



County of King William, Virginia

**BOARD OF ZONING APPEALS MEETING  
FEBRUARY 19, 2020 – 6:30 P.M.  
KING WILLIAM COUNTY ADMINISTRATION BUILDING  
KING WILLIAM, VIRGINIA**

**A G E N D A**

- 1. Call to Order**
- 2. Roll Call**
  - **Laura Nunnally**
  - **Benjamin Shumaker**
  - **Sergio Tassinari**
  - **Doris White**
  - **Michael Nolan**
- 3. Review and Adoption of Meeting Agenda**
- 4. Review and Approval of Minutes**
  - a. **January 15, 2020 Meeting Minutes**
- 5. Public Comment Period**
- 6. Public Hearing**
  - a. **V-01-20 Byrd-Garnett**
  - b. **A-01-20 The Fix**
- 7. Unfinished Business**
  - a. **NONE**
- 8. New Business**
  - a. **NONE**
- 9. Staff Report**
  - a. **Zoning Ordinance**
  - b. **2019 Annual BZA Report**
- 10. Adjournment**

**4a.**

**January 15, 2020**

**Meeting Minutes**

**Minutes**  
**King William County**  
**Board of Zoning Appeals**  
**Regular Meeting**  
**January 15, 2020**

At a regular meeting of the Board of Zoning Appeals, held on January 15, 2020 at 6:30 P.M. in the King William Administration Building, the meeting was called to order with the following members:

**Agenda Item 1. Call to Order**

**Agenda Item 2. Roll Call**

**Present:**

Michael Nolan

Doris White

Chairman, Benjamin Shumaker

**Absent:**

Sergio Tassinari

Laura Nunnally

**Staff Present:**

Ron Etter, Director of Community Development

Krista Cole, Planning Secretary

**Agenda Item 3. Review and Adoption of Meeting Agenda**

Chairman, Benjamin Shumaker requested a motion to adopt the January 15, 2020 meeting agenda – Ms. Doris White made a motion, the motion was seconded by Mr. Michael Nolan.

**The vote was unanimous on this motion.**

**Agenda Item 4. Review and Approval of Minutes**

Chairman, Benjamin Shumaker entertained a motion to approve the October 16, 2019 meeting minutes.

Mr. Michael Nolan abstained, as he was not present at the October 16, 2019 meeting.

Ms. Doris White made a motion to approve the October 16, 2019 meeting minutes, which was seconded by Mr. Michael Nolan.

**The vote was unanimous on this motion.**

**Agenda Item 6. New Business**

Chairman, Benjamin Shumaker entertained nominations for the 2020 Board of Zoning Appeals Chairman. Mr. Michael Nolan nominated Mr. Benjamin Shumaker to remain Chairman. Members took a vote and the vote was unanimous for Benjamin Shumaker as 2020 Chairman.

Chairman, Benjamin Shumaker asked for nominations for the 2020 Board of Zoning Appeals Vice-Chairman. Mr. Shumaker made a nomination for Mr. Michael Nolan to be 2020 Vice-Chairman. Members took a vote and the vote was unanimous for Michael Nolan as 2020 Vice-Chairman.

Chairman, Benjamin Shumaker entertained nominations for a 2020 Board of Zoning Appeals Secretary. Ms. Doris White nominated Ms. Krista Cole for Secretary. Mr. Michael Nolan nominated Mr. Ron Etter and then withdrew his nomination and gave a second nomination for Krista Cole. Members voted and the vote was unanimous for Krista Cole as 2020 Secretary.

Chairman, Benjamin Shumaker asked members if there were any comments to the ByLaws before voting to adopt. Mr. Michael Nolan pointed out a minor mistake in the ByLaws and made a motion to adopt the ByLaws as amended. Chairman Benjamin Shumaker seconded the motion.

**Members were polled:**

<b>Doris White</b>	<b>Aye</b>
<b>Michael Nolan</b>	<b>Aye</b>
<b>Benjamin Shumaker</b>	<b>Aye</b>

**The vote was unanimous on this motion**

Chairman, Benjamin Shumaker asked if there were any conflicts with the proposed 2020 Draft Schedule, as there were none, he entertained a motion to adopt the schedule. Ms. Doris White made a motion and the motion was seconded by Mr. Michael Nolan.

**The vote was unanimous to adopt the 2020 Draft Schedule.**

Staff presented the Board with two potential meeting dates for February 2020 due to an upcoming appeal and a variance. Mr. Michael Nolan expressed that he thought the proposed date of February 19, 2020 would be best as it falls on a Wednesday and that is usually when the Board meets. Members agreed that February 19, 2020 would be the date for those Public Hearings.

Chairman, Benjamin Shumaker proposed some new goals for 2020 including the Board members attending some BZA classes and participation in the rewrite of the ordinance during Spring of 2020, as well as the Comprehensive Plan during Summer/Fall of 2020.

Ms. Doris White expressed that she would like to take the classes, as well as participate in the ordinance and the Comprehensive Plan rewrites.

**Agenda Item 9. Staff and/or Committee Reports**

Mr. Ron Etter gave members a brief insight on the upcoming appeal and variance to be heard on February 19, 2020.

**Agenda Item 10. Adjournment**

Chairman, Benjamin Shumaker requested a motion to adjourn the January 15, 2020 meeting. Ms. Doris White made a motion and the motion was seconded by Mr. Michael Nolan.

