

A G E N D A
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
August 22, 2018
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. June 20, 2018 Meeting Minutes

D. OLD BUSINESS

E. NEW BUSINESS

1. C-18-0071. BASF Temporary Overhead Power Line
2. C-18-0064. 7083 Menzels Road Minor Subdivision
3. S-0022-2018. 9812 Old Stage Rd. Minor Subdivision

F. ADJOURNMENT

ITEM SUMMARY

DATE: 8/22/2018

TO: The Development Review Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: June 20, 2018 Meeting Minutes

ATTACHMENTS:

	Description	Type
	June 20, 2018 Meeting Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	8/16/2018 - 8:03 AM
Development Review Committee	Holt, Paul	Approved	8/17/2018 - 8:35 AM
Publication Management	Burcham, Nan	Approved	8/17/2018 - 8:46 AM
Development Review Committee	Holt, Paul	Approved	8/17/2018 - 9:31 AM

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
June 20, 2018
4:00 PM

A. CALL TO ORDER

Mr. Rich Krapf called the meeting to order at 4:00 p.m.

B. ROLL CALL

Present:

Rich Krapf, Chair

Danny Schmidt

Frank Polster

Jack Haldeman

Staff:

Jose Ribeiro, Senior Planner

Tom Leininger, Planner

Marion Paine, Assistant Administrator Neighborhood Development

John Risinger, Community Development Assistant

Nancy Ellis, Parks and Recreation Administrator

C. MINUTES

1. May 23, 2018 Meeting Minutes

Mr. Jack Haldeman made a motion to approve the minutes.

The minutes were approved by a vote of 4-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. C-0038-2018. Chickahominy Riverfront Park Improvements

Mr. Rich Krapf opened the discussion.

Mr. Jose Ribeiro presented the Chickahominy Riverfront Park Improvements. He stated that the proposal was to build a second boathouse and relocate the recreational vehicle (RV) and boat storage area. He stated that the Master Plan was approved in 2009. He stated that according to the Special Use Permit (SUP), improvements on the site should be generally located as shown on the Master Plan. He stated that before a site plan can be turned in, approval must be made by the Development Review Committee (DRC) to determine the consistency with the Master Plan. He stated that the existing boathouse is leased by the

College of William & Mary, and that the second boathouse is needed to accommodate the Williamsburg Boat Club and the general public. He stated that the proposed boathouse will be built next to the existing boathouse. He stated that the existing boathouse is not built in the location determined by the Master Plan due to the Resource Protection Area Buffer. He stated that the location of the RV and boat storage area was already in place before the County acquired the property. He stated that the Master Plan does not show the RV and boat storage area. He stated that staff finds the proposal consistent with the adopted Master Plan and the Shaping Our Shores Report. He stated that if the DRC finds the proposal consistent, a spill prevention plan shall be submitted with a site plan.

Mr. Jack Haldeman asked if the proposal is considered redevelopment.

Mr. Ribeiro confirmed. He stated that certain SUP conditions are triggered depending on the type of development.

Mr. Frank Polster asked if the location that is designated for the RV and boat storage is the same location as the water treatment plant.

Ms. Nancy Ellis stated that the RV and boat storage area is considered temporary and can be adjusted to accommodate the water treatment facility.

Mr. Polster stated that the James City Service Authority has completed a study and it was approved by the United States Army Corps of Engineers.

Ms. Ellis stated that the Master Plan would need to be updated to show the location of the facility because it is not on the approved Master Plan. She stated that the desired location of the RV and boat storage is in its original location when the County acquired the land. She stated that the park can accommodate a water treatment facility.

Mr. Polster stated that there is a substantial amount of sea-level rise projected in the park. He stated that the boat dock is located in the RPA and would be subject to sea-level rise. He stated that the location of the proposed boathouse would be in the RPA.

Ms. Ellis stated that the boat dock is already existing. She stated that the proposal is to add an accessible area to the dock. She stated that Mike Woolson of Stormwater and Resource Protection found the proposed location of the boathouse an acceptable area.

Mr. Polster asked if the boat dock is new or updated.

Ms. Ellis stated that the dock will be extended and be combined with the kayak launch site.

Mr. Danny Schmidt asked if the dock is a floating dock.

Ms. Ellis confirmed and stated that it is similar to the dock at the marina.

Mr. Schmidt asked if there will be a fence around the RV and boat storage area.

Ms. Ellis confirmed.

Mr. Schmidt asked if the landscape buffer will hide the RV and boat storage area from the Virginia Capital Trail.

Mr. Ribeiro confirmed.

Ms. Ellis stated that the park's desire is to have the RV and boat storage area screened and

fenced.

Mr. Ribeiro stated that when the site plan is submitted the buffer will be reviewed.

Mr. Krapf asked if the new boathouse will generate revenue.

Ms. Ellis stated that it depends on how the contract is structured. She stated that the lease agreement with the College of William & Mary is a 10-year lease. She stated that each agreement Parks & Recreation does with a private organization is different. She stated that there are discussions in the early stages regarding the contract with the Williamsburg Boat Club.

Mr. Krapf asked if there were any further questions.

There were none.

Mr. Polster made a motion to approve the proposal.

The motion passed 5-0.

2. C-0025-2018. Forest Heights/Neighbors Drive Rezoning Amendment

Mr. Krapf opened the discussion.

Mr. Ribeiro presented the Forest Heights/Neighbors Drive Rezoning Amendment. He stated that the rezoning in 2011 included 64 parcels. He stated that the zoning went from R-2, general residential to MU, mixed use with proffers. He stated that the rezoning adjusted property lines and included additional right-of-way. He stated that the original Master Plan dedicated 27 acres to residential. He stated that the remaining 20 acres was dedicated to a new Salvation Army facility. He stated that the Salvation Army is no longer part of the proposal. He stated that the applicant has proposed 46 multi-family units and some commercial facilities. He stated that the application was brought to the DRC for discussion purposes and there is no action required from the Committee.

Mr. Krapf asked if there were any studies done regarding the impact the proposal would have on schools and traffic.

Mr. Ribeiro stated that there had not been a study done.

Mr. Chase Grogg, Landtech Resources, stated that the Salvation Army property was included in the original traffic study. He stated that the site was listed as apartments and other residential living.

Mr. Doug Harbin, Wayne Harbin Builders, stated that the traffic study stated an addition of 12 lots, 24 units of townhomes and 26 apartment units.

Mr. Danny Schmidt asked how many total units were proposed in the original Salvation Army location.

Mr. Grogg stated 62 units.

Mr. Schmidt stated that the new proposal has fewer units than originally proposed.

Mr. Haldeman asked if there is any affordable housing proposed.

Mr. Harbin stated that workforce housing is proposed.

Mr. Haldeman asked if there will be a new entrance to Richmond Road.

Mr. Grogg stated that there will not be a new entrance and that the entrance from the original Master Plan is through the current residential area.

Mr. Haldeman asked if there will be two entrances connecting to the current residential area.

Mr. Grogg confirmed.

Mr. Haldeman asked if there were any plans for the vacant lands next to the Salvation Army.

Mr. Grogg stated that the parcels are owned by private ownership and are not part of the proposal.

Mr. Haldeman asked if the proffers from the original rezoning remain.

Mr. Harbin stated that there will be a proffer amendment regarding the Salvation Army property. He stated that there is a possibility of cash proffers.

Mr. Ribeiro stated that staff will need to check with the County Attorney's office regarding the ability to accept cash proffers. He stated that under current Ordinances, the County cannot accept cash proffers, but this project was approved before the legislation changed. He stated that there is a possibility to amend the current proffers.

Mr. Krapf stated that the Stonehouse Master Plan had a similar situation.

Mr. Polster stated that the road width for Forest Heights Road is narrow. He stated that he is uncomfortable with the locations of the entry and exit locations.

Mr. Harbin stated that they have met with the Virginia Department of Transportation to meet its standards.

Mr. Polster stated that there would be a lot of traffic generated.

Mr. Grogg stated that there can be some modifications made to reduce the amount of parking on the narrow stretches of the road.

Mr. Polster asked if there was a road that would go through the proposed development.

Mr. Grogg confirmed and stated that there will be a road going through the neighborhood.

Mr. Polster stated that he had concerns with the buffering of the neighborhood.

Mr. Harbin stated that there are only six homes and there will be a 25-foot buffer. He stated that the stormwater facilities and common areas will be located between the homes.

Mr. Polster asked about the height of the townhomes.

Mr. Harbin stated that the townhomes will be two-story.

Mr. Polster stated that he has concerns with the neighbors facing the backyards of the current residents. He asked where the drainage will go.

Mr. Grogg stated that the location of drainage has not been determined and that they are going to meet with James City County to help determine that location. He stated that there are existing Best Management Practices (BMP). He stated that they want to utilize existing BMPs as much as possible.

Mr. Polster stated that in the original proffer, there was an agreement on the maintenance on the BMP. He asked if that agreement will continue.

Mr. Ribeiro stated that there has not been a discussion on the specifics of the maintenance of the BMP. He stated that more research needs to be done.

Mr. Polster asked if there is a 50-foot buffer along the front.

Mr. Ribeiro confirmed.

Mr. Polster asked if there has been any research on the specifics on the buffer in regards to height.

Mr. Grogg stated that the research has not been done at this moment.

Mr. Krapf stated that more information will come from the site plan process.

Mr. Grogg stated that a master plan amendment will need to be done first.

Mr. Polster asked if all of the homes will be affordable.

Mr. Harbin stated that he wants to make most of the homes affordable. He stated that the company he works for has experience working with affordable housing.

Mr. Schmidt stated that he had concerns with the buffers and elevation differences.

Mr. Krapf opened the meeting to the public for additional comments.

1. Ms. Mildred Walker, 897 Tyler Drive, stated that she had concerns about the entrance being narrow.

2. Mr. Gary Moore, 158 Forest Heights, stated that he lives near the entrance of the new development. He stated that his concern is the traffic generated.

Mr. Harbin stated that he wants to have a community meeting as plans are being developed.

Mr. Ribeiro stated that for Mixed-Use Zoning, a single use cannot take up more than 80% of a property. He stated that the Mixed-Use Zoning allows for more flexibility of lot lines.

Mr. Krapf stated that he would like to see the assisted living facility be part of the proposal.

Mr. Moore asked if the residential homes north of the Salvation Army property would be included in any future development.

Mr. Harbin stated that since the lots are privately owned, they would need to sell off the lots before any new development could be done.

Mr. Grogg stated that the property lines would need to be realigned as well.

