

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
February 17, 2021
4:00 PM

A. CALL TO ORDER

1. This meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020 and readopted on September 8, 2020. The meeting will be accessible through a Zoom audio meeting. Please go to <https://zoom.us/j/97686543158> or call 301-715-8592 and enter the meeting ID 976 8654 3158. Citizen comments may be submitted via U.S. Mail to the Planning Commission Secretary, P.O. Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Comments must be submitted no later than noon on the day of the meeting. Please provide your name and address for the public record.

B. ROLL CALL

1. Electronic Meeting Resolution

C. MINUTES

1. January 20, 2021 Meeting Minutes

D. OLD BUSINESS

E. NEW BUSINESS

1. C-20-0115. 1245 Stewarts Road Minor Subdivision

F. ADJOURNMENT

ITEM SUMMARY

DATE: 2/17/2021
TO: The Development Review Committee
FROM: Paul D. Holt, III, Secretary
SUBJECT: February 17, 2021 Meeting Details

ATTACHMENTS:

	Description	Type
📎	Zoom Instructions	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Baruch, Alex	Approved	2/10/2021 - 12:39 PM
Development Review Committee	Holt, Paul	Approved	2/10/2021 - 12:41 PM
Publication Management	Burcham, Nan	Approved	2/10/2021 - 1:33 PM
Development Review Committee	Holt, Paul	Approved	2/10/2021 - 1:52 PM

Zoom Instructions for Participants before a Meeting

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. You will receive notice for a videoconference or conference call via email. The notification will include a link to “Join via computer” as well as phone numbers for a conference call option. It will also include the 9-digit (usually) Meeting ID.

Join the Videoconference

1. At the start time of your meeting, click on the link in your invitation to join via computer. You may be instructed to download the Zoom application.
2. You have an opportunity to test your computer’s audio and microphone at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without clicking on the invitation link by going to join.zoom.us on any browser and entering the Meeting ID provided by your committee analyst.

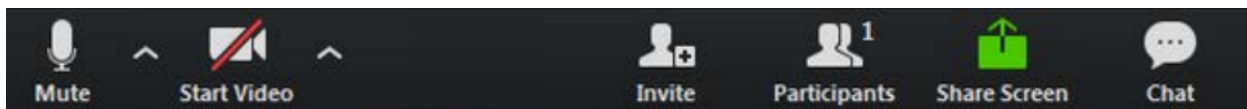
Join Audio via Phone (Recommended for best connection)

If you have sluggish internet connection, your computer or phone lacks a microphone, or for issues with hearing the audio, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided in your invitation.
2. Enter the Meeting ID number (also provided in your invitation) when prompted using your touch-tone keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your 2-digit participant ID to be associated with your computer.

During the Meeting

Using the participant controls in the lower left corner of the Zoom screen you can:



- Mute/Unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- Invite other participants
- View Participant list – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand
- Change your screen name that is seen in the participant list and video window
- Share your screen

On your Zoom screen you will also see a choice to toggle between “speaker” and “gallery” view. “Speaker view” shows the active speaker. “Gallery view” tiles all of the meeting participants (like a grid).

ITEM SUMMARY

DATE: 2/17/2021
TO: The Development Review Committee
FROM: Paul D. Holt, III, Secretary
SUBJECT: Electronic Meeting Resolution

ATTACHMENTS:

	Description	Type
☐	Virtual Meeting Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Baruch, Alex	Approved	2/10/2021 - 4:25 PM
Development Review Committee	Holt, Paul	Approved	2/10/2021 - 4:28 PM
Publication Management	Burcham, Nan	Approved	2/10/2021 - 4:31 PM
Development Review Committee	Holt, Paul	Approved	2/10/2021 - 4:33 PM

RESOLUTION

DEVELOPMENT REVIEW COMMITTEE ELECTRONIC MEETING

WHEREAS, on March 24, 2020, the James City County Board of Supervisors (the “Board”) adopted an emergency Ordinance to ensure the continuity of government in response to the coronavirus pandemic negatively affecting the health, safety, and welfare of the citizens of James City County (the “County”); and

WHEREAS, on April 14, 2020 and September 8, 2020, the Board readopted the continuity of government Ordinance (the “Ordinance”), which, under certain circumstances, permits the Board and its subordinate boards, committees, and commissions to conduct regularly scheduled, special, or emergency meetings solely by electronic or telephonic means without a quorum of members physically present (a “Virtual Meeting”); and

WHEREAS, the Development Review Committee is a committee of the Planning Commission, a subordinate appointed commission of the Board, and is therefore eligible to conduct a Virtual Meeting; and

WHEREAS, the Development Review Committee desires to conduct a Virtual Meeting on February 17, 2021, at which time those items listed on the agenda attached hereto (the “Agenda”) will be considered; and

WHEREAS, each of the members of the Development Review Committee have reviewed each of the items listed on the Agenda and have determined that consideration of each is necessary to ensure the continuation of the essential functions of the government during the emergency described in the Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Development Review Committee of James City County, Virginia, hereby finds and declares that immediate consideration of each of the items set forth in the Agenda is necessary to ensure the continuation of essential functions of the government during the emergency declared by the Board and further described in the Ordinance.

