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 April 19, 2023 4:00 PM

- A. CALL TO ORDER
- B. ROLL CALL
- C. MINUTES
 - 1. March 29, 2023 Meeting Minutes
- D. OLD BUSINESS
 - 1. C-23-0013. 3150 Jolly Pond Road Subdivision Shared Driveway Exception Request
- E. NEW BUSINESS
- F. ADJOURNMENT

AGENDA ITEM NO. C.1.

ITEM SUMMARY

DATE: 4/19/2023

TO: The Development Review Committee

FROM: Armani Franklin, Community Development Assistant

SUBJECT: March 29, 2023 Meeting Minutes

ATTACHMENTS:

Description Type
March 29, 2023 Meeting Minutes Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Crump, Josh	Approved	4/12/2023 - 9:25 AM
Development Review Committee	Holt, Paul	Approved	4/12/2023 - 9:29 AM
Publication Management	Daniel, Martha	Approved	4/12/2023 - 10:24 AM
Development Review Committee	Holt, Paul	Approved	4/12/2023 - 10:28 AM

MINUTES JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE REGULAR MEETING

Building A Large Conference Room 101 Mounts Bay Road, Williamsburg, VA 23185 March 29, 2023

4:00 P.M.

A. CALL TO ORDER

Ms. Barbara Null called the meeting to order at approximately 4 p.m.

B. ROLL CALL

Present:

Barbara Null, Chair Steve Rogers Rob Rose Frank Polster

Staff in Attendance:

Ellen Cook, Principal Planner Josh Crump, Principal Planner Armani Franklin, Community Development Assistant

C. MINUTES

There were no minutes.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. C-23-0019. 3426 N. Riverside Drive Subdivision Exception Request

The Committee considered C-23-0019, a subdivision exception request for a parcel located at 3426 North Riverside Drive. The proposal seeks an exception to Section 19-17 of the James City County Subdivision Ordinance which requires all lots to have an on-site sewage disposal system. This exception request would allow a three-lot subdivision that has all three septic systems located on one of the lots (two lots would not have on-site sewage disposal systems)

The Committee and the applicant discussed the site layout, the characteristics of the property, and the location of the septic tanks. The Committee's concern resided in the questions of whether the parcel owners would properly take care of the septic tanks and whether off-site septic systems could create conflicts between property owners. The Committee also discussed the distance of the septic tank from the homes, how the type of soil located on the some of the property would prevent the location of conventional septic systems, and whether there were

other options that would allow the applicant to meet the requirements for the location of the septic systems within their own parcels, such as different lot configurations or the use of alternative (mound or similar) septic systems.

A motion was made to recommend approval of the exception with the condition that the Virginia Department of Health approve the septic system design. The motion did not pass by a vote of 1-2-1.

2. C-23-0013. 3150 Jolly Pond Road Subdivision Shared Driveway Exception Request

The Committee also discussed C-23-0013, a proposed shared driveway exception request to Section 19-73 of the James City County Subdivision Ordinance for an approved five-lot subdivision at 3148, 3158, 3140, 3120, and 3154 Jolly Pond Road. The proposal seeks to permit direct access to Jolly Pond Road through existing frontage by removing the existing shared 25-foot Ingress/Egress Easement and any notes prohibiting access to Jolly Pond Road for each lot.

The Committee and the applicant team discussed the site layout and traffic flow to the properties. The Committee concluded there was not enough information to determine a vote.

Mr. Polster made a motion to defer the matter to April 19, 2023.

The Committee voted to defer the matter to its April 19, 2023, meeting with a vote of 4-0.

F. ADJOURNMENT

Ms. Null made a motion to adjourn the meeting. On a voice vote, the meeting was adjourned at approximately 4:47 p.m.

Barbara Null, Chair	Paul D. Holt, III, Secretary

AGENDA ITEM NO. D.1.