**The vote was unanimous and the meeting was adjourned.**

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**Chairman, Benjamin Shumaker**

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**BZA Secretary, Krista Cole**

**6a.**

**Variance Public Hearing**

**V-01-20 Byrd - Garnett**



King William  
County  
Est. 1702

Board of Supervisors

Department of Community Development

William L. Hodges, First District  
Travis J. Moskalski, Second District  
Stephen K. Greenwood, Third District  
C. Stewart Garber, Jr., Fourth District  
Edwin H. Moren, Fifth District

**TO:** Board of Zoning Appeals  
**FROM:** Sherry Graham, Zoning Administrator  
**SUBJECT:** Variance-01-19  
**DATE:** February 19, 2020

### **Summary of Request For V-01-20**

The applicants/owners, Alvin W. Byrd and Daisy P. Garnett are requesting a variance from Article VI, Section 86-203 of the Zoning Ordinance, which requires primary structures within the A-C Agricultural-Conservation District to have a minimum twenty-five feet setback from the side yard property lines. The lot was created as part of a family subdivision on April 6, 2000. The current house is approximately twenty-five feet from the western side yard property line, meaning expansion in that direction would result in an even lesser setback. The applicants/owners are requesting a seven-foot reduction in the required twenty-five-foot side setback in order to construct a 12 x 12 family room eighteen feet from the side property line. The property is located at 263 Garnett Lane, tax map parcel 21-97D and consists of approximately 1.42 acres of land. The property is zoned A-C (Agricultural-Conservation) and is located in the Aylett District.

### **Materials/Background**

The Variance packet includes the following:

Information Packet  
Application  
Receipt  
Deed  
Public Hearing Notice  
Public Notice – Adjacent Property Owners  
Plat  
Zoning Map  
GIS View  
Zoning District Map  
Voting Precinct Map  
Pictures

## Ordinance Requirements

Article VI, Section 86-203 of the Zoning Ordinance of King William County requires the minimum building side setback in the A-C (Agricultural-Conservation) District be twenty-five (25) feet.

## Code of Virginia

§ 15.2-2201 – “Variance” means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

## Additional findings:

1. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance:

Staff Comment: The owner acquired the property through her family. The applicant did not create the hardship.

2. On January 26, 1999, the Board of Zoning Appeals approved a request for a Special Exception in order to create a 1.42-acre lot from an 11.17-acre parcel with the following conditions:
  - a. The proposed subdivision is non-transferable. It is only to be used for Daisy P Garnett and immediate family member.
  - b. A surveyed plat of both the proposed parcel and the remaining parent tract shall be submitted to the subdivision agent within one (1) year of the date of the approval of the Special Exception.
  - c. Since this private road accesses three (3) or more dwellings, the road must be named and a street sign be posted at the applicant’s expense.
  - d. The new lot and house created by the Special Exception will be held by the applicant for a minimum of at least two (2) years.

Staff Comment: The current owner is still Daisy P. Garnett and she met all of the conditions required in the Special Exception.

3. The applicants are not able to locate the addition elsewhere due to the cost of relocating the utilities.

Staff Comment: The addition, if constructed, would not be easily seen from any of the adjacent neighboring properties.

If the Board approves the request, staff would recommend the following conditions:

- 1) If all required building and zoning permits have not been obtained on or before February 21, 2022, this variance shall become null and void. After which time, any construction which does not fully meet the requirements of the Zoning Ordinance shall require re-application for variance and approval by the Board of Zoning Appeals.

**6a.**  
**Application**

Date: 1-3-20

KING WILLIAM COUNTY, VIRGINIA  
APPLICATION FOR VARIANCE FROM ZONING ORDINANCE

1. **Owner(s):**

Name: Alvin W. Byrd + Daisy P. Garnett

Address: P.O. Box 423 Aylett, Va. 23009

Phone Number(s): (804) 769-7271

Email address: \_\_\_\_\_

2. **Applicant (if different from owner):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number(s): ( \_\_\_\_\_ ) \_\_\_\_\_

Email address: \_\_\_\_\_

3. **Property identification**

Tax Map: ~~97-21D~~ 21-970

Physical address of property: 263 Garnett Ln.

Deed Book or Instrument number for title of property: 1.42 acres

Zoning District: A-C

Present use of property: Single family

4. A variance is requested from the requirements of Article 86-203, Section \_\_\_\_\_, of the Zoning Ordinance for King William County, Virginia.

Describe requested variance request in detail and provide information to each of the items the Board of Zoning Appeals will be considering in granting or denying the request:  
requesting a reduction in the required 25 foot side set back to 18 ft.

(a) Strict application of the ordinance will produce undue hardship relating to the property;

Due to the electrical on the left, septic system on the right, the well on front. There is no other place to put it.

(b) The hardship is not shared generally by other properties in the same zoning district and in the same vicinity;

Because we have the smallest lot. Family subdivision. It is long + narrow.

(c) Authorization of the variance will not be detrimental to adjacent properties and the character of the district will not be changed; and

Because of the lot is heavy wooded, cannot be seen by the adjacent properties.

(d) The condition or situation giving rise to the variance is not of such general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Ordinance.

No the shape of the lot makes it unique.

(e) The hardship seeking relief from is not self-inflicted by the owner.

No

I do certify that the information presented in this application is complete and accurate to the best of my knowledge. Members of the Board of Zoning Appeals and County employees are hereby authorized to enter upon the property described herein during normal working hours for the purpose of performing assigned duties in connection with this application.

Note: A power of attorney must be granted by the owner to the applicant if signed by someone other than the owner)

Alvin D. Boyd  
Applicant or Owner  
Daisy P. Garnett



**CERTIFICATE OF NOTARY PUBLIC**

STATE OF: Virginia COUNTY OF King William : to wit:

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of Jan., 2020

Betty B. Brooks  
Notary Public

8/31/2023  
My Commission Expires



**Effective 07-2017**

**Revenue Transmittal Planning/Building Department  
King William County, VA**

Jan 3, 2020  
Date

Name: Alvin ...

Subdivision: \_\_\_\_\_

Address: 263 ...