Jack Haldeman, Jr.
Chairman, Development Review Committee

ATTEST:

Paul D. Holt, III
Secretary to the Planning Commission

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HALDEMAN	_____	_____	_____
LEVERENZ	_____	_____	_____
NULL	_____	_____	_____
POLSTER	_____	_____	_____
KRAPF	_____	_____	_____

Adopted by the Development Review Committee of James City County, Virginia, this 17th day of February, 2021.

ITEM SUMMARY

DATE: 2/17/2021
TO: The Development Review Committee
FROM: Paul D. Holt, III, Secretary
SUBJECT: January 20, 2021 Meeting Minutes

ATTACHMENTS:

	Description	Type
☐	Minutes of the January 20, 2021 DRC Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Baruch, Alex	Approved	2/10/2021 - 12:26 PM
Development Review Committee	Holt, Paul	Approved	2/10/2021 - 12:41 PM
Publication Management	Burcham, Nan	Approved	2/10/2021 - 1:34 PM
Development Review Committee	Holt, Paul	Approved	2/10/2021 - 1:51 PM

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts bay Road, Williamsburg, VA 23185
January 20, 2021
3:00 PM

A. CALL TO ORDER

1. This meeting will be held electronically pursuant to the Continuity of Government Ordinance adopted by the Board of Supervisors on April 14, 2020 and readopted on September 8, 2020. The meeting will be accessible through a Zoom audio meeting. Please go to <https://zoom.us/j/99214800408> or call 301-715-8592 and enter the meeting ID 992 1480 0408. Citizen comments may be submitted via U.S. Mail to the Planning Commission Secretary, P.O. Box 8784, Williamsburg, VA 23187, via electronic mail to community.development@jamescitycountyva.gov, or by leaving a message at 757-253-6750. Comments must be submitted no later than noon on the day of the meeting. Please provide your name and address for the public record.

B. ROLL CALL

1. Electronic Meeting Resolution

Mr. Jack Haldeman called the Development Review Committee (DRC) meeting to order at 4 p.m. He called the roll and read the electronic meeting resolution.

Ms. Julie Leverenz made a motion to Adopt the electronic meeting resolution.

The resolution was adopted by a voice vote of 5-0.

Present:

Jack Haldeman, Chair
Rich Krapf
Julie Leverenz
Barbara Null
Frank Polster

Staff in Attendance:

Alex Baruch, Acting Principal Planner
Thomas Wysong, Senior Planner
Katie Pelletier, Community Development Assistant

C. MINUTES

1. October 21, 2020 Meeting Minutes

Mr. Rich Krapf motioned to Approve the October 21, 2020, DRC meeting minutes.

On a voice vote, the Motion passed 5-0.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. C-20-0129. Stonehouse Land Bay 5

Mr. Thomas Wysong addressed the Committee and stated that Mr. William Felts from Landtech Resources, Inc. submitted a conceptual plan showing the layout of Land Bay No. 5 for the Stonehouse development. He said the proposal is for new construction of 116 single-family detached lots and 64 single-family attached lots for a total of 180 units. Mr. Wysong noted that Proffer No. 10, approved by the Board of Supervisors on November 12, 2019, per Case No. Z-19-0010, requires a conceptual plan to be submitted to the Planning Director and DRC for review at least 60 days prior to submittal of a development plan for the tract, or Land Bay.

Mr. Wysong stated that the purpose of the review is to determine general consistency with Zoning Ordinance requirements, the adopted master plan, and other applicable County policies. He said staff reviewed and analyzed the conceptual plan and found the following favorable factors: (i) the conceptual plan complies with the approved master plan for Stonehouse, aligning with the land use designations, maximum units permitted, and permitted density for Land Bay No. 5; (ii) the conceptual plan layout complies with the zoning requirements for the Planned Unit Development-Residential District (PUD-R) and the majority of applicable proffers; (iii) the conceptual plan layout complies with other applicable County policies, which were evaluated during the course of the 2019 rezoning and master plan and proffer amendment for Stonehouse (Case Nos. Z-18-0002, MP-18-0002, and Z-19-0010); (iv) the proposed units proposed for this conceptual plan comply with the unit caps proffered for the Stonehouse development; and (v) the conceptual plan complies with the approved proffers applicable to Land Bay No. 5.

