

**A G E N D A**  
**JAMES CITY COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING**  
**County Government Center Board Room**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**January 12, 2021**  
**5:00 PM**

---

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE**

**E. PRESENTATIONS**

1. Peninsula Health District Representative - Dr. Natasha Dwamena

**F. PUBLIC COMMENT**

**G. CONSENT CALENDAR**

**H. PUBLIC HEARING(S)**

1. Pre-Budget Public Hearing
2. Vacation and Amendment of Subdivision Plat Designation for Allowable Building Area in Willow Pond Estates, Lots 4-6

**I. BOARD CONSIDERATION(S)**

**J. BOARD REQUESTS AND DIRECTIVES**

**K. REPORTS OF THE COUNTY ADMINISTRATOR**

**L. CLOSED SESSION**

1. Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia and pertaining to the Planning Commission

**M. ADJOURNMENT**

1. Adjourn until 1 p.m. on January 26, 2021 for the Work Session

**ITEM SUMMARY**

DATE: 1/12/2021

TO: The Board of Supervisors

FROM: Scott Stevens, County Administrator

SUBJECT: Peninsula Health District Representative - Dr. Natasha Dwamena

---

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/5/2021 - 10:46 AM

**ITEM SUMMARY**

DATE: 1/12/2021

TO: The Board of Supervisors

FROM: Sharon Day, Director of Financial and Management Services

SUBJECT: Pre-Budget Public Hearing

---

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/5/2021 - 10:45 AM

**ITEM SUMMARY**

DATE: 1/12/2021

TO: The Board of Supervisors

FROM: Tammy Rosario, Assistant Director of Community Development; Max Hlavin, Deputy County Attorney

SUBJECT: Vacation and Amendment of Subdivision Plat Designation for Allowable Building Area in Willow Pond Estates, Lots 4-6

---

**ATTACHMENTS:**

	Description	Type
☐	Memorandum	Staff Report
☐	Ordinance	Ordinance
☐	Location Map	Exhibit
☐	Letter from Applicant	Backup Material
☐	Approved Plat for Willow Pond Estates Lots 4-6	Exhibit
☐	Conceptual Plan for Palmer Barn	Exhibit
☐	Letter from Willow Pond Estates HOA	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Planning	Holt, Paul	Approved	12/22/2020 - 7:07 AM
Development Management	Holt, Paul	Approved	12/22/2020 - 7:08 AM
Publication Management	Burcham, Nan	Approved	12/22/2020 - 7:21 AM
Legal Review	Kinsman, Adam	Approved	12/28/2020 - 8:07 AM
Board Secretary	Fellows, Teresa	Approved	12/28/2020 - 9:43 AM
Board Secretary	Purse, Jason	Approved	1/5/2021 - 10:27 AM
Board Secretary	Fellows, Teresa	Approved	1/5/2021 - 10:28 AM

## MEMORANDUM

DATE: January 12, 2021

TO: The Board of Supervisors

FROM: Maxwell Hlavin, Deputy County Attorney  
Tammy Rosario, Assistant Director of Community Development

SUBJECT: Vacation and Amendment of Subdivision Plat Designation for Allowable Building Area in Willow Pond Estates, Lots 4-6

---

Willow Pond Estates is a rural residential subdivision of 90.87 acres located along Forge Road and zoned A-1, General Agricultural. In May 2008, a plat was recorded for three single-family lots as Willow Pond Estates Lots 4-6 (Attachment No. 3), and in June 2008, another plat was recorded for an additional three single-family lots as Willow Pond Estates Lots 1-3. The entire property is under a conservation easement held by James City County which, among other items, addresses uses and activities (e.g., construction, installation, location, placement of structures and improvements; types of structures; size of structures; improvements; riparian buffer; and grantee approvals) and configuration/subdivision of the property to preserve its agricultural, forestal, scenic, and natural conservation values.

The current owners of Lot 4, located at 2827 Forge Road, have requested vacation and amendment of the allowable building area designation on the plat so that they can construct a 4,200-square-foot barn to store and maintain agriculture equipment and a 1,980-square-foot pool house in an area outside the currently designated area (see Attachment Nos. 2 and 4). They have proposed to replace it with a new designation for the allowable building area which would encompass all existing and proposed buildings on the property. Pursuant to Code of Virginia § 15.2-2272, “in cases where any lot has been sold, the plat or part thereof may be vacated ... [by] ordinance of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies on motion of one of its members or in application of any interested person.”

The applicants’ conceptual plan (Attachment No. 5) identifies the existing allowable building area, noted as existing buildable area, which are the areas subject to this vacation request. The conceptual plan also shows the proposed allowable building area, noted as revised buildable area, to be shown on the amended plat. The location of the existing house and garage are shown as well as the location of the proposed barn and pool house. Staff notes that the proposed vacation and amendment does not create a conflict with past or current Zoning Ordinances.

As noted above, the entire subdivision is subject to a deed of easement to protect the conservation values of the property. In Section 4(A)(2)(a), Future Dwellings, the deed and associated Exhibit B describe the placement for the dwelling on Lot 4, the final location of which was approved in writing by the County prior to its construction; however, it does not delineate the location of future buildings other than the dwelling. In Section 4(A)(4)(a), Additional Restrictions, the deed states that “any permitted dwellings, buildings or structures visible from State Route 610 (Forge Road) or the Little Creek Reservoir shall be designed to minimize their visibility from said location(s) in any season of the year, provided that the Grantee acknowledges and agrees that any structure or dwelling sited in substantially the same location as identified on ‘Exhibit B’ shall be deemed to be sited to minimize its visibility from said location(s) in satisfaction of the requirements of this paragraph.”

Because the proposed buildings’ specific locations were not shown on Exhibit B, minimization of visibility from Forge Road and Little Creek Reservoir is a key consideration. Given the existing vegetation and structures, siting the proposed barn and pool house on the western side of the property within the existing

allowable building area on the plat would have potentially minimized the buildings' visibility to a greater degree than the proposed allowable building area on the eastern side. To address this, the applicant has made several additional design decisions to minimize the visual impact within the proposed allowable building area. First, the barn is oriented so that its shortest side faces Forge Road and its relatively larger massing shields the smaller pool house directly behind it. Second, the structures are planned to be constructed toward the rear corner of the lot, placing the closest structure, the barn, more than 1,000 feet from Forge Road. Based on the distance from Forge Road, the applicant's architect states that the overall massing of the building will be in keeping with the existing horse barn on adjacent Lot 6. Third, the applicant has planned for the façade treatments to closely match the existing horse barn. The colors of the structures are planned to match the existing residence, described as "light stone" siding with white trim and a charcoal colored roof. The applicant's architect has prepared proposed elevations and projected scaled images to visually depict how the buildings might look from Forge Road in Attachment No. 5. The images show that although the barn will be visible from Forge Road, the pool house will be shielded from view and the massing and style will be in keeping with the rural character of the community.

With respect to views from Little Creek Reservoir, no similar image projections were available as the applicant's architect notes that the "buffer area is densely wooded, the distance from the lake to the building is 335 feet and the elevation change is 44 feet with the reservoir being at approximate elevation 59 and the building at approximate elevation 103. Distance and sightline angle should limit view of the building from the lake from no visual or limited view of the roof. Roof will be dark in color so it will not be noticeable from the reservoir." Staff finds that the proposed vacation, which will allow the structures to be sited as proposed, will have visual impacts on Forge Road but that applicant has used the buildings' orientation, distance from Forge Road, façade treatments, and neutral colors to minimize the impacts and to retain an overall rural character.

One other easement consideration addressed through this action is the Ordinance requirement for a proposed instrument of transfer of impervious area to be approved by the County Attorney's Office and recorded prior to the applicant recording the new subdivision plat in order to ensure consistency with the deed of easement's 2% limit on impervious cover for each parcel. This transfer, permitted by the deed of easement, will increase Lot 4's allowed impervious cover to accommodate the proposed structures, while reducing Lot 6's allowed impervious cover so that the individual parcels and the entire property remain within the 2% impervious cover limit.

In the attached letter, the president of the Willow Pond Estates Homeowners Association (HOA) indicates the HOA's approval of the new buildable area, proposed structures, and the property owners' agreement to transfer impervious cover.

Staff notes that the proposed vacation and amendment to revise the allowable building area does not create a conflict with past or current Zoning Ordinances, is consistent with the deed of easement, and is acceptable to the Willow Pond Estates HOA. Staff recommends approval of the attached Ordinance allowing the vacation and amendment of the subdivision plat as described herein.