Permit No: \_\_\_\_\_

Tax Map No: 21-970

<u>Dept.</u>	<u>Description</u>	<u>Amount</u>
COPIES	Sale Of Copies (Maps, Data, Etc.)	\$ _____
CONUSE	Conditional Use/Rezoning Ap.	\$ _____
<u>VARINC</u>	Variance Applications	\$ <u>1,000.00</u>
APPEAL	Appeals Fees-Zoning Decisions	\$ _____
HISREV	Hist. Pres. & Architectural Review Bd.	\$ _____
SITE	Site Plan	\$ _____
SIGN	911 Road Sign Maintenance	\$ _____
BOND	Escrow Acct. for Cash Bonds	\$ _____
ERSE	Erosion/Sediment Control	\$ _____
PROF	Cash Proffers	\$ _____
SUBD	Subdivision Application	\$ _____
WETL	Wetlands Board	\$ _____
ZPER	Zoning Permits	\$ _____
BPER	Building Permits	\$ _____
SURC	Building Permit Surcharge	\$ _____
PLNR	Building Plans Review Fee	\$ _____
RENSP	Re-Inspection Fee / Penalty	\$ _____
FPCP	Fire Prevention	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

**TOTAL REMITTANCE TO TREASURER**

\$ 1,000.00

S. ... 1/3/20

Signature and Date  
Planning Office

Anna ... 1/3/2020

Signature and Date  
Treasurer's Office

**6a.**

**Public Hearing Ad**

**KING WILLIAM COUNTY  
PUBLIC HEARING NOTICE**

The Board of Zoning Appeals of King William County, Virginia will hold a Public Hearing on Wednesday, February 19, 2020, at 6:30 p.m., or as soon thereafter as may be heard, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia to receive public comment and consider approval on the following matter:

**Variance V-01-20 – Owners/Applicants, Alvin W. Byrd and Daisy P. Garnett**

A request for a variance to reduce the required 25 feet side setback to 18 feet in order to construct a 12 x 12 feet addition. The property is located at 263 Garnett Lane, tax map parcel 21-97D and consists of approximately 1.42 acres. The property is zoned A-C (Agricultural-Conservation) and is located in the Aylett District.

**A-01-20 – The Fix Ministry, LLC**

A request for an appeal of the Zoning Administrator's denial to expand a group home occupancy from eight beds to twenty beds on property located at 4465 Mount Olive Cohoke Road, tax map parcel 52-2. The property is zoned A-C (Agricultural-Conservation) and consists of approximately 18.5 acres.

All interested persons may appear and present their views at the above time and place. If a member of the public cannot attend, comments may be submitted by mail to 180 Horse Landing Road, #4, King William, Virginia 23086; or by fax to (804)769-2235, or by email to [sgraham@kingwilliamcounty.us](mailto:sgraham@kingwilliamcounty.us). Comments received by 12:00 noon on the day of the hearing will be distributed to the Board members and made a part of the public record. All records pertaining to this matter may be viewed in the Planning and Zoning Office at 180 Horse Landing Road, King William, Virginia during regular business hours. Anyone needing assistance or accommodations under the provisions of the American with Disabilities Act should contact the Planning and Zoning Office at (804) 769-4978 or email to [sgraham@kingwilliamcountv.us](mailto:sgraham@kingwilliamcountv.us).

By the authority of

Ron W. Etter  
Director of Community  
Development Secretary to the  
Board of Zoning Appeals

Please publish in the Tidewater Review on 2/5 and 2/12

**6a.**  
**Adjacent Property Owner**  
**List**

## **Adjacent Property List for V-01-20**

22-8

Thomas D Lumpkin, Jr.  
Amanda E. Lumpkin  
560 Commins Road  
Aylett, VA 23009  
560 Commins Road  
A-C, 10 acres  
Located in front of subject property

22-7

Frederick D. Morris  
464 Commins Road  
Aylett, VA 23009  
464 Commins Road  
A-C, 5.6 acres  
Located at the entrance to Garnett Lane

21-98

Frederic I. McGhee  
6346 Cold Harbor Road  
Mechanicsville, VA 23111  
A-C, 40 acres  
Vacant Lot across from subject property

21-97B

Joseph Holmes  
P.O. Box 204  
Aylett, VA 23009  
283 Garnett Lane  
A-C, 2 acres  
Located behind the subject property

21-97A

Alfred D. Brookes  
1033 Edgar Road  
Hanover, VA 23069  
211 Garnett Lane  
A-C, 2.01 acres  
Located beside the subject property

**6a.**

**Affadavit**



King William  
County  
Est. 1702

Department of Community Development

### AFFIDAVIT

### RE: PUBLIC NOTIFICATION

I hereby certify that the adjoining property owners (see attached list),

Case Number V-01-20

Applicant Alvin Boyd & Daisy J. Donnett

Request Variances - 263 Donnett Lane

Were notified of a public hearing on this matter with the

- Board of Zoning Appeals
- Planning Commission
- Board of Supervisors
- Other \_\_\_\_\_

Via letter(s) sent first class mail on Feb 5, 2020 (write in)  
Date

Sharon L. Durham  
Department Representative

2/5/2020  
Date

2.5.2020  
Date

K. Cole  
Notary

7/31/2023  
Commission Expires



**6a.**

**Owner Notification**



King William  
County  
Est. 1702

Board of Supervisors

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Ron W. Etter, Director  
Community Development

William L. Hodges, First District  
Travis J. Moskalski, Second District  
Stephen K. Greenwood, Third District  
C. Stewart Garber, Jr., Fourth District  
Edwin H. Moren, Jr., Fifth District

February 5, 2020

Mr. Alvin W. Byrd  
Ms. Daisy P. Garnett  
P.O. Box 423  
Aylett, VA 23009

**RE: Application for a Variance**

Dear Mr. Byrd and Ms. Garnett:

The Board of Zoning Appeals will hold a Public Hearing on Wednesday, February 19, 2020, at 6:30 p.m. in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia to consider your request for a variance for a reduction in the required side setbacks for an addition to be constructed at 263 Garnett Lane, Tax Map Parcel 21-97D.

Although your attendance is not mandatory, it is strongly encouraged. If you have any questions, please do not hesitate to call.

