

MINUTES
JAMES CITY COUNTY DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
BUILDING A LARGE CONFERENCE ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185

May 21, 2025

4:00 PM

A. CALL TO ORDER

Mr. Polster called the meeting to order at approximately 4 p.m.

B. ROLL CALL

Committee Members Present:

Frank Polster, Chair
Jack Haldeman
Steve Rodgers
Scott Maye (by telephone)

Staff Present:

Morgan Risinger, Senior Planner
Hannah Hunnicutt, Administrative Coordinator
Ryan Ashe, Fire Chief
Joseph Davis, Fire Marshal

Mr. Polster made a motion to allow Mr. Maye to participate remotely.

On a voice vote, the Committee voted to allow Mr. Maye to participate remotely. (3-0)

C. MINUTES

1. Minutes of the March 26, 2025, Regular Meeting

Mr. Halderman made a motion to Approve the Minutes.

On a voice vote, the Committee approved the Minutes of the March 26, 2025, Regular Meeting.
(4-0)

D. OLD BUSINESS

1. C-25-0002. Solara Woods - Water and Sewer Subdivision Exception Request

Ms. Morgan Risinger, Senior Planner, stated that an exception request to Section 19-59(a) and Section 19-61 of the Subdivision Ordinance was submitted so that a subdivision of 38 lots could be constructed with individual well and septic systems for those lots. Ms. Risinger stated that the properties were zoned R-1, Limited Residential, designated Low Density Residential and

located inside the Primary Service Area and Rural Lands and outside the PSA. Ms. Risinger explained that since the development included properties that were inside of the PSA, the Subdivision Ordinance requires that the dwellings in a major subdivision connect to public water and sewer. Ms. Risinger stated that SUP-21-0023 was presented to the Planning Commission in 2022 and was ultimately withdrawn prior to being considered by the Board of Supervisors. Ms. Risinger stated that the current application requests an exception to the requirement to connect to public water and sewer and allow well and septic on each lot.

Ms. Risinger stated that in Section 19-18 of the Subdivision Ordinance provides specific criteria for exception requests, the first of which is strict adherence to the Ordinance requirement would cause substantial injustice or hardship. Ms. Risinger stated that staff found that adherence to the Ordinance would not create a substantial hardship.

Ms. Risinger explained the second criteria was that granting the exception would not be detrimental to public health, safety, or welfare and would not adversely affect the property of others. Ms. Risinger explained that there would be no fire hydrants located in Solara Woods due to lack of public water access; however, the applicants proposed residential water sprinklers be required in each house. Ms. Risinger noted that staff had concerns about the enforcement of maintenance and inspections of the sprinklers as the inspections could not be guaranteed by the County and could not ensure public safety for that subdivision.

Ms. Risinger stated that the third criteria was that the facts upon which the request is based were unique to the property and were not applicable generally to other properties so as not to make reasonably practicable the formulation of general regulations to be adopted as an amendment to this chapter. Ms. Risinger explained that staff found that a portion of the subject properties were zoned for residential use while being designated as Rural Lands located outside of the PSA, which was unique and not generally applicable to other undeveloped properties in the County.

Ms. Risinger states that the fourth criteria was that there were no objections to the exception that have been received in writing from the Virginia Department of Transportation (VDOT), Virginia Department of Health (VDH), or the Fire Chief. Ms. Risinger noted that VDOT and VDH did not object to the exception request. Ms. Risinger stated that the Fire Department initially objected to the request due to the fact that the subdivision would not have fire hydrants. Ms. Risinger stated that the developer proposed to install in-home sprinkler systems to mitigate this concern. Ms. Risinger stated that while the initial installation of in-home sprinkler systems would be ensured during the building permit process, the Virginia Statewide Fire Prevention Code (VSFPC) did not require routine inspections for individual in-home sprinkler systems.

Ms. Risinger stated that the fifth criteria would be that a hardship or injustice was created by the unusual character of the property. Ms. Risinger stated that property, personal, financial, or self-inflicted hardship or injustice shall not be considered proper justification for an exception. Ms. Risinger reiterated that staff found that while the situation of the property was unique with residential zoning outside of the PSA and designated rural lands, ultimately their request was to develop an intense use of the property and should comply with the Ordinance requirements.

Ms. Risinger stated that the staff recommended denial of the exception request; however, should the Development Review Committee (DRC) recommend approval, staff prepared conditions for the DRC's consideration, which would include restricting it to the proposed Master Plan of 38 lots while also requiring each of the homes to have the residential sprinklers installed and then for the owner to put provisions for maintenance in the homeowners association (HOA) documents.

Ms. Risinger informed the DRC that Fire Chief Ryan Ashe and Fire Marshall Joseph Davis, were present for the discussion.