Vacation and Amendment of Subdivision Plat Designation for Allowable Building Area in  
Willow Pond Estates, Lots 4-6  
January 12, 2021  
Page 3

MH/TR/nb  
PlatVacWillPnd-mem

Attachments:

1. Ordinance
2. Location Map
3. Letter from Applicant
4. Approved Plat for Willow Pond Estates Lots 4-6
5. Conceptual plan entitled "PALMER BARN, 2827 Forge Road, Toano, VA 23168" prepared by Timothy Hess, RLA, dated November 10, 2020 and last revised December 17, 2020
6. Letter from Willow Pond Estates HOA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN SUBDIVISION PLAT ENTITLED “WILLOW POND ESTATES, LOTS 4-6, PREPARED FOR: ELWOOD PERRY, JR.” DATED NOVEMBER 7, 2006 AND LAST REVISED NOVEMBER 27, 2007 AND RECORDED AS INSTRUMENT NO. 080013624, AND MORE PARTICULARLY DESCRIBED AS THE VACATION OF THE “ALLOWABLE BUILDING AREA” DESIGNATION ON LOT 4 OF SAID PLAT.

WHEREAS, Jason A. and Rachel F. Palmer (the “Applicants”) own a parcel of land located at 2827 Forge Road, further identified as James City County Real Estate Tax Map No. 1230700004 (the “Property”); and

WHEREAS, development on the Property is restricted to an area designated as “ALLOWABLE BUILDING AREA” on a subdivision plat titled “WILLOW POND ESTATES, LOTS 4-6, PREPARED FOR: ELWOOD PERRY, JR.,” dated November 7, 2006 and last revised November 27, 2007 and recorded in the Clerk’s Office of the Circuit Court of James City County, Virginia as Instrument No. 080013624 (the “Plat”); and

WHEREAS, the Applicants have submitted an application to vacate certain lines, words, numbers, and symbols on the Plat; and

WHEREAS, notice that the Board of Supervisors of the County of James City, Virginia, would consider such application has been given pursuant to § 15.2-2272 of the Code of Virginia, 1950, as amended; and

WHEREAS, pursuant to such notice the Board of Supervisors held a public hearing and considered such application on the 12th day of January 2021, and the Board of Supervisors was of the opinion that the vacation would not result in any inconvenience and is in the interest of public welfare.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that a portion of that certain subdivision plat of Willow Pond Estates, recorded on May 30, 2008 in the Clerk’s Office of the Circuit Court of James City County, Virginia, as Instrument No. 080013624, be so vacated as to permit the recordation of a new subdivision plat that will serve to remove certain lines, words and symbols, and thereby vacating and amending the designation of “ALLOWABLE BUILDING AREA” on Lot 4 of the above-referenced plat.

BE IT FURTHER ORDAINED that a new subdivision plat substantially similar to the conceptual plan with a project title of “PALMER BARN, 2827 Forge Road, Toano, VA 23168” prepared by Timothy Hess, RLA, dated November 10, 2020 and last revised December 17, 2020, and hereby made a part of this Ordinance, shall be recorded in the Clerk’s Office along with a certified copy of this Ordinance of vacation within six (6) months of the effective date of this Ordinance. Such subdivision plat shall not be recorded until an instrument transferring impervious surface allocation as required by Section 4(C) of the Deed of Conservation and Open Space Easement recorded as Instrument No. 080027454, is recorded in the Clerk’s Office. The instrument transferring impervious surface allocation shall be approved by the



County Attorney's Office prior to being recorded.

BE IT FURTHER ORDAINED that no building permit or land disturbing permit shall be issued for the property unless the development plans associated with such permit are substantially consistent with the conceptual plan with a project title of "PALMER BARN, 2827 Forge Road, Toano, VA 23168" made part of this Ordinance, with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

This Ordinance shall be in full force and effect thirty days (30) from the date of its adoption to allow for appeal pursuant to Virginia Code § 15.2-2272.

\_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Teresa Fellows  
Deputy Clerk to the Board

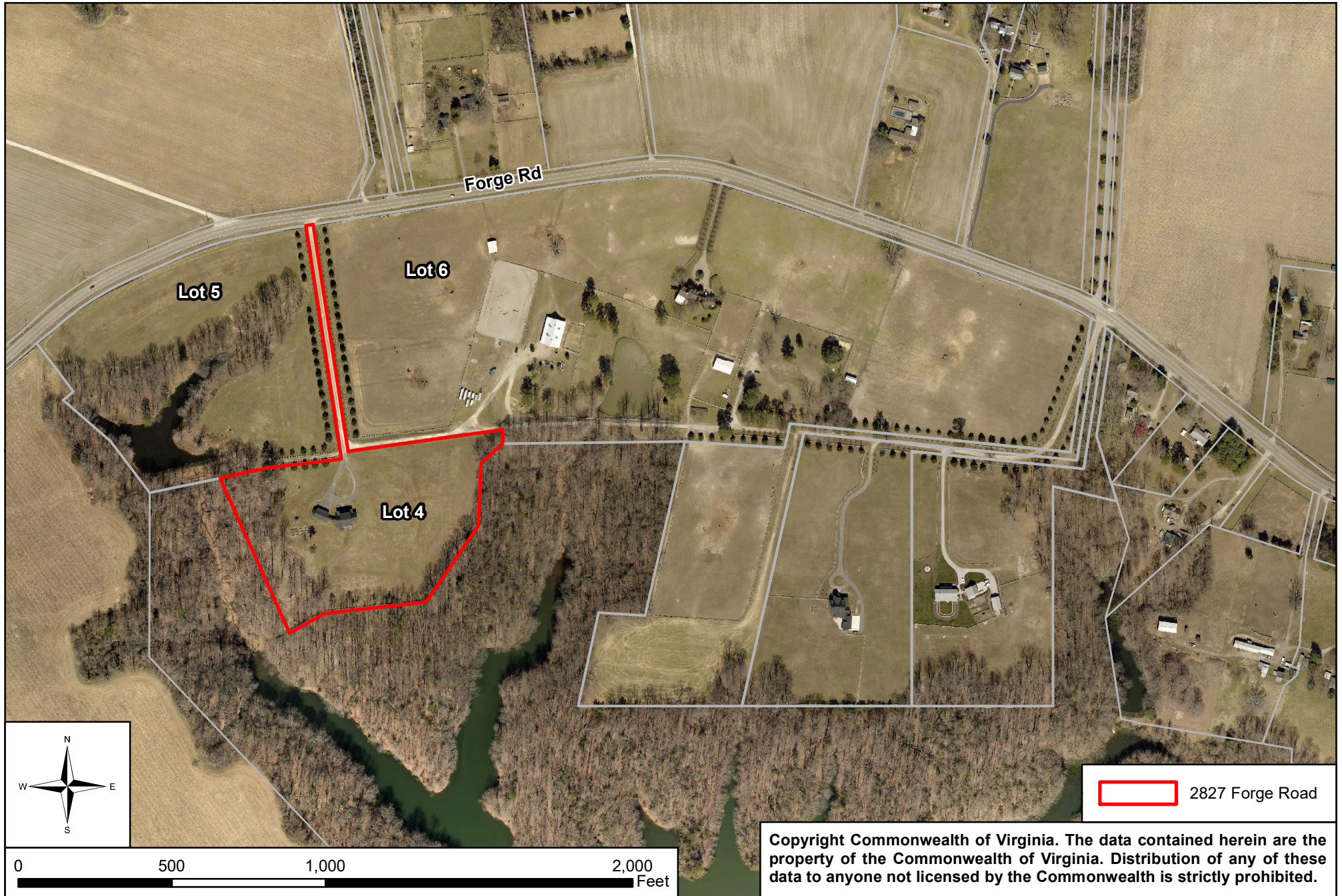
	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
LARSON	_____	_____	_____
HIPPLE	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of January, 2021.

PlatVacWillPnd-ord



# Willow Pond Estates, Lots 4 - 6 Plat Vacation





December 17th 2020

Addressed to: Adam kinsman, county attorney  
in care of Tammy Rosario

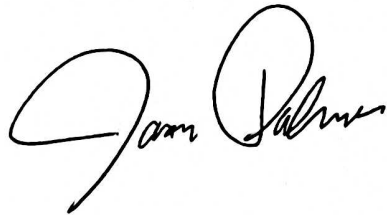
I am requesting to vacate the plat at 2827 forge road, toano va 23168. I am proposing to build two structures that are not in the allowable building area, attached are the plans for a 4200 square foot agricultural barn, and a 1980 square foot pool house.

- On the proposed plat the two structures are 200 feet from the drainage field, see attached plat for exact location
- The two structures will match the color of my house on my property, a charcoal colored roof, the siding is a color called "light stone", and the trim is a neutral white color.
- As you will see in the attached drawing, the new allowable building area is smaller than the existing allowable building area.
- The distance from forge road to my property line is 755 feet, the proposed structures sit back from my property line an additional 252 feet, which would make a total of 1007 feet setback from forge road. It's also important to note that the two proposed structures sit farther back from from forge road, and the two proposed structures will sit 1007 ft back from forge road. From the front of my property line the distance to the two proposed structures is 252 feet, please see attached drawing.

