

**MINUTES**  
**JAMES CITY COUNTY BOARD OF ZONING APPEALS**  
**REGULAR MEETING**  
**James City County Government Center, Building F Board Room**  
**101 Mounts Bay Road, Williamsburg VA 23185**  
**February 4, 2021**  
**5:00 PM**

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**A. CALL TO ORDER**

Mr. Stephen Rodgers called the meeting to order.

**B. ROLL CALL**

Ms. Christy Parrish called the roll:

Present:

Mr. Stephen Rodgers  
Mr. David Otey, Jr.  
Mr. Mark Jakobowski  
Mr. William Geib  
Mr. Ron Campana, Jr.

Staff Present:

Ms. Christy Parrish, Zoning Administrator  
Ms. Terry Costello, Deputy Zoning Administrator  
Mr. Taylor Orne, Zoning Officer  
Ms. Liz Parman, Assistant County Attorney

**C. OLD BUSINESS**

None

**D. NEW BUSINESS**

Mr. Rodgers presented the mission statement of the Board of Zoning Appeals (BZA) for those present in the audience. He stated that the BZA was a five-member Board consisting of James City County residents. It has the power to hear and decide appeals to decisions of the Zoning Administrator and applications for special exceptions, such as yard and setback variances. A favorable vote of three members of the Board was always required to pass a motion. Variances are not granted unless the strict application of the Ordinance would unreasonably restrict the utilization of the property, the need for a variance was not shared generally by other properties, and the variance was not contrary to the purpose of the Ordinance. Variances are not granted as a special privilege or convenience. If the variance was requested because the physical condition of the property or improvements thereon restrict the utilization of the property, the following additional requirements must be met: (i) the property must have been acquired in good faith and any hardship cannot be created by the applicant; (ii) the granting of the variance cannot be substantially detrimental to nearby properties; and (iii) the condition or situation cannot be so general or recurring as to make the formulation of an amendment to the Ordinance reasonably practicable to address the condition or situation. If the Board does authorize a variance, it may impose conditions regarding the location, character, or any other features it may deem necessary in the public interest.

Ms. Parrish stated that staff would present all three variance requests together since they were similar.

1. Case No. BZA-20-0015. 6702 Richmond Road
2. Case No. BZA-20-0017. 5374 Centerville Road
3. Case No. BZA-20-0016. 121A Queen Mary Court

Ms. Terry Costello stated that Mr. Danny Bridges of McGill Associates, P.A. on behalf of the James City Service Authority ("JCSA"), had applied for three variances to Section 24-39, Special Provisions for lots for public utilities.

Ms. Costello stated that Case No. BZA-20-0015 was an application to reduce the required 15-foot setback from any property line to approximately 14.7 feet from the left property line and 6.2 feet from the rear property line. She stated that the property was located at 6702 Richmond Road and was zoned M-1, Limited Business/Industrial. She stated that the facility was built in 1980.

Ms. Costello stated that Case No. BZA-20-0016 was an application to reduce the required 15-foot setback from any property line to approximately 5.7 feet from the right property line and 10.1 feet from the front property line. She stated that the property was located at 121 A Queen Mary Court and was zoned R-2, General Residential. She stated that the facility was acquired by JCSA in 1979.

Ms. Costello stated that both of these facilities had site plan amendments approved to add a disinfection building. She stated that at that time, the Zoning Ordinance allowed administrative waivers to reduce the lot area, width, and frontage with no distance requirements from property lines. She stated that the Zoning Ordinance was updated in 1998, which required structures to be located a minimum of 15 feet from any property line.

Ms. Costello stated that Case No. BZA-20-0017 was an application to reduce the required 15-foot setback from any property line to approximately 9.9 feet from the right side property line. She stated that the property was located at 5374 Centerville Road and was zoned R-4, Residential Planned Community. She stated that this facility was built in 1988 and currently met the 15-foot building setback from any property line.