Mr. Wysong said that staff found no unfavorable factors during the review and recommends that the DRC finds the proposed conceptual plan to be generally consistent with the Zoning Ordinance, adopted master plan, adopted proffers, and other applicable County policies. Mr. Wysong said he or Mr. Felts would be happy to answer any questions from the Committee, as well as others present at the meeting: Mr. Joe Roque and Wes Dollins from Lennar, and Mr. Mike Etchemendy from SCP-JTL.

Mr. Haldeman asked if there were any questions.

Mr. Frank Polster said he noticed comments from Virginia Department of Transportation (VDOT) regarding two parking spaces. He asked about any mitigation planned to bring the parking into compliance. He asked where the parking would be for the rest of the development.

Mr. Felts said the parking for single-family residential would be standard. He commented on the townhouse parking issue and said roads must meet VDOT and County standards. He said they are trying to make the roads private to allow for additional, off-street parking but would still build the roads to meet standards.

Mr. Polster asked if the Homeowner Association would be responsible for the road maintenance if it remains private.

Mr. Felts replied yes, for roads in the townhouse section.

Mr. Polster asked about parking for the rest of the development.

Mr. Felts said there would be no on-street parking in the single-family section, only parking on the driveways and in garages for each unit.

Mr. Polster commented they are in compliance with the proffered passive recreation area, but the area is near the front entrance with nothing located in the interior.

Mr. Felts replied the passive recreation area adheres to the Stonehouse Master Plan.

Mr. Polster asked about comments from the Stormwater Resource Protection Division. He asked if there were any plans to reduce the number of units due to the steep slope on many single-family lots.

Mr. Felts explained that the grading sheet did not depict final grading details. He said the lots in question would have walk-out basements, and they will be addressing any concerns about drainage.

Mr. Polster thanked him for the responses to his questions.

Mr. Haldeman asked how stormwater flows will traverse Fieldstone Parkway.

Mr. Felts pointed out an existing stormwater wet pond and explained there would be some enhancements for drainage.

Mr. Haldeman asked about the proffer requirement for pedestrian accommodation.

Mr. Felts stated there are two areas of passive recreation in the front. He said there are small areas of open space in the interior, and the streets are lined with concrete sidewalks.

Mr. Haldeman asked if there were any other questions.

Mr. Krapf motioned that the proposed conceptual plan is consistent with the Zoning Ordinance, adopted master plan, adopted proffers, and other applicable County policies.

The motion passed on a voice vote of 5-0.

Mr. Haldeman asked if there were any further comments.

F. ADJOURNMENT

Mr. Haldeman thanked everyone for attending the meeting.

Ms. Leverenz motioned to adjourn the meeting.

Mr. Haldeman adjourned the meeting at 4:20 p.m. after a unanimous voice vote of 5-0.

Mr. Jack Haldeman, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 2/17/2021

TO: The Development Review Committee

FROM: Tom Leininger, Senior Planner

SUBJECT: C-20-0115. 1245 Stewarts Road Minor Subdivision

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Proposed Conditions	Backup Material
☐	Location Map	Backup Material
☐	Conceptual Lot Layout	Backup Material
☐	Applicant's Letter of Request	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Baruch, Alex	Approved	2/10/2021 - 8:57 AM
Development Review Committee	Holt, Paul	Approved	2/10/2021 - 9:10 AM
Publication Management	Daniel, Martha	Approved	2/10/2021 - 9:13 AM
Development Review Committee	Holt, Paul	Approved	2/10/2021 - 9:14 AM

CONCEPTUAL PLAN-20-0115. 1245 Stewarts Road Minor Subdivision

Staff Report for the February 17, 2021, Development Review Committee Meeting

SUMMARY FACTS

Applicant: Mr. Tim Mills
Land Owners: Ms. Jane Farmer and Ms. Betty Rady
Proposal: Eight-lot subdivision, seven new single-family lots, and one existing single-family lot
Location: 1245 Stewarts Road
Tax Map/Parcel ID No.: 0310100002
Project Acreage: ± 52.15 acres
Current Zoning: A-1, General Agriculture
Comprehensive Plan: Rural Lands
Primary Service Area (PSA): Outside
Agricultural and Forestal District (AFD): Barnes Swamp AFD
Staff Contact: Tom Leininger, 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, the Virginia Department of Health (VDH), and the Virginia Department of Transportation (VDOT) have stated no objection to this exception request.

FACTORS UNFAVORABLE

1. Staff finds that the northern four contiguous lots (Lot Nos. 1-4) do not meet criteria (e) which specifically excludes requests based on monetary reasons or personal hardship.
2. Staff finds that the southern four contiguous lots (Lot Nos. 5-8) do not meet criteria (e) which specifically excludes requests based on monetary reasons or personal hardship.