Sincerely,

Sherry L. Graham  
Zoning Administrator

**6a.**

**Adjacent Property Owner  
Letters**



King William  
County  
Est. 1702

Board of Supervisors

Ron W. Etter, Director  
Community Development

William L. Hodges, First District  
Travis J. Moskalski, Second District  
Stephen K. Greenwood, Third District  
C. Stewart Garber, Jr., Fourth District  
Edwin H. Moren, Jr., Fifth District

February 5, 2020

Mr. Alfred D. Brookes  
1033 Edgar Road  
Hanover, VA 23069  
Owner(s) of Record Tax Parcel 21-97A

**RE: Notice to adjacent property owners  
Request for Variance, V-01-20  
Tax Map Parcel 21-97D  
Owners: Alvin Byrd and Daisy Garnett**

Dear Land Owner:

The King William County Board of Zoning Appeals will hold a Public Hearing on the matter listed below. The meeting will be held on Wednesday, February 19, 2020 at 6:30 p.m., or as soon thereafter, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia to receive public comment on the following matter:

The owners are requesting a seven-foot reduction in the required twenty-five foot side setback in order to construct a 12 x 12 family room eighteen feet from the side property line. The property is located at 263 Garnett Lane, tax map parcel 21-97D and consists of approximately 1.42 acres of land. The property is zoned A-C (Agricultural-Conservation) and is located in the Aylett District.

You are being notified of this hearing because your property is adjacent, or in close proximity to the above-stated request. All interested persons may appear and present their views at the above time and place. If a member of the public cannot attend, comments may be submitted by mail to 180 Horse Landing Road, #4, King William, VA 23086; by fax to (804)769-4964, or by email to [sgraham@kingwilliamcounty.us](mailto:sgraham@kingwilliamcounty.us). Comments received by 12:00 noon on the day of the hearing will be distributed to the Board members and made a part of the public record.

All records pertaining to this matter may be viewed in the Office of Community Development at 180 Horse Landing Road, King William, VA during regular business hours. Anyone needed assistance or accommodations under the provisions of the American with Disabilities Act should contact the Office of Community Development at (804) 769-4978 or [sgraham@kingwilliamcounty.us](mailto:sgraham@kingwilliamcounty.us).

Sincerely,

Sherry L. Graham  
Zoning Administrator



King William  
County  
Est. 1702

Board of Supervisors

Ron W. Etter, Director  
Community Development

William L. Hodges, First District  
Travis J. Moskalski, Second District  
Stephen K. Greenwood, Third District  
C. Stewart Garber, Jr., Fourth District  
Edwin H. Moren, Jr., Fifth District

February 5, 2020

Mr. Joseph Holmes  
P.O. Box 204  
Aylett, VA 23009  
Owner(s) of Record Tax Parcel 21-97B

**RE: Notice to adjacent property owners  
Request for Variance, V-01-20  
Tax Map Parcel 21-97D  
Owners: Alvin Byrd and Daisy Garnett**

Dear Land Owner:

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Sincerely,

Sherry L. Graham  
Zoning Administrator



King William  
County  
Est. 1702

Board of Supervisors

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Community Development

William L. Hodges, First District  
Travis J. Moskalski, Second District  
Stephen K. Greenwood, Third District  
C. Stewart Garber, Jr., Fourth District  
Edwin H. Moren, Jr., Fifth District

February 5, 2020

Mr. Frederic I. McGhee  
6346 Cold Harbor Road  
Mechanicsville, VA 23111  
Owner(s) of Record Tax Parcel 21-98

**RE: Notice to adjacent property owners  
Request for Variance, V-01-20  
Tax Map Parcel 21-97D  
Owners: Alvin Byrd and Daisy Garnett**

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Sincerely,

Sherry L. Graham  
Zoning Administrator



King William  
County  
Est. 1702

Board of Supervisors

Ron W. Etter, Director  
Community Development

William L. Hodges, First District  
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Stephen K. Greenwood, Third District  
C. Stewart Garber, Jr., Fourth District  
Edwin H. Moren, Jr., Fifth District

February 5, 2020

Mr. Frederick D. Morris  
464 Commins Road  
Aylett, VA 23009  
Owner(s) of Record Tax Parcel 22-7

**RE: Notice to adjacent property owners  
Request for Variance, V-01-20  
Tax Map Parcel 21-97D  
Owners: Alvin Byrd and Daisy Garnett**

Dear Land Owner:

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You are being notified of this hearing because your property is adjacent, or in close proximity to the above-stated request. All interested persons may appear and present their views at the above time and place. If a member of the public cannot attend, comments may be submitted by mail to 180 Horse Landing Road, #4, King William, VA 23086; by fax to (804)769-4964, or by email to [sgraham@kingwilliamcounty.us](mailto:sgraham@kingwilliamcounty.us). Comments received by 12:00 noon on the day of the hearing will be distributed to the Board members and made a part of the public record.

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Sincerely,

Sherry L. Graham  
Zoning Administrator



King William  
County  
Est. 1702

Board of Supervisors

Ron W. Etter, Director  
Community Development

William L. Hodges, First District  
Travis J. Moskalski, Second District  
Stephen K. Greenwood, Third District  
C. Stewart Garber, Jr., Fourth District  
Edwin H. Moren, Jr., Fifth District

February 5, 2020

Mr. and Mrs. Thomas D. Lumpkin, Jr.  
560 Commins Road  
Aylett, VA 23009  
Owner(s) of Record Tax Parcel 22-8

**RE: Notice to adjacent property owners  
Request for Variance, V-01-20  
Tax Map Parcel 21-97D  
Owners: Alvin Byrd and Daisy Garnett**

Dear Land Owner:

The King William County Board of Zoning Appeals will hold a Public Hearing on the matter listed below. The meeting will be held on Wednesday, February 19, 2020 at 6:30 p.m., or as soon thereafter, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia to receive public comment on the following matter:

The owners are requesting a seven-foot reduction in the required twenty-five foot side setback in order to construct a 12 x 12 family room eighteen feet from the side property line. The property is located at 263 Garnett Lane, tax map parcel 21-97D and consists of approximately 1.42 acres of land. The property is zoned A-C (Agricultural-Conservation) and is located in the Aylett District.