Thank you

Jason Palmer

Property owner at 2827 forge road, toano va

A handwritten signature in black ink, appearing to read "Jason Palmer". The signature is stylized with a large, looping initial "J" and a cursive "P".

Attachment

Tammy Rosario, AICP  
Assistant Director  
James City County Planning

**IN RESPONSE TO YOUR EMAIL DATED LETTER OF DEC 14<sup>TH</sup>**

RE: Palmer Barn  
2827 Forge Road - BLDR-20-0787/FSE-20-0005/E&SC-20-0026/SURE-20-0104/LDSW-20-0050/Easement review  
Toano, VA 23168

RESPONSE:  
Jason and Rachael Palmer  
12-17-20

1. **Instrument of transfer** – Please provide the completed instrument of transfer and supporting calculations to demonstrate that Lot 4 and the transferring property have the capacity for the proposed structures without exceeding the 2% figure referenced in the deed of easement. As indicated in previous correspondence, the riding ring will not count as impervious area. Please keep in mind that patios, terraces, decks, etc. count as impervious area as do dwellings, buildings, structures and gravel and paved surfaces (excluding roads and driveways).

**RESPONSE -**

- Instrument of Transfer will be provide upon approval of concepts.
- Drawings show and provide square footages of impervious surface and transfer amounts from Perry Property to Palmer Property. All patios, terraces, decks, etc. are counted as impervious area as well as the dwellings, buildings, structures and gravel and paved surfaces. Roads and driveways have been excluded. Excess of 2% on the Palmer Property is being transferred as per the drawings and as approved and permission granted by Elwood and Sherry Perry 2875 Forge Road .

2. **Supporting documentation** – Please ensure that all of your documentation (applicant letter, HOA approval, conceptual plan, etc.) is updated and consistent with the same information and that the documentation answers all questions completely. Some of the information previously requested that is still needed to aid consideration of the application:

- a. In reference to Section 4(B) Types of Structures, and (C) Size of Structures, please describe the uses for the barn and pool house, using the farm building and structure definition and accessory structure definitions from the deed of easement.

**RESPONSE –**

- Barn will be utilized for the typical use of farm buildings and structures of this design and nature. The barn will be utilized for activities associated with this property including the storage and maintenance of farm equipment The Pool building will be utilized for the enjoyment of the family. The builds do not exceed the sizes allowed by the Deed of Easement Farm buildings and farm structures are limited to a structural footprint of not more than 4,500 square feet without prior Grantee approval (The Barn is proposed at 4,200 SF), and accessory structures are limited to 2,000 square feet without prior Grantee approval. (The Pool Building is proposed at 1,980 SF)
- In keeping Section 4(B) an in reference to Section 4(D)(2)(b-e) the Accessory buildings being proposed meet the requirements of this section of the deed of easement. The barn building meets the requirements of subsection (b) in that it is be utilized for agriculture purposes and is designed to be agriculture in style and nature. It will be utilized for storage of agriculture maintenance equipment. The Barn will not be utilized presently but can be modified for (c) the

boarding of large animals. The Barn and pool building will not be utilized for (d) forestry purposes nor (e) seasonal activities that permanently alter the physical appearance of the property that are related to or are inconsistent with the authorized use of the property. Nor will they diminish the Conservation Values of the property

b. Please explain why the change in allowable building area is needed (why the existing building area was not satisfactory and why the new building area was needed).

#### RESPONSE –

- In keeping with the rural character of the nature of this property and the distance from the road the proposed buildings are sized appropriately for the property and the size is required and desired by the applicant. They do not exceed the allowable for the community (4,500 SF allowed 4,200 proposed for the Barn and 2,000 allowed 1,980 proposed for the Pool House – accessory building). When the community was designed it was anticipated that most the communities impervious surface square footage would be retained for buildings on the Perry Property for the keeping, showing of livestock and training of horses. The remaining lots in the community were not anticipate to require as much building / impervious surface square footage. The applicant (Palmer) is requesting that his family be allowed to construct the buildings proposed which meet the size requirements. They are also requesting that they be allowed to transfer a portion of impervious surface allowed on the Perry Property for the construction of the buildings. As noted above the buildings meet the approved size but exceed the 2% impervious. Perry, owner of property that retains the majority of the imperious surface allowed for the community, is willing to transfer the balance needed to allow Palmer to construct the desired barn and pool building both of which do not exceed the allowable size. See the attached plan for the amount to be transferred to Palmer and the amount to be retained by Perry. The community wide 2% impervious surface is not being exceeded and approximately ½ acre remains for future impervious structures or surfaces..
- c. Please revise the drawings to show:
  - i. Location of the drain fields and distances from structures;
  - ii. Removal of the breezeway and modifications to notes as needed; and
  - iii. Consistent delineation of the new allowable building area on pages 1 and 2 of the conceptual plan.

#### RESPONSE

- Drawings now show the distance from the new buildings to the Drain Field
- The Breezeway has been removed from the plan and the elevations
- Delineation of allowable building is consistent on the plans

2. **Additional information** - To aid the health department review, please indicate if either building will have a bathroom.

#### RESPONSE

- Pool Building will have a bathroom consisting of one toilet and one lavatory
- Barn will not have a bathroom

**Respectively Submitted**  
**Jason and Rachel Palmer**

#### Attachments

- See attached Plans and Elevations

**Tammy Rosario, AICP**  
**Assistant Director**  
**James City County Planning**

RE: Palmer Barn  
2827 Forge Road - BLDR-20-0787/FSE-20-0005/E&SC-20-0026/SURE-20-0104/LDSW-20-0050/Easement review  
Toano, VA 23168

RESPONSE:  
Jason and Rachael Palmer  
11-10-20

From: **Tammy Rosario** <[Tammy.Rosario@jamescitycountyva.gov](mailto:Tammy.Rosario@jamescitycountyva.gov)>  
Date: Tue, Nov 3, 2020, 4:55 PM  
Subject: RE: 2827 Forge Road - BLDR-20-0787/FSE-20-0005/E&SC-20-0026/SURE-20-0104/LDSW-20-0050/Easement review

Good afternoon, Mr. Palmer,

It was very nice meeting you on site on last week. As promised, here are some additional details to help with your request:

1. Please provide information regarding the colors of the structures within your description for comment #7a below.

RESPONSE: See comment #7

2. Previously indicated in comment #6 below, either the building locations must be moved to a location within the allowable building area as currently shown, or you will need to seek approval from the Board of Supervisors to vacate the existing plat and to record a new plat with a new allowable building area before the permits can be approved.

- a. Pursuant to Code of Va., §15.2-2272. Vacation of plat after sale of lot, "in cases where any lots has been sold, the plat or part thereof may be vacated according to either of the following methods:

- i. By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat and also signed on behalf of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies for the purpose of showing the approval of the vacation by the governing body." This method requires Board of Supervisors action; however, signature on behalf of the Board of Supervisors could be accomplished as a consent item without a public hearing.

- ii. By ordinance of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies on motion of one of its members or on application of any interested person." This method requires Board of Supervisors action with a public hearing.

b. In order to vacate the allowable building area on the plat, please follow the procedure below:

i. Make a written request to the County Attorney's office stating the reasons for the requested vacation and the location of the property to be vacated. We will use this information, along with the information requested in comment #7 below, to analyze the request and form a recommendation to the Board of Supervisors.

ii. Submit a plat or drawing showing the lines to be vacated and the proposed new delineation of allowable building area. Following Board of Supervisor approval of the request, this plat can be amended with the Planning Department's comments prior to recordation.

iii. A non-refundable application fee of \$150 is required to be submitted with the application (Make check payable to: James City County Treasurer.)

c. Upon receipt the plat, application, and fee, the County Attorney's office staff will initiate the formal process, including setting up the date of the public hearing.

d. Provide evidence from the HOA (if an HOA is available) stating their approval or disapproval of the vacation of the allowable building area.

RESPONSE: Final plats and associated requested materials note above will be submitted via our engineer upon approval of the schematic building plans and elevations and the schematic realignment of buildable lines. Non-buildable area is shown in two locations on the front rear and sides of the lots. The realigned area is equal to the existing non-buildable area

3. Please submit the above referenced materials above and below to Planning staff for distribution. While we cannot guarantee a particular Board of Supervisors meeting date, we will make a great effort to be on the next available one after receipt of your materials.

RESPONSE: Final plats and associated requested materials note above will be submitted via our engineer upon approval of the schematic building plans and elevations and the schematic realignment of buildable lines. Non-buildable area is shown in two locations on the front rear and sides of the lots. The realigned area is equal to the existing non-buildable area

Please let me know if you have any questions!