STAFF RECOMMENDATION

Staff recommends approval for the exception request to not connect the northern and southern portion of the property with a shared driveway. Staff recommends that the Development Review Committee (DRC) recommend denial of the exception request to allow individual driveways for Lot Nos. 1-4 and 5-8 to the Planning Commission. However, should the DRC find the exception request meeting the exception criteria of Section 19-18 of the Subdivision Ordinance for Lot Nos. 1-4 and 5-8, staff recommends the inclusion of the attached conditions (Attachment No. 1).

PROJECT HISTORY

Planning Commission and Board of Supervisors: This property was included in the establishment of the Barnes Swamp AFD on December 1, 1986. During the 2018 renewal cycle, the southern portion of the property consisting of 28.31 acres was withdrawn from the Barnes Swamp AFD while the remaining 23.84-acre northern portion of the property remained in the AFD.

CONCEPTUAL PLAN-20-0115. 1245 Stewarts Road Minor Subdivision

Staff Report for the February 17, 2021, Development Review Committee Meeting

PROJECT DESCRIPTION

- A proposed two-phase eight-lot subdivision consisting of seven new single-family lots and one existing single-family lot. Each phase is required to have a shared driveway per Section 19-73 of the Subdivision Ordinance.

SURROUNDING ZONING AND DEVELOPMENT

- Surrounding properties to the west, east, and south are zoned A-1, General Agricultural. All surrounding properties are designated Rural Lands with the northern parcels consisting of Open Space/Recreation and Reservoir 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.

Previously, there have been four shared driveway exception requests since 2017.

- o S-0022-2018, 9812 Old Stage Road Minor Subdivision
- o C-18-0064, 7083 Menzels Road Minor Subdivision
- o C-18-0082, 7082 Menzels Road Minor Subdivision
- o C-19-0073, 2822 Forge Road

On August 22, 2018, the DRC recommended approval of an exception to Section 19-18 to allow three individual driveways to serve three lots at 9812 Old Stage Road (S-0022-2018). At the same meeting, the DRC recommended approval of four shared driveways to serve nine lots at an adjacent property located at 7083 Menzels Road (C-18-0064). On June 5, 2019, the DRC recommended approval for C-18-0082 to allow separate driveways for each Lot 1 and Lot 2 of a nine-lot minor subdivision. At its January 22, 2020 meeting, the DRC voted to recommend approval to the Planning Commission for the exception request under Section 19-18 specifying one shared driveway for Lots 1 and 2 and one driveway for Lot 3, and recommended an exception to Section 19-73 (b) permitting a gravel driveway for New Parcel 2 and Boelt shared driveway.

The analysis below provides information on each of the criteria listed in Section 19-18(4)a-e, Exceptions.

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 finds the need to connect the northern portion of the property with the southern portion of the property with a shared driveway meets the hardship criteria. For proposed Lot Nos. 1-4 and 5-8, staff does not find a hardship outlined

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-20-0115. 1245 Stewarts Road Minor Subdivision

Staff Report for the February 17, 2021, Development Review Committee Meeting

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 finds the need to connect the northern portion of the property with the southern portion of the property with a shared driveway is a unique characteristic of this property. For proposed Lot Nos. 1-4 and 5-8, staff does not find a hardship outlined in the applicant's document that meets the hardship standards, 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 VDH, 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.

Staff finds the need to connect the northern portion of the property with the southern portion of the property with a shared driveway would cause a hardship created by the unusual character of the property based on the two portions of the parcel being separated by 1271 Stewarts Road. For proposed Lot Nos. 1-4 and 5-8, 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. 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. 1-4 and 5-8.

STAFF RECOMMENDATION

Staff recommends approval for the exception request to not connect the northern and southern portion of the property with a shared driveway Staff recommends that the DRC recommend denial of the exception request to allow individual driveways for Lot Nos. 1-4 and 5-8 to the Planning Commission. However, should the DRC find the exception request meeting the exception criteria of Section 19-18 of the Subdivision Ordinance for Lot Nos. 1-4 and 5-8, staff recommends the inclusion of the attached conditions (Attachment No. 1).

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-20-0115. 1245 Stewarts Road Minor Subdivision

Staff Report for the February 17, 2021, Development Review Committee Meeting

TL/md

CP20-115.1245StewRd

Attachments:

1. Proposed Conditions
2. Location Map
3. Conceptual Lot Layout
4. Applicant Exception Request

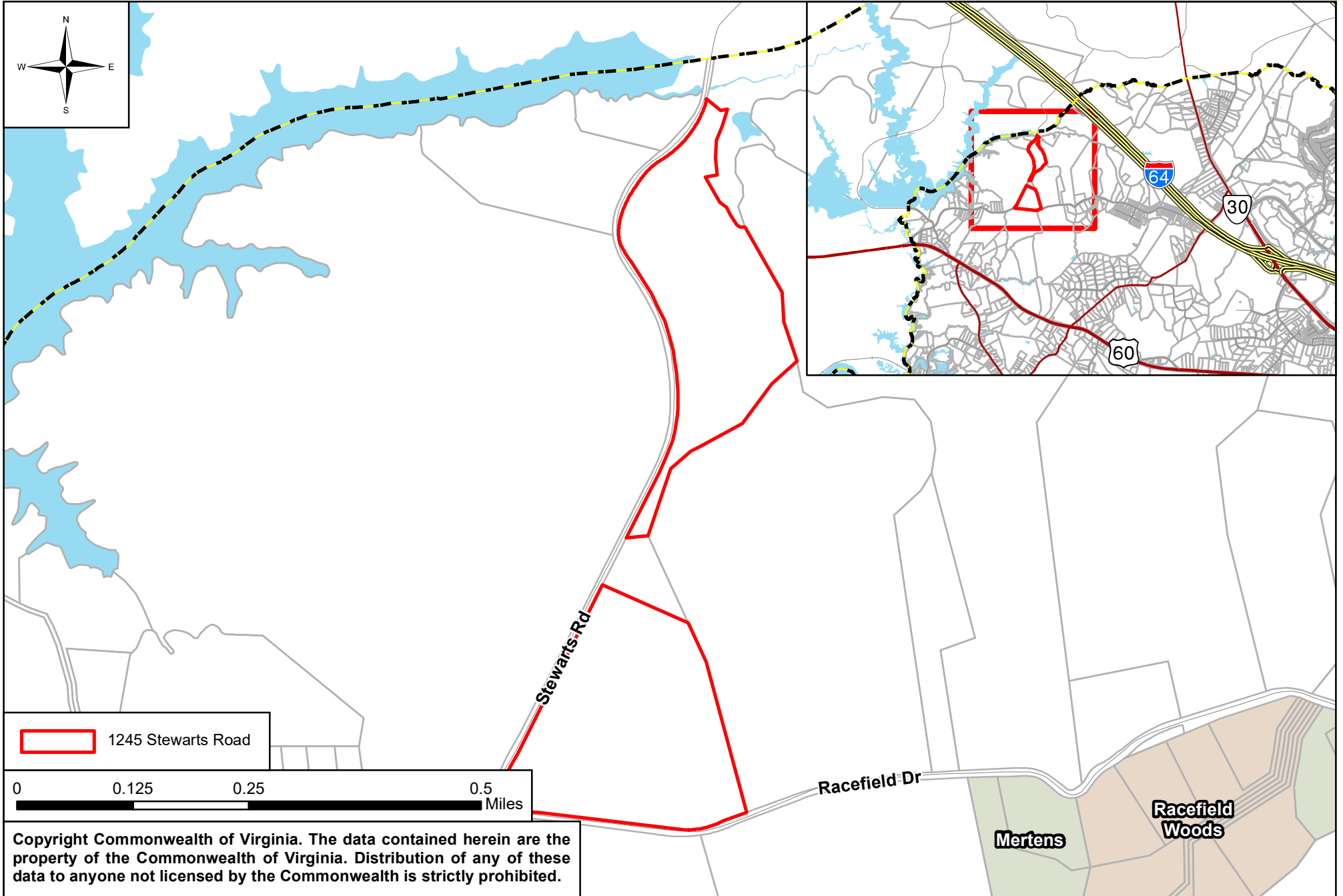
This staff report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

Proposed Conditions for C-20-0115, 1245 Stewarts Road Shared Driveway Exception Request

1. **Lot Layout.** This exception to Section 19-73 of the Subdivision Ordinance shall be valid for the subdivision of property located at 1245 Stewarts Road and further identified as James City County Real Estate Tax Map No. 0310100002 (the “Property”). The layout of the property shall be substantially in accordance with the proposed lot layout titled “Boundary Survey Property of Jane B. Farmer, Betty B. Rady” prepared by Canada Land & Marine Surveying, and dated January 28, 2020 and revised December 22, 2020 (the “Master Plan”), with any deviations to be reviewed and approved by the Planning Director.
2. **Driveway Requirements.** Each new driveway as shown on the Master Plan shall be built to the following standards:
 - a. All driveways shall have a minimum separation of 300 feet between adjacent driveways.
 - b. All new driveways shall be built to the construction standards listed in Section 24-73(b) of the Subdivision Ordinance.

