

**ADOPTED**

**JAN 12 2021**

**Board of Supervisors  
James City County, VA**

**ORDINANCE NO. 234**

AN ORDINANCE TO VACATE A PORTION OF THAT CERTAIN SUBDIVISION PLAT ENTITLED “WILLOW POND ESTATES, LOTS 4-6, PREPARED FOR: ELWOOD PERRY, JR.” DATED NOVEMBER 7, 2006 AND LAST REVISED NOVEMBER 27, 2007 AND RECORDED AS INSTRUMENT NO. 080013624, AND MORE PARTICULARLY DESCRIBED AS THE VACATION OF THE “ALLOWABLE BUILDING AREA” DESIGNATION ON LOT 4 OF SAID PLAT.

WHEREAS, Jason A. and Rachel F. Palmer (the “Applicants”) own a parcel of land located at 2827 Forge Road, further identified as James City County Real Estate Tax Map No. 1230700004 (the “Property”); and

WHEREAS, development on the Property is restricted to an area designated as “ALLOWABLE BUILDING AREA” on a subdivision plat titled “WILLOW POND ESTATES, LOTS 4-6, PREPARED FOR: ELWOOD PERRY, JR.,” dated November 7, 2006 and last revised November 27, 2007 and recorded in the Clerk’s Office of the Circuit Court of James City County, Virginia as Instrument No. 080013624 (the “Plat”); and

WHEREAS, the Applicants have submitted an application to vacate certain lines, words, numbers, and symbols on the Plat; and

WHEREAS, notice that the Board of Supervisors of the County of James City, Virginia, would consider such application has been given pursuant to § 15.2-2272 of the Code of Virginia, 1950, as amended; and

WHEREAS, pursuant to such notice the Board of Supervisors held a public hearing and considered such application on the 12th day of January 2021, and the Board of Supervisors was of the opinion that the vacation would not result in any inconvenience and is in the interest of public welfare.


NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of the County of James City, Virginia, that a portion of that certain subdivision plat of Willow Pond Estates, recorded on May 30, 2008 in the Clerk’s Office of the Circuit Court of James City County, Virginia, as Instrument No. 080013624, be so vacated as to permit the recordation of a new subdivision plat that will serve to remove certain lines, words and symbols, and thereby vacating and amending the designation of “ALLOWABLE BUILDING AREA” on Lot 4 of the above-referenced plat.

BE IT FURTHER ORDAINED that a new subdivision plat substantially similar to the conceptual plan with a project title of “PALMER BARN, 2827 Forge Road, Toano, VA 23168” prepared by Timothy Hess, RLA, dated November 10, 2020 and last revised December 17, 2020, and hereby made a part of this Ordinance, shall be recorded in the Clerk’s Office along with a certified copy of this Ordinance of vacation within six (6) months of the effective date of this Ordinance. Such subdivision plat shall not be recorded until an instrument transferring impervious surface allocation as required by Section 4(C) of the Deed of Conservation and Open Space Easement recorded as Instrument No. 080027454, is recorded in the Clerk’s Office. The instrument transferring impervious surface allocation shall be approved by the


County Attorney's Office prior to being recorded.

BE IT FURTHER ORDAINED that no building permit or land disturbing permit shall be issued for the property unless the development plans associated with such permit are substantially consistent with the conceptual plan with a project title of "PALMER BARN, 2827 Forge Road, Toano, VA 23168" made part of this Ordinance, with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

This Ordinance shall be in full force and effect thirty days (30) from the date of its adoption to allow for appeal pursuant to Virginia Code § 15.2-2272.

  
Michael J. Hipple  
Chairman, Board of Supervisors

ATTEST:

  
Teresa Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of January, 2021.

PlatVacWillPnd-ord