

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 8, 2018
4:00 PM

A. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at approximately 4:00 p.m.

B. ROLL CALL

Present:

Jack Haldeman, Chair

Rich Krapf

Julia Leverenz

Tim O'Connor

Absent:

Heath Richardson

Staff:

Christy Parrish, Zoning Administrator

Louis Pancotti, Zoning Officer

John Risinger, Community Development Assistant

Katie Pelletier, Community Development Assistant

C. MINUTES

1. October 11, 2018 Meeting Minutes

Mr. Tim O'Connor made a motion to approve the October 11, 2018, meeting minutes.

The motion passed 2-0-2, with Mr. Haldeman and Mr. Rich Krapf abstaining as they were not present at the meeting.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. Consideration of Zoning Ordinance Amendment to Authorize the Board of Zoning Appeals to Grant a Reasonable Modification in Accordance with the Americans with Disabilities Act or State and Federal Fair Housing Laws, as Applicable

Mr. Haldeman opened the discussion.

Mr. Louis Pancotti stated that amendments were made to Section 15.2-2309 of the Code of Virginia. He stated that the amendments allow the Board of Zoning Appeals (BZA) to alleviate a hardship by granting a reasonable modification to a property or improvement thereon

requested by, or on behalf of, a person with a disability in accordance with the Americans with Disabilities Act or state and federal fair housing laws. He stated that staff recommends that Section 24-650 of the Zoning Ordinance be amended to reflect the changes. He stated that this section gives the BZA the criteria to use when reviewing variances. He stated that the County Attorney's office recommended that Section 24-650(2)a. be amended to state, "A variance shall be granted only in accordance with Va. Code § 15.2-2309." He stated that this change would alleviate the need for future amendments stemming from Code of Virginia changes. He stated that the BZA is only empowered to act in accordance with the criteria prescribed by the statute.

Ms. Julia Leverenz stated that the word "with" needed to be inserted in the draft Ordinance language.

Mr. Haldeman asked if the amendment provides authority but not the obligation for the BZA to grant a reasonable modification. He asked if the Code of Virginia amendment permits but does not require variances.

Ms. Christy Parrish confirmed. She stated the BZA is not obligated to grant a variance. She stated the BZA has to view a hardship for the case to grant a variance.

Ms. Leverenz asked if the proposed Ordinance would not need to be amended for future changes to the Code of Virginia.

Ms. Parrish confirmed.

Mr. Krapf stated that the amendment was a great solution.

Mr. Haldeman made a motion to approve the draft amendment. The amendment passed 4-0.

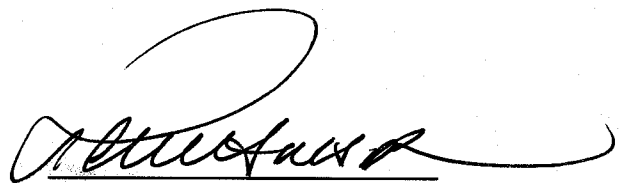
F. ADJOURNMENT

Mr. O'Connor made a motion to adjourn. The motion passed 4-0.

Mr. Haldeman adjourned the meeting at approximately 4:10 p.m.



Mr Jack Haldeman, Chair



Mr. Paul Holt, Secretary