You are being notified of this hearing because your property is adjacent, or in close proximity to the above-stated request. All interested persons may appear and present their views at the above time and place. If a member of the public cannot attend, comments may be submitted by mail to 180 Horse Landing Road, #4, King William, VA 23086; by fax to (804)769-4964, or by email to [sgraham@kingwilliamcounty.us](mailto:sgraham@kingwilliamcounty.us). Comments received by 12:00 noon on the day of the hearing will be distributed to the Board members and made a part of the public record.

All records pertaining to this matter may be viewed in the Office of Community Development at 180 Horse Landing Road, King William, VA during regular business hours. Anyone needed assistance or accommodations under the provisions of the American with Disabilities Act should contact the Office of Community Development at (804) 769-4978 or [sgraham@kingwilliamcounty.us](mailto:sgraham@kingwilliamcounty.us).

Sincerely,

Sherry L. Graham  
Zoning Administrator

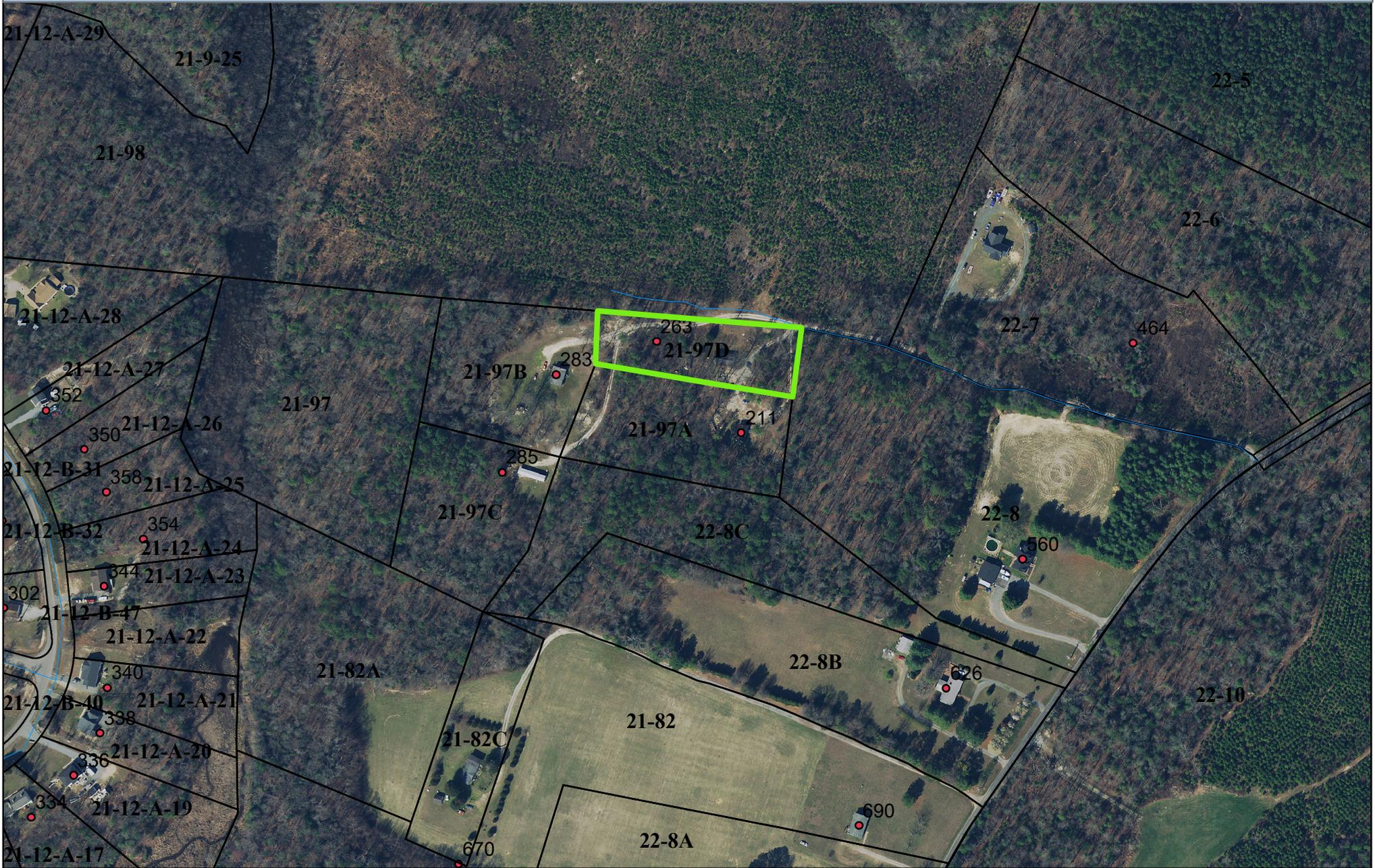
**6a.**  
**Zoning Map**  
**&**  
**GIS Map**



Case# V-01-20

Owner/Applicant: Alvin W. Byrd & Daisy P. Garnett

Tax Parcel: 21-97D



**6a.**

**VDH Information**



COMMONWEALTH OF VIRGINIA  
VIRGINIA DEPARTMENT OF HEALTH  
King William County  
172 Courthouse Lane • P.O. Box 155  
King William, VA 23086

**Findings:**

**Review pursuant to Va. Code § 32.1-165**

Name: Alvin Byrd & Daisy Garnett Tax Map: 21-97D

Agent: \_\_\_\_\_

Phone Number: (804) 445-6047

Subdivision: (If Applicable) \_\_\_\_\_ Section: \_\_\_\_\_ Lot: \_\_\_\_\_

Physical Address: 263 Garnett Road

Is the existing onsite sewage system safe, adequate and proper or approvable as nonconforming for the proposed use?