Mr. Schmidt asked if there are any plans to reach out to the neighbors north of the proposal.

Mr. Harbin stated that there is a lot of construction debris and there is large drop-off in this area.

Mr. Polster stated that there are lots owned by the County that can be developed in the future.

Ms. Marion Paine stated that there is an agreement with Housing Partnerships to build on the four lots in Forest Heights. She stated that the timeline has not been determined.

Mr. Krapf asked if there were any further comments.

There were none.

F. ADJOURNMENT

Mr. Haldeman made a motion to adjourn the meeting.

Mr. Krapf adjourned the meeting at 4:45 p.m.

Mr. Rich Krapf, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 8/22/2018

TO: The Development Review Committee

FROM: Roberta Sulouff, Senior Planner

SUBJECT: C-18-0071. BASF Temporary Overhead Power Line

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment 1. Location Map	Backup Material
▣	Attachment 2. Applicant Exhibit	Backup Material
▣	Attachment 3. Zoning Enforcement Letter	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	8/17/2018 - 9:17 AM
Development Review Committee	Holt, Paul	Approved	8/17/2018 - 3:21 PM
Publication Management	Burcham, Nan	Approved	8/17/2018 - 3:29 PM
Development Review Committee	Holt, Paul	Approved	8/17/2018 - 3:30 PM

CONCEPTUAL PLAN 18-0071. BASF Temporary Overhead Power Line
Staff Report for the August 22, 2018, Development Review Committee Meeting

SUMMARY FACTS

Applicants: Mr. Ted Locascio and Mr. William Magann, Jr., W.F. Magann Corporation

Land Owner: BASF Corporation

Proposal: To permit a temporary overhead power line connection to a temporary construction trailer

Reason for Development Review Committee (DRC) Review: Section 24-200(c) of the Zoning Ordinance requires all new utility connections to be placed underground. The applicant has requested a waiver to this requirement, which may be permitted by approval of the Planning Commission per the recommendation of the DRC as described in Section 24-200(c) of the Zoning Ordinance.

Location: 8961 Pocahontas Trail

Tax Map/Parcel No.: 5940100003

Project Acreage: ± 648.8 acres

Current Zoning: M-2, General Industrial

Comprehensive Plan: General Industry

Primary Service Area: Inside

Staff Contact: Roberta Sulouff, Senior Planner

FACTORS FAVORABLE

1. Staff finds that the application meets the criteria for consideration of waivers listed in Section 24-200(c), subject to the conditions of approval listed in staff's recommendation.

FACTORS UNFAVORABLE

1. With the proposed conditions, staff finds no unfavorable factors.

SUMMARY STAFF RECOMMENDATION

Staff recommends that the DRC recommend approval of this waiver request to the Planning Commission with the condition that the overhead power line and all related infrastructure be removed by May 17, 2019, or within 60 days of the completion of construction, concurrent to the removal of the existing temporary construction trailer which was permitted by Zoning Enforcement on May 17, 2018, or such extended time period as may be approved by the Zoning Administrator.

SURROUNDING ZONING AND DEVELOPMENT

- Properties to the north, east, and west are zoned M-1, Limited Business/Industrial and M-2, General Industrial.
- Property to the south is zoned, PL, Public Lands (Fort Eustis).
- Most surrounding properties are designated General Industry by the adopted Comprehensive Plan, with the exception of the portion of Fort Eustis lying south of the property, which is designated Federal, State or County Land.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

CONCEPTUAL PLAN 18-0071. BASF Temporary Overhead Power Line

Staff Report for the August 22, 2018, Development Review Committee Meeting

PROJECT DESCRIPTION

- On May 17, 2018, Zoning Enforcement permitted the placement of a temporary construction trailer on the subject property (Attachment No. 2). Approval of the temporary structure was conditional upon its removal in a year's time or within 60 days of the completion of construction, with opportunity for the Zoning Administrator to extend that period with reasonable cause.
- The applicant is requesting permission to run 230 feet of overhead power line from an existing overhead pole to the temporary structure.
- The line would be located far interior to the BASF site and would be placed upon an existing Dominion Energy easement.

STAFF ANALYSIS

The applicant has requested a waiver to Section 24-200, Public Utilities, of the Zoning Ordinance. That section permits the Planning Commission to waive the underground utility requirement should the DRC give a favorable recommendation based upon consideration of the following circumstances, listed in Section 24-200(c): voltage requirements, existing overhead service, existing tree cover and physical features of the site and the surrounding area.

As the line would be temporary, of a relatively short span, connecting to an existing overhead pole, and located far interior to the site, staff finds that this application meets the criteria for consideration of waiver as found in Section 24-200(c).

STAFF RECOMMENDATION

Staff recommends that the DRC recommend approval of this waiver request to the Planning Commission with the condition that the overhead power line and all related infrastructure be removed by May 17, 2019, or within 60 days of the completion of construction, concurrent to the removal of the existing temporary construction trailer which was permitted by Zoning Enforcement on May 17, 2018, or such extended time period as may be approved by the Zoning Administrator.

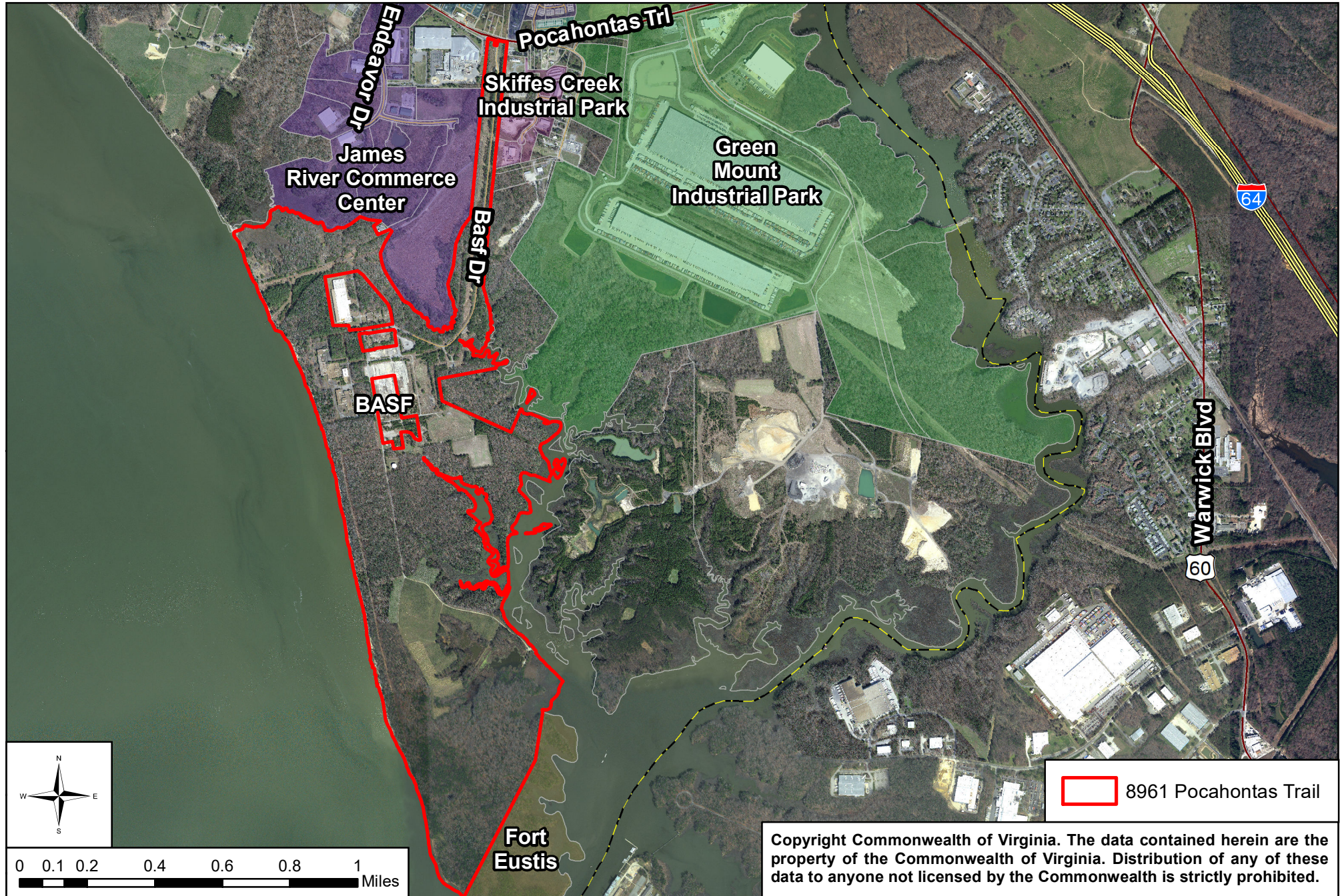
RS/nb
CP18-0071BASFTmpPwrLn

Attachments:

1. Location Map
2. Applicant Exhibit
3. Zoning Enforcement Letter

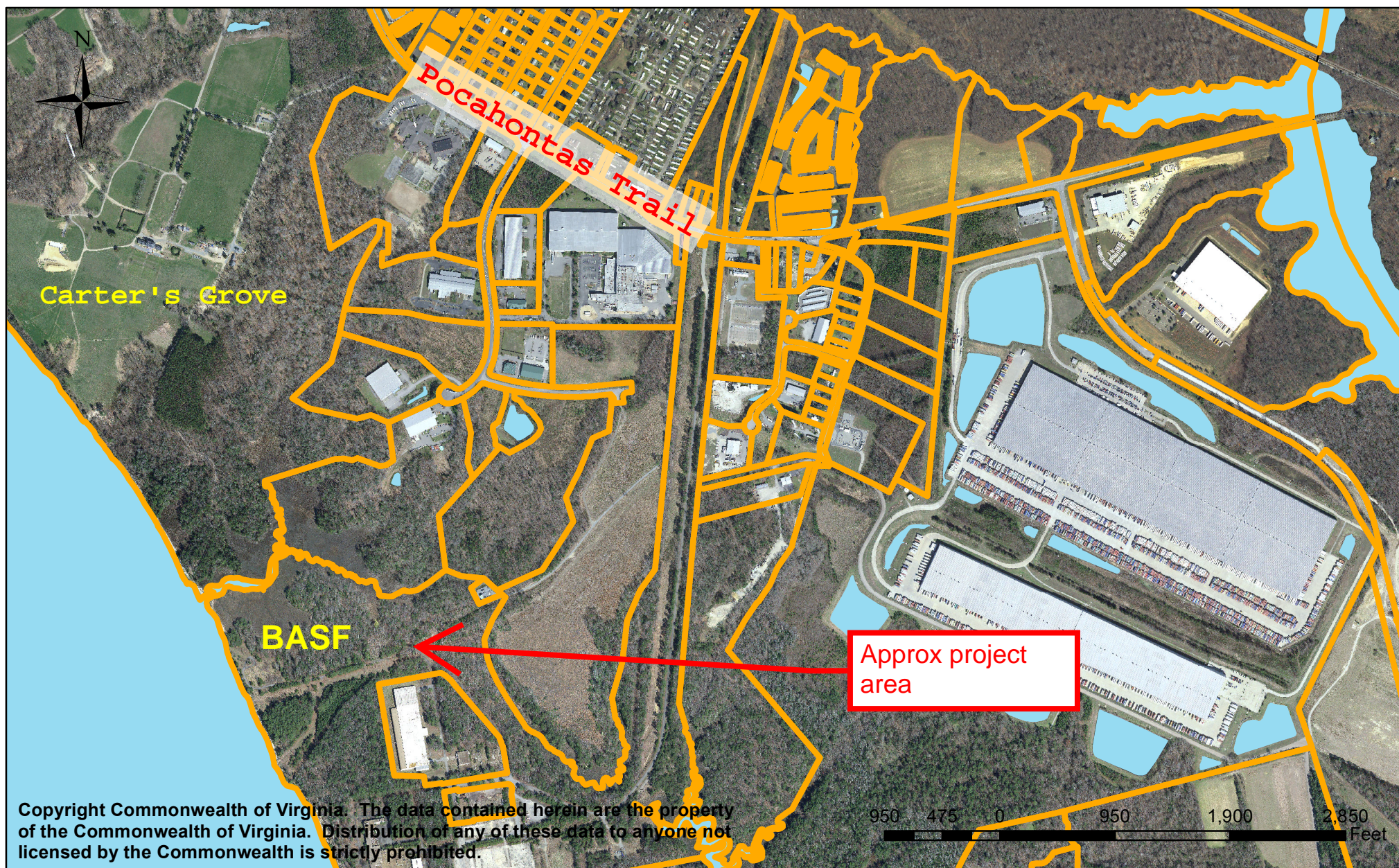
JCC C-18-0071

8961 Pocahontas Trail Temporary Power Line



C-18-0071

BASF Temporary Overhead Power Lines

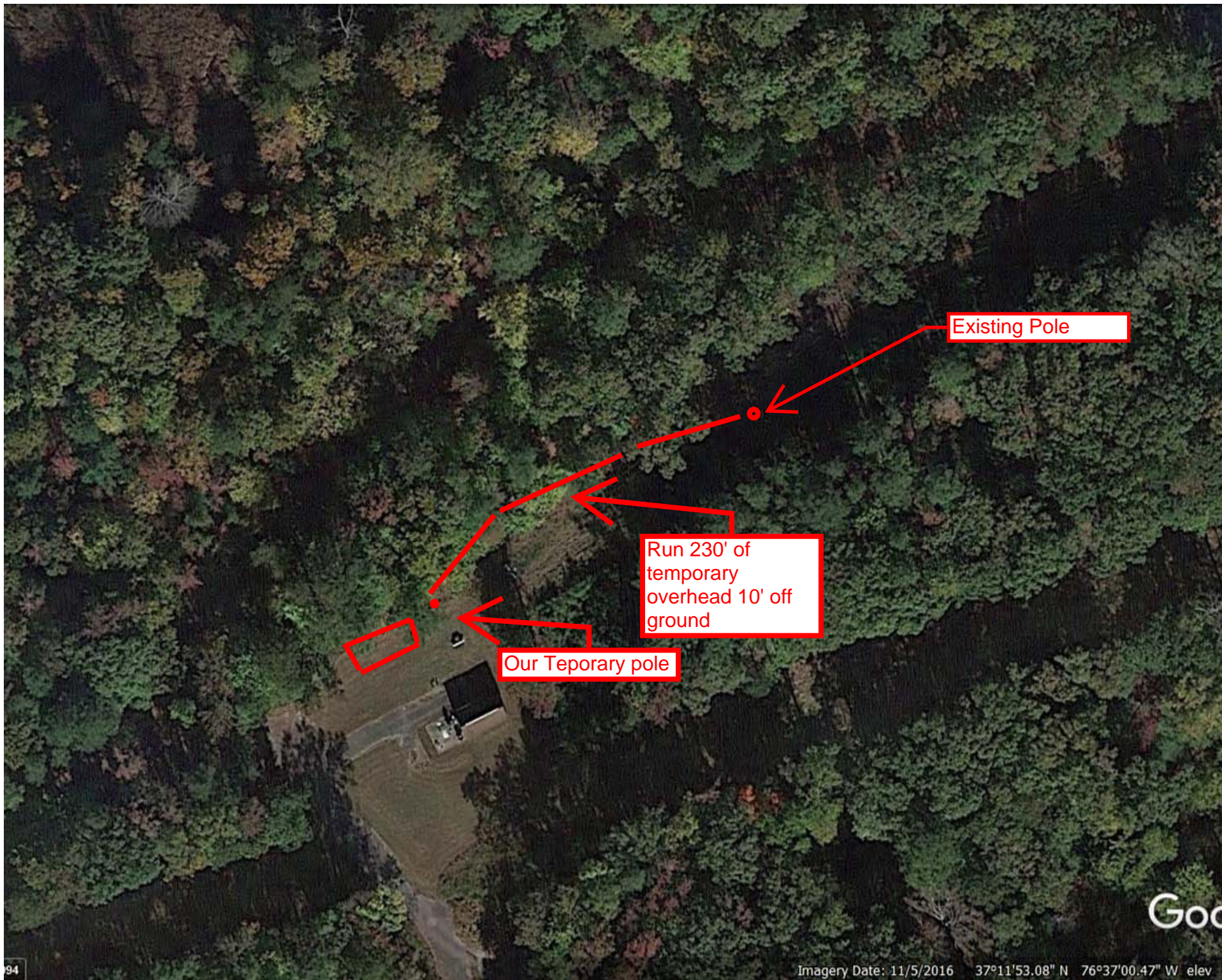


230' from DOM
pole to our temp
service.



© 2018 Google

Go



Existing Pole

Run 230' of temporary overhead 10' off ground

Our Temporary pole

Go



Development Management
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784
P: 757-253-6671
F: 757-253-6822
Develop.management@jamescitycountyva.gov
jamescitycountyva.gov

Building Safety and Permits
757-253-6620

Engineering and Resource Protection
757-253-6670

Planning
757-253-6685

Zoning Enforcement
757-253-6671

May 17, 2018

W.F. Magann Corp.
Kevin Brandal
3220 Marine Ave.
Portsmouth, VA 23464

Re: Temporary construction trailer -8961 Pocahontas Trail
Tax Map # (5940100003)

Mr. Brandal:

This letter is to inform you that Zoning has approved your proposed temporary construction trailer. This approval from Zoning comes with the following conditions:

1. The location of a temporary building or structure shall be necessary for use as a business office during the construction of any commercial structure or structures, or for the sale or rental of on-site property by a developer.
2. The location of a temporary building or structure shall be necessary for use in conjunction with a temporary special event such as a golf tournament or music festival.
3. The temporary building or structure shall not be used for residential purposes.
4. A minimum area of 5,000 square feet shall be provided for each structure.
5. **The structure shall not be placed closer than 15 feet to any lot line.**
6. The sanitary facilities shall conform to county and state health regulations.
7. The electrical connections shall meet the requirements of the Uniform Statewide Building Code.
8. The temporary office shall be used for a period not to exceed one year; provided, that:
 - a. The one-year time period may be extended by written request to the zoning administrator showing reasonable cause.
 - b. The temporary office shall be removed from the site within 60 days after the completion of construction.

If you have any questions, please do not hesitate to contact me at 253-6718.

Sincerely,

John Rogerson
Senior Zoning Officer, CZA

BUILDING PERMIT

James City County
Williamsburg, Virginia

Permit No: **B18-1249**

Permit Holder Copy

TAX MAP NO:

5940100003

X-Reference Permit

Location
SubDivision
Contractor's Name
State License No
Use Group
Use of Structure
Lot Dimensions Length:
Setbacks: Rear Yard:
Mechanic's Lien Agent

8961 POCAHONTAS TR
COMMERCIAL - SKIFFES CREEK
W F MAGANN, CORP
000937A
PIN 101291
Soil:
Width:
Front Yard
Same As (If Any)

Owner's Last Name: BASF CORPORATION

First Name:

17-May-2018

Date:

Building Safety & Permits

Site Plan No:

Occupancy Load:

Water: None

Side Left:

Type Improvement: CONSTRUCTION TRAILER

Type Construction

Sewer: None

Side Right:

Valuation Of Work: \$5,000.00

Permit Fee: \$50.00

Plan Review Fee: \$15.00

Other Fees Due: \$0.00

State 2% Levy: \$1.00

TOTAL: \$66.00

Request inspections at <https://epermit.jamescitycountyva.gov>

Tom Coghill

Building Safety and Permits Inspection Request/Report



Permit No: **E18-1249**

29-May-2018

Address: **8961 POCAHONTAS TR**

Soil:

Tax Map #: **5940100003**

SubDivision: **COMMERCIAL - SKIFFES**

Time Preference (Not Guaranteed)

Owner: **BASF CORPORATION**

Permit Type	Improvement	Type of Inspection	Contractor
Electrical	60	Final / Release	T D KUHLMAN ELECTRI

100 Amp Release



Approved



Rejected



Code

C Adamson

Inspector

www.jamescitycountyva.gov (p) 757-253-6626 (f) 757-259-4038

To schedule an inspection go to

<https://epermit.jamescitycountyva.gov>

Inspectors' Office Hours: 7:00-7:45AM and 3:00-3:30PM

There is a \$50 fee for each rejected inspection.