Ms. Costello stated that the purpose of these variances was to add chemical feed buildings for a water treatment improvement project. She stated that JCSA would be adding zinc orthophosphate to the water treatment process at all seven central water system facilities. She explained that sodium hypochlorite (chlorine) was used in the water treatment process and this chemical was stored in the disinfection building at these facilities. She stated that due to the nature of these chemicals, the new chemical cannot be stored in the same building as the sodium hypochlorite and the location of the new buildings were selected based on the proximity to existing facilities and suitable access to accept delivery of the chemical and perform the required maintenance. She stated that the proposed building additions would be consistent with the current use of the property and will be landscaped and fenced to screen them from nearby roads, residences, and other development.

Ms. Costello state that notices of the applications for these variances were sent to all adjacent property owners. She stated that staff received one inquiry from a resident on Queen Mary Court who has extreme sensitivity to chemicals. She stated that the citizen would be discussing this issues with her doctor and would contact staff if she had any further questions.

Ms. Costello stated that the strict application of the terms of the Zoning Ordinance would not unreasonably restrict the utilization of these properties, as the properties has been put to use

by the existence of a well facility and its improvements. She stated that an unnecessary hardship exists when the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the use of the properties. She stated that staff supported the variances for the following reasons: 1) the existing size and current infrastructure of the lots restricted the location of the proposed improvements which is not shared by others in the same vicinity; 2) the chemical that would be located in the building additions prolonged the useful life of the well facilities and its improvements; and 3) the proposed improvements do not adversely affect neighboring properties. She stated that staff recommended approval of the requested variances as described in the attached resolutions.

Mr. Geib asked which property the citizen called about.

Ms. Costello stated the citizen lived on Queen Mary Court.

Mr. Jakobowski asked if the citizen stated she was sensitive to chemicals but she did not mention chorine.

Ms. Costello stated that the citizen had extreme sensitivities to chemicals in general and when the facility was built, the access to the facility was relocated to Williamsburg Memorial Park access road. She stated that the citizen's house was not behind the building that will house the new chemicals.

Mr. Rodgers opened the Public Hearing.

Mr. Parrish stated that the applicant did not have a prepared presentation but was available if the Board had any questions.

Hearing no questions, Mr. Rodgers closed the Public Hearing.

Mr. Campana stated he had no issues with the requests as presented. He stated that the staff clarified the citizen's health concern that was discussed.

Mr. Jakobowski agreed.

Mr. Geib stated he also did not have any concerns with the requests and understood that the setbacks were changed after construction of the sites. He also stated that a hardship was present as the improvements were essential to the community.

Mr. Campana motioned to Approve the Resolutions for Case No. BZA-20-0015, Case No. BZA-20-0016, and Case No. BZA-20-0017 as presented.

Mr. Jakobowski seconded the motion.

On a roll call vote, the BZA voted to Approve the Resolutions for Case No. BZA-20-0015, Case No. BZA-20-0016, and Case No. BZA-20-0017 as presented. (5-0)

## **E. MINUTES**

### **1. January 7, 2021, Meeting Minutes**

Mr. Jakobowski made a motion to Approve the January 7, 2021, Meeting Minutes as presented.

Mr. Geib seconded the motion.

On a voice vote the BZA voted unanimously to Approve the January 7, 2021, Meeting Minutes.

## **F. MATTERS OF SPECIAL PRIVILEGE**

None

**G. ADJOURNMENT**

There being no further business, Mr. Geib made a motion to Adjourn the meeting.

On a voice vote, the BZA unanimously voted to Adjourn the meeting.

The meeting was Adjourn at approximately at 5:15 p.m.



Stephen Rodgers, Chairman



Christy Parrish, Secretary

## RESOLUTION

CASE NO. BZA-20-0015. GRANTING A VARIANCE ON JAMES CITY COUNTY

REAL ESTATE TAX MAP PARCEL NO. 2430100031A

WHEREAS, Mr. Danny Bridges of McGill Associates P.A., on behalf of the James City Service Authority, has appeared before the Board of Zoning Appeals of James City County (the "Board") on February 4, 2021, to request a variance on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 2430100031A and further identified as 6702 Richmond Road (the "Property") as set forth in the application BZA-20-0015; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record and discussed a motion to grant a variance to Section 24-39, Special provisions for lots for public utilities, to reduce the required setback from 15 feet from any property line to approximately 14.7 feet for the left side property line and 6.2 feet from the rear property line for the construction of a chemical feed building for a water treatment improvement project with no further encroachment, as shown on the attached Site Plan identified as Attachment No. 1 in the memorandum which is attached hereto, made part hereof and incorporated into this resolution. This property is currently zoned M-1, Limited Business/Industrial, and can further be identified as James City County Real Estate Tax Map Parcel No. 2430100031A.

