

What is your PROPOSAL

How Can I Stop the County From Rezoning My Neighborhood?

Protests, attending administrative hearings, and other possibilities for fighting back against a zoning change that will alter your neighborhood's character.

Let's say you are living in a pleasant, low density residential neighborhood, but a notice arrives one day from your city: That's what happen to me on January 23, 2025. A developer has applied to rezone your neighborhood to high density residential. Perhaps the developer wants to put a large technology complex a few blocks away. Inevitably, you will be concerned the rezone will change the character of the local area, possibly leading to more people, traffic, safety issues, and noise, as well as a reduction in property values .

I propose this initial step,object to the Counties Rezoning Plans

As an initial step, you will want to make note of any procedural requirements the county laid out for registering an opinion or objection. Depending on the rules where you live, you yourself might receive written notice that includes

information about the proposed zone change, as well as applicable deadlines and upcoming hearings.

Review Zoning Ordinance to Confirm That Proper Procedures Are Being Followed

While reviewing the initial notice is helpful, you should confirm for yourself any procedural requirements that might apply, by reviewing the applicable zoning ordinance (sometimes called a "development code"). If the ordinance is unclear, promptly contact a land use attorney to help make sure you do not miss deadlines or important hearings. If you do, you could lose your right to appeal.

You may need professional help? Talk to a Real Estate Attorney

Being familiar with the procedural requirements will also help you make sure the county and developer follow the rules.

Learn the Possible Grounds for Objecting to a Rezoning

In addition to the procedural requirements, the zoning ordinance will describe the substantive standards that apply to the rezone application. For example, the zoning ordinance might require the applicant to show:

That the zone change is consistent with any applicable comprehensive plan for the area. A comprehensive plan is a general plan that directs the future use and development of land. A "comp plan" might state, for example, that a certain area should be preserved as low density

residential. A zone change seeking high density might be inconsistent with that statement in the comprehensive plan. If a proposed zone change is not consistent with the comprehensive plan, the application should be denied. Sometimes, if a proposed zone change is inconsistent with the plan, the applicant will simultaneously seek a plan amendment that allows the zone change to be consistent with the amended comprehensive plan. If so, you will also want to become familiar with the standards that apply to a comprehensive plan amendment.

That there is a need for the zone change. Sometimes this standard will require that the proponent of the change show that there's been a change in circumstances or that a mistake was made when the property was originally zoned. *****As an example, if there was no mistake made when the neighborhood was originally zoned, and there is sufficient land elsewhere for high density residential use, the fact the applicant wants to develop a specific piece of property might not be enough to justify a zone change, since there is no need to rezone the neighborhood.*****

Keep in mind this zoning is not within Charbelle however it will affect Charbelee.

That the zone change will be consistent with surrounding uses. This could require the applicant to show the zone change will not result in property values going down or interfere with existing development. For example, rezoning a neighborhood from low density residential to heavy

industrial, when the neighborhood is surrounded by other residential uses, is likely to be found inconsistent with surrounding uses.

That the zone change is consistent with the orderly development of public services. A zone change might not be appropriate in an area with no public services, especially if another part of county already has the services and can support the same type of development the proposed zone change will allow. Such a requirement might also require the applicant to show that the zone change will not significantly impact traffic.

By becoming familiar with the approval criteria, you will be in a better position to identify any weaknesses in the application and to argue that the applicant cannot demonstrate compliance with some or all of the approval criteria.

Look Into Applicable State and Federal Laws

In addition to the approval criteria found in the zoning ordinance, there might be state and federal laws that apply to this type or area of land. A land use attorney can help you identify all applicable laws and regulations that must be complied with by the applicant.

Prepare to Attend a Public Hearing

In addition to becoming familiar with both the procedural and substantive requirements that apply to the zone change request, you will also want to put

together a strong showing in opposition to the proposal. To do this, some people host neighborhood meetings like you are doing tonight to see how others in the area feel about the proposal. Putting together a vocal group in opposition can influence decision makers.