ITEM SUMMARY

DATE: 4/19/2023

TO: The Development Review Committee

FROM: Thomas Wysong, Senior Planner II

SUBJECT: C-23-0013. 3150 Jolly Pond Road Subdivision Shared Driveway Exception Request

ATTACHMENTS:

	Description	Type
ם	Staff Report	Staff Report
ם	Exception Request	Backup Material
ם	Location Map	Backup Material
ם	Approved Plat	Backup Material
ם	Shared Driveway Standards	Backup Material
D	Exhibits for Wallace Minor Subdivision	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Development Review Committee	Crump, Josh	Approved	4/10/2023 - 4:33 PM
Development Review Committee	Holt, Paul	Approved	4/11/2023 - 11:25 AM
Publication Management	Daniel, Martha	Approved	4/11/2023 - 11:31 AM
Development Review Committee	Holt, Paul	Approved	4/11/2023 - 12:14 PM

CONCEPTUAL PLAN-23-0013. 3150 Jolly Pond Road Subdivision Shared Driveway Exception Request Staff Report for the April 19, 2023, Development Review Committee Meeting

SUMMARY FACTS

Applicants: Bitler, Jonathan E. and Margaret J.

Blue Ridge Custom Homes, LLC Palavra, Ivica and Humar, Snjezana

Desouza, Heber R.

Torres, Victor and Brandi

Landowners: Bitler, Jonathan E. and Margaret J.

Blue Ridge Custom Homes, LLC Palavra, Ivica and Humar, Snjezana

Desouza, Heber R.

Torres, Victor and Brandi

Proposal: A shared driveway exception request for an

approved five-lot subdivision on Jolly Pond Road. Currently, each lot is required to access Jolly Pond Road through an approved 25-foot access easement located on 3148 Jolly Pond Road. This proposal would permit each lot to access Jolly Pond Road through their own

approved frontage.

Locations: 3148 Jolly Pond Road

3158 Jolly Pond Road 3140 Jolly Pond Road 3120 Jolly Pond Road 3154 Jolly Pond Road

Tax Map/Parcel Nos.: 3030100021D

3030100021B 3030100021E 3030100021F 3030100021C

Project Acreage: ± 25.93 acres

Current Zoning: A-1, General Agricultural

Comprehensive Plan: Rural Lands

Primary Service Area

(PSA): Outside

Staff Contact: Thomas Wysong, Senior Planner II

REASON FOR DEVELOPMENT REVIEW COMMITTEE REVIEW

Section 19-73 of the Subdivision Ordinance requires that all minor subdivisions of three or more lots limit direct access from the existing road to one shared driveway. The applicants are proposing to modify the driveway access for this subdivision that was approved by the Subdivision Agent on January 15, 2019.

In this proposal, each lot would be permitted direct access to Jolly Pond Road through existing approved frontage. If approved by the Planning Commission, a new plat showing the removal of the existing shared 25-foot Ingress/Egress Utilities Easement and the notes prohibiting access to Jolly Pond Road for each lot would be required to be approved administratively through the full plat review process by the County prior to site development.

FACTORS FAVORABLE

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

FACTORS UNFAVORABLE

1. Staff finds the subdivision fails to meet the following three required exception criteria, pursuant to Section 19-18:

CONCEPTUAL PLAN-23-0013. 3150 Jolly Pond Road Subdivision Shared Driveway Exception Request Staff Report for the April 19, 2023, Development Review Committee Meeting

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

Staff finds that the request does not meet the required exception criteria in the Ordinance and for this reason, recommends the Development Review Committee (DRC) recommend denial of the exception request to the Planning Commission.

CHANGES SINCE THE DRC MEETING

At the March 29, 2023, DRC meeting, the Committee requested more information and exhibits detailing the homes and driveway layouts which the applicants have provided (see Attachment No. 5). After the March 29, 2023, DRC meeting, the applicant team met with VDOT on site to discuss the driveway locations and explain the proposed layout for the project. In response, VDOT has withdrawn its objection to this case.