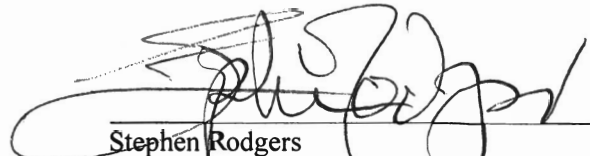
NOW, THEREFORE, the Board of Zoning Appeals of James City County, Virginia, by a majority vote of its members finds that:

1. The strict application of Chapter 24 of the Code of James City County would unreasonably restrict the utilization of the Property; or
2. The granting of a variance would alleviate a hardship due to a physical condition relating to the Property or improvements thereon at the time of the effective date of the Ordinance or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability; and
  - a. The Property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; and
  - b. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; and
  - c. The condition or situation of the Property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance; and

- d. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the Property; and
- e. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the Ordinance pursuant to Subdivision 6 of § 15.2-2309 or the process for modification of a Zoning Ordinance pursuant to Subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

WHEREUPON, the Board of Zoning Appeals of James City County, Virginia, adopts the following resolution:

To grant a variance to Section 24-39, Special provisions for lots for public utilities, to reduce the required setback from 15 feet to 14.7 feet for the left side and 6.2 feet for the rear to allow for the construction of a chemical feed building for a water treatment improvement project with no further encroachment, as shown on the attached Site Plan identified as Attachment No. 1 in the memorandum which is attached hereto, made part hereof and incorporated into this resolution. This property is currently zoned M-1, Limited Business/Industrial, and can further be identified as James City County Real Estate Tax Map Parcel No. 2430100031A.



Stephen Rodgers  
Chairman, Board of Zoning Appeals

ATTEST:



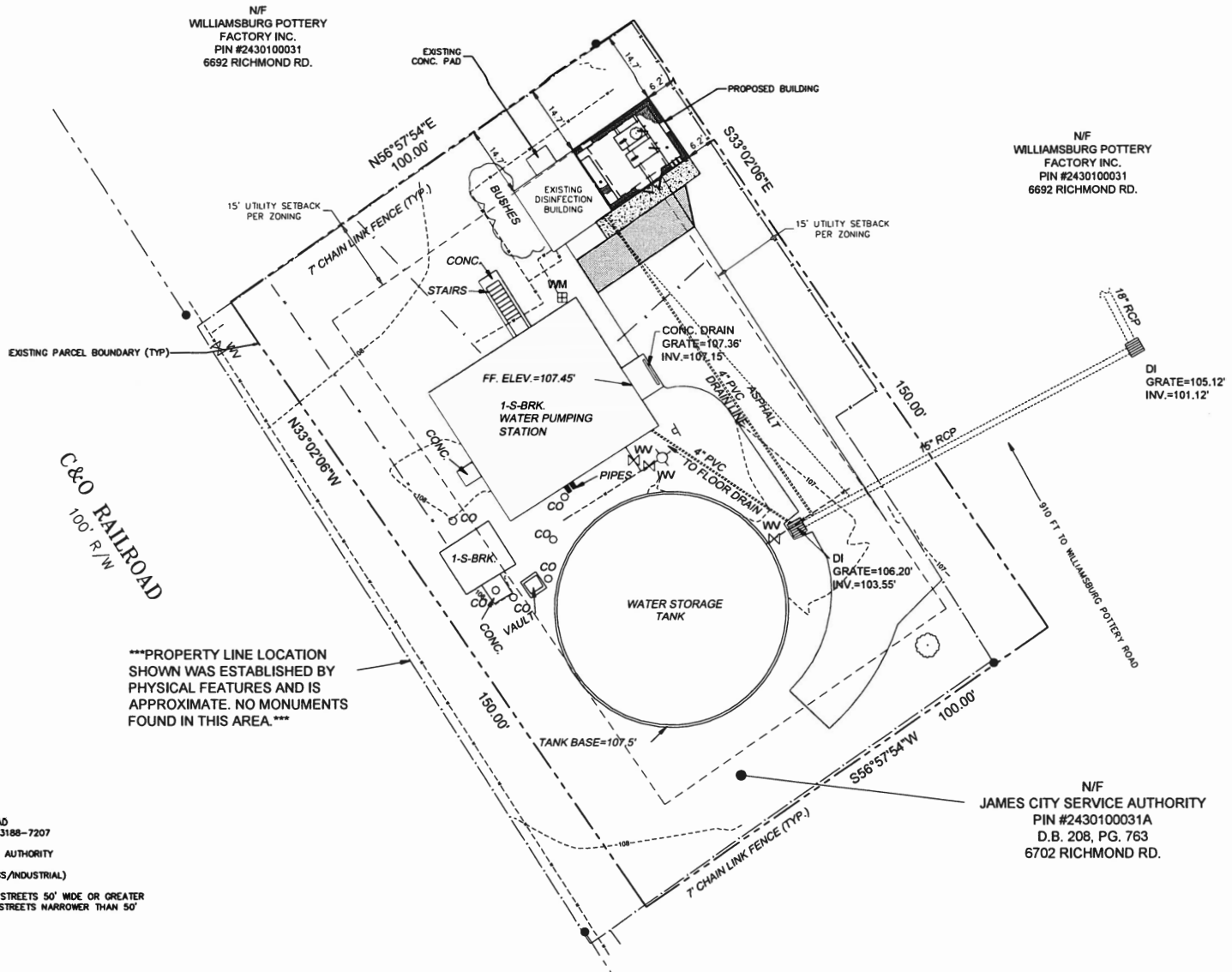
Christy Parrish  
Secretary to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
RODGERS	✓	—	—
OTEY	✓	—	—
JAKOBOWSKI	✓	—	—
GEIB	✓	—	—
CAMPANA	✓	—	—

