

# Application for Zoning Map Amendment

ZMA 2006-17



- Under 50 acres = \$1020  
 50 acres or more = \$1570  
 Minor amendment to previous request = \$220

PROJECT NAME: (how should we refer to this application?): Buck Mountain Subd - property line adjustments

PROPOSAL: REZONE 2.456 ACRES FROM RA ZONING TO PRD ZONING

EXISTING COMP PLAN LAND USE/DENSITY: Rural Areas

LOCATION: Off State Route 601 (Free Union Road)

TAX MAP PARCEL(s): 17-26D, 17-60, 17-61 and 17-115

MAGISTERIAL DISTRICT: White Hall

- |                                                                          |                                                                     |
|--------------------------------------------------------------------------|---------------------------------------------------------------------|
| Is this an amendment to an existing Planned District?                    | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| Is this an amendment to existing proffers?                               | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| Are you submitting a preliminary site plan with this application?        | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| Are you submitting a preliminary subdivision plat with this application? | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| Are you proffering a plan with this application?                         | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |

Contact Person (Who should we call/write concerning this project?): George B. McCallum, III, Esq.

Address 250 East High Street City Charlottesville State VA Zip 22902

Daytime Phone (434) 293-8191 Fax # (434) 296-9641 E-mail gmccallum@mkpc.com

Owner of Record Three owners - see attached sheet

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Daytime Phone (\_\_\_\_) \_\_\_\_\_ Fax # (\_\_\_\_) \_\_\_\_\_ E-mail \_\_\_\_\_

Applicant (Who is the Contact person representing?): Timothy L. Reid and Daphne Maxwell Reid

Address One New Millennium Drive City Petersburg State VA Zip 23805

Daytime Phone (703) 626-1792 Fax # (804) 862-1200 E-mail daphne@nmstudios.com

Does the owner of this property own (or have any ownership interest in) any abutting property? If yes, please list those tax map and parcel numbers  
 Yes - Reid: TM 17-59

<p><b>FOR OFFICE USE ONLY</b></p> <p><input type="checkbox"/> Special Use Permits: _____</p> <p><input type="checkbox"/> Variances: _____</p> <p>Concurrent review of Site Development Plan? _____</p>	<p>History: <input checked="" type="checkbox"/> ZMA's &amp; Proffers: <u>1990-23</u></p> <p><input type="checkbox"/> Letter of Authorization</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO <u>Signs 71 &amp; 72</u></p>
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<b>FOR OFFICE USE ONLY</b>	ZMA # <u>2006-017</u>	Fee Amount \$ <u>220</u>	Date Paid <u>8/28/06</u>	By who? <u>McCallum &amp; Kudrinski</u>	Receipt # <u>61574</u>	Ck# <u>5545</u>	By: <u>JM</u>
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Section 15.2-2284 of the Code of Virginia states that, "Zoning ordinances and districts shall be drawn and applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the preservation of agricultural and forestal land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the locality."

The items that follow will be reviewed by the staff in their analysis of your request. Please complete this form and provide additional information which will assist the County in its review of you request. If you need assistance filling out these items, staff is available.

What is the Comprehensive Plan designation for this property? Rural Areas

What public need or benefit does this rezoning serve? Permits adjustments of property lines to conform to current use with no reduction in size of Common Area in Buck Mountain Subdivision and with connection of two currently separated pieces of the Common Area.

Are public water, sewer, and roads available to serve this site? Will there be any impact on these facilities?  
None available. None needed. No impact.

What impact will there be on the County's natural, scenic, and historic resources?  
None.

OPTIONAL: Do you have plans to develop the property if the rezoning is approved? If so please describe:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you would like to proffer any restrictions on the development of the property, please list these proffers on the following optional attachment entitled, "PROFFER FORM". Proffers are voluntary offers to use property in a more restrictive way than the overall zoning district classification would allow.

By State Code, proffers must have a reasonable relationship to the rezoning and are not mandatory. The rezoning must give rise to the need for the proffers; the proffers must be related to the physical development or physical operation of the property; and the proffers must be in conformity with the Comprehensive Plan.

Describe your request in detail including why you are requesting this particular zoning district.