The decision maker is usually a hearings officer, planning commission, county board. Since land use decisions like zone changes are political in nature, a well-organized, vocal group in opposition to a proposal can influence decision makers who might be concerned about the next election.

All those opposing the zone change should plan to speak out against it at the scheduled public hearing. In fact, to preserve your right to appeal, you will likely need to participate in the hearing. In some cases, you might be able to "make an appearance" by submitting written testimony, but you should confirm whether you can do that with a local land use attorney.

Consider Filing a Petition Opposing the Land Use

Sometimes a petition put together by opponents to a land use proposal can be helpful. A petition is most effective if it clearly states what the signatories are opposing and why. However, a petition will most likely not be sufficient to preserve anyone's right to appeal, should the zone change be approved.

If the Developer Seeks a Zoning Variance

It might also be possible for the developer to seek a "variance" to the zoning ordinance that allows the use (i.e. the Technology complex) despite the uses permitted under current zoning. Variances can be difficult to obtain, so perhaps the developer believes the zone change is the best way to proceed.

Zone changes can be complicated applications. Opposing the application can also be complicated, so it is important to become familiar with the procedural and substantive requirements. A land use attorney familiar with the standards that the county will apply is a valuable resource in these cases.

Code of Virginia: Zoning

You should go over these Zoning Articles

Article 15.2-2280 – Zoning ordinances generally.

Article 15.2-2281 – Jurisdiction of localities.

Article 15.2-2282 – Regulations to be uniform.

Article 15.2-2283 – Purpose of Zoning ordinance

*Article 15.2-2283 Purpose of Zoning Ordinance. This article states the protection, safety and other dangers for the community is considered for us.

However 'We' the Washingtons, on Old Union Road, are continually being literally smoked out of our homes at the mercy of the Old Union Tree business just across the road where we live. The smoke is so intense that it covers our houses as the business burns their logs and tree branches and whatever. Leaving ash on our vehicles' homes along with the odor of burnt woods of all kinds. It's a strong, unpleasant smell often associated with a fire or something that has been significantly burned.

These different trees when burned in an open incinerator can irritate the nose, throat and eyes. And for those like my wife who have environmental allergies which cause her to sometimes have to go to the ER for treatment.

This debris burns in a County approved open air incinerator at the will and time of day or night the owner wishes to burn, when the wind is high the smoke covers the house, when the wind is low the odor is still intense. High smoke blocks the road way and the air to breath is gone!

About 4 months the smoke was so bad I had to call the Charles City EMS and fire for Gail, she could not breath, causing all kinds of reactions.

I inquired about the business (Old Union Tree removal). I wanted to know if they had the right to burn in a residential neighborhood. I asked the CC fire Chief if this business was in the right to burn this debris and the Chief after 2 weeks reported to me, they are acting under the zoning laws in CCC. His reason for burning the debris is the Land fill cost him too much! Think about that while he slowly kill, us next door to save him money and the county approved that in their zoning in a residential neighborhood.

Do you know that there is a tree removal business next door to you north west of Charbelee Dr? Yes there is – Bottom Bridge tree removal. If they wish to save money they too can use the same method to save money. I am not saying that they will, however it can be an option.

These articles may help you understand your next move if your first proposal doesn't go through.

Article 15. 2-2311. – Appeals to board

Article 15. 2-2312. – Procedure on appeal.

Article 15. 2-2313. – Proceeding to prevent construction of building in violation of zoning ordinance.

Article 15. 2-2314 – Certiorari to review decision of board.

These Articles are a few that you should become familiar with as you go forward. If you don't have the devoted personnel I believe your best option is to retain a real Estate Attorney. His or her firm will help you to engage.

However the lawyer may lose. But there is another consideration: Your private drive.

If the zoning is approved remember they will want ingress and egress from Old Union Rd. through Charbelee Dr. into The Technology park to the CC Rd. which leads to State Route 106 to the east and Charles City Road State Route 600.

This is a major undertaking for you!
Any questions?