PROJECT DESCRIPTION

• The applicants are proposing to modify the approved driveway access for this subdivision. Currently, each lot is required to access

Jolly Pond Road through an approved 25-foot access easement located on 3148 Jolly Pond Road. This proposal would permit each lot to access Jolly Pond Road through their approved frontage.

PROJECT HISTORY

This minor subdivision was reviewed and approved in the fall of 2018 and the spring of 2019, pursuant to all applicable requirements of the County Subdivision Ordinance.

SURROUNDING ZONING AND DEVELOPMENT

• Surrounding properties to the north, south, east, and west 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 2045 Comprehensive Plan. Over the years, many minor subdivisions have been approved with shared driveways, both

CONCEPTUAL PLAN-23-0013. 3150 Jolly Pond Road Subdivision Shared Driveway Exception Request Staff Report for the April 19, 2023, Development Review Committee Meeting

inside the PSA and outside the PSA for minor subdivisions with larger lots taking access from rural roads.

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

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; and
 - Based on the information provided within the application materials, staff does not find that a hardship or substantial injustice is caused by the Ordinance requirement.
- 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; and
 - 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; and
 - Staff does not find that the facts upon which the request is based are unique to the property.

- d. No objection to the exception has been received in writing from VDOT, the Virginia Department of Health, or the Fire Department; and
 - Staff has consulted with applicable reviewing agencies, specifically with VDOT, the Virginia Department of Health, and the Fire Department. No agency has objected to this request.
- 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 that the applicants have not provided sufficient evidence that the dimensions/building area of the proposed lots or the topography of the lots to be unusual compared with other parcels, or of a nature that would preclude the placement of a shared driveway.

STAFF RECOMMENDATION

Staff finds that the request does not meet the required exception criteria in the Ordinance and recommends the DRC recommend denial of the exception request to the Planning Commission.

TW/md CP23-13_3150JPSubdv

Attachments:

- 1. Applicant Exception Request
- 2. Location Map
- 3. Approved Plat
- 4. Section 19-73 (b) Shared Driveway Standards
- 5. Applicant Exhibit

Dear JCC Board Members,

The five current lot owners of the "Minor Subdivision: #3150 Jolly Pond Road", known as the "Wallace Minor Subdivision" are respectfully requesting you consider our proposal to change the requirement of one shared access entrance to allow each of the lot owners direct access onto Jolly Pond Road.

We ask you to consider the following seven main points when making your decision.

- Change in traffic volume and access Jolly Pond Rd was changed from a through road to a dead-end
 road with the closure of Jolly Mill Pond Dam. The only access to the lots in the minor subdivision is
 from one direction from the east from Centerville Road (next to the James River Baptist Church).
 Currently there are only 12 single-family homes on this section of Jolly Pond Road with very limited
 opportunity to add additional homes along this 1.1 mile stretch of road.
- Unnecessary hardship The existing plan requires residents of the Wallace Minor Subdivision Lots
 1, 2, and 3 to travel along Jolly Pond Road past their property, in some cases as much as 700', turn
 off Jolly Pond Rd and make an immediate 180-degree hairpin turn unto a newly constructed 15'
 wide access road, parallel to Jolly Pond Rd and travel back the 700' to their property.
- Conflicting information Various plat plan information posted on the JCC Property Information website contradicts each other. The plat plan, Sheet 2 (attachment 1) depicts the shared access entrance for all 5 lots entering at Lot 2. Sheet 1 of the same plat plan (attachment 2) has no depiction of the shared access entrance, however, JCC officials interpret the shared entrance entering at Lot 4 based on the "No Access to Right of Way" depicted for Lots 2 & 5. Several house plans and lot layouts were predicated on the shared access entrance depicted on Sheet 2 and discussions with JCC officials as much as two years ago.
- Restrictions on emergency response Ambulance, fire and other emergency response vehicles responding to calls at Lots 1, 2, & 3 would be hampered by the extra time and distance to respond and likely unable to make the 180 degree turn from Jolly Pond Road unto the 15' shared access road across the front of Lot 3 no shoulders and deep ditches along both sides of the road. Their only option would be to respond by parking on Jolly Pond Rd (only ~16 feet wide), closing it to all current residents with no other access back to Centerville Rd, not to mention the inability of any large vehicle to turn around on Jolly Pond Rd. While this may not be unusual for many of the rural roads in JCC, it is unnecessary in this case and can easily be avoided.
- Increased water run off The current plan requires a 15' x 320' paved shared access road across the front of Lot 3. This 4,800 square feet of additional impervious paved surface only exacerbates the water run off problems along Jolly Pond Rd with ditches that currently overflow during heavy rain and are slow to drain bringing a myriad of other issues such as stagnate water breading grounds for mosquitoes.
- Agreement from current residents We have actively reached out to many of the current residents
 along Jolly Pond Road that would be impacted by your decision. There are no objections from these
 residents to our request for individual entrances to the lots in the Wallace Minor Subdivision. In
 addition, all of the property west of the Wallace Minor Subdivision have already been developed so
 there are no future properties that would be impacted by your decision.

