

**Board of Supervisors**

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October 26, 2012

Mr. Andrew A. Painter, Esq.  
C/o Walsh, Colucci, Lubeley, Emrich, & Walsh  
1 E. Market Street  
Third Floor  
Leesburg, VA 20176-3014

**Re: *Proffer Determination Request, Assessor's Parcel #21-64; Reclassification RC87-57, Ordinance O88-16(R)***

Dear Mr. Painter,

You submitted a request for a determination of the proffered conditions that were approved with the reclassification application associated with Ordinance O88-16(R) and Tax Map Parcel #21-64. In particular, you requested confirmation that the proffers accepted by the Board of Supervisors in conjunction with the approval of Ordinance O88-16 (R) require the reservation and not the dedication of 40 feet of right-of way for the future widening of Jefferson Davis Highway and that the proffer only applied to the 2.11 acre parcel that was designated as Tax Map Parcel # 21-64 at the time of the reclassification.

You also requested a determination concerning the validity of the requirements in the Zoning Ordinance based on the recommendations of the comprehensive plan. That request is not a determination of a proffer and will not be addressed in this response.

In 1987, reclassification case RC87-57, a request to rezone Tax Map Parcel #21-64 from R-1, Single Family Residential to B-2, General Commercial, was submitted to the County for review and approval. The request was approved by the Board of Supervisors on February, 2, 1988 and the Zoning Ordinance was amended by approval of Ordinance O88-16(R) (Ordinance).

The Ordinance includes two proffered conditions that were approved with the reclassification of the Property. The proffered conditions are as follows:

1. Reservation of forty feet (40') of additional right-of-way for the future widening of Jefferson Davis Highway (U.S. Route 1).
2. Prepare the necessary documents to consolidate this parcel with Assessor's Parcel 21-65C.



Letter to: Andrew Painter, Esq.  
October 26, 2012

According to the description of the property in the Ordinance, the parcel was Tax Map Parcel # 21-64 consisting of 2.022 acres not 2.11 acres as your letter states. This is the only property that is subject to the conditions of this action. If this subject property changes shape by subdivision or consolidation, the zoning conditions are only applicable to the 2.022 acres that was designated as Tax Map Parcel # 21-64 at the time of the approval by the Board of Supervisors.

The language in proffered condition #1, states that the applicant will reserve forty (40) feet for additional right-of-way for the future widening of Jefferson Davis Highway (U.S. Route 1). Again, this proffered condition only applies to the property that is described in this action. Therefore because the word "dedicate" is not used, only the word "reserved", the forty (40) feet of Tax Map Parcel # 21-64 that was the subject of the reclassification shall be reserved and not dedicated.

Therefore, I agree that the only property subject to the approved reclassification and proffered conditions is the 2.022 acres that was designated as Tax Map Parcel # 21-64 at the time of approval by the Board of Supervisors.

I also agree that the forty (40) feet of land to be reserved for the future widening of Jefferson Davis Highway (U.S. Route 1) is part of the land designated as Tax Map Parcel #21-64 at the time of approval by the Board of Supervisors, and that the forty (40) feet be reserved and not dedicated, as stated in the proffered condition. According to the county records, the portion of the property affected by this proffered condition has been combined with an adjacent parcel and has not been developed nor have plans been submitted to the County for any proposed development.

This determination may be appealed to the Board of Zoning Appeals within thirty (30) days from receipt of this letter, in accordance with 15.2-2311 of the Code of Virginia, or this decision shall be final and unappealable.

If you have any questions or comments, I can be reached by email at [sblackburn@staffordcountyva.gov](mailto:sblackburn@staffordcountyva.gov) or by phone at 540-658-8668.

Sincerely,

A handwritten signature in blue ink that reads "Susan Blackburn". The signature is fluid and cursive.

Susan Blackburn  
Zoning Administrator