

A G E N D A

JAMES CITY SERVICE AUTHORITY

BOARD OF DIRECTORS

READING FILE

October 26, 2010

FOR YOUR INFORMATION

1. Homeowner Request for Waiver from Section 2 - Connection Required of Regulations Governing Utility Service

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September 13, 2010

Larry Foster
General Manager
James City Service Authority
101E Mounts Bay Road
Williamsburg, VA 23185

**Re: Lyman R. Hall, Jr. and Deborah F. Hall
1630 Jamestown Road**

Dear Larry:

I represent Mr. and Mrs. Lyman R. Hall, Jr., and in that capacity write to request an exception to the James City Service Authority regulations which you have read to require that my clients connect to public water and sewer. The background for the request is as follows.

The Property.

In 2009, the Halls sold just under 50 acres of property located in James City County to McFarlin Park LLC. The property underlies the approved McFarlin Park Subdivision. Because this land had been held by the Hall family for generations, Mr. and Mrs. Hall decided to retain a large lot outside the subdivision property for their residence.

The lot retained by the Halls is shown as Parcel 1 on the attached plat entitled: "Plat of Subdivision and Boundary Line Extinguishment Property of Lyman R. Hall, Jr." which plat is recorded in the Office of the Clerk of the Circuit Court for the City of Williamsburg and County of James City as Instrument No. 09008788. The Hall Parcel 1 ("Hall Lot") is isolated from the McFarlin Park Subdivision acreage by wetlands, but provides a building site with nice views of Powhatan Creek. The subdivision plat enclosed shows that the Hall Lot is accessed from Jamestown Road via a long driveway designed as a part of the McFarlin Park development. Placing the Hall Lot or building site closer to Jamestown Road would have been impossible, given the location of wetlands associated with Powhatan Creek.

As a result, the building envelope on the Hall Lot is located more than 1,000 feet from Jamestown Road.

Private Well versus Public Water and Sewer.

The Halls are driven by cost considerations to request an exception which would permit them to obtain water through a private well, and utilize a septic system on their lot. Connection to the JCSA water and sewer lines at Jamestown Road involves a long run of pipe and installation, plus a grinder pump at a total cost of approximately \$20,000, in addition to the \$16,000 tap fee quoted my clients by the James City Service Authority for their intended dwelling. These \$36,000 initial costs compare to \$18,000 for a well and septic system.

Initial costs aside, the maintenance costs associated with over 1,000 feet of sewer and water line are a concern to my client. Further, a break in the long private sewer line would result in discharge of raw sewage into sensitive Powhatan Creek tributaries and wetlands shown on the enclosed subdivision plat.

JCSA Regulations.

You have explained to me that JCSA takes the position that Section 2D of the JCSA regulations requires the Halls to connect to the public water and sewer facilities of the Authority because the Hall Lot is adjacent to a right-of-way (Jamestown Road) within which there is located a public water main or wastewater line. The definitional section of the JCSA regulations define "adjacent" as premises within 1,000 feet (300 feet for a single family residence not in a subdivision) of a water and/or wastewater line. Confusingly the definition of "adjacent" seems to refer to premises which are *identified* as of December 31, 1984.

The Hall lot does, technically, front on Jamestown Road. However, the frontage consists of only a driveway entrance. The Hall residence ("premises" as defined in JCSA regulations) is to be more than 1,000 feet away.

Obviously, the regulations recognized that long runs of private sewer and water lines are problematic.

You have further explained and I concur that the JCSA regulations do not grant the general manager of JCSA the authority to provide exceptions or waivers from the requirements of the regulations as interpreted by the Service Authority.

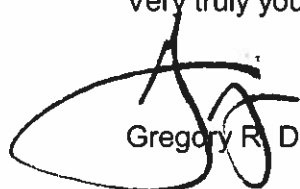
Conclusion.

Accordingly, I write to request that your staff review the matter and bring the issue to the JCSA Board of Directors with this request that the Hall Lot be permitted an exception to the public water and sewer connection requirement of the JCSA regulations. Mr. Hall and I would request an opportunity to be heard by the Board of Directors in its deliberations on the topic.

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If I may provide further background or information to accompany this request, please do not hesitate to call upon me. Thank you for your courtesy in reviewing the matter with me and processing this request.

Very truly yours,



Gregory R. Davis

GRD:fmy

Enclosure

cc: Mr. and Mrs. Lyman Hall

DOCSWMB-#6282051-v2

MEMORANDUM

DATE: October 26, 2010

TO: The Board of Directors

FROM: Larry M. Foster, General Manager, James City Service Authority

SUBJECT: Homeowner Request for Waiver from Section 2, Connection Required, of Regulations Governing Utility Service

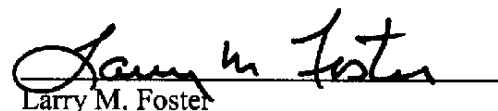
Mr. Greg Davis, Esquire, has requested on behalf of his client Mr. Lyman Hall a waiver in Section 2, Connection Required, of the James City Service Authority's (JCSA) Regulations Governing Utility Service (Regulations). Mr. Hall retained a parcel to build a personal residence from a larger family-owned 50± acre parcel that was sold and will be subdivided into McFarlin Park. The parent parcel is located between Jamestown and Neck-O-Land Roads near the intersection of the two roads.