JCC C-20-0115

1245 Stewarts Road Minor Subdivision





- LEGEND:**
- - DENOTES IRON PIN OR PIPE FOUND
 - ⊙ - DENOTES IRON PIN SET
 - P - DENOTES ADJOINING PROPERTY LINE
 - - DENOTES COMPUTED POINT
 - OHP- - DENOTES OVERHEAD POWER
 - ⊗ - DENOTES POINT IN BRANCH
 - ⊕ - DENOTES IRON POST FOUND
 - ⊘ - DENOTES POWER POLE
 - ⊞ - DENOTES TELEPHONE PEDASTAL
 - E - DENOTES ELECTRIC BOX

TAX PARCEL
0310100001
NOW OR FORMERLY
SD&SKI, LLC
IN#050021685
PLAT IN#050004219
PB 54 PG 59

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	280.91'	670.15'	24°01'02"	S81°07'15"W	278.86'
C2	284.51'	1478.11'	11°01'43"	N88°54'15"W	284.08'
C3	289.36'	717.64'	23°06'09"	N40°29'36"E	287.41'
C4	318.80'	666.28'	27°24'52"	N14°15'44"E	315.76'
C5	186.00'	933.30'	11°25'07"	N02°24'43"W	185.69'
C6	297.38'	856.19'	19°54'02"	N21°24'20"W	295.89'
C7	546.73'	382.21'	81°57'31"	N08°57'02"E	501.29'
C8	357.44'	570.07'	35°55'33"	N31°51'32"E	351.62'

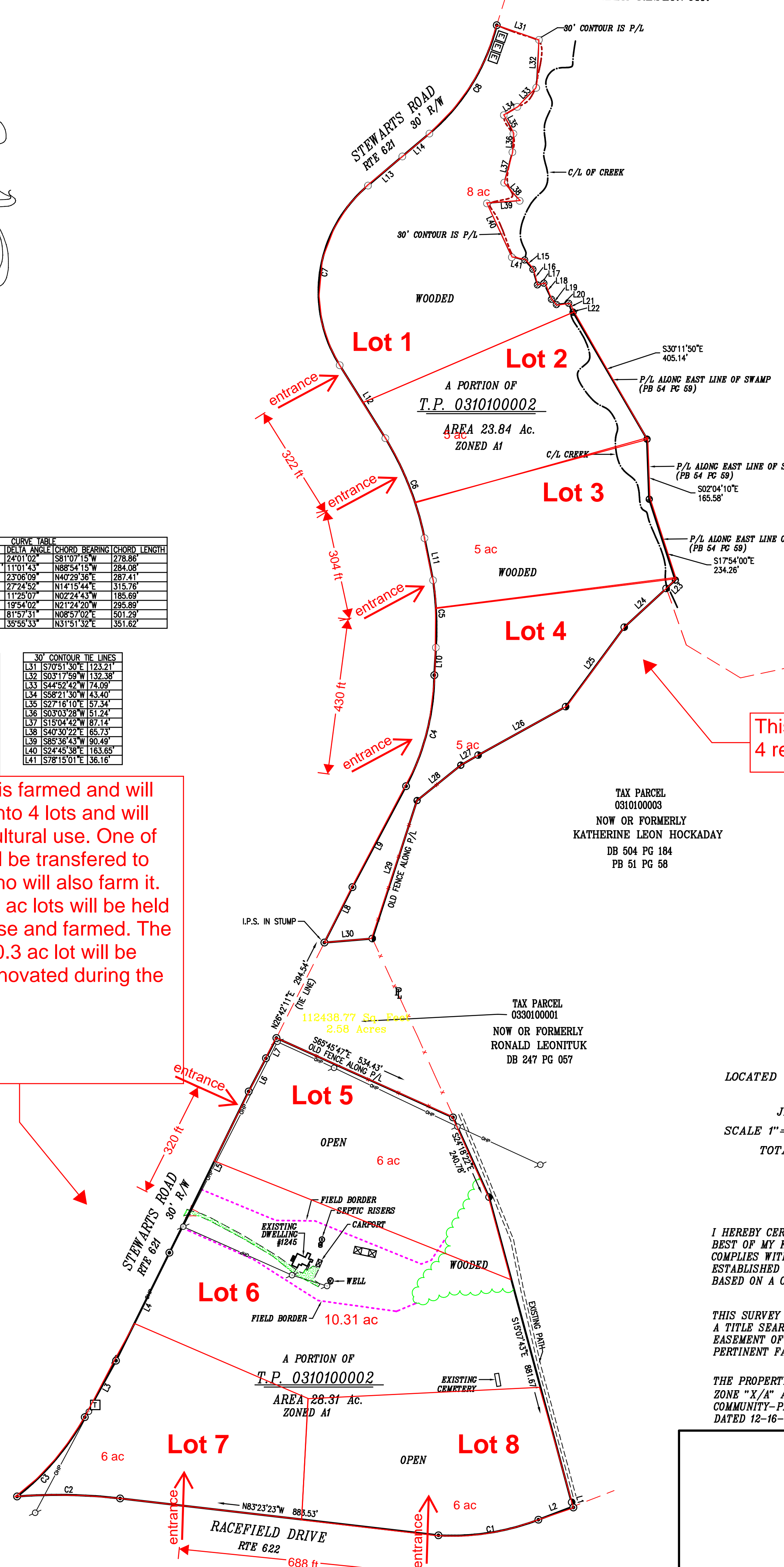
LINE	BEARING	DISTANCE
L1	S15°07'43"E	1.95'
L2	S69°06'45"W	101.40'
L3	N28°56'31"E	177.97'
L4	N26°18'27"E	332.08'
L5	N26°11'05"E	495.25'
L6	N27°28'13"E	103.19'
L7	N27°16'43"E	62.89'
L8	N26°51'58"E	171.25'
L9	N27°58'10"E	315.11'
L10	N03°17'50"E	76.17'
L11	N11°27'19"W	118.53'
L12	N32°26'27"W	165.52'