Adopted by the Board of Zoning Appeals of James City County, Virginia, this 4th day of February, 2021.

BZA20-15-6702RichRd-res

PLAN



\*\*\*PROPERTY LINE LOCATION SHOWN WAS ESTABLISHED BY PHYSICAL FEATURES AND IS APPROXIMATE. NO MONUMENTS FOUND IN THIS AREA.\*\*\*

PARCEL INFORMATION

NUMBER 2430100031A  
 ADDRESS 6702 RICHMOND ROAD  
 WILLIAMSBURG, VA 23188-7207  
 OWNER JAMES CITY SERVICE AUTHORITY  
 ZONING M1 (LIMITED BUSINESS/INDUSTRIAL)  
 STREET SETBACK 50' FROM R/W FOR STREETS 50' WIDE OR GREATER  
 75' FROM C/L FOR STREETS NARROWER THAN 50'  
 SIDE SETBACK 20'  
 REAR SETBACK 20'

N/F  
 JAMES CITY SERVICE AUTHORITY  
 PIN #2430100031A  
 D.B. 208, PG. 763  
 6702 RICHMOND RD.

Williamsburg, VA 23188  
 757.788.3040  
 VA Firm License # 0411001403  
 mcgillassociates.com

NO.	DATE	BY	DESCRIPTION

JAMES CITY SERVICE AUTHORITY  
 CENTRAL SYSTEM WATER TREATMENT IMPROVEMENTS  
**JAMES CITY SERVICE AUTHORITY**  
 JAMES CITY COUNTY, VIRGINIA

OFFICE MANAGER D. BRIDGES	DESIGNER M. OETTING
PROJECT MANAGER M. DOWD	REVIEWER D. BRIDGES

W04 - POTTERY VARIANCE REQUEST EXHIBIT		
DATE DECEMBER 2020	PROJECT # 18.08508	PLANS # N/A

SHEET  
**C-100**

I:\Projects\2020\1808508\1808508-01\1808508-01.dwg (1808508-01.dwg) - 12/15/2020 10:00:00 AM - 12/15/2020 10:00:00 AM