Mr. Haldeman asked for clarification that it was 38 proposed homes and if all 38 homes would

be in the Rural Lands.

Ms. Risinger responded yes.

Mr. Haldeman stated that the Planning Commission already turned down a request for the extension of the water and sewer of Bush Springs Road.

Mr. Halderman asked if the 38 homes fit on the developable land by-right.

Ms. Risinger responded yes.

Mr. Halderman asked if the only problem was the lack of fire hydrants and the enduring maintenance of residential sprinkler systems.

Ms. Risinger stated that except for the DRC's consideration of the exception request, the development would proceed through the by-right administrative review process.

Mr. Polster asked if there was potential liability for the County's inability to enforce the residential sprinkler system.

Ms. Risinger stated that the County would not be liable for the failure of the sprinkler system; however, the County review process included reviewing applications to ensure public health, safety, and general welfare.

Mr. Maye noted concerns about the ability to ensure the maintenance and inspections of the sprinklers and lack of water storage.

Mr. Polster asked for elaboration about enforcement being the issue regarding sprinkler failure.

Ms. Risinger clarified that within the Subdivision Ordinance there was a requirement for any major subdivision to develop a HOA with appropriate covenants and restrictions which must be approved by the Planning Division and the County Attorney's Office prior to the recordation of the subdivision plat. Ms. Risinger stated that with the condition that is drafted, should the DRC approve the exception request, it would require that the HOA documentation include that each home would be required to have a residential sprinkler system installed, as well as the HOA provisions to maintain the systems. Ms. Risinger noted that there was nothing in the Fire Code requiring ongoing inspections.

Mr. Rodgers asked if the neighborhood was further into the Rural Lands, would they be able to have well and septic by-right.

Ms. Risinger stated that any property designated within Rural Lands qualified for septic and individual well systems by-right; however, there would need to be an extension of Bush Springs Road through the adjacent properties within the PSA. Ms. Risinger stated that the Subdivision Ordinance defines any subdivision that involves the creation or extension of a public or private right-of-way as a major subdivision which must connect to public water and sewer if a portion of the subdivision is in the PSA.

The applicant's representative, Mr. Tim Trant, Kaufman and Canoles P.C., asked the DRC if it could defer the hearing.

Mr. Halderman requested to hear the applicant's presentation before making a decision on the deferral.

Discussion ensued.

Mr. Polster stated that the DRC would hear the presentation then decide if deferral was necessary.

The applicant, Ms. Morgan Epstein-Wojciechowski, President of Healthy Communities, gave a presentation detailing the company's narrative.

Mr. Trant gave further details regarding the company's history.

Mr. Rodgers asked how many separate homes were proposed in the PSA.

Mr. Trant responded none. Mr. Trant stated the requirements potentially being met and conditions that could be set to ease community concerns.

Mr. Jay Epstein, Chairman of Healthy Communities, stated that he wanted to mandate inspections.

Ms. Epstein-Wojciechowski stated that mandatory inspections could be included in the covenants deed to ensure that the mandate would run with the land.

Discussion ensued.

Mr. Davis stated that fire hydrants would be preferred, since the absence of fire hydrants, the proposed alternative to provide residential sprinklers in accordance with National Fire Protection Association (NFPA) 13D, which was designed for one- or two-family dwellings, was an acceptable alternative if fire hydrants were not provided.

Mr. Rodgers asked if the Best Management Practice (BMP)s shown were dry BMPs or artificial lakes.

Mr. Epstein stated they were dry BMPs.

Discussion ensued.

Mr. Polster asked if the new, widened easement would encroach onto the adjacent parcels.

Mr. Epstein responded no.

Mr. Polster asked about the culvert pipes and whether they would rain the water towards the proposed BMP.

Mr. Epstein responded yes.

Mr. Polster inquired if any of the citizens who attended the meeting would like to address the Committee.

Mr. James Braxton Jr., 257 Bush Springs Road, Toano, VA, addressed the Committee. not in favor due to concerns for the road expansion.

Ms. Pansy Lancaster, 244 Bush Springs Road, Toano, VA, addressed the Committee not in favor due to concerns for the road expansion.

Mr. Halderman made a motion to defer.

On a voice vote, the DRC voted to defer C-25-0002. Solara Woods - Water and Sewer Subdivision Exception Request, to its August 20, 2025, Regular Meeting. (4-0)

E. NEW BUSINESS

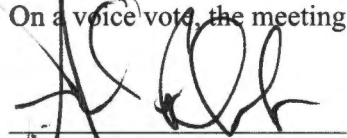
There was no new business.

F. ADJOURNMENT

Mr. Polster asked for a motion to Adjourn.

Mr. Haldeman made a motion to Adjourn.

On a voice vote, the meeting was adjourned at approximately 5:35 p.m.



Frank Polster, Chair


Susan Istenes, Secretary