ITEM SUMMARY

DATE: 8/22/2018

TO: The Development Review Committee

FROM: Jose Ribeiro, Senior Planner II

SUBJECT: C-18-0064. 7083 Menzels Road Minor Subdivision

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Attachment No.1. Conceptual Plan Layout	Exhibit
▣	Attachment No. 2. Applicant Exception Request	Exhibit
▣	Attachment No. 3. Location Map	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	8/17/2018 - 9:27 AM
Development Review Committee	Holt, Paul	Approved	8/17/2018 - 3:23 PM
Publication Management	Burcham, Nan	Approved	8/17/2018 - 3:29 PM
Development Review Committee	Holt, Paul	Approved	8/17/2018 - 3:30 PM

CONCEPTUAL PLAN-18-0064. 7083 Menzels Road Minor Subdivision

Staff Report for the August 22, 2018, Development Review Committee Meeting

SUMMARY FACTS

Applicant: Chase Grogg

Land Owners: Brian Menzel, Barbara Vellrath and Bonnie Amo

Proposal: Nine-lot subdivision on an undeveloped tract of land

Location: 7083 Menzels Road

Tax Map/Parcel No.: 2020100028

Project Acreage: ±74.75 acres

Current Zoning: A-1, General Agriculture

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside

Staff Contact: Jose Ribeiro, Senior Planner II

REASON FOR PLANNING COMMISSION REVIEW

Section 19-73 of the Subdivision Ordinance requires that all minor subdivisions of three or more lots shall limit direct access from the existing road to one shared driveway. The applicant would like to have each lot served by an individual driveway and has requested an exception to this section of the Subdivision Ordinance as permitted under Section 19-18, Exceptions.

FACTORS FAVORABLE

1. The Fire Department, Health Department and the Virginia Department of Transportation (VDOT) have stated no objection to this exception request.

FACTORS UNFAVORABLE

1. Staff finds that the nine contiguous lots do not meet criteria (e) which specifically excludes requests based on monetary reasons or personal hardship.

STAFF RECOMMENDATION

Staff recommends that the Development Review Committee (DRC) recommend denial of the exception request to allow individual driveways for Lot Nos. 1-9 to the Planning Commission.

PROJECT HISTORY

Planning Commission and Board of Supervisors: 7083 Menzels Road was included in the establishment of the Wright's Island Agricultural and Forestal District (AFD) on October 6, 1986. The Board of Supervisors adopted resolution to withdraw this property from the Wright's Island AFD during the AFD renewal process in 2010.

PROJECT DESCRIPTION

- Subdivision of the existing parcel into nine new single-family lots. As would be required by the Ordinance provisions for minor subdivision the applicant is proposing subdivision of the nine lots in two phases: Phase I consisting of four lots and Phase II consisting of five lots. In order to be considered as a minor subdivision (subdivision of no more than five lots) each phase will be platted separately. It would be permitted by the Ordinance for each phase of development to have one shared driveway for Lot

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

Staff Report for the August 22, 2018, Development Review Committee Meeting

Nos. 1-4 and another for Lot Nos. 5-9. However, as currently proposed, the applicant has shown each lot with individual driveways.

SURROUNDING ZONING AND DEVELOPMENT

- Surrounding properties to the north, south, east and west are zoned A-1, General Agricultural and designated Rural Lands/Open Space or Recreation on the Comprehensive Plan.

STAFF ANALYSIS

Section 19-73 of the Subdivision Ordinance states that a shared driveway shall be required for any subdivision with three or more undeveloped lots. This requirement, along with a number of other updates, was added to the Subdivision Ordinance in 1999, after having been developed by a citizen and stakeholder committee charged with revisions to the Zoning and Subdivision Ordinances at that time. This update was preceded by inclusion of Rural Land Use Standards in the Development Standards section of the 1997 Comprehensive Plan which encouraged preservation of the natural, wooded and rural character of the County by various measures, including “minimizing the number of street and driveway intersections along the main road by providing common driveways and interconnection of developments.” This language has remained in subsequent versions of the Comprehensive Plan’s Rural Lands Development Standards, including the current 2035 Comprehensive Plan. Over the years, many minor subdivisions have been approved with shared driveways, both inside the PSA and outside the PSA for minor subdivisions with larger lots taking access from rural roads.

Staff has not found any Subdivision Ordinance exceptions for shared driveways that have been approved.

The analysis below provides information on each of the criteria listed in the Subdivision Ordinance Exception section.

4. The Commission shall not approve any exception unless it first receives a recommendation from the DRC and unless it finds that:

- a. Strict adherence to the Ordinance requirement will cause substantial injustice or hardship;

Staff does not find a hardship outlined in the applicant’s document that meets the hardship standards, as further discussed below.

- b. The granting of the exception will not be detrimental to public safety, health or welfare, and will not adversely affect the property of others;

As discussed in (d) below, VDOT has indicated that the separate driveways would meet VDOT minimum standards. However, the County’s higher access standard is in part to address public safety, health and welfare through the goals of access management and safer progression of traffic by limited entry points, even in rural areas with a lesser volume of traffic. The higher standard also helps in retaining the rural character of these areas and roadways.

- c. The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter;

Staff does not find that the facts upon which the request is based are unique to the property. There are “fingers” of the Resource Protection Area (RPA) crossing the property as shown on the conceptual plan layout. At this time, the RPA shown is based on Geographic Information System mapping and has not yet been formerly delineated. While the presence

CONCEPTUAL PLAN-18-0064. 7083 Menzels Road Minor Subdivision

Staff Report for the August 22, 2018, Development Review Committee Meeting

of the RPA features may affect the feasible location of a shared driveway, it appears that there is enough area to locate a shared driveway outside of these features. RPAs are common environmental features in the County and it is not unique to have them influence development layouts to some degree.

- d. No objection to the exception has been received in writing from the Transportation Department, Health Department or Fire Chief; and

Staff has consulted with applicable reviewing agencies, specifically with VDOT, the Virginia Department of Health and the Fire Department, and there was no objection to the exception request. VDOT staff has indicated that VDOT does not have access management standards for driveways on secondary roads.

- e. The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.

As discussed above, staff finds that neither the dimensions/building area of the proposed lots nor the topography of the lots are unusual compared with other parcels, or of a nature that would preclude the placement of a shared driveway. Specifically, with regard to topography, the front portion of the property adjacent to Little Creek Dam and Menzels Roads does not appear to have steep slopes, and appears to be comparable from a topographic standpoint to the locations of past shared driveways approved under this section. Staff notes that there appears to be enough area in the property (within the 85-foot wide front setback) to locate

a shared driveway outside of steep slopes or environmental features such as the RPA (The ordinance requires a driveway of a minimum of 10 feet wide.) The exception criteria states that financial hardship shall not be considered a proper justification for an exception. As noted above, staff does not find a hardship outlined in the applicant's document that meets the hardship standards for proposed Lot Nos. 1-9.

STAFF RECOMMENDATION

Staff recommends that the DRC recommend denial of the exception request to allow individual driveways for Lot Nos. 1-9 to the Planning Commission.

JR/md

CP18-0064-7083MenzelsRd

Attachments:

1. Conceptual Plan Layout
2. Applicant Exception Request
3. Location Map

C-18-0064

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	309.09'	2525.00'	7°00'49"	S 27°00'28" W	308.90'
C2	509.83'	695.00'	42°01'51"	S 44°30'58" W	498.48'
C3	48.33'	200.00'	13°11'13"	N 49°11'22" W	45.93'
C4	528.30'	8397.30'	3°36'17"	N 67°27'03" W	528.21'
C5	444.99'	5582.63'	4°33'32"	N 67°55'41" W	444.87'
C6	105.99'	556.82'	10°54'22"	N 75°39'38" W	105.83'

LINE	BEARING	DISTANCE
L1	S 23°30'03" W	181.35'
L2	S 65°31'53" W	356.79'
L3	S 75°48'49" W	137.99'
L4	N 89°16'36" E	95.17'
L5	S 20°44'49" W	10.00'
L6	N 70°12'27" E	87.42'
L7	N 02°19'50" W	107.79'
L8	N 05°35'48" E	204.46'
L9	N 08°34'38" E	100.96'
L10	N 02°18'12" E	98.22'
L11	N 05°43'36" W	168.25'
L12	N 00°37'54" W	99.71'
L13	N 14°36'55" E	73.15'
L14	N 31°02'37" E	132.80'
L15	N 38°42'05" E	40.21'
L16	N 50°18'31" E	94.20'
L17	N 58°35'03" E	39.51'
L18	N 70°34'49" E	92.58'
L19	N 60°48'42" E	55.52'
L20	N 51°00'42" E	74.94'
L21	N 43°47'17" E	86.60'
L22	N 33°51'11" E	61.64'
L23	N 26°38'27" E	64.97'

NOTE

- 1) RPA IS SHOWN PER JCC GIS MAPPING. A FIELD DELINEATION WILL BE COMPLETED UPON COMPLETION OF PRELIMINARY INVESTIGATION AND SUBDIVISION FEASIBILITY.

PROPERTY SETBACKS
FRONT 100' CL OF ROAD
REAR 35'
SIDE 15'

N/F
DOZIER, RALPH BENJAMIN &
CHARLES NORRIS II &
SINK, MARY ELIZABETH
PIN #2020100005

N/F
WRIGHTS ISLAND GAME ASSN
PIN #2030100001

N/F
MENZEL, BRIAN M. &
VELLRATH, BARBARA M. &
AMO, BONNIE B.
7083 MENZELS ROAD
PIN #2020100028

N/F
A BETTER BOUNCE RENTAL, LLC
PIN #2020100020

PLANNING DIVISION
JUL 11 2018
RECEIVED

VIRGINIA STATE PLANE
COORDINATE SYSTEM
(VA SOUTH ZONE)
(NAD 83) (COR 12)

CONCEPTUAL SUBDIVISION
**MENZEL ROAD/
LITTLE CREEK DAM ROAD**
7083 MENZELS ROAD

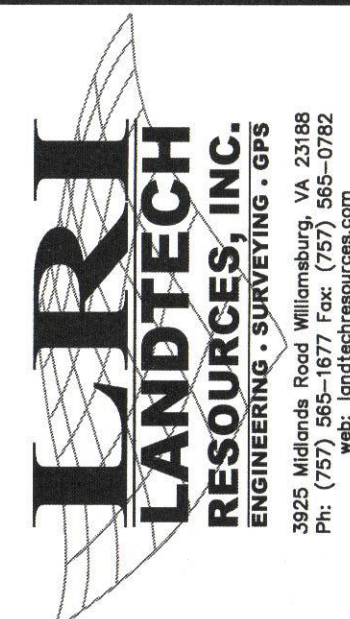
VIRGINIA

JAMES CITY COUNTY

REVISION / COMMENT / NOTE

DATE

NO.