See attached sheet

**ATTACHMENTS REQUIRED** – provide two (2) copies of each

- 1. Recorded plat or boundary survey of the property requested for the rezoning. If there is no recorded plat or boundary survey, please provide legal description of the property and the Deed Book and page number or Plat Book and page number.

Note: If you are requesting a rezoning for a portion of the property, it needs to be described or delineation on a copy of the plat or surveyed drawing.

- 2. Ownership information – If ownership of the property is in the name of any type of legal entity or organization including, but not limited to, the name of a corporation, partnership or association, or in the name of a trust, or in a fictitious name, a document acceptable to the County must be submitted certifying that the person signing below has the authority to do so.

If the applicant is a contract purchaser, a document acceptable to the County must be submitted containing the owner's written consent to the application.

If the applicant is the agent of the owner, a document acceptable to the County must be submitted that is evidence of the existence and scope of the agency.

**OPTIONAL ATTACHMENTS:**

- 3. Provide 16 copies of any drawings or conceptual plans.
- 4. Proffer Form signed by owner(s).
- 5. Additional Information, if any. (16 copies)

**Owner/Applicant Must Read and Sign**

I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner in filing this application. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge.

See attached sheet

\_\_\_\_\_  
Signature of Owner, Contract Purchaser

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Daytime phone number of Signatory

10

## Description of Request

Timothy L. Reid and Daphne Maxwell Reid, Trustees ("Reid") are the owners of TMP 17-59 (Lot 15 of Buck Mountain Subdivision), TMP 17-60 (Lot 16 of Buck Mountain Subdivision) and TMP 17-26D (Tract 3 of Buck Mountain Subdivision).

Geoffrey D. Kilmer and Denise B. Kilmer ("Kilmer") are the owners of TMP 17-61 (Lot 17 of Buck Mountain Subdivision).

Buck Mountain Homeowners Association, Inc. ("Association") is the owner of TMP 17-115 (Common Area of Buck Mountain Subdivision).

TMP 17-60, 17-61 and 17-115 are currently zoned PRD Planned. TMP 17-26D is currently zoned Rural Areas. Reid, Kilmer, and the Association (as authorized by owners of the required two-thirds of the 51 parcels in Buck Mountain Subdivision) have agreed to adjust the property lines among these four parcels as shown on the attached plat prepared by Roudabush, Gale & Associates, Inc., dated August 9, 2006, titled "Property Line Adjustments Parcels 60, 61, 27D, & 115 Of Tax Map 17 Located On Free Union Road, Free Union, Virginia".

Attached hereto is copy of Amendment To Declaration and Authorization dated August 16, 2006, signed by the owners of at least two-thirds of the parcels in Buck Mountain Subdivision as provided in Virginia Code §55-515.1.D (of the Virginia Property Owners Association Act) authorizing these property line adjustments and authorizing the President of the Association to sign this Application on its behalf.

In these property line adjustments, the following will occur:

1. 0.292 acre of Common Area added to TMP 17-60;
2. 0.740 acre of Common Area added to TMP 17-60;
3. 0.889 acre of TMP 17-26D added to TMP 17-60;
4. 1.567 acres of TMP 17-26D added to Common Area (TMP 17-115);
5. 0.536 acre of Common Area added to TMP 17-61; and
6. 0.180 acre of TMP 17-61 added to TMP 17-60.

Overall, 2.456 acres of TMP 17-26D (currently zoned Rural Areas) will be added to TMP 17-60 and the Common Area (TMP 17-115).

Overall, 1.568 acres of Common Area will be added to TMP 17-60 and TMP 17-61, and 1.567 acres of TMP 17-26D will be added to Common Area.

No new parcels will be created.

Currently the Common Area within Buck Mountain Subdivision is in two separate pieces. After these property line adjustments, the Common Area within Buck Mountain Subdivision will be connected.

Attached are two separate copies of the property line adjustments plat. One copy shows the existing Common Area colored in pale red. The other shows the proposed Common Area colored in green.

If these four parcels were all zoned Rural Areas or all zoned PRD Planned, then these property line adjustments could be administratively approved. However, County Staff advises the Applicants that this relocation of the zoning line between the RA district and the PRD Planned district is required before the property line adjustments plat can be signed by the County.

E:\USER Files\EJB\WPDOCS\Reid\10405-Attachment.doc  
8/25/2006 4:53 PM

12