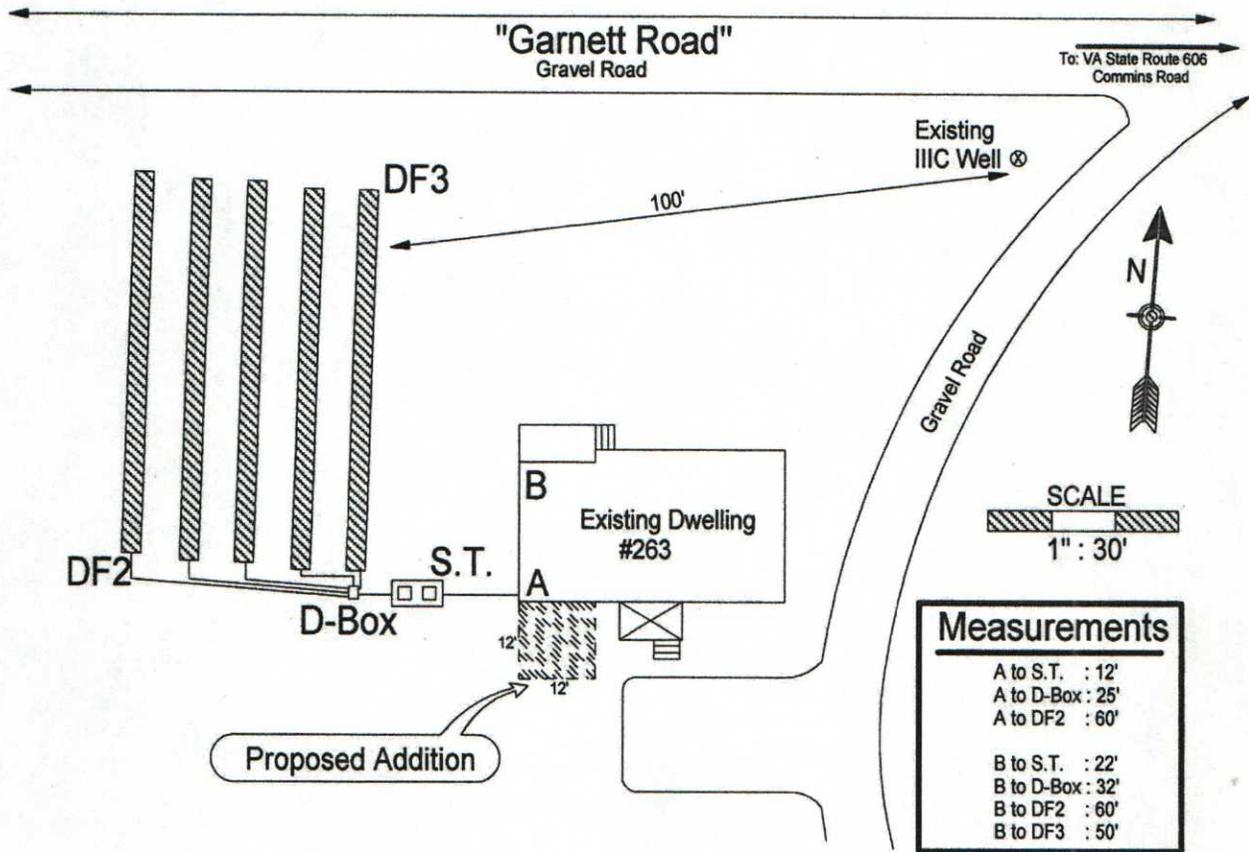
(YES) Comments: The existing sewage disposal system was evaluated and was found to be in acceptable condition at the time of evaluation \*\*\*Septic tank and d-box visually inspected following tank pump out\*\*\*

(NO) Comments: \_\_\_\_\_

**Other Comments:**

The proposed construction, 12' x 12' addition as described by owner, will not encroach on the existing septic system or the private well serving this parcel.

Site Sketch:



SIGNATURE: 

DATE: 1/10/2020

An owner may challenge a denial by requesting an Informal Fact-Finding Conference (IFFC) within 30 days of receipt of a decision. All requests for an IFFC must be sent in writing to the District Health Director and cite the reason or reasons for the request.

**6a.**

**Previous VDH Information**

**THIS PERMIT IS  
NOT TRANSFERABLE**

## Water Supply and/or Sewage Disposal System Construction Permit

Commonwealth of Virginia  
Department of Health  
King William Health Department

Health Department  
Identification Number 150-98-277  
Map Reference 21-97

### General Information

Water Supply System: New  Repair \_\_\_\_\_ Public \_\_\_\_\_ FHA \_\_\_\_\_ VA \_\_\_\_\_ Case No. \_\_\_\_\_  
 Sewage Disposal System: New  Repair \_\_\_\_\_ Expanded \_\_\_\_\_ Conditional \_\_\_\_\_ Public \_\_\_\_\_  
 Based on the application for a sewage disposal system construction permit filed in accordance with Section 2.13 E, of the Sewage Handling and Disposal Regulations and/or Section 2.13 of the Private Well Regulations a construction permit is hereby issued to:  
 Owner Daisy Barnett Telephone 443-2433  
 Address RT 1 Box 332 Jam Va 22560 For a Type E Sewage Disposal System or Well to be constructed on/at W. side of 606 approx 1 mile S. of 1608  
 Subdivision NA Section/Block \_\_\_\_\_ Lot \_\_\_\_\_ Actual or estimated water use 450 gal/day

