days	\$ 3,600.00	\$ 14,400.00
Permits	1	ls	\$ 1,100.00	\$ 1,100.00
Dump Fees	12	loads	\$ 225.00	\$ 2,700.00
Asbestos inspection	1	each	\$ 1,200.00	\$ 1,200.00
Clean and pump out fuel tank	1	each	\$ 600.00	\$ 600.00
Pump out septic tank	1	each	\$ 300.00	\$ 300.00
Well Abandonment	1	each	\$ 5,000.00	\$ 5,000.00
Seed and Straw	1	LS	\$ 650.00	\$ 650.00
			Total	\$ 25,950.00