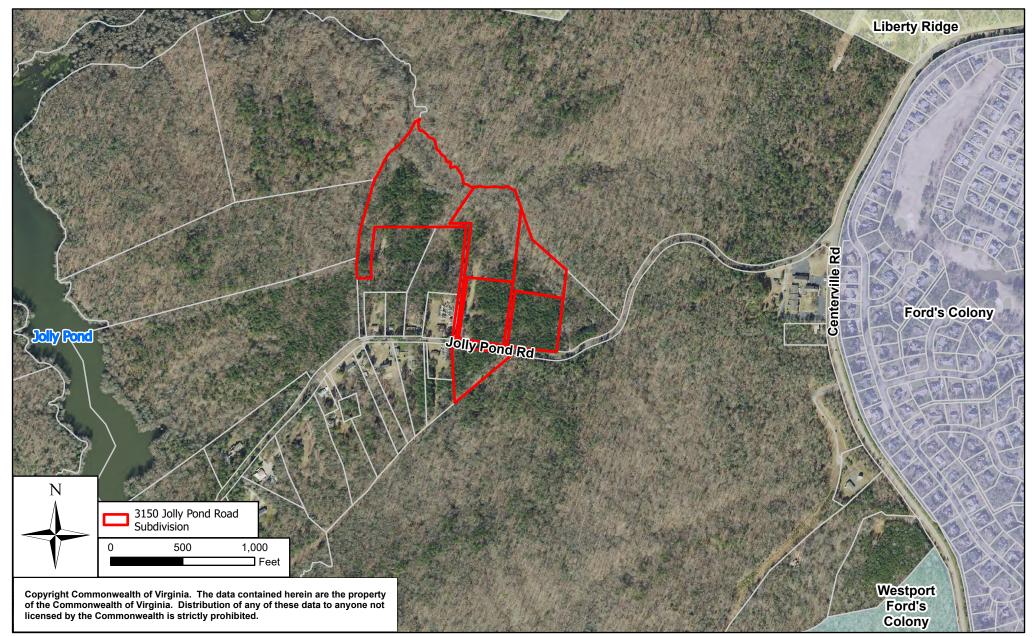
Entrances/access already exist for Lots 1, 2, 3 and 4 – Property owners of Lots 3 and 4 co ordinated with VDOT (application, permit and fees) for entrances already in-place and being used for construction. An existing entrance (in-place prior to the establishment of the Wallace Minor Subdivision) currently provides access for Lots 1 and 2 as well as the adjoining neighbors (Audrey Brown). With the exception of Lot 5, all necessary access entrances are already in-place.