SCALE: 1" = 100'

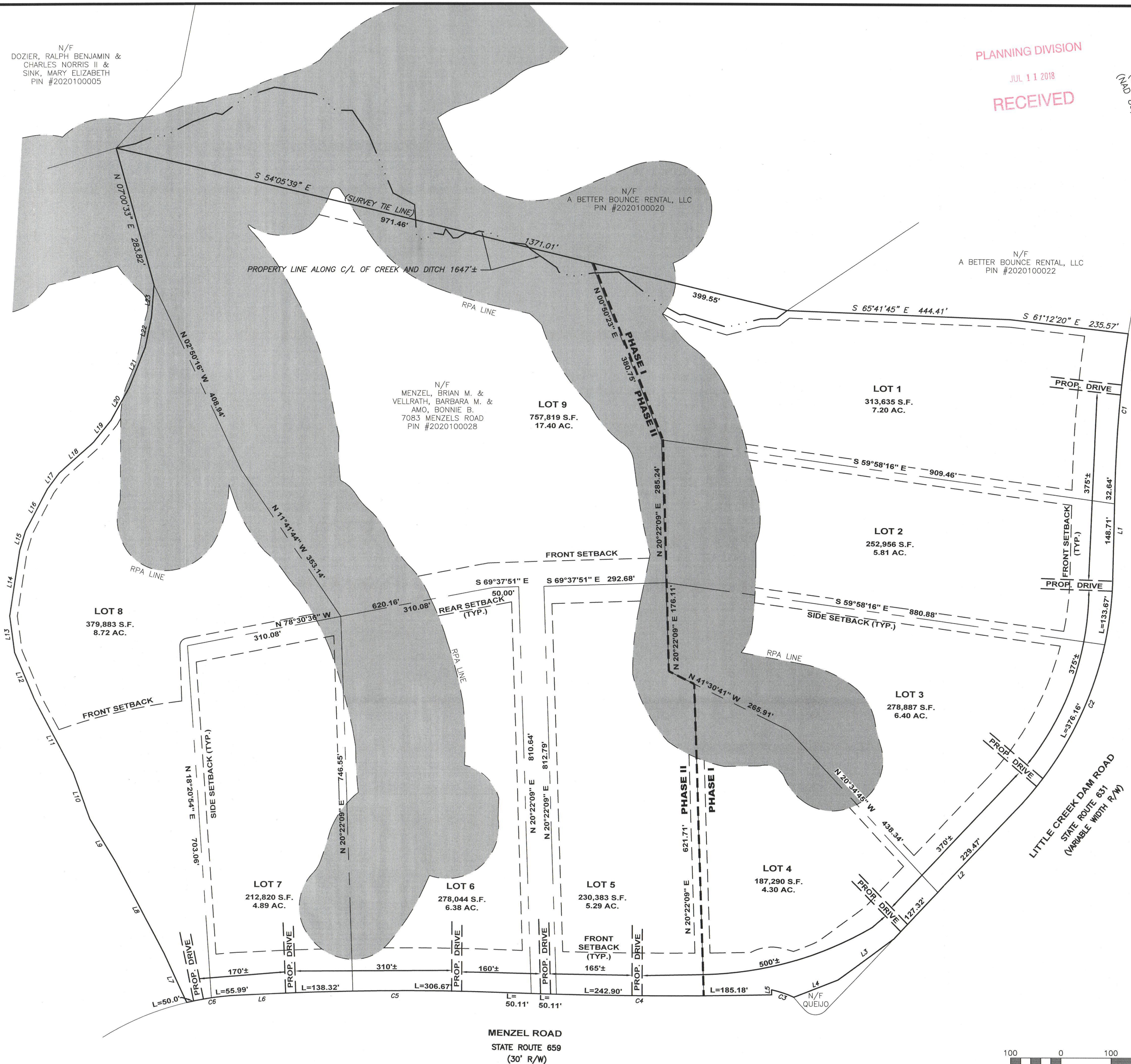
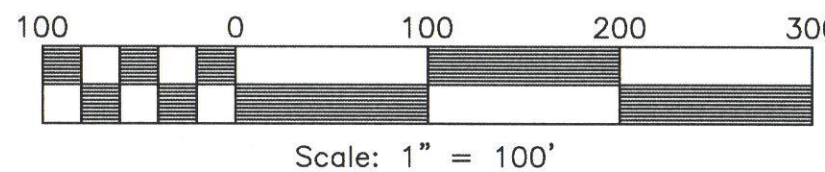
DATE: 07-10-2018

JOB: 18-295

DRAWN BY: CMH

C1.00
CONCEPTUAL
SUBDIVISION

01 OF 01



July 18, 2018

James City County Planning Commission
Director Community Development/Planning
101 Mounts Bay Road
Bldg A
Williamsburg, Va. 23185

RE: C-18-0064 Conceptual Plan 7083 Menzel's Road

Dear James City County Planning Commission,

We have submitted a conceptual plan to develop 9 residential lots on 66 acres of land located along Little Creek Dam Road and Menzels Road. The average size is about 7 acres which is far larger than the 3 acre minimum requirement of A-1 zoning. We feel that there is a need for these larger lots in this area. Since the property has approximately 2,800 linear feet of road frontage along VDOT maintained roadways, our proposal is to provide each lot with their own individual driveway. We have been informed that this proposal does not meet James City requirements, and that it can only be approved via waiver of the DRC and Planning Commission.

We offer the following information in support of our waiver request:

1. Both of these VDOT maintained roads are capable of providing individual access to these 9 lots.
 - The proposed driveways average 300 linear feet of separation.
 - Existing traffic volumes are low on these two rural secondary roads. Little Creek Dam Rd. has AADT of 400 vehicles and Menzels Road has AADT of 90 vehicles. The development of these 9 lots would generate roughly 72 vdp additional traffic.
 - Only 3 houses exist down Menzel Road. The remainder of land along Menzel Road is owned by Wrights Island Game Association which has an AFD overlay that limits development.
 - Along Little Creek Dam Road, there are no houses between this property and the east side of Little Creek Dam. The majority of this land is owned by Newport News Water Works or Wrights Island Game Association and Pates Neck Timber Company, and development of both parcels are limited by AFD. These lands are shown on attached drawing.

2. We feel that owners of a 7 acre lot would prefer to own their own driveway.
 - The driveway can be located on the lot as they deem best.
 - The character of the driveway can be as they like.
 - There is no shared maintenance or use of their driveway with their neighbors, which can occasionally be problematic.
3. The cost to access these lots with the allowed 2 shared driveways has economic and environmental costs.
 - Essentially, 2 shared driveways will need to be constructed inside the property and parallel to the existing VDOT roads. This construction would be a substantial cost to the project that seems unnecessary since the existing VDOT roadways can properly support the number and location of the individual driveways.
 - Construction of these additional roads within the RMA will result in additional clearing, grading, and impervious cover. This seems to be contrary to Chesapeake Bay recommendations that encourage the least amount of disturbance within RMAs.

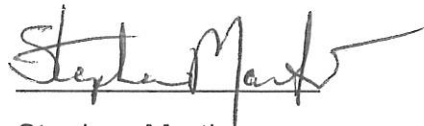
We hope that James City County Planning Commission will consider the above information and determine that the special characteristics of this proposal are sufficient to allow the individual driveway waiver as requested. Thank you for your consideration.