## RESOLUTION

CASE NO. BZA-20-0017. GRANTING A VARIANCE ON JAMES CITY COUNTY

REAL ESTATE TAX MAP PARCEL NO. 3040100003A

WHEREAS, Mr. Danny Bridges of McGill Associates P.A., on behalf of the James City Service Authority, has appeared before the Board of Zoning Appeals of James City County (the "Board") on February 4, 2021, to request a variance on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 3040100003A and further identified as 5374 Centerville Road (the "Property") as set forth in the application BZA-20-0017; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record and discussed a motion to grant a variance to Section 24-39, Special provisions for lots for public utilities, to reduce the required setback from 15 feet from any property line to approximately 9.9 feet from the right side property line for the construction of a chemical feed building for a water treatment improvement project with no further encroachment, as shown on the attached Site Plan identified as Attachment No. 1 in the memorandum which is attached hereto, made part hereof and incorporated into this resolution. This property is currently zoned R-4, Residential Planned Community, and can further be identified as James City County Real Estate Tax Map Parcel No. 3040100003A.

NOW, THEREFORE, the Board of Zoning Appeals of James City County, Virginia, by a majority vote of its members finds that:

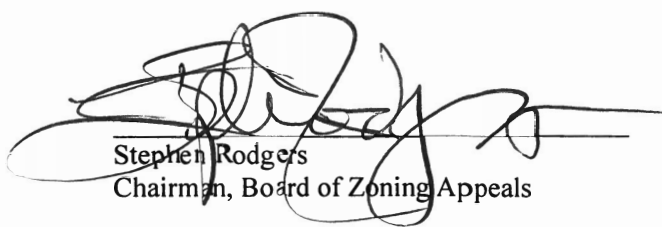
1. The strict application of Chapter 24 of the Code of James City County would unreasonably restrict the utilization of the Property; or
2. The granting of a variance would alleviate a hardship due to a physical condition relating to the Property or improvements thereon at the time of the effective date of the ordinance or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability; and
  - a. The Property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; and
  - b. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; and
  - c. The condition or situation of the Property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance; and



- d. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the Property; and
- e. The relief or remedy sought by the variance application is not available through special exception process that is authorized in the Ordinance pursuant to Subdivision 6 of § 15.2-2309 or the process for modification of a Zoning Ordinance pursuant to Subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

WHEREUPON, the Board of Zoning Appeals of James City County, Virginia, adopts the following resolution:

To grant a variance to Section 24-39, Special provisions for lots for public utilities, to reduce the required setback from 15 feet to 9.9 feet rear to allow for the construction of a new chemical feed building for a water treatment improvement project with no further encroachment, as shown on the attached Site Plan identified as Attachment No. 1 in the memorandum which is attached hereto, made part hereof and incorporated into this resolution. This property is currently zoned R-4, Residential Planned Community, and can further be identified as James City County Real Estate Tax Map Parcel No. 3040100003A.



Stephen Rodgers  
Chairman, Board of Zoning Appeals

ATTEST:



Christy Farris  
Secretary to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
RODGERS	✓	—	—
OTEY	✓	—	—
JAKOBOWSKI	✓	—	—
GEIB	✓	—	—
CAMPANA	✓	—	—

Adopted by the Board of Zoning Appeals of James City County, Virginia, this 4th day of February, 2021.

BZA20-17-5374CntrvilleRd-res



## RESOLUTION

CASE NO. BZA-20-0016. GRANTING A VARIANCE ON JAMES CITY COUNTY

REAL ESTATE TAX MAP PARCEL NO. 3240200011A

WHEREAS, Mr. Danny Bridges of McGill Associates P.A., on behalf of the James City Service Authority, has appeared before the Board of Zoning Appeals of James City County (the "Board") on February 4, 2021, to request a variance on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 3240200011A and further identified as 121A Queen Mary Court (the "Property") as set forth in the application BZA-20-0016; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record and discussed a motion to grant a variance to Section 24-39, Special provisions for lots for public utilities, to reduce the required setback from 15 feet from any property line to approximately 5.7 feet from the right side property line and 10.1 feet from the front property line, for the construction of a chemical feed building for a corrosion control project with no further encroachment, as shown on the attached Site Plan identified as Attachment No. 1 in the memorandum which is attached hereto, made part hereof, and incorporated into this resolution. This property is currently zoned R-2, General Residential, and can further be identified as James City County Real Estate Tax Map Parcel No. 3240200011A.