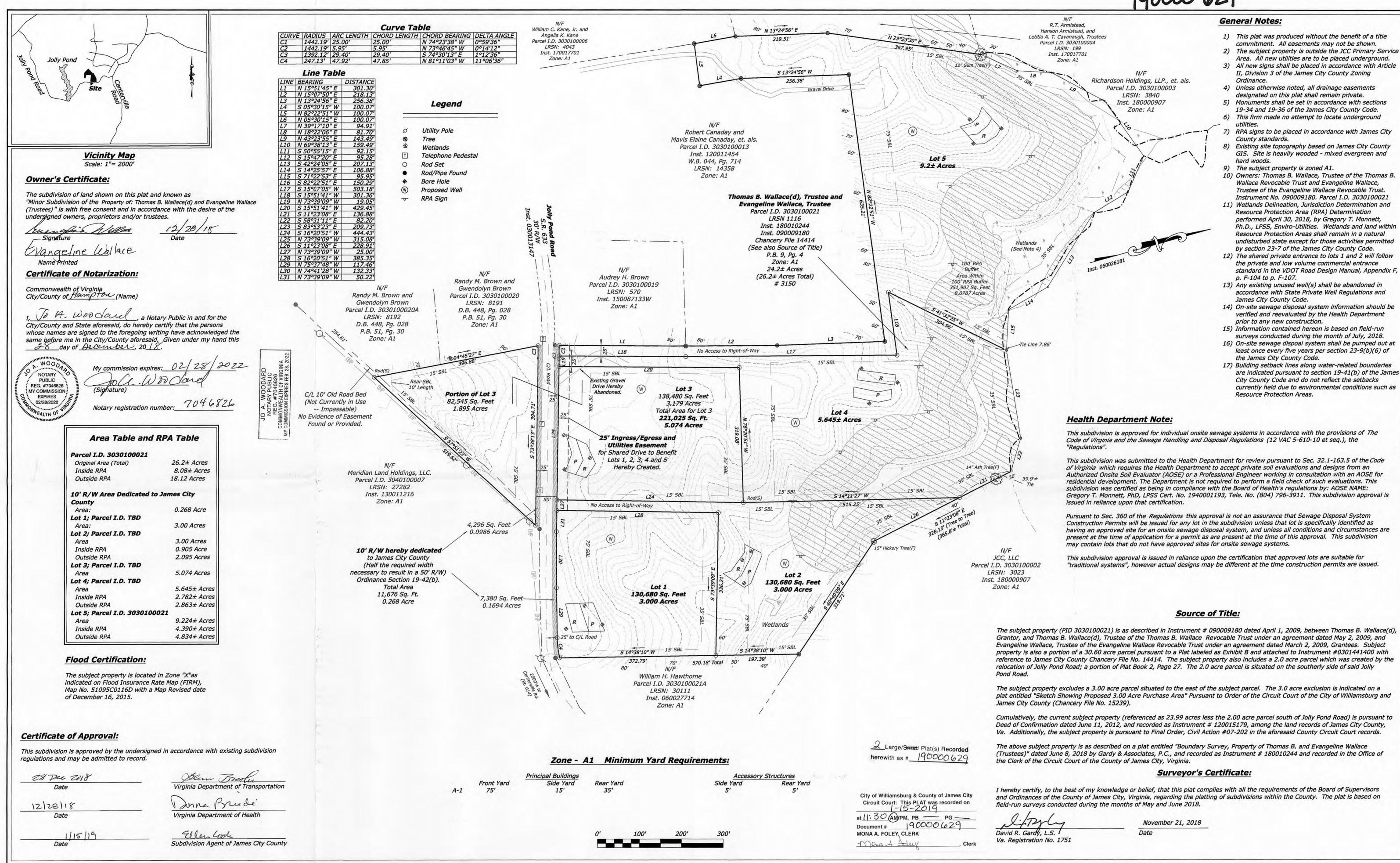
We appreciate your time and careful consideration of this matter.