Best regards,  
Tammy

**Tammy Rosario, AICP**  
**Assistant Director**  
**James City County Planning**

RE: Palmer Barn  
2827 Forge Road - BLDR-20-0787/FSE-20-0005/E&SC-20-0026/SURE-20-0104/LDSW-20-0050/Easement review  
Toano, VA 23168

RESPONSE:  
Jason and Rachael Palmer  
11-10-20

**From:** Tammy Rosario  
**Sent:** Tuesday, October 27, 2020 10:04 AM  
**Subject:** 2827 Forge Road - BLDR-20-0787/FSE-20-0005/E&SC-20-0026/SURE-20-0104/LDSW-20-0050/Easement review

Good morning, Mr. Palmer,

Thank you for contacting staff with clarifications and updates on the proposed barn and pool on your property. Recapped below are some important summary points from our conversations:

We discussed at the meeting at the Government Complex on October 16, the proposal has changed from what was originally requested in the permits (to a separate pool and barn and changed location), and the County will need updated information in order to process the permits and to ensure that all code and ordinance requirements are being met.

Furthermore, uses and activities on the property need to be consistent with the deed of easement in order to protect the open space and scenic qualities of the property, and the County will need to review the information and proposals in this regard as well. This review was not completed on the initial requests.

At that meeting, you also stated that you had ceased construction activities. This pause in construction activities will be necessary until we can confirm that the final proposal conforms to the applicable codes, ordinances and deed of easement.

Finally, on October 19, Mr. Perry also provided alternative ideas which have been incorporated as much as possible into the points below.

The purpose of this email is to provide you with one coordinated response from the various divisions who are responsible for reviewing and approving construction activities on your property.

Building Safety and Permits – Tom Coghill, Building Safety and Permits Director

1. A residential building permit will be required for the pool house, which was most recently proposed to be a separate structure. BSP can rely on the farm structure exemption affidavit to exempt the barn from building permitting, if the use of the barn remains for the uses specified on the form <https://www.jamescitycountyva.gov/DocumentCenter/View/1960/Farm-Structure-Affidavit-PDF?bidId=>. Please note that exempted structures may still be subject to other regulations.



RESPONSE: Permits will be pulled as appropriate upon approval of the conceptual plan and plat approval as noted above.

2. BSP will need a conceptual plan that accurately reflects what the owner intends to build on his property. This conceptual plan must show the location and dimensions of each structure and must be drawn to scale. All easements, utilities and buildings must be included. Distances to property lines and adjacent structures must also be noted.

RESPONSE: See attached conceptual plans, elevations and scaled photos showing the non-buildable area realignment, building elevations and dimensions, and photos with elevations added to illustrate the size, scale and color of the buildings

Stormwater and Resource Protection – Deirdre Wells, Stormwater and Resource Protection Chief Civil Engineer

3. The SRP Division cannot act on the Farm Structure Exemption (FSE) application until the ongoing discussions between the owner/ developer and the Planning and Zoning divisions have determined the best course forward.

RESPONSE: See attached documents - Final plats and associated requested materials note above will be submitted via our engineer upon approval of the schematic building plans and elevations and the schematic realignment of buildable lines. Non-buildable area is shown in two locations on the front rear and sides of the lots. The realigned area is equal to the existing non-buildable area

4. The SRP Division will not issue the Land Disturbance Permit (LDP) for the approved Erosion and Sediment Control (E&SC) plan until further notice. Depending on the size and location of the areas of disturbance, different E&SC measures may be applicable and additional information may be required.

RESPONSE: Final LDP will be submitted upon acceptance of Zoning Documentation, Revised Plat, and size and location of areas of disturbance

5. The currently approved E&SC plan may be invalidated if the location, size, and total impervious cover of the desired construction prove different than those shown on the approved plan. A new conceptual plan, submitted through the Planning Division such that all agencies may review concurrently, will be needed. The fees paid toward the land disturbance permit (currently on hold) for the E&SC plan will be applied to any land disturbing permit needed for the new construction location

RESPONSE: See attached conceptual plans, elevations and scaled photos showing the non-buildable area realignment, building elevations and dimensions, and photos with elevations added to illustrate the size, scale and color of the buildings. North Building Façade remains at the distance of the existing poles. The rear of the building will move to the south approximately 9' closer to the lake to accommodate the breezeway separating the Barn from the Pool Building.

Zoning – Terry Costello, Deputy Zoning Administrator

6. In reviewing the plat with the drawing that was submitted with the farm structure exemption, Zoning staff has determined that the location of the proposed barn is not in accordance with the restrictions on the plat. Please note that on the recorded plat, dated November 7, 2006 and recorded on May 30, 2008, there is a restriction on where the buildable area is located which denoted with the "Allowable Building Area" label and arrows. The buildable area, by definition, is the space on a lot, after the minimum zoning requirements are met, where structures and/or

building improvements may be erected. According to the drawing of the proposed barn (or proposed barn and pool house), the structures are not located in this area. In order for Zoning to approve this project, the barn and/or pool house would need to be located in the area where it is labelled "Allowable Building Area" on the recorded plat. Any change to the plat will require Board of Supervisors action to vacate the plat.

RESPONSE: See attached conceptual plans, elevations and scaled photos showing the non-buildable area realignment, building elevations and dimensions, and photos with elevations added to illustrate the size, scale and color of the buildings.

Building is proposed to be located in the area designated as Non Buildable Area. The Non-Buildable area has been realigned to reflect the same area as the Recorded Plat just in a different configuration. North Building Façade remains at the distance of the existing poles. The rear of the building will move to the south approximately 9' closer to the lake to accommodate the breezeway separating the Barn from the Pool Building. The building has been extended from 120' to 129' to accommodate the breezeway and separation of the buildings to accommodate the maximum allowed building areas 4,200 SF for the Barn and 2,000 SF for accessory buildings (Pool Building)

Community Development – Tammy Rosario, Community Development Assistant Director

7. Section 2 of the attached deed of easement describes the purpose for which the conservation easement was granted: "to preserve land for agricultural use, forestal use, watershed preservation, preservation of scenic open space, and preservation of open spaced designated by local government and to protect the conservation values of the property...The conservation values of the property are its open-space and scenic values and its values as land preserved for open-space and rural uses including agriculture, livestock production and forestry. Grantors covenant that no acts or uses that are inconsistent with the purpose and intent of this Easement or the Conservation Values herein protected shall be conducted on the property." Therefore, please provide documentation in writing and/or on the conceptual plan to ensure compliance with the following:

RESPONSE: See attached conceptual plans, elevations and scaled photos showing the non-buildable area realignment, building elevations and dimensions, and photos with elevations added to illustrate the size, scale and color of the buildings. Main building façade facing Forge Road is rural in character in keeping with the rural nature of the area. Façade Treatments closely match the existing horse barn located within the community. Based on distance from Forge Road the overall massing of the building will be in keeping with the existing horse facility barn. Barn and Pool Building will color will match the existing residence.

- a. Section 4(A)(2). Additional Restrictions – "Any permitted buildings, buildings or structures visible from State Route 610 (Forge Road) or the Little Creek Reservoir shall be designed and sited to minimize their visibility from said location(s) in any season of the year, provided that the Grantee acknowledges and agrees that any structure or dwelling situated in substantially the same location as identified on 'Exhibit B' shall be deemed to be sited to minimize its visibility from said location(s) in satisfaction of the requirements of this paragraph." Please describe how the visual impacts of the building(s) will be sited to minimize visibility from Forge Road and Little Creek Reservoir.

RESPONSE: See attached conceptual plans, elevations and scaled photos showing the barn structure and the view from Forge Road. No photo is provide from Little Creek Reservoir in that the buffer area is densely wooded, the distance from the lake to the building is 335 feet and the elevation change is 44 feet with the reservoir being at approximate elevation 59 and the building at approximate elevation 103 Distanced and sightline angle should limit view of the building from the lake from no visual or limited view of the roof. Roof will be dark in color so it will not be noticeable from the reservoir.

b. Section 4(A)(2). Additional Restrictions – “The building height of any permitted dwelling or non-dwelling structure shall not be more than thirty-five (35) feet, as measured from final grade to ridge of roof.” As requested in comment #2 above, please note the building height(s) from final grade to ridge of roof.

RESPONSE: Building Ridge is 33.5' on the North Façade of the barn facing Forge Road. The Building Ridge of the Pool Building will be between 24' and 25'. Both ridges are well below the permitted 35'. See attached conceptual plans, elevations and scaled photos showing the barn structure

c. In reference to Section 4(B) Types of Structures, and (C) Size of Structures, please describe the types of structures that are proposed, the uses proposed for and supported by those structures, the structural footprints, and the percentage of the property's area taken up by dwellings, buildings, structures, and impervious surfaces (excluding roads and driveways). The deed of easement defines accessory structures and ones “typical and incidental to the existing structures and permitted dwelling such as outbuildings, swimming pools, garages, and tool sheds.” Farm buildings and structures are those “originally constructed and used for the activities specified in Section 4(D)(2)(b)-(e).” Farm buildings and farm structures are limited to a structural footprint of not more than 4,500 square feet without prior Grantee approval, and accessory structures are limited to 2,000 square feet without prior Grantee approval.