30' CONTOUR TIE LINES		
L31	S70°51'30"E	123.21'
L32	S03°17'59"W	132.38'
L33	S44°52'42"W	74.09'
L34	S58°21'30"W	43.40'
L35	S27°16'10"E	57.34'
L36	S03°03'28"W	51.24'
L37	S15°04'42"W	87.14'
L38	S40°30'22"E	65.73'
L39	S85°36'43"W	90.49'
L40	S24°45'38"E	163.65'
L41	S78°15'01"E	36.16'

This lower part is farmed and will be subdivided into 4 lots and will remain in agricultural use. One of the 6 ac lots will be transferred to our daughter who will also farm it. The other two 6 ac lots will be held in agricultural use and farmed. The house on the 10.3 ac lot will be restored and renovated during the next two years.

3 - 6.0 ac lots
1 - 10.3 ac lot

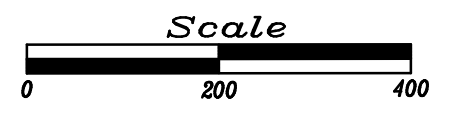
This parcel will be subdivided into 4 residential lots



TAX PARCEL
0310100003
NOW OR FORMERLY
KATHERINE LEON HOCKADAY
DB 504 PG 184
PB 51 PG 58

TAX PARCEL
0330100001
NOW OR FORMERLY
RONALD LEONITUK
DB 247 PG 057

BOUNDARY SURVEY
PROPERTY OF
JANE B. FARMER
BETTY B. RADY
LOCATED ON STEWARTS ROAD & RACEFIELD DRIVE
STONEHOUSE DISTRICT
JAMES CITY COUNTY, VIRGINIA
SCALE 1" = 200'
JANUARY 28, 2020
TOTAL AREA THIS SURVEY 52.15 Ac.



I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA DPOR STATE BOARD, AND IS BASED ON A CURRENT FIELD SURVEY.

THIS SURVEY HAS BEEN COMPLETED WITHOUT THE BENEFIT OF A TITLE SEARCH. THEREFORE, THIS SURVEY IS SUBJECT TO ANY EASEMENT OF RECORD, LAND TRANSACTIONS AND OTHER PERTINENT FACTS WHICH A TITLE SEARCH MIGHT DISCLOSE.

THE PROPERTY SHOWN ON THIS PLAT APPEARS TO BE LOCATED IN ZONE "X/A" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 510201 0036 D & 510201 0028 D, DATED 12-16-2015.

**CANADA
LAND & MARINE
SURVEYING**

1212 S. Church Street Smithfield, VA 23430
PHONE : 757-357-2911
DRAWN BY: ECC | JOB #S20-13-JC

C-20-0115

Timothy A. Mills, P.E.
Joan E. Mills
306 The Maine West
Williamsburg, VA 23185
757 869 0957; timtam1@cox.net

January 29, 2021

Tom Leininger
Senior Planner
James City County
Community Development
101-A Mounts Bay Road
P.O. Box 8784
Williamsburg, VA 23187-8784
757 253 6671

**Re: 1245 Stewarts Road Subdivision Application
Parcel 0310100002
Zoned A1**

Mr. Leininger:

Thank you for your letter dated November 24, 2020. Pertaining to the proposed subdivision, our plans have changed somewhat with fewer bigger lots, although our timeline remains the same. I would also like to clarify our timeline and it is our desire NOT to remove the property from the AFD until it expires in 2022.

We have an agreement to purchase this property although moving ahead with the sale is contingent on, among other things, James City County's approval of our exception request pertaining to our desire to eventually subdivide the property as submitted.

There is no technical reason to move forward with the subdivision at this time however, we cannot move forward with purchasing the property unless we have some level of assurance or approval that we can accomplish our objective after the AFD expires in 2022.

In accordance with Section "19-18. – Exceptions" of the subdivision ordinance we are requesting an exception pertaining to the requirement for a shared driveway for the subdivided lots. Naturally, there are two pieces to the property and there cannot be a common driveway connecting these.