DESIGN	NOTE: SEWAGE DISPOSAL SYSTEM INSPECTION RESULTS
<b>Water supply, existing:</b> (describe) _____ <b>To be installed:</b> class <u>3C bored well</u> cased <u>20'</u> grouted <u>20'</u>	<b>Water supply location:</b> Satisfactory yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Completion Report _____ G. W. 2 Received: yes <input type="checkbox"/> no <input type="checkbox"/> not applicable <input type="checkbox"/>
<b>Building sewer:</b> <u>4"</u> I.D. PVC Schedule 40, or equivalent. Slope 1.25" per 10' (minimum). <input type="checkbox"/> Other _____	<b>Building sewer:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
<b>Septic tank:</b> Capacity <u>1000</u> gals. (minimum). <input type="checkbox"/> Other _____	<b>Pretreatment unit:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
<b>Inlet-outlet structure:</b> PVC Schedule 40, 4" tees or equivalent. <input type="checkbox"/> Other _____	<b>Inlet-outlet structure:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
<b>Pump and pump station:</b> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> describe and show design. if yes: _____	<b>Pump &amp; pump station:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
<b>Gravity mains:</b> 3" or larger I.D., minimum 6" fall per 100', 1500 lb. crush strength or equivalent. <input type="checkbox"/> Other _____	<b>Conveyance method:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
<b>Distribution box:</b> Precast concrete with <u>6</u> ports. <input type="checkbox"/> Other _____	<b>Distribution box:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
<b>Header lines:</b> Material: 4" I.D. 1500 lb. crush strength plastic or equivalent from distribution box to 2' into absorption trench. Slope 2" minimum. <input type="checkbox"/> Other _____	<b>Header lines:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
<b>Percolation lines:</b> Gravity 4" plastic 1000 lb. per foot bearing load or equivalent, slope 2" 4" (min. max.) per 100'. <input type="checkbox"/> Other _____	<b>Percolation lines:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
<b>Absorption trenches:</b> Square ft. required <u>900</u> ; depth from ground surface to bottom of trench <u>24"</u> ; aggregate size <u>1/2-1 1/2"</u> ; Trench bottom slope <u>2:4" / 100'</u> ; center to center spacing <u>9'</u> ; trench width <u>3'</u> ; Depth of aggregate <u>13"</u> ; Trench length <u>60'</u> ; Number of trenches <u>5</u>	<b>Absorption trenches:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
Date _____ Inspected and approved by: _____ <div style="text-align: center; margin-top: 10px;">             _____              Sanitarian           </div>	

NOT TRANSFERABLE

Health Department Identification Number 150-98-275

**Schematic drawing of sewage disposal system and topographic features.**

PAGE 2 OF 2

Show the lot lines of the building lot and building site, sketch of property showing any topographic features which may impact on the design of the system, all existing and/or proposed structures including sewage disposal systems and wells within 100 feet of sewage disposal system and reserve area. The schematic drawing of the sewage disposal system shall show sewer lines, pretreatment unit, pump station, conveyance system, and subsurface soil absorption system, reserve area, etc. When a nonpublic drinking water supply is to be located on the same lot show all sources of pollution within 100 feet.

The information required above has been drawn on the attached copy of the sketch submitted with the application. Attach additional sheets as necessary to illustrate the design.

\* Install drainline on contour, eccd

(900 sq. ft  
5' x 60' x 3'  
24" deep)

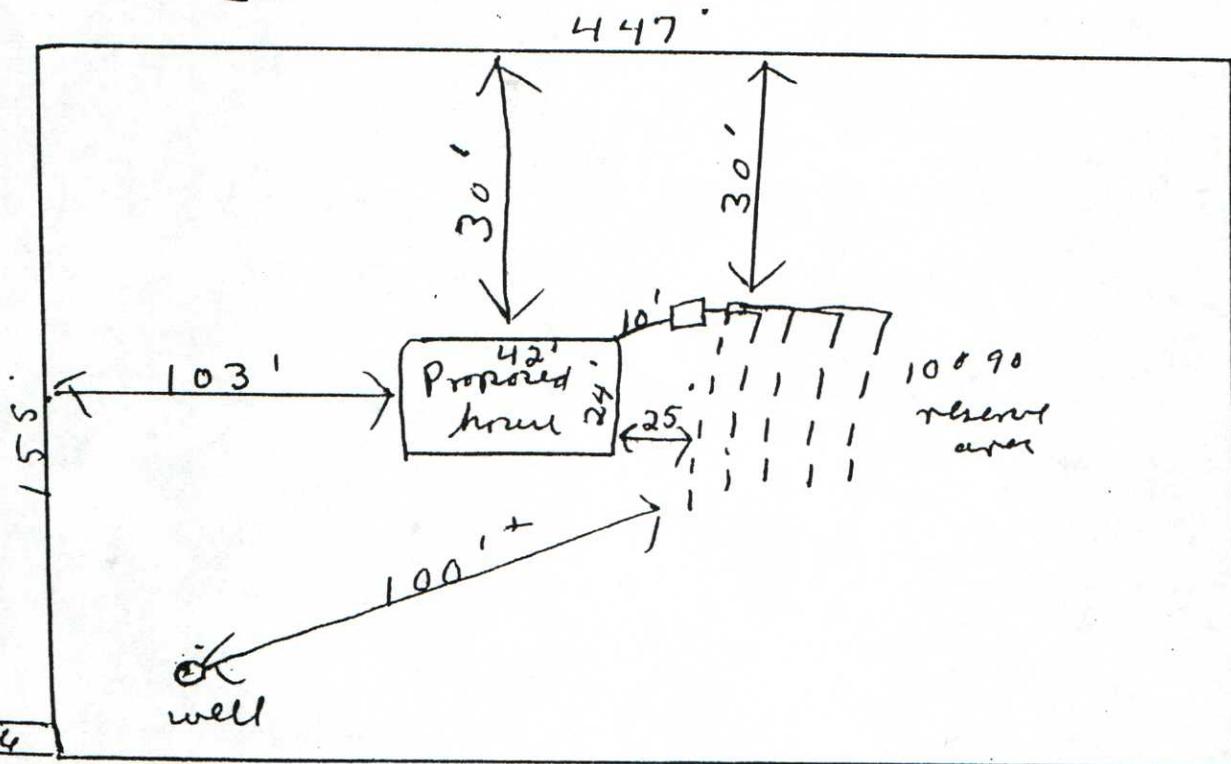
**NOTE:** Disturbance removal of soil during tree or vegetation removal and/or drainfield site preparation may void this permit.

**A** This permit has a 100% reserve area identified and is greater than 100' from tidal/wetlands area.

**B.** This site may not meet the county's criteria of the Chesapeake Bay Preservation Act.

1. 100% Reserve area was not located contiguous to prime drainfield site.

2. Required separation distance from water and/or wetlands was not available.



The sewage disposal system is to be constructed as specified by the permit  or attached plans and specifications .