RESPONSE: Barn Building foot Print is shown at 4,200 SF (70'X60') and the Pool building is shown at 1980 SF (33'X 60') proposed area of paved surface around the pool building, under the breezeway and between the building, and at the barn door entrance on the west façade is 5,350 SF. This is a 15' wide band of paved surface to limit soil from entering the pool building and allow a pad to prevent erosion at the barn door entrance.

d. In reference to Section 4(E) Riparian Buffer, please show distances to Little Creek Reservoir or any perennial creek or stream.

RESPONSE: Distance to Little River Reservoir is 350' based on aerial photography. Exact Distance will be shown on approved plat after conceptual plan is approved.

e. Please note that procedures for Grantee approvals are detailed in Sections 4(F) and 9.

RESPONSE: Grantee approvals will be provided on submission of the approved Plant

f. Please note that any grading and excavation shall follow Section 7 of the deed of easement.

RESPONSE: Grading and Excavation shall follow Section 7 of the deed of Easement

I look forward to meeting on site today to further discuss ideas for the proposed structures. Please contact me or any of the individuals above with questions about our comments.

Sincerely,  
Tammy

**Tammy Rosario, AICP**  
**Assistant Director**

**Community Development**  
**101-A Mounts Bay Road**  
**Williamsburg, VA 23185**  
**P: 757-253-6688**  
**F: 757-253-6822**  
**[jamescitycountyva.gov](http://jamescitycountyva.gov)**

Attachments area

Respectfully Submitted by - Jason and Rachel Palmer

Attachments

See attached Plans and Elevations

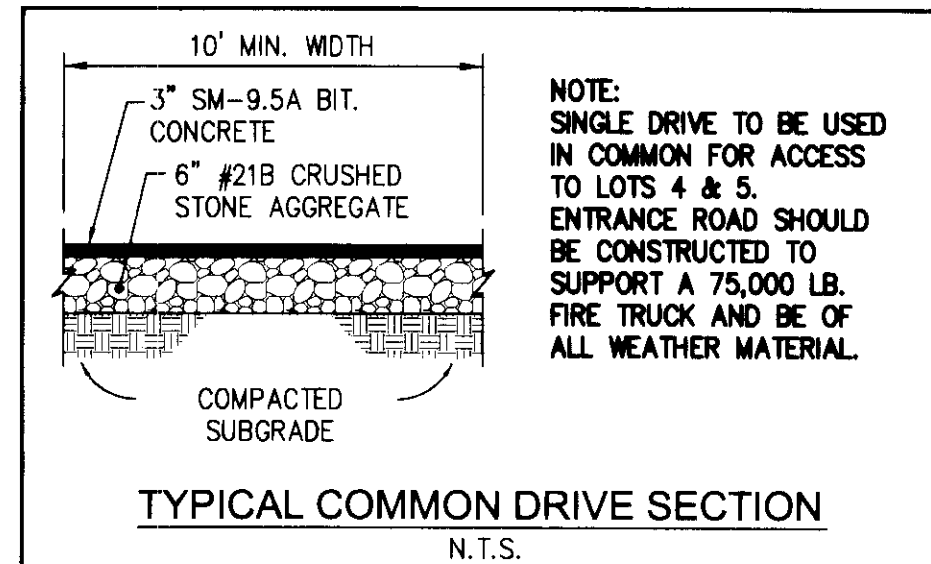
080013624

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CHORD BEARING
C1	18°04'51"	919.93'	290.30'	146.37'	289.10'	N57°01'56"E
C2	15°15'46"	919.93'	245.06'	123.26'	244.33'	N73°42'14"E
C3	28°03'30"	728.94'	356.97'	182.14'	353.41'	S84°38'08"E
C4	18°53'52"	728.94'	240.43'	121.32'	239.34'	S61°09'27"E
C5	12°19'32"	728.94'	156.81'	78.71'	156.51'	S64°26'37"E

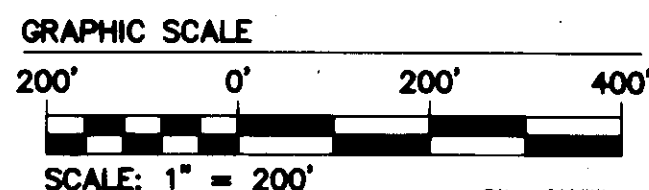
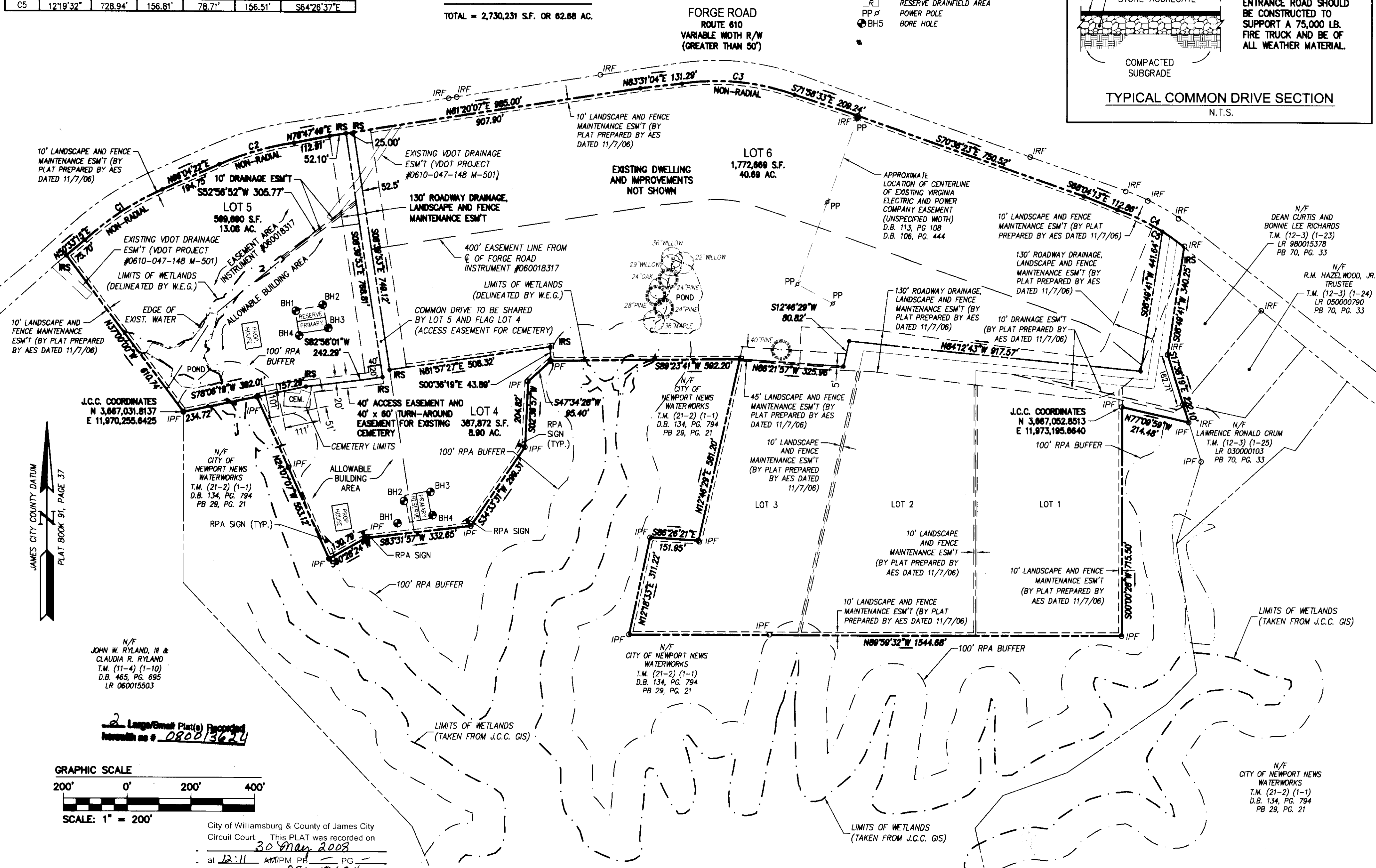
AREA TABULATION  
 EXISTING BOUNDARY = 2,730,231 S.F. OR 62.68 AC.  
 LOT 4 = 387,872 S.F. OR 8.90 AC.  
 LOT 5 = 509,000 S.F. OR 13.08 AC.  
 LOT 6 = 1,772,009 S.F. OR 40.70 AC.  
 TOTAL = 2,730,231 S.F. OR 62.68 AC.