Regarding the lower piece: (ultimately four lots)

- The subdivision as shown is simple and clean with no flag lots.
- The requirement for a common drive will have a detrimental effect on the rural character of the area and negatively impact the desirable character of the Folk Victorian architecture of the 100+ year old historic farmhouse and farm. We

Timothy A. Mills, P.E.
Joan E. Mills
306 The Maine West
Williamsburg, VA 23185
757 869 0957; timtam1@cox.net

believe it is important that this small piece of JCC history be preserved as is. We plan to modernize and restore the farmhouse to its original condition. It should have a separate driveway centered on the house as it currently does.

- The property has more than 1.1 miles of public road frontage. Far more than necessary to allow for long distances between drives. The resulting driveways will be spaced hundreds of feet apart. This driveway spacing is far more than all of the nearby residential lots in the area along Racefield Drive and Stewarts Road.
- Requiring common drives will also certainly cause awkward flag lots cutting a drive right through the nearly 20 acres of usable farmland along Racefield Drive. This land will continue to remain in farming use. It should not be cut up by a driveway.
- Flag lots with a common drive will force future development, if any, particularly along Racefield Drive, to turn inward resulting in the back yards facing public streets creating an unobstructed undesirable viewshed of rear yards rather than a rural farm viewshed with the front of the homes facing the street as they should.

Regarding the upper piece: (ultimately three or four lots)

- Again, the property has more than 1.1 miles of public road frontage. Far more than necessary to allow for long distances between drives. The resulting driveways will be spaced hundreds of feet apart. This driveway spacing is far more than all of the nearby residential lots in the area along Racefield Drive and Stewarts Road.
- A common drive for the upper lots will only result in awkward flag lots and a long drive paralleling directly along Stewarts Road for almost the entire length. It is not necessary for access to any lot.
- Multiple drives will certainly create a traffic calming effect on Stewarts Road, reducing speeds to posted limits.
- Currently, due to its remote location, hotrodders frequently leave black burnout tire marks all along the last part of Stewarts Road, the last piece of road exiting the County. Multiple drives will help to eliminate this nuisance.

Timothy A. Mills, P.E.
Joan E. Mills
306 The Maine West
Williamsburg, VA 23185
757 869 0957; timtam1@cox.net

Lastly, VDOT, the VDH and the Fire Department have no objections to the driveways as shown.

The farmhouse lot and two 6 acre lots will remain as a farm and the house on the property will be renovated by my wife and I.

The remaining lower 6-acre lot will eventually be transferred to one of our daughters who intends to build a home and small farm.

The upper piece will be subdivided into three or four lots for our other children.

We have retained Ann Ruff who has surveyed the sites and found the soils to be good for conventional drain fields.

I trust this clarifies our plan fully.

Thank you,

Tim

A handwritten signature in black ink, appearing to read "Timothy A. Mills". The signature is written in a cursive style with a large, stylized initial 'T'.

Timothy A. Mills, P.E.

cc. Vernon Geddy, Esq.

Timothy A. Mills, P.E.
Joan E. Mills
306 The Maine West
Williamsburg, VA 23185
757 869 0957; tmtam1@cox.net

Sec. 19-18. - Exceptions.

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTIONCOMPARE VERSIONS](#)

The commission may grant an exception to any requirement of the chapter, subject to the following:

(1) No such exception shall be granted unless the subdivider petitions the commission in writing. The petition should be submitted with the initial submission of the subdivision plan and shall state fully the grounds for the exception and all the facts relied upon by the subdivider. The agent may require such additional information as he may deem necessary to process the request for the exception.

(2) The agent shall provide written notification of the exception request to all adjacent property owners. The notification shall adhere to the following requirements:

(a) Such notice shall specifically describe the exception requested and the date, time and location of the development review committee meeting first considering such request; and

(b) Such notice shall be mailed by the agent at least ten days before the development review committee meeting; and

(c) Evidence that such notice was sent by first class mail to the last known address as shown on the current real estate tax assessment book shall be deemed adequate compliance.

(3) The burden shall be on the subdivider to demonstrate the need for an exception.

(4) The commission shall not approve any exception unless it first receives a recommendation from the development review committee and unless it finds that:

(a) Strict adherence to the ordinance requirement will cause substantial injustice or hardship;

(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;

(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;

(d) No objection to the exception has been received in writing from the transportation department, health department, or fire chief; and

**Timothy A. Mills, P.E.
Joan E. Mills
306 The Maine West
Williamsburg, VA 23185
757 869 0957; timtam1@cox.net**

(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.

(5)The commission in authorizing an exception may impose such reasonable conditions in addition to the regulations of this chapter as it may deem necessary in the public interest. The commission may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

(6)If granted, such exception shall be specifically stated in writing together with the supporting justifications and filed with the subdivision plan or such plat or plans deemed necessary by the agent. A note shall be prominently placed on the record plat detailing any exception so granted.

(Ord. No. 30A-15, 1-9-89; Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12)