This sewage disposal system construction permit is null and void if (a) conditions are changed from those shown on the application (b) conditions are changed from those shown on the construction permit.

No part of any installation shall be covered or used until inspected, corrections made if necessary, and approved, by the local health department or unless expressly authorized by the local health dept. Any part of any installation which has been covered prior to approval shall be uncovered, if necessary, upon the direction of the Department.

Date: 12-15-98 Issued by: Clyde C. Davis, Jr.  
Sanitarian

This Construction Permit Valid until 6-15-2000

Date: \_\_\_\_\_ Reviewed by: \_\_\_\_\_  
Supervisory Sanitarian

If FHA or VA financing

Reviewed by Date \_\_\_\_\_ Date \_\_\_\_\_  
Supervisory Sanitarian Regional Sanitarian

NOT TRANSPARENT

Health Department Identification Number 150-98-27

Schematic drawing of sewage disposal system and topographic features.

PAGE 2 OF 2

Show the lot lines of the building lot and building site, sketch of property showing any topographic features which may impact on the design of the system, all existing and/or proposed structures including sewage disposal systems and wells within 100 feet of sewage disposal system and reserve area. The schematic drawing of the sewage disposal system shall show sewer lines, pretreatment unit, pump station, conveyance system, and subsurface soil absorption system, reserve area, etc. When a nonpublic drinking water supply is to be located on the same lot show all sources of pollution within 100 feet.

The information required above has been drawn on the attached copy of the sketch submitted with the application. Attach additional sheets as necessary to illustrate the design.

\* Install drainfield on contour, ecd

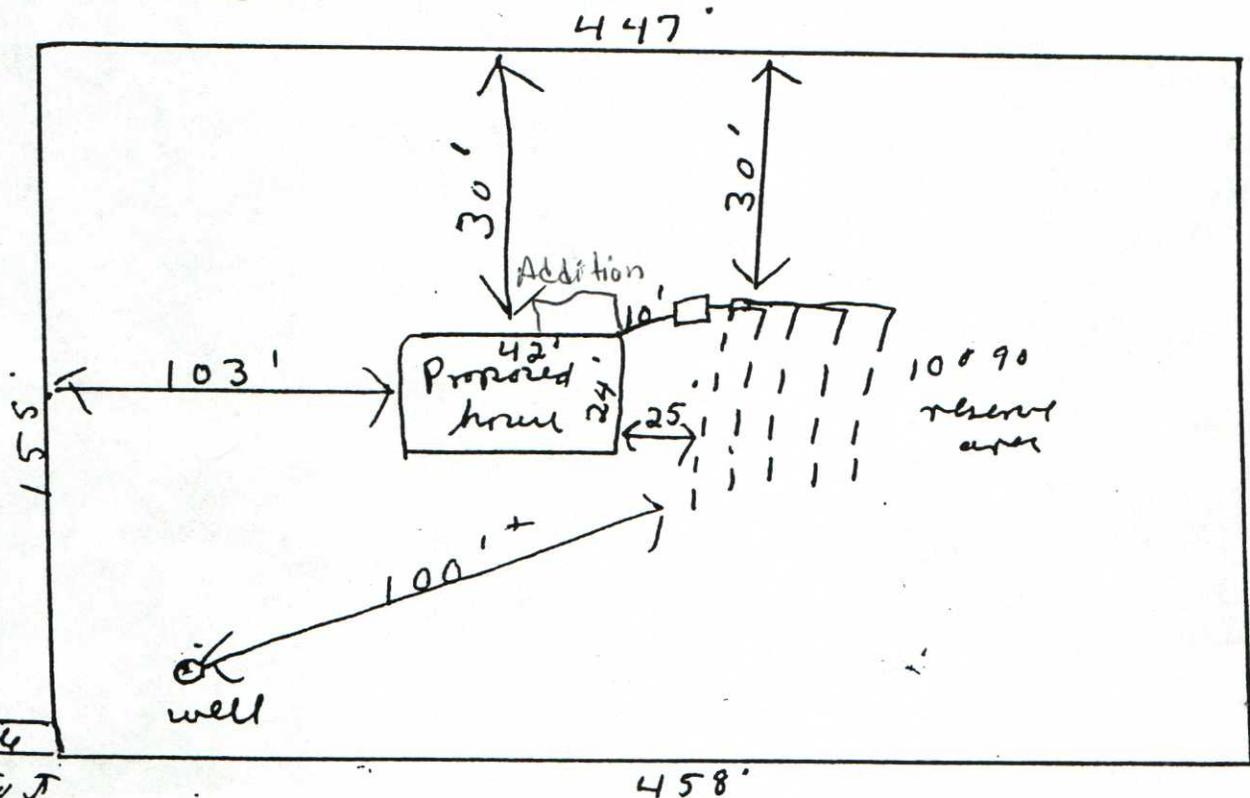
(900 sq. ft 5 lines 60' x 3' 24" deep)

NOTE: Disturbance removal of soil during tree or vegetation removal and/or drainfield site preparation may void this permit.

A This permit has: 100% reserve area identified and is greater than 100' from tidal/wetlands area.

B. This site may not meet the county's criteria of the Chesapeake Bay Preservation Act.

- 1. 100% Reserve area was not located contiguous to prime drainfield site.
2. Required separation distance from water and/or wetlands was not available.



The sewage disposal system is to be constructed as specified by the permit or attached plans and specifications

This sewage disposal system construction permit is null and void if (a) conditions are changed from those shown on the application (b) conditions are changed from those shown on the construction permit.

No part of any installation shall be covered or used until inspected, corrections made if necessary, and approved, by the local health department or unless expressly authorized by the local health dept. Any part of any installation which has been covered prior to approval shall be uncovered, if necessary, upon the direction of the Department.

Date: 12-15-98 Issued by: Clyde C. Davis, Jr. Sanitarian

This Construction Permit Valid until 6-15-2000

Date: Reviewed by: Supervisory Sanitarian

If FHA or VA financing

