

# Jeffries II LLC Property

## Jeff Sprouse

### ATTACHMENT TO APPLICATION TO AMEND THE SERVICE AUTHORITY JURISDICTIONAL AREA FROM WATER ONLY TO EXISTING BUILDINGS TO WATER ONLY.

**CURRENT ZONING** -This property is currently zoned HC and has been since 1980. It has had various business uses over the years. Most recently, it was operated as a lawn mower repair shop.

**Water Service** - The ACSA staff has advised that the property has designation at this time as **“Water only to existing building(s)”**. ACSA staff also advised that we would have to get the County to advise on this situation. Mr. Benish of the County staff advised that approval to allow the water connection would have to be re-affirmed by the BOS since the existing building foundation is all that is left of the existing building. Based upon the history that Mr. Benish provided, this property along with several others in the vicinity was designated for water service in 1983. At that time, the comprehensive plan showed this property and all the other properties approved at that time to be located outside the growth area boundary. It was zoned at that time as Highway Commercial as it was in a commercial use. There are numerous properties along this stretch of Rockfish Gap Turnpike that have water service – the jurisdictional area extends as far as a property on Hillsboro Lane where the end of the water line is located. See attached mapping from ACSA showing properties having water service designation. (Attachment A)

At this time the jurisdictional area for water service was designated, the records reference an existing two story residential building. Although the records don't mention the use, the building at that time was operated as a business and has been since its zoning was designated in the 1980 which was most likely a designation at the adoption of the first Comprehensive Plan. There is no impediment to providing the water service to the property as the public water line is located along this section of RT250 and serves properties on both sides of the road. It extends to the west and serves several properties past this property. See attached area map showing connections. (Attachment B.)

#### **Existing Building Issue History**

When the current property owner, Jeff Sprouse, purchased the property there was an existing building in disrepair to the extent that it was a danger to leave it standing. It had most recently used as a lawnmower repair shop business which housed this activity and the yard was an extension collection of old rusty lawn mower frames and engines which were stored inside and outside the building. Once the building was cleaned out, it was determined to be unsafe to allow people into the building. It was also a safety hazard because there was no way to keep people out. Jeff had the walls and roof removed and left the foundation in place. This was mandated because of the potential danger to the public. By its location along RT250 and in the vicinity of several schools, it also had potential for attracting vandals. The door was broken into and replaced twice. On one occasion, a hiker took up residence for the night and was found with a campfire burning inside the building. The potential for fire hazard and associated liability was significant. Attached are two photos of the rear view of the existing building after the lawn mowers were removed.

#### **Justification:**

The provision of public water service is very important to the owner. This is a four acre parcel that is currently zoned for HC uses. It has been and is a viable business location.

1. The “existing” building was dilapidated and a public safety hazard. Therefore, removing the walls and roof should not be a penalty to the owner.
2. The EC has been improved by the removal of the building.
3. This is not a request for NEW water designation as it was intended to have public water service for the past 20 years. This is to re-affirm that designation.
4. Any business located on this property can provide better service to the public if the building is served with public water rather than from a private well. Both fire protection with a possible sprinkler system and other water needs are safer when a public water system is employed.
5. Having public water service will exclude a water storage tank that may be necessary with a private well system. Installation of a water storage tank although viable would be a less attractive feature to be viewed from the entrance corridor.
6. The current owner, Mr. Sprouse, is a life time resident that has grown up in Albemarle County. He has had a business in Albemarle County for the past 17 years. As a business operator, it was not known to him that the water service could be withheld due to his acting in good faith to remove the building which was unsafe to the public. His knowledge of land development is limited and a matter of this type is highly unusual from any person's perspective. Although lack of knowledge cannot be an excuse for most things, in this case – a notice in the County records so that when he received his

building demo permit it could have stayed the removal of the building and avoided this issue. He acted reasonably and in good faith.

7. He has intentions to build a new building and is doing the right thing to request this approval rather than try to get around the rules by rebuilding the old building on the existing foundation.
8. Withholding the water service will not prevent the development of the parcel so there is really no reason to not re-affirm the water only jurisdiction for ACSA in this case.
9. This is not part of a rezoning or other increase in intensity of the zoning that already exists.
10. Withholding the "water only" designation does not set a precedent with regard to other properties because this is a single occurrence and no similar circumstance is known.
11. If he is not granted the water service, he has the option to restore the building as the foundation still exists BUT the County regulations on construction would come into play and the complicated process was not intended for this kind of circumstance.
12. The water service would provide the approximately 750 average gallons per day that may be needed and it would also allow for a safety fire suppression sprinkler system so in the event of fire the occupants do not have to wait for fire trucks to arrive on site which is generally a public safety issue. **IF "water only" cannot be re-affirmed, this is to ask for a "fire connection only – jurisdictional area"**