## LEGEND

- IPF IRON PIPE FOUND
- IRF IRON ROD FOUND
- IRS IRON ROD SET
- P PRIMARY DRAINFIELD AREA
- R RESERVE DRAINFIELD AREA
- PP POWER POLE
- ⊙ BH5 BORE HOLE



NOTE:  
 SINGLE DRIVE TO BE USED  
 IN COMMON FOR ACCESS  
 TO LOTS 4 & 5.  
 ENTRANCE ROAD SHOULD  
 BE CONSTRUCTED TO  
 SUPPORT A 75,000 LB.  
 FIRE TRUCK AND BE OF  
 ALL WEATHER MATERIAL.



2 Large/Small Plats Recorded  
 hereunder as # 080013624

City of Williamsburg & County of James City  
 Circuit Court: This PLAT was recorded on  
30 May 2008  
 at 12:11 AM/PM, PG. 3  
 DOCUMENT # 080013624  
 BETSY B. WOOLRIDGE, CLERK  
Betsy B. Woolridge Clerk

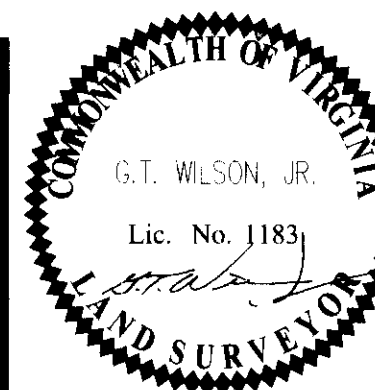
5248 Olde Towne Road, Suite 1  
 Williamsburg, Virginia 23188  
 (757) 253-0040  
 Fax (757) 220-8994



CONSULTING ENGINEERS  
 WILLIAMSBURG • RICHMOND • GLOUCESTER

PLAT OF SUBDIVISION  
**WILLOW POND ESTATES**  
 LOTS 4 - 6  
 PREPARED FOR: ELWOOD PERRY, JR.

STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA



No.	DATE	REVISION / COMMENT / NOTE	REVIEWED BY	REVIEWED BY
4	11/27/07	REVISED RPA BUFFER PER COUNTY COMMENTS	AWT	VAB
3	6/14/07	REVISED WETLANDS & RPA BUFFER PER COUNTY COMMENTS	AWT	GTW
2	3/20/07	REALIGNED ROADWAY DRAINAGE EASEMENT	AWT	GTW
1	1/10/07	REVISED PER COUNTY COMMENT LETTERS	AWT	GTW

Designed AES	Drawn AWT
Scale 1"=200'	Date 11/7/06
Project No. 9741	
Drawing No. 2 of 2	



DESIGN	11-10-2020	TSH
DRAWN	11-10-2020	TSH
APPROV	11-10-2020	TSH

TAX ID

OWNER  
**JASON AND RACHAEL PALMER**  
2827 Forge Road  
Toano, VA 23168  
757-615-5261

PROJECT  
**PALMER BARN**  
2827 Forge Road  
Toano, VA 23168

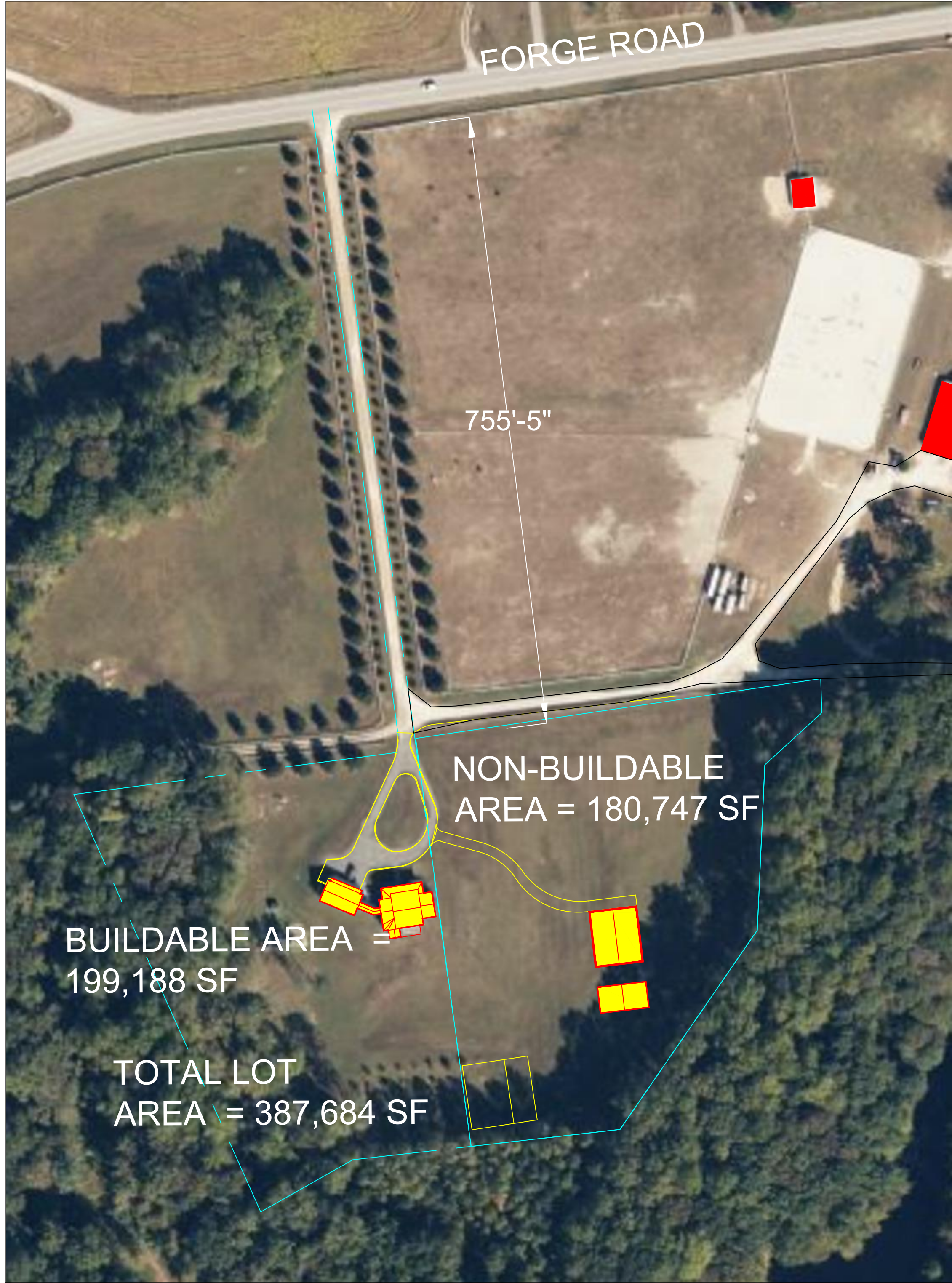
SHEET TITLE  
**LOT AREA  
CALCULATIONS**

OWNER #  
PRO NO. 2020-0020

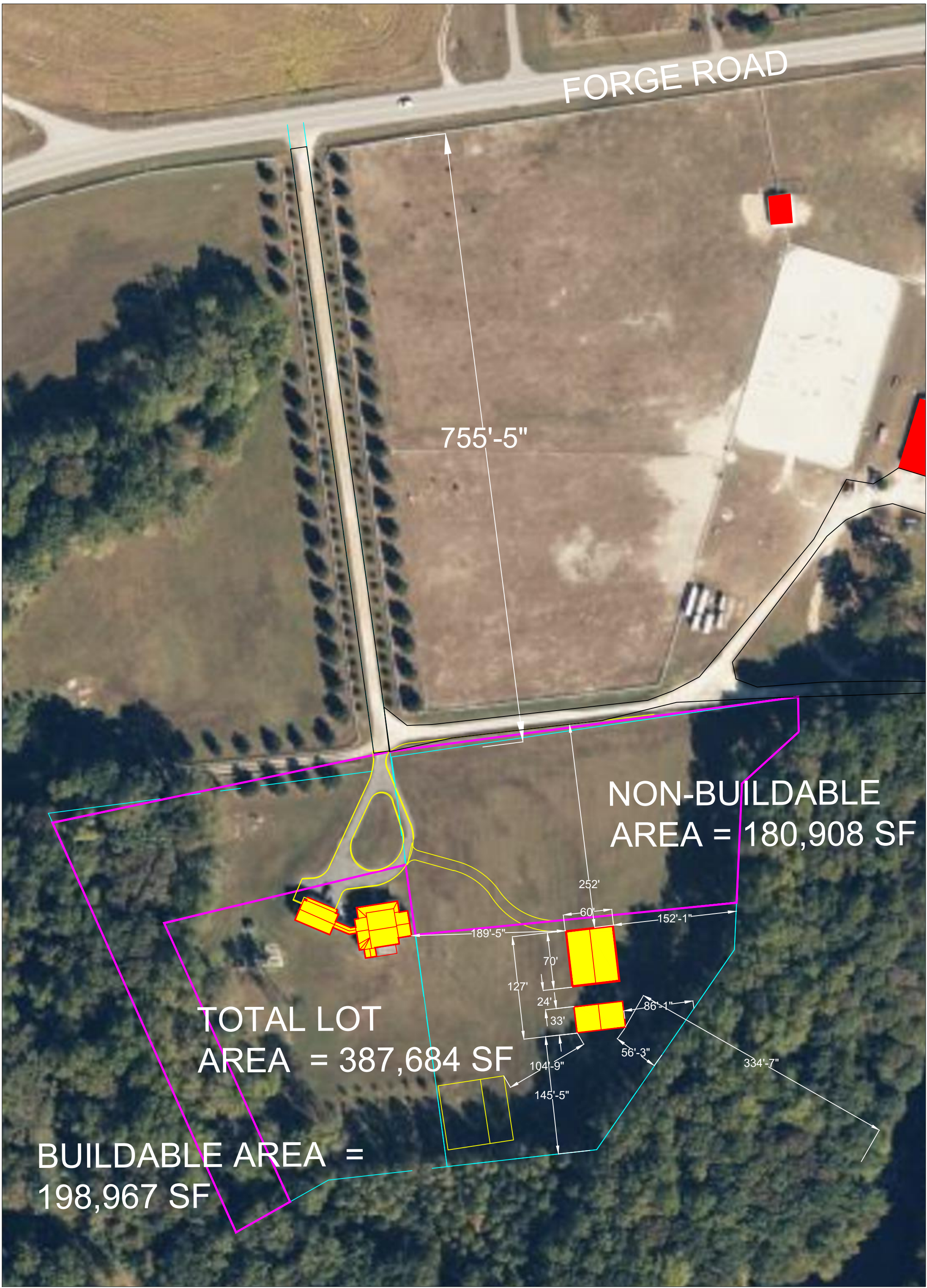
REVISION  
1/11-19-20 BUILDABLE AREA  
12-17-20 REMOVE BREEZEWAY  
IMPERVIOUS SURFACE