Sincerely,



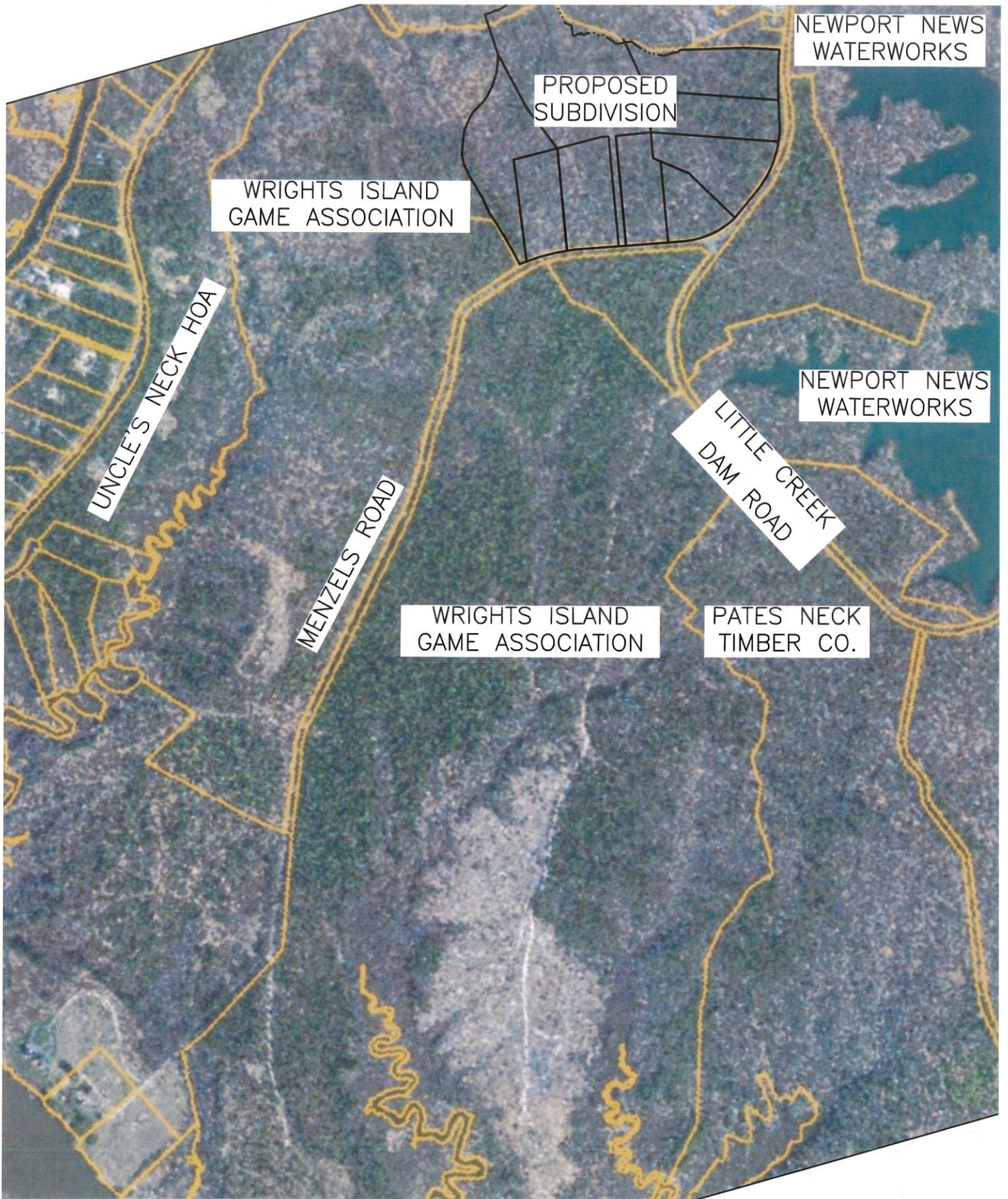
Kenneth Heath,

Partner SMKH Properties LLC



Stephen Martin,

Partner SMKH Properties LLC



NEWPORT NEWS
WATERWORKS

PROPOSED
SUBDIVISION

WRIGHTS ISLAND
GAME ASSOCIATION

UNCLE'S NECK HOA

NEWPORT NEWS
WATERWORKS

LITTLE CREEK
DAM ROAD

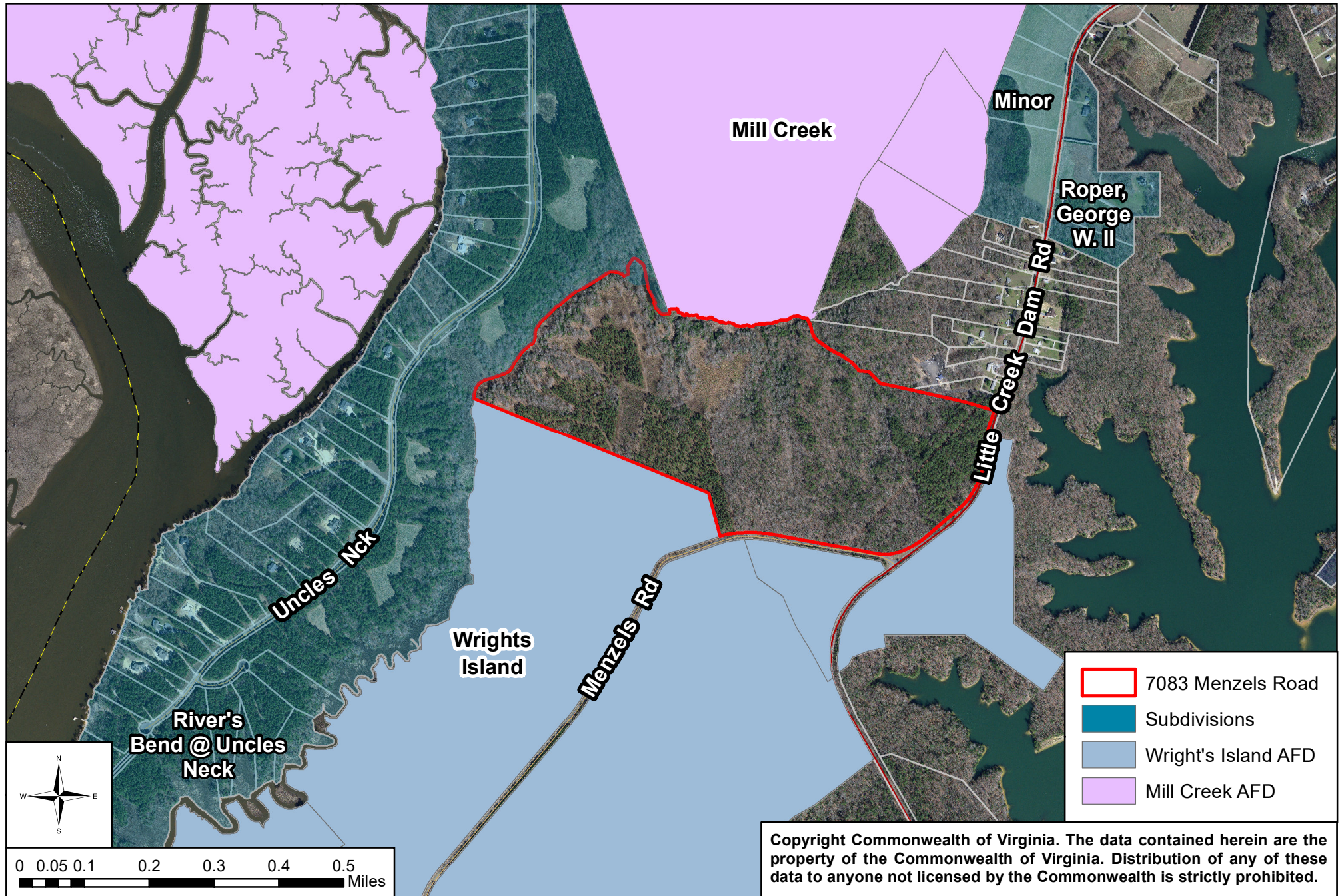
MENZELS ROAD

WRIGHTS ISLAND
GAME ASSOCIATION

PATES NECK
TIMBER CO.

JCC C-18-0064

7083 Menzels Road Minor Subdivision



ITEM SUMMARY

DATE: 8/22/2018

TO: The Development Review Committee

FROM: Alex Baruch, Senior Planner

SUBJECT: S-0022-2018. 9812 Old Stage Rd. Minor Subdivision

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Location Map	Backup Material
▣	Subdivision Plat	Backup Material
▣	Applicant Exception Request	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Cook, Ellen	Approved	8/17/2018 - 10:34 AM
Development Review Committee	Holt, Paul	Approved	8/17/2018 - 3:28 PM
Publication Management	Burcham, Nan	Approved	8/17/2018 - 3:30 PM
Development Review Committee	Holt, Paul	Approved	8/17/2018 - 3:30 PM

Subdivision-0022-2018. 9812 Old Stage Road Minor Subdivision

Staff Report for the August 22, 2018, Development Review Committee Meeting

SUMMARY FACTS

Applicant: Sam Bickers

Land Owner: NICELAND FARM LLC

Proposal: Five-lot subdivision, four new single-family lots and one existing single-family lot

Location: 9812 Old Stage Road

Tax Map/Parcel ID No.: 0420100008

Project Acreage: ±227.99 acres

Current Zoning: A-1, General Agriculture

Comprehensive Plan: Rural Lands

Primary Service Area (PSA): Outside

Staff Contact: Alex Baruch, Senior Planner

REASON FOR PLANNING COMMISSION REVIEW

Section 19-73 of the Subdivision Ordinance requires that all minor subdivisions of three or more lots shall limit direct access from the existing road to one shared driveway. The applicant has requested an exception to this section of the Subdivision Ordinance as permitted under Section 19-18, Exceptions.

FACTORS FAVORABLE

1. The Fire Department, Health Department and the Virginia Department of Transportation (VDOT) have stated no objection to this exception request.

2. Staff finds that utilizing a shared driveway for Lot No. 4 would not be possible as it is not contiguous with the other three undeveloped lots and meets the exception criteria.

FACTORS UNFAVORABLE

1. Staff finds that the three contiguous lots (Lot Nos. 1-3) do not meet criteria (e) which specifically excludes requests based on monetary reasons or personal hardship.

STAFF RECOMMENDATION

Staff recommends that the Development Review Committee (DRC) recommend approval of the exception request to allow an individual driveway for Lot No. 4 to the Planning Commission.

Staff recommends that the DRC recommend denial of the exception request to allow individual driveways for Lot Nos. 1-3 to the Planning Commission.

PROJECT HISTORY

Planning Commission and Board of Supervisors: 9812 Old Stage Road has been historically used as farm land. Dating back to 1937, a fire tower has been located on the property. This property was included in the establishment of the Barnes Swamp Agricultural and Forestal District (AFD) on December 1, 1986. The portions of the property included in the four new single-family lots of this subdivision are being withdrawn from the Barnes Swamp AFD during the 2018 renewal cycle.

This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PROJECT DESCRIPTION

- A proposed five-lot subdivision consisting of four new single-family lots and one existing single-family lot.

SURROUNDING ZONING AND DEVELOPMENT

- Surrounding properties to the west, east and south are zoned A-1, General Agricultural and designated Rural Lands on the Comprehensive Plan.

STAFF ANALYSIS

Section 19-73 of the Subdivision Ordinance states that a shared driveway shall be required for any subdivision with three or more undeveloped lots. This requirement, along with a number of other updates, was added to the Subdivision Ordinance in 1999, after having been developed by a citizen and stakeholder committee charged with revisions to the Zoning and Subdivision Ordinances at that time. This update was preceded by inclusion of Rural Land Use Standards in the Development Standards section of the 1997 Comprehensive Plan which encouraged preservation of the natural, wooded and rural character of the County by various measures, including “minimizing the number of street and driveway intersections along the main road by providing common driveways and interconnection of developments.” This language has remained in subsequent versions of the Comprehensive Plan’s Rural Lands Development Standards, including the current 2035 Comprehensive Plan. Over the years, many minor subdivisions have been approved with shared driveways, both inside the PSA and outside the PSA for minor subdivisions with larger lots taking access from rural roads.

Staff has not found any Subdivision Ordinance exceptions for shared driveways that have been approved.

The analysis below provides information on each of the criteria listed in the Subdivision Ordinance Exception section.

4. The Commission shall not approve any exception unless it first receives a recommendation from the DRC and unless it finds that:

- a. Strict adherence to the Ordinance requirement will cause substantial injustice or hardship;

Due to past subdivision actions, the proposed Lot No. 4 is physically separated from the other three proposed lots by another property. In this instance, requiring a shared driveway would cause substantial hardship as it would require the property owner to obtain access through the adjoining property, which the adjoining property owner may be unwilling to allow and which might cause other issues of compliance with the County’s Ordinances. However, for proposed Lot Nos. 1-3, staff does not find a hardship outlined in the applicant’s document that meets the hardship standards, as further discussed below.

- b. The granting of the exception will not be detrimental to public safety, health or welfare, and will not adversely affect the property of others;

As discussed in (d) below, VDOT has indicated that the separate driveways would meet VDOT minimum standards. However, the County’s higher access standard is in part to address public safety, health and welfare through the goals of access management and safer progression of traffic by limited entry points, even in rural areas with a lesser volume of traffic. The higher standard also helps in retaining the rural character of these areas and roadways.

- c. The facts upon which the request is based are unique to the property and are not applicable generally to other property so as not to make reasonably practicable the formulation of

Subdivision-0022-2018. 9812 Old Stage Road Minor Subdivision

Staff Report for the August 22, 2018, Development Review Committee Meeting

general regulations to be adopted as an amendment to this chapter;

The physical separation of proposed Lot No. 4 is an unusual situation that is not typically seen throughout the County. However, for proposed Lot Nos. 1-3, staff does not find that the facts upon which the request is based are unique to the property, as further discussed below.