Heather Wiley 1 managing mem
Heather Wiley (blue ridge custom homes), Lot 1, 3158 Jolly Pond Rd
Victor & Brandi Torres, Lot 2, 3154 Jolly Pond Rd
victor & Brandi Forres, Lot 2, 3134 Jolly Polid Rd
Jonathan & Margaret Bitler, Lot 3, 3148 Jolly Pond Rd
Ivica Palavra, Lot 4, 3140 Jolly Pond Rd
Heber Desouza, Lot 5, 3120 Jolly Pond Rd

JCC C-23-0013 "3150 Jolly Pond Road Subdivision" Shared Driveway Exception Request









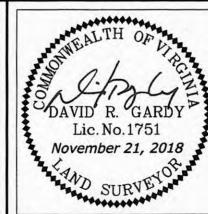
(804) 370-2551 ■ FAX(804) 966-2820 www.gardysurveying.com P.O. Box 15 ■ New Kent, VA 23124

Minor Subdivision: #3150 Jolly Pond Road

Property of:

Thomas B. Wallace(d) and Evangeline Wallace (Trustees)
Parcel I.D.: 3030100021; LRSN: 1116

Inst. 090009180 Powhatan District, James City County, Virginia

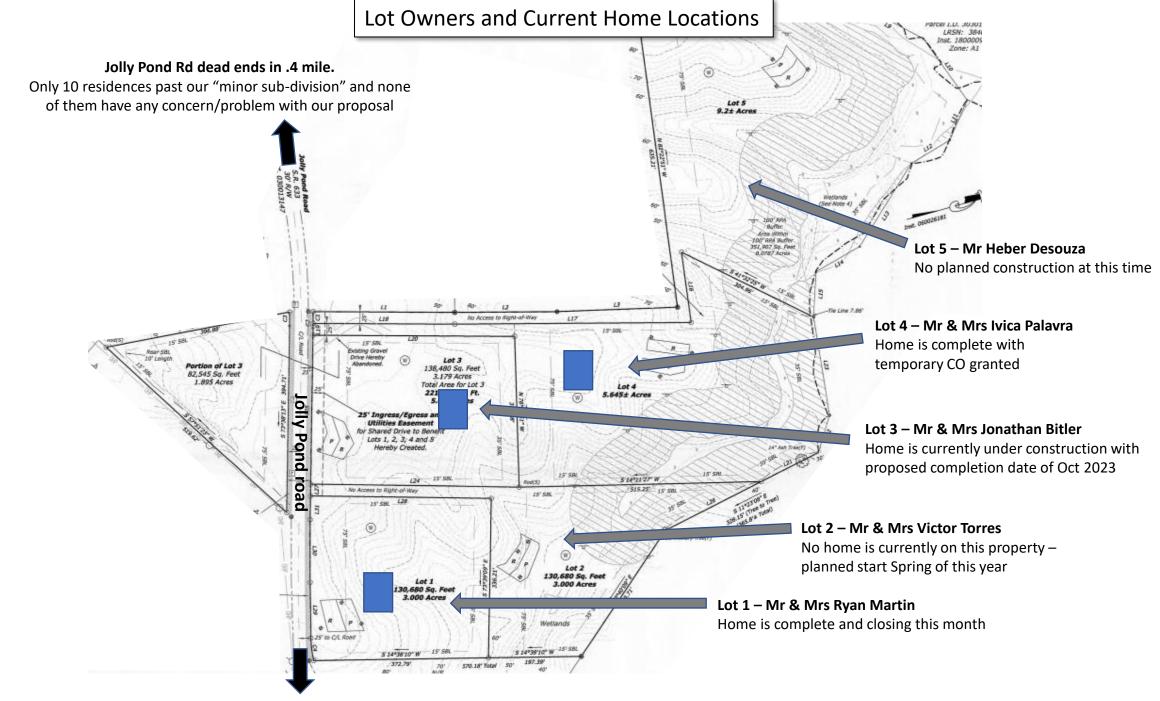


MAG. DISTRICT: Powhatan COUNTY: James City DATE: August 10, 2018 SCALE: 1"=100' SHEET: 1 OF 2 J.N.: 18-0010 DRAWN BY: RJL CHECKED BY: DRG JCC Case # S-18-0036 DATE September 11, 2018 Per County Comments October 4, 2018 Per County Comments Per County Comments November 21, 2018