DATE 11-10-2020  
SEAL

SHEET  
**1**  
OF 3

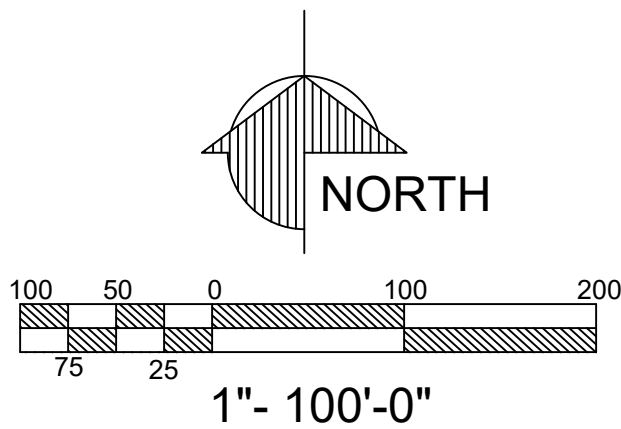


EXISTING BUILDABLE AREA  
199,188 SF



REVISED BUILDABLE AREA  
APPROX. 198,967 SF  
REDUCTION OF APPROX. 221 SF

Requested Impervious Surface Transfer	
From	Elwood and Sherry Perry 2875 Forge Road, Toano, VA 23168
To	Jason and Rachael Palmer 2827 Forge Road, Toano, VA 23168
Perry Property Total Acreage = 40.70 Acres 1,772,892 SF	Palmer Impervious Surface Total Acreage = 8.90 Acres 387,684 SF
Allowable Impervious Surface 2% of Total = 35,457.84 SF	Allowable Impervious Surface 2% of Total = 7,753.68 SF
Perry Property Existing Impervious Surface Residence = 2,810 SF Garage + Enclosed Breezeway = 1,044 SF Large Barn = 5,040 SF Small Barn = 2,160 SF Large Horse Run In = 864 SF Small Horse Run In = 432 SF Small Shed = 30 SF	Palmer Property Existing Impervious Surface Residence = 2,541 SF Garage = 1,140 SF  Proposed Impervious Barn = 4,200 SF Pool Building = 1,980 SF
Total Impervious Existing 12,380 SF	Total Impervious Surface Existing and Proposed = 9,861 SF
Surplus Impervious = 23,077.84 SF	Impervious Overage = 2,107.32 SF
Retained Impervious Surplus After Transfer = 20,577.84	Impervious Transfer = 2,500 SF

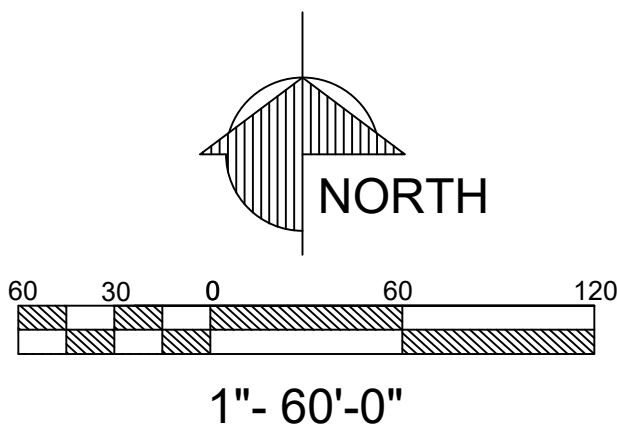
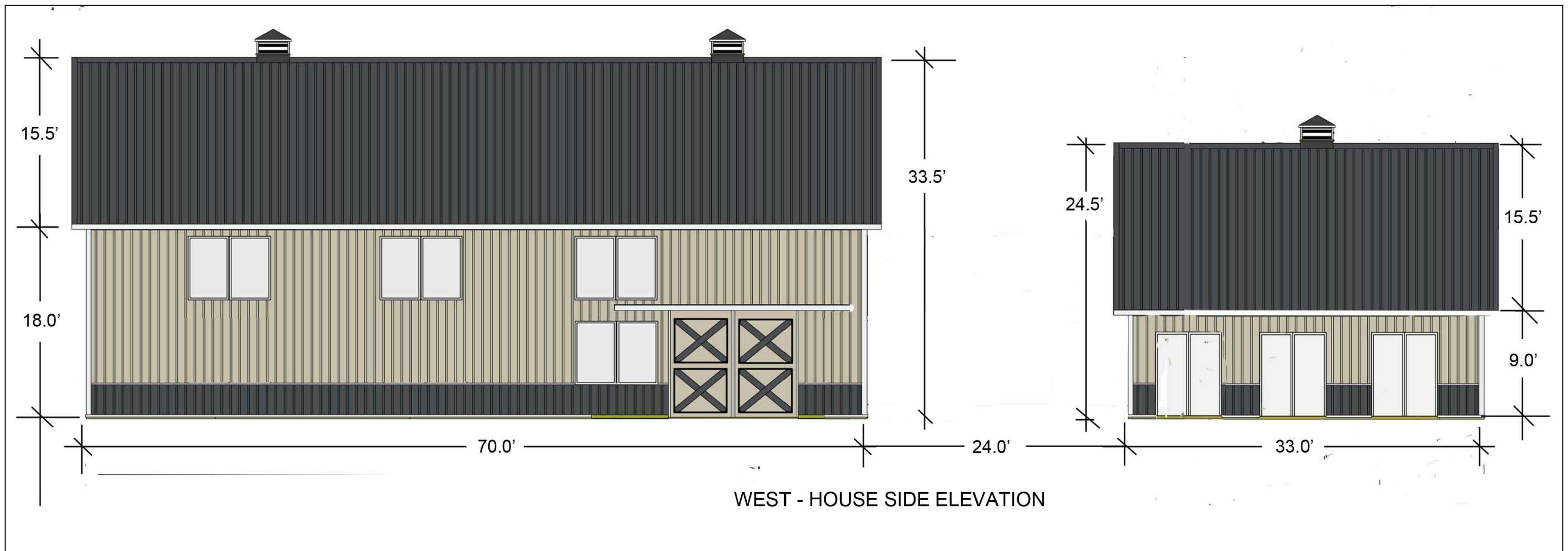
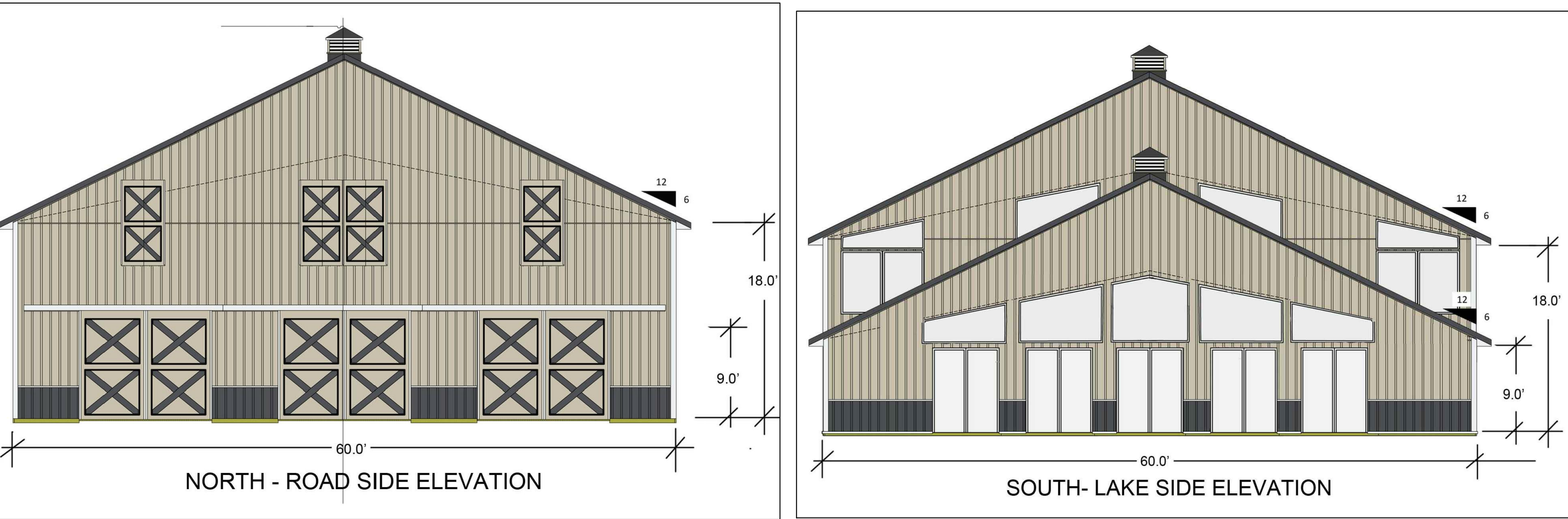