- d. No objection to the exception has been received in writing from the Transportation Department, Health Department, or Fire Chief; and

Staff has consulted with applicable reviewing agencies, specifically with VDOT, the Virginia Department of Health and the Fire Department, and there was no objection to the exception request. VDOT staff has indicated that VDOT does not have access management standards for driveways on secondary roads.

- e. The hardship or injustice is created by the unusual character of the property, including dimensions and topography, or by other extraordinary situation or condition of such property. Personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception.

As discussed above, the physical separation of proposed Lot No. 4 is an unusual situation that is not typically seen throughout the County. However, for proposed Lot Nos. 1-3, staff finds that neither the dimensions/building area of the proposed lots nor the topography of the lots are unusual compared with other parcels, or of a nature that would preclude the placement of a shared driveway. Specifically, with regard to topography, while there are steeper slopes at the rear and side of the property, the front portion of the

property adjacent to Fire Tower Road does not appear to have steep slopes, and appears to be comparable from a topographic standpoint to the locations of past shared driveways approved under this section. The exception criteria states that financial hardship shall not be considered a proper justification for an exception. As noted above, staff does not find a hardship outlined in the applicant's document that meets the hardship standards for proposed Lot Nos. 1-3.

STAFF RECOMMENDATION

Staff recommends that the DRC recommend approval of the exception request to allow an individual driveway for Lot No. 4 to the Planning Commission.

Staff recommends that the DRC recommend denial of the exception request to allow individual driveways for Lot Nos. 1-3 to the Planning Commission.

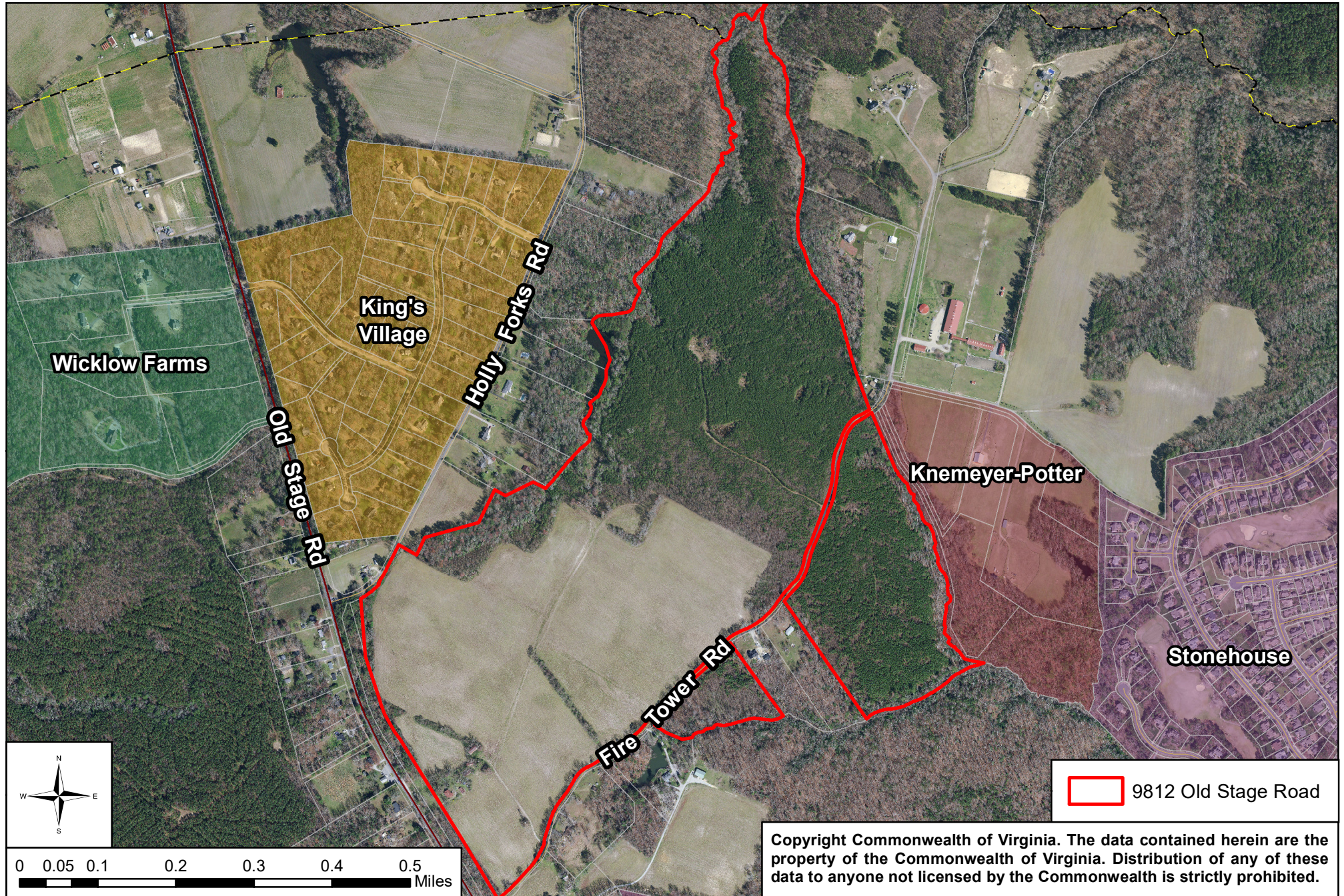
AB/md
S22-18OldStageRd

Attachments:

1. Location Map
2. Subdivision Plat
3. Applicant Exception Request

JCC S-0022-2018

9812 Old Stage Road Subdivision Plat



THIS IS TO CERTIFY THAT THE LAND EMBRACED IN THIS SUBDIVISION IS IN THE NAME OF NICELAND FARM, LLC., AND WAS ACQUIRED FROM DAVID A. & DEBORAH L. NICE BY DEED DATED MARCH 21, 2018 AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF JAMES CITY, VIRGINIA IN INSTRUMENT #180006161.

THE SUBDIVISION OF LAND SHOWN ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER.

DATE _____

PRINTED NAME

TITLE

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____

I, _____, A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT PERSONS WHOSE NAMES ARE SIGNED TO THE FOREGOING WRITING HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID.

GIVEN UNDER MY NAME THIS _____ DAY OF _____, 2018.

MY COMMISSION EXPIRES

NOTARY REGISTRATION NUMBER:

NOTARY PUBLIC:

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES OF THE COUNTY OF JAMES CITY, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE COUNTY.

PRELIMINARY

SAMUEL J. BIKKERS, LIC. NO. #002304

DATE _____

THIS SUBDIVISION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH
EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

VIRGINIA DEPARTMENT OF TRANSPORTATION

DATE _____

SUBDIVISION AGENT OF
THE COUNTY OF JAMES CITY

DATE _____

1. PROPERTY IS ZONED GENERAL AGRICULTURAL, A1.
2. ALL LOTS TO BE SERVED BY PRIVATE WELL AND SEPTIC.
3. THIS PROPERTY LIES IN ZONE X, (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FEMA FLOOD MAP NUMBERS 51095C0029D & 51095C0037D, DATED DECEMBER 16, 2015.
4. THE PROPERTY SHOWN IS PART OF TAX PARCEL ID NUMBER 0420100008. THE ADDRESS IS 9812 OLD STAGE ROAD.
5. SETBACK LINES PER THE CURRENT JAMES CITY COUNTY ZONING ORDINANCE ARE:
FRONT = 75', SIDE = 15' AND REAR = 35'.
6. THIS PLAT IS BASED UPON A CURRENT FIELD SURVEY, MONUMENTS FOUND, AND RECORDED DOCUMENTS. EASEMENTS OF RECORD MAY EXIST BUT ARE NOT SHOWN ON THIS PLAT. THIS PLAT PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.
7. ANY EXISTING UNUSED WELLS SHALL BE ABANDONED IN ACCORDANCE WITH STATE PRIVATE WELL REGULATIONS AND JAMES CITY COUNTY CODE.
8. ALL MONUMENTS AND LOT CORNERS SHALL BE SET IN ACCORDANCE WITH SECTION 19-34 THRU 19-36 OF JAMES CITY COUNTY ORDINANCE.
9. WETLANDS AND LAND WITHIN RESOURCE PROTECTION AREAS SHALL REMAIN IN A NATURAL UNDISTURBED STATE EXCEPT FOR THOSE ACTIVITIES PERMITTED BY SECTION 23-7 OF THE JAMES CITY COUNTY CODE.
10. ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND.
11. UNLESS OTHERWISE NOTED, ALL DRAINAGE EASEMENTS DESIGNATED ON THIS PLAT SHALL REMAIN PRIVATE.
12. ON-SITE SEWAGE DISPOSAL SYSTEM INFORMATION AND SOILS INFORMATION SHOULD BE VERIFIED AND REEVALUATED BY THE HEALTH DEPARTMENT PRIOR TO ANY NEW CONSTRUCTION.
13. ON-SITE SEWAGE DISPOSAL SYSTEM SHALL BE PUMPED OUT AT LEAST ONCE EVERY FIVE YEARS PER SECTION 23-9(b)(6) OF THE JAMES CITY COUNTY CODE.
14. A LAND USE PERMIT WILL BE REQUIRED PRIOR TO CONSTRUCTION OF ANY WORK WITHIN STATE MAINTAINED RIGHT OF WAY LIMITS OR EASEMENTS.