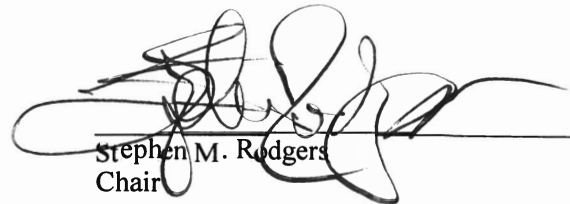
NOW, THEREFORE, BE IT RESOLVED that the Board of Zoning Appeals of James City County, Virginia, by a majority vote of its members finds that:

1. The strict application of Chapter 24 of the Code of James City County would unreasonably restrict the utilization of the Property; or
2. The granting of a variance would alleviate a hardship due to a physical condition relating to the Property or improvements thereon at the time of the effective date of the Ordinance or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability; and
  - a. The Property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; and
  - b. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; and
  - c. The condition or situation of the Property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance; and

- d. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the Property; and
- e. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the Ordinance pursuant to Subdivision 6 of § 15.2-2309 or the process for modification of a Zoning Ordinance pursuant to Subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

WHEREUPON, the Board of Zoning Appeals of James City County, Virginia adopts the following resolution:

To grant a variance to Section 24-39, Special provisions for lots for public utilities, to reduce the required setback from 15 feet to 5.7 feet for the right side and 10.1 feet for the front, to allow for the construction of a new chemical feed building for a corrosion control project with no further encroachment, as shown on the attached Site Plan identified as Attachment No. 1 in the memorandum which is attached hereto, made part hereof and incorporated into this resolution. This property is currently zoned R-2, General Residential, and can further be identified as James City County Real Estate Tax Map Parcel No. 3240200011A.

  
 Stephen M. Rodgers  
 Chair

ATTEST:

  
 Christy Parrish  
 Secretary to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
JAKOBOWSKI	✓	—	—
OTEY	✓	—	—
RODGERS	✓	—	—
CAMPANA, JR.	✓	—	—
GEIB	✓	—	—

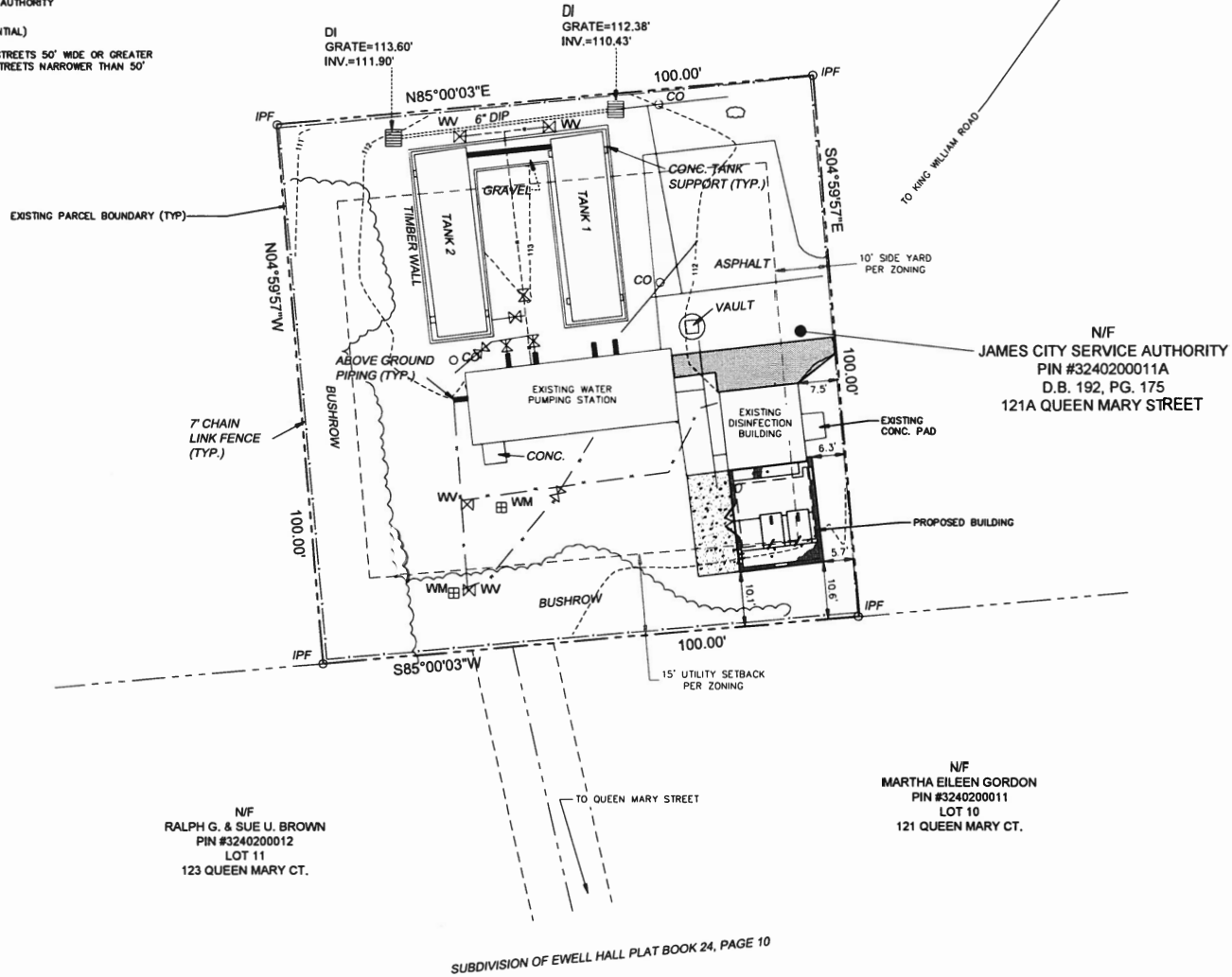
Adopted by the Board of Zoning Appeals of James City County, Virginia, this 4th day of February, 2021.