SITE DIMENSIONS

Requested Impervious Surface Transfer	
From Elwood and Sherry Perry 2875 Forge Road, Toano, VA 23168	To Jason and Rachael Palmer 2827 Forge Road, Toano, VA 23168
<b>Perry Property</b> Total Acreage = 40.70 Acres 1,772,892 SF	<b>Palmer Impervious Surface</b> Total Acreage = 8.90 Acres 387,684 SF
Allowable Impervious Surface 2% of Total = 35,457.84 SF	Allowable Impervious Surface 2% of Total = 7,753.68 SF
<b>Perry Property Existing Impervious Surface</b> Residence 2,810 SF Garage + Enclosed Breezeway = 1,044 SF Large Barn = 5,040 SF Small Barn = 2,160 SF Large Horse Run In = 864 SF Small Horse Run In = 432 SF Small Shed = 30 SF	<b>Palmer Property Existing Impervious Surface</b> Residence = 2,541 SF Garage = 1,140 SF  <b>Proposed Impervious</b> Barn = 4,200 SF Pool Building = 1,980 SF
<b>Total Impervious Existing</b> 12,380 SF	<b>Total Impervious Surface Existing and Proposed = 9,861 SF</b>
Surplus Impervious = 23,077.84 SF	Impervious Overage = 2,107.32 SF
<b>Retained Impervious Surplus After Transfer = 20,577.84</b>	<b>Impervious Transfer = 2,500 SF</b>



**TIMOTHY HESS**  
RLA  
829 lake forest dr.  
raleigh, nc 27615  
919-349-0174  
tim.s.hess.ria@gmail.com

DESIGN	11-10-2020	TSH
DRAWN	11-10-2020	TSH
APPROV	11-10-2020	TSH
TAX ID		

OWNER  
**JASON AND RACHAEL PALMER**  
2827 Forge Road  
Toano, VA 23168  
757-615-5261

PROJECT  
**PALMER BARN**  
2827 Forge Road  
Toano, VA 23168

SHEET TITLE  
**SITE PLAN ELEVATIONS**

OWNER # 2020-0010

PRO NO. 2020-0020

REVISION	
12-17-20	REMOVED BREEZEWAY IMPERVIOUS NOTES

DATE 11-10-2020  
SEAL

SHEET

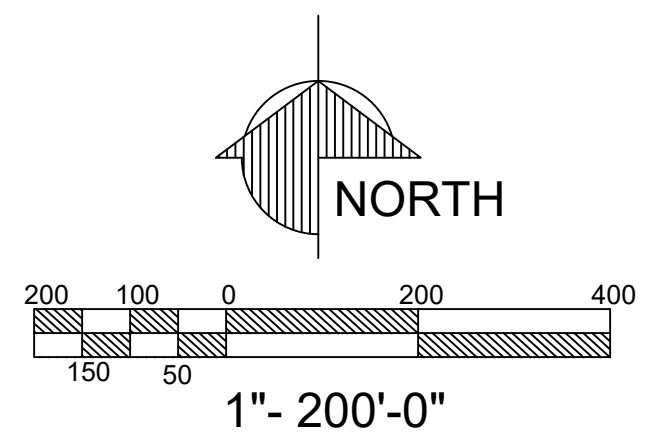
2

OF 3





Requested Impervious Surface Transfer	
From	Elwood and Sherry Perry 2875 Forge Road, Toano, VA 23168
To	Jason and Rachael Palmer 2827 Forge Road, Toano, VA 23168
Perry Property	Palmer Impervious Surface
Total Acreage = 40.70 Acres	Total Acreage = 8.90 Acres
1,772,892 SF	387,684 SF
Allowable Impervious Surface	Allowable Impervious Surface
2% of Total = 35,457.84 SF	2% of Total = 7,753.68 SF
Perry Property	Palmer Property
Existing Impervious Surface	Existing Impervious Surface
Residence = 2,810 SF	Residence = 2,541 SF
Garage + Enclosed Breezeway = 1,044 SF	Garage = 1,140 SF
Large Barn = 5,040 SF	
Small Barn = 2,160 SF	Proposed Impervious
Large Horse Run In = 864 SF	Barn = 4,200 SF
Small Horse Run In = 432 SF	Pool Building = 1,980 SF
Small Shed = 30 SF	
Total Impervious Existing	Total Impervious Surface Existing and Proposed = 9,861 SF
12,380 SF	
Surplus Impervious = 23,077.84 SF	Impervious Overage = 2,107.32 SF
Retained Impervious Surplus After Transfer = 20,577.84	Impervious Transfer = 2,500 SF



TIMOTHY HESS  
RLA  
829 lake forest dr.  
raleigh, nc 27615  
919-349-0174  
hessdesignplanning.com

DESIGN	11-10-2020	TSH
DRAWN	11-10-2020	TSH
APPROV	11-10-2020	TSH
TAX ID		

OWNER  
JASON AND RACHAEL PALMER  
2827 Forge Road  
Toano, VA 23168  
757-615-5261

PROJECT  
PALMER BARN  
2827 Forge Road  
Toano, VA 23168

SHEET TITLE  
IMPERVIOUS AREAS AND STRUCTURES

OWNER #	
PRO NO.	2020-0020
REVISION	
1/11-19-20	BUILDABLE AREA
12-17-20	REMOVE BREEZEWAY IMPERVIOUS SURFACE
DATE	11-10-2020
SEAL	

SHEET 3

OF 3



December 17, 2020

Adam Kinsman  
County Attorney, James City County  
Building D, 101 Mounts Bay Rd  
Williamsburg, VA 23185  
**ATTN: Tammy Rosario**

The Willow Pond Estates Homeowners Association (HOA) approves of the vacation of the plat at 2827 Forge Road and approves of the new plat for the new buildable area.

The HOA further approves of the two proposed structures being built at 2827 Forge Road.

The HOA approves of the agreement between Woody Perry and Jason Palmer between their two lots, in which Woody Perry agrees to share his 2% of the buildable area of his property under the conservation easement with Jason Palmer. This would provide Jason Palmer with the extra buildable area square footage necessary to build his barn.

A handwritten signature in black ink, appearing to read 'Brian Thompson', followed by a vertical line.

Brian Thompson  
President  
Willow Pond Estates HOA

**ITEM SUMMARY**

DATE: 1/12/2021

TO: The Board of Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Consideration of a personnel matter, the appointment of individuals to County Boards and/or Commissions pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia and pertaining to the Planning Commission

---

**ATTACHMENTS:**

Description	Type
-------------	------

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/5/2021 - 10:44 AM

**ITEM SUMMARY**

DATE: 1/12/2021

TO: The Board Supervisors

FROM: Teresa J. Fellows, Deputy Clerk

SUBJECT: Adjourn until 1 p.m. on January 26, 2021 for the Work Session

---

**REVIEWERS:**

Department	Reviewer	Action	Date
Board Secretary	Fellows, Teresa	Approved	1/5/2021 - 10:37 AM