THIS SUBDIVISION IS APPROVED FOR INDIVIDUAL ONSITE SEWAGE SYSTEMS IN ACCORDANCE WITH THE PROVISIONS OF *THE CODE OF VIRGINIA AND THE SEWAGE HANDLING AND DISPOSAL REGULATIONS* (12 VAC 5-610-10 et seq., THE "REGULATIONS",

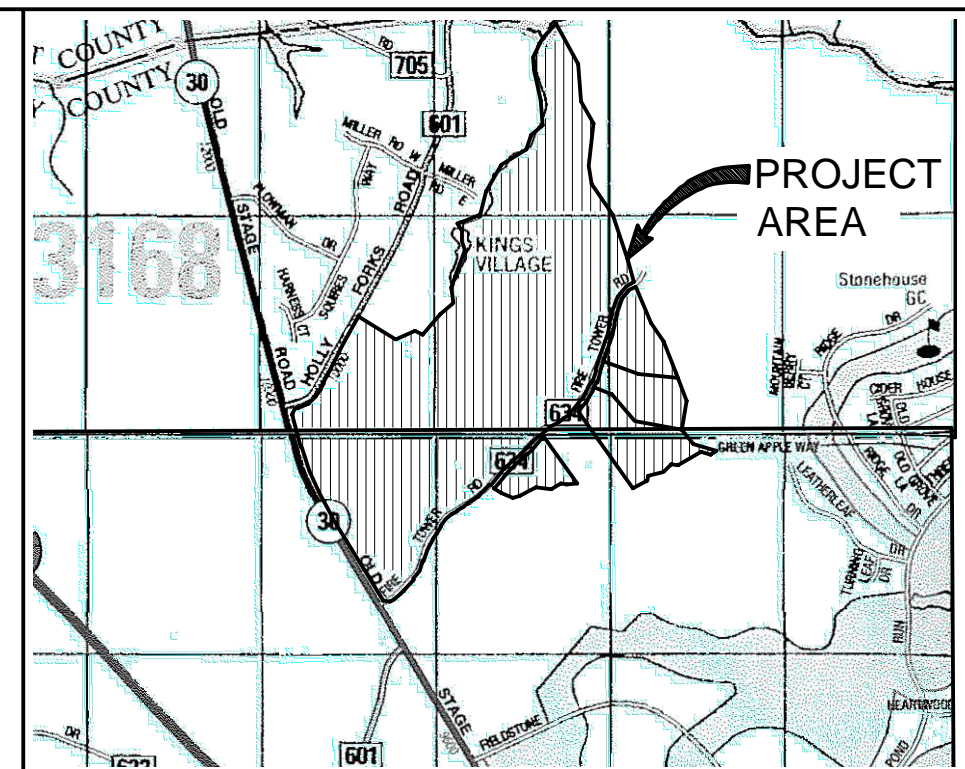
THIS SUBDIVISION WAS SUBMITTED TO THE HEALTH DEPARTMENT FOR REVIEW PURSUANT TO SEC. 32-1-163.5 OF THE *CODE OF VIRGINIA* WHICH REQUIRES THE HEALTH DEPARTMENT TO ACCEPT PRIVATE SOIL EVALUATIONS AND DESIGNS FROM AN ONSITE SOIL EVALUATOR (OSE) OR A PROFESSIONAL ENGINEER WORKING IN CONSULTATION WITH AN AOSE FOR RESIDENTIAL DEVELOPMENT. THE DEPARTMENT IS NOT REQUIRED TO PERFORM A FIELD CHECK OF SUCH EVALUATIONS. THIS SUBDIVISION WAS CERTIFIED AS BEING IN COMPLIANCE WITH THE BOARD OF HEALTH'S REGULATIONS BY: ADAM HERMAN AOSE# 1940001109. THIS SUBDIVISION APPROVAL IS ISSUED IN RELIANCE UPON THAT CERTIFICATION.

PURSUANT TO SEC. 366 OF THE REGULATIONS THIS APPROVAL IS NOT AN ASSURANCE THAT SEWAGE DISPOSAL SYSTEM CONSTRUCTION PERMITS WILL BE ISSUED FOR ANY LOT IN THE SUBDIVISION UNLESS THAT LOT IS SPECIFICALLY IDENTIFIED AS HAVING AN APPROVED SITE FOR AN ONSITE SEWAGE DISPOSAL SYSTEM, AND UNLESS ALL CONDITIONS AND CIRCUMSTANCES ARE PRESENT AT THE TIME OF APPLICATION FOR A PERMIT AS ARE PRESENT AT THE TIME OF THIS APPROVAL. THIS SUBDIVISION MAY CONTAIN LOTS THAT DO NOT HAVE APPROVED SITES FOR ONSITE SEWAGE SYSTEMS.

THIS SUBDIVISION APPROVAL IS ISSUED IN RELIANCE UPON THE CERTIFICATION THAT APPROVED LOTS ARE SUITABLE FOR "TRADITIONAL SYSTEMS", HOWEVER ACTUAL SYSTEM DESIGNS MAY BE DIFFERENT AT THE TIME CONSTRUCTION PERMITS ARE ISSUED.

VIRGINIA DEPARTMENT OF HEALTH

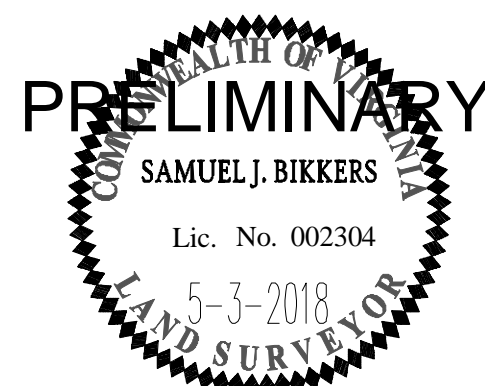
DATE _____



VICINITY MAP
(APPROXIMATE SCALE: 1"=2000')

Copyright ADC The Map People permitted use number 21004223

Rev.	Date	Description	Revised By



CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

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

www.aesva.com

PLAT OF SUBDIVISION
BEING A PART OF THE PROPERTY
OWNED BY NICELAND FARM, LLC
CREATING HEREON LOTS 1 THROUGH 5
LOCATED ALONG STATE ROUTE 634 (FIRE TOWER ROAD)
STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:		SJB
Project Number:		W10530
Scale:	Date:	
AS NOTED	5-02-2018	
Sheet Number		
1 of 5		

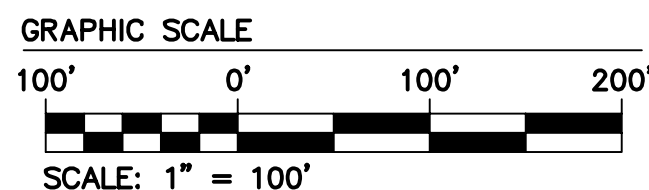
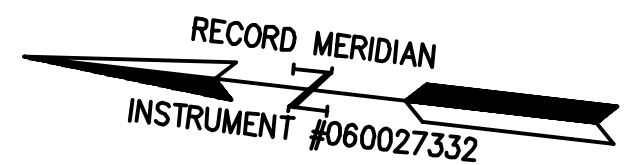
SEE SHEET 2
S17°13'35"W
83.53'

FIRE TOWER ROAD
STATE ROUTE #634
EX. 30' R/W

LOT 5
8,607,767 S.F.±
197.607 ACRES±
REMAINING PROPERTY OF
NICELAND FARM, LLC
PARCEL ID: 0420100008
INSTRUMENT #180006161
INSTRUMENT #060027332

10' VDOT DEDICATION #3
41,538 S.F.
0.954 ACRES

IRS SET ON 30' R/W LINE,
10.0' FROM CORNER



LEGEND

- IRF_o IRON ROD FOUND
- IPF_o IRON PIPE FOUND
- IRS_o IRON ROD SET
- RIGHT-OF-WAY POINT
- UTILITY POLE
- ⊕ BORE HOLE
- OHU OVERHEAD UTILITY LINE
- RPA RESOURCE PROTECTION AREA
- SURVEY TIE LINE ONLY
- RIGHT-OF-WAY LINE
- PROPERTY LINE

SEE SHEET 5 FOR
REMAINDER LOT 5

FOR CURVE DATA
SEE SHEET 4

LOT 5
8,607,767 S.F.±
197.607 ACRES±
REMAINING PROPERTY OF
NICELAND FARM, LLC
PARCEL ID: 0420100008
INSTRUMENT #180006161
INSTRUMENT #060027332

10' VDOT DEDICATION #3
41,538 S.F.
0.954 ACRES

FIRE TOWER ROAD
STATE ROUTE #634
EX. 30' R/W

SEE SHEET 4

REF: JCC CASE NO. S-0022-2018

PLAT OF SUBDIVISION
BEING A PART OF THE PROPERTY
OWNED BY NICELAND FARM, LLC
CREATING HEREON LOTS 1 THROUGH 5
LOCATED ALONG STATE ROUTE 634 (FIRE TOWER ROAD)

STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts: SJB
Project Number: W10530
Scale: 1"=100' Date: 05-02-2018
Sheet Number

3 of 5



Hampton Roads | Central Virginia | Middle Peninsula

5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com



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Phone (757) 253-0040
Fax (757) 220-8994
aesva.com

Alex Baruch
Planner 1
James City County Planning Division
101-A Mounts Bay Road
Williamsburg, VA 23187

Revised July 27, 2018

Re: S-0022-2018, 9812 Old Stage Rd. Minor Subdivision
Shared Driveway Requirement

Dear Alex:

I am writing on behalf of Niceland Farm, LLC to request an exception to the shared driveway requirement in regards to lots 1 through 4 as shown on the PLAT OF SUBDIVISION, BEING A PART OF THE PROPERTY OWNED BY NICELAND FARM, LLC, prepared by AES Consulting Engineers, that is currently under JCC review.

As discussed in our meeting on June 8, 2018, the 4 new lots all front on Fire Tower Road (SR #634) and range in size from 6.077 acres to 13.839 acres. The remaining property (\pm 198.68 acres) has frontage on Fire Tower Road as well as Old Stage Road (SR #30) and is served by an existing driveway off of Old Stage Road. Fire Tower Road is currently \pm 4,600 linear feet in length (to end of state maintenance) and currently serves stables/barns and approximately 8 dwellings, 3 of which are accessed by private roads (**see Zoning Ord. Sec. 19-18 (b)**).

In the letter dated 14 May, 2018, VDOT recommended approval of the plat in its current state. A Land Use Permit will be required prior to construction of any work within state maintained right of way limits or easements. A note stating such will be added to the plat prior to re-submission.

Due to topography, limited building areas, the sizes of lots 1 through 3, VDOT recommended approval and minimal traffic on Fire Tower Road, adherence to the requirement of a shared driveway would be of no benefit and would cause the land owner to incur unreasonable and unnecessary expense as well as encumbering the lots and affecting reasonable use of the property by future owners (**see Zoning Ord. Sec.19-18 (4)(a), (b), (c), (d) and (e)**). Lot 4 is an isolated lot and bounded by other property owners on both sides. A single driveway would be the only option for this lot.

On behalf of Niceland Farm, LLC, I am asking that this request be presented to the Development Review Committee for their review and approval. If you have any questions or need additional information, please let me know.

Respectfully Submitted
AES Consulting Engineers

A handwritten signature in dark ink, appearing to read 'Sam J. Bickers', is written over a light blue horizontal line.

Sam J. Bickers, L.S.
Survey Manager
sam.bickers@aesva.com

CC: David Nice