The parcel that Mr. Hall retained is a 2± acre flag lot with the buildable area located approximately 1,000 feet off Jamestown Road. Much of the area between the buildable area of the parcel and Jamestown Road is wetlands. Mr. Hall's proposed home cannot be constructed closer to Jamestown Road. JCSA water and sewer lines are located on Jamestown Road adjacent to the flag/access portion of the property. To connect Mr. Hall's proposed home to JCSA water and sewer service will require a 1,000-foot water line and sewer force main, along with a grinder pump. Mr. Hall's alternate proposal is to install a well and construct a septic system to serve the proposed home.

Section 2 of the Regulations requires connection to JCSA water or sewer service for any "premises contiguous to an easement or right-of-way within which there is located either a water or wastewater line...". The length of the water and sewer service line is exceptionally long, but similar cases have occurred in the past with the home/structure adhering to the requirement to connect. The Regulations do not offer any waiver provisions for this situation. Therefore, the Board cannot approve a waiver. If the Board is sympathetic to the request, amendments to the Regulations will be necessary.

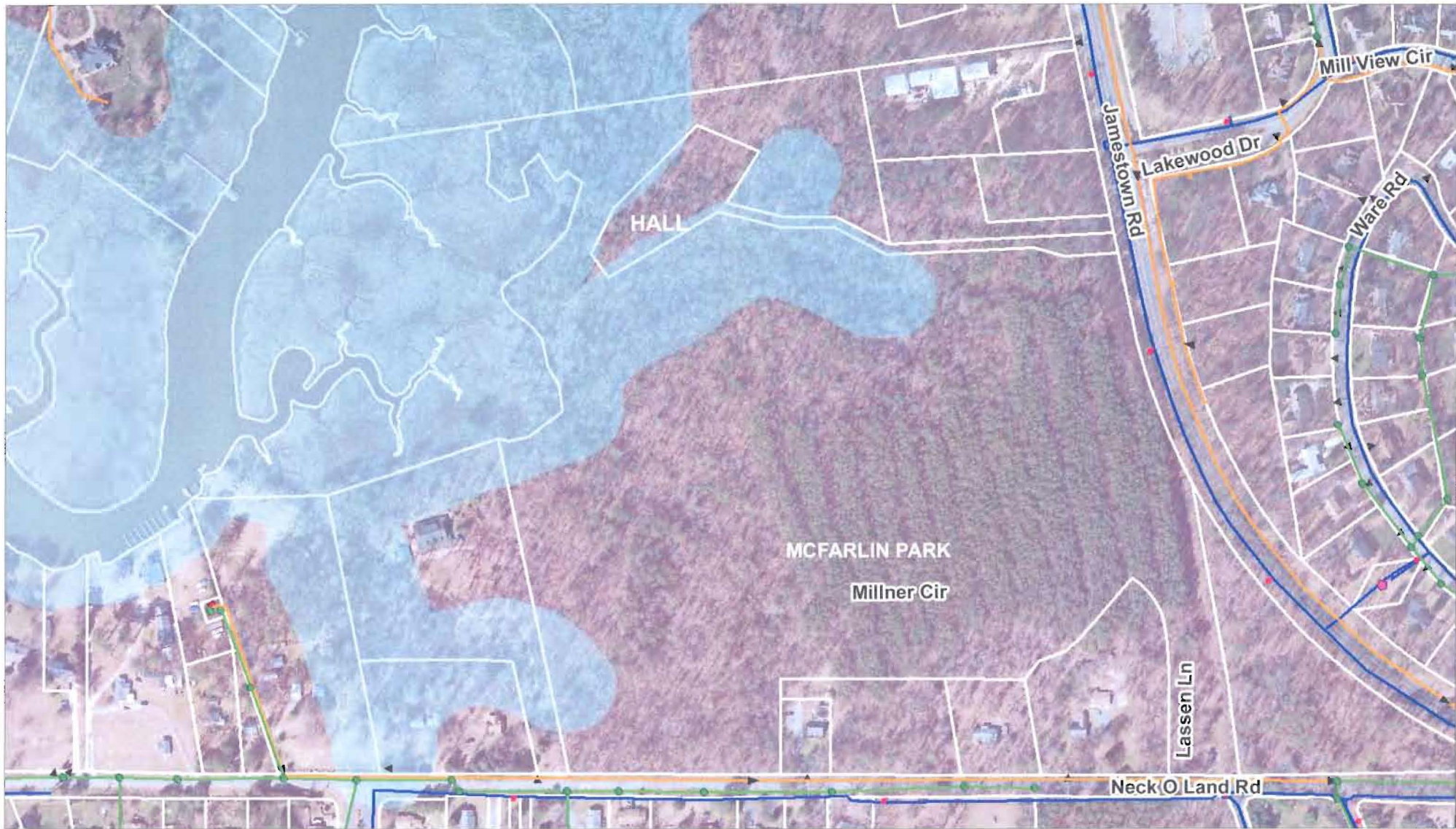
Messrs. Davis and Hall have requested an opportunity to discuss this situation with the Board. Because of past similar circumstance the General Manager cannot recommend amending the Regulations to accommodate Mr. Hall's situation.

Should the Board wish to accommodate this and similar situations, it is recommended that the Board refer the situation to staff to develop appropriate amendments to the Regulations.


Larry M. Foster

LMF/nb
RFW_UtilSrv_mem

Attachment



	Sewerline		Manhole		Fire Hydrants
	Force Main		Waterline		RPA



JCSA
 JAMES CITY SERVICE AUTHORITY
 This drawing is neither a legally recorded map nor a survey and is not intended to be used as such.