PLAN

PARCEL INFORMATION

NUMBER 3240200011A  
 ADDRESS 121-A QUEEN MARY STREET  
 WILLIAMSBURG, VA 23188-1915  
 OWNER JAMES CITY SERVICE AUTHORITY  
 ZONING R2 (GENERAL RESIDENTIAL)  
 STREET SETBACK 25' FROM R/W FOR STREETS 50' WIDE OR GREATER  
 50' FROM C/L FOR STREETS NARROWER THAN 50'  
 SIDE SETBACK 10'  
 REAR SETBACK 35'

N/F  
 WILLIAMSBURG MEMORIAL PARK  
 PIN #3220100109  
 130 KING WILLIAM DR.



N/F  
 JAMES CITY SERVICE AUTHORITY  
 PIN #3240200011A  
 D.B. 192, PG. 175  
 121A QUEEN MARY STREET

N/F  
 MARTHA EILEEN GORDON  
 PIN #3240200011  
 LOT 10  
 121 QUEEN MARY CT.

N/F  
 RALPH G. & SUE U. BROWN  
 PIN #3240200012  
 LOT 11  
 123 QUEEN MARY CT.

SUBDIVISION OF EWELL HALL PLAT BOOK 24, PAGE 10

1. NEWPORT NEWS/PLANNING PROJECT # 11-2009-0001 - JAMES CITY COUNTY - AREA CENTRAL SYSTEM COMMISSION CONTROL. TRACING TO UNDERSTAND VARIANCE POLICY/REGULATIONS. WILLIAMSBURG, VA. DATE: 12/15/10 BY: MATHIEU O'LEARY

Williamsburg, VA 23188  
 757.788.3040  
 VA Firm License # 0411001403  
 mcgillassociates.com

NO.	DATE	BY	DESCRIPTION

JAMES CITY SERVICE AUTHORITY  
 CENTRAL SYSTEM WATER TREATMENT IMPROVEMENTS  
**JAMES CITY SERVICE AUTHORITY**  
 JAMES CITY COUNTY, VIRGINIA

GRAPHIC SCALE: 0 10 20 FEET  
 DIVISION VALUE = 10 FEET

OFFICE MANAGER D. BRIDGES	DESIGNER M. O'LEARY
PROJECT MANAGER M. DOWD	REVIEWER D. BRIDGES

W05 - EWELL HALL VARIANCE REQUEST EXHIBIT		
DATE MARCH 2020	PROJECT # 18.08508	JURISDICTION N/A

SHEET  
**C-100**