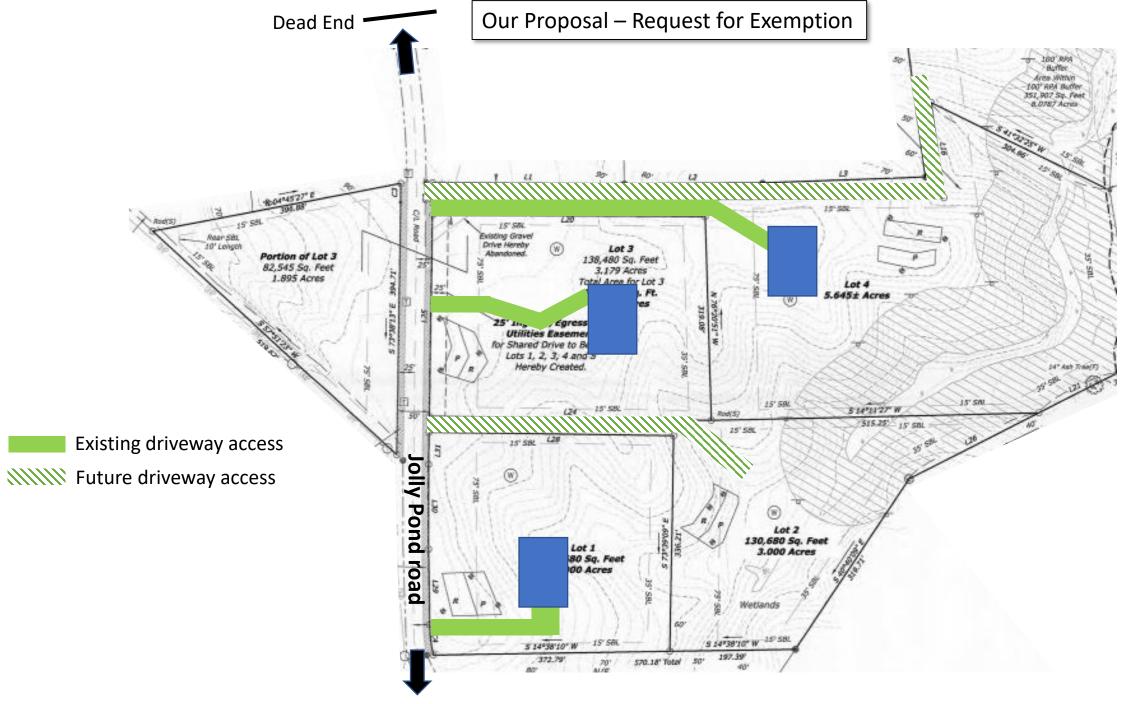
Sec. 19-73. Shared driveway requirements for minor subdivisions.

- (a) For all minor subdivisions of three or more lots, direct access from all lots to the existing road shall be limited to one shared driveway.
 - This requirement shall not apply to developed lots within a proposed minor subdivision. However, as long as there are three or more other lots that are undeveloped, this requirement shall apply to those lots. Upon the request of the subdivider, and after finding that such waiver would not adversely affect public health, safety or welfare, the agent may waive this requirement for subdivisions inside the primary service area which are along local roads, as defined.
- (b) Such driveway shall have a paved surface at least ten feet wide consisting of two inches of pavement over four to six inches of stone aggregate. In addition, the shared driveway must meet all applicable transportation department requirements for the portion of the driveway that ties into the public road. A detail depicting the driveway specifications shall be included on the subdivision plat. An erosion and sediment control plan and land disturbance permit may be required for the shared driveway, as determined by the engineering and resource protection director.
- (c) Such driveway shall be located within a shared access easement that is depicted on the subdivision plat.
- (d) No such subdivision shall be recorded until appropriate shared care and maintenance documents in a form approved by the county attorney have been executed. Such documents shall be recorded concurrently with the subdivision plat and shall set forth the following:
 - (1) The provisions made for permanent care and maintenance of the shared driveway and any associated easement, including surety when required by the county; and
 - (2) The method of assessing the individual property for its share of the cost of adequately administering, maintaining and replacing such shared driveway.

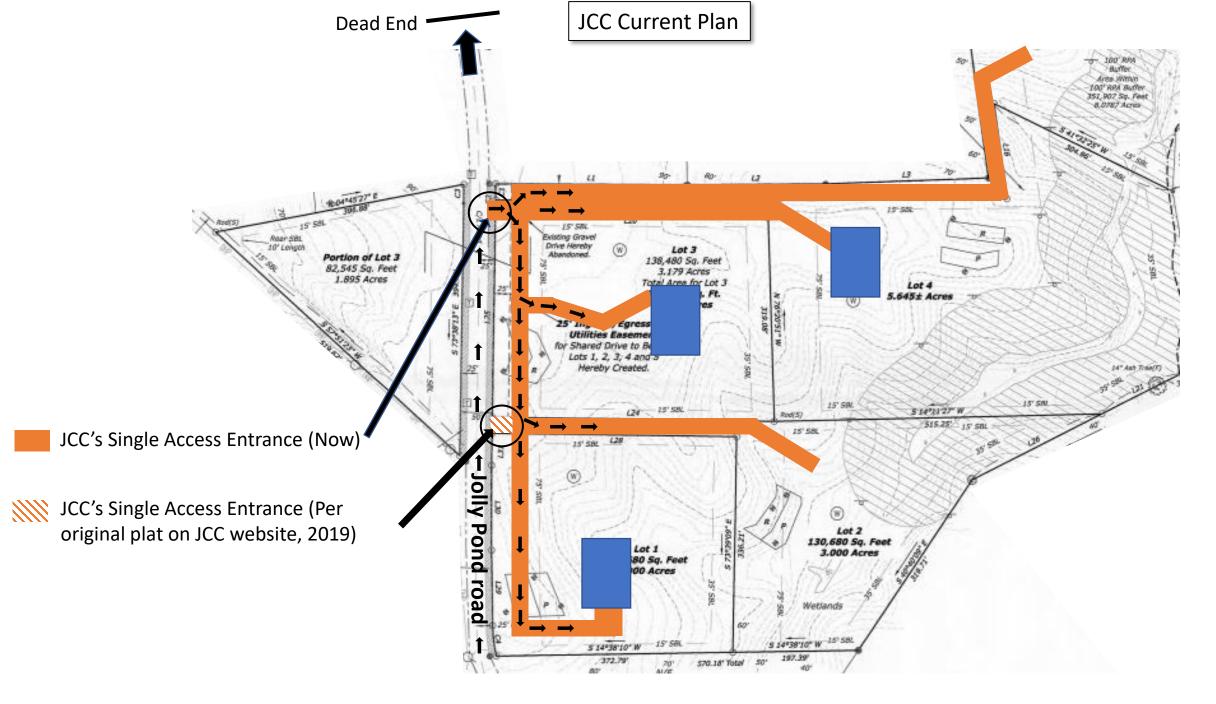
(Ord. No. 30A-27, 12-15-99; Ord. No. 30A-41, 12-11-12; Ord. No. 30A-42, 8-13-13)



Out to Centerville Road - Only entrance in and out



Out to Centerville Road - Only entrance in and out



Out to Centerville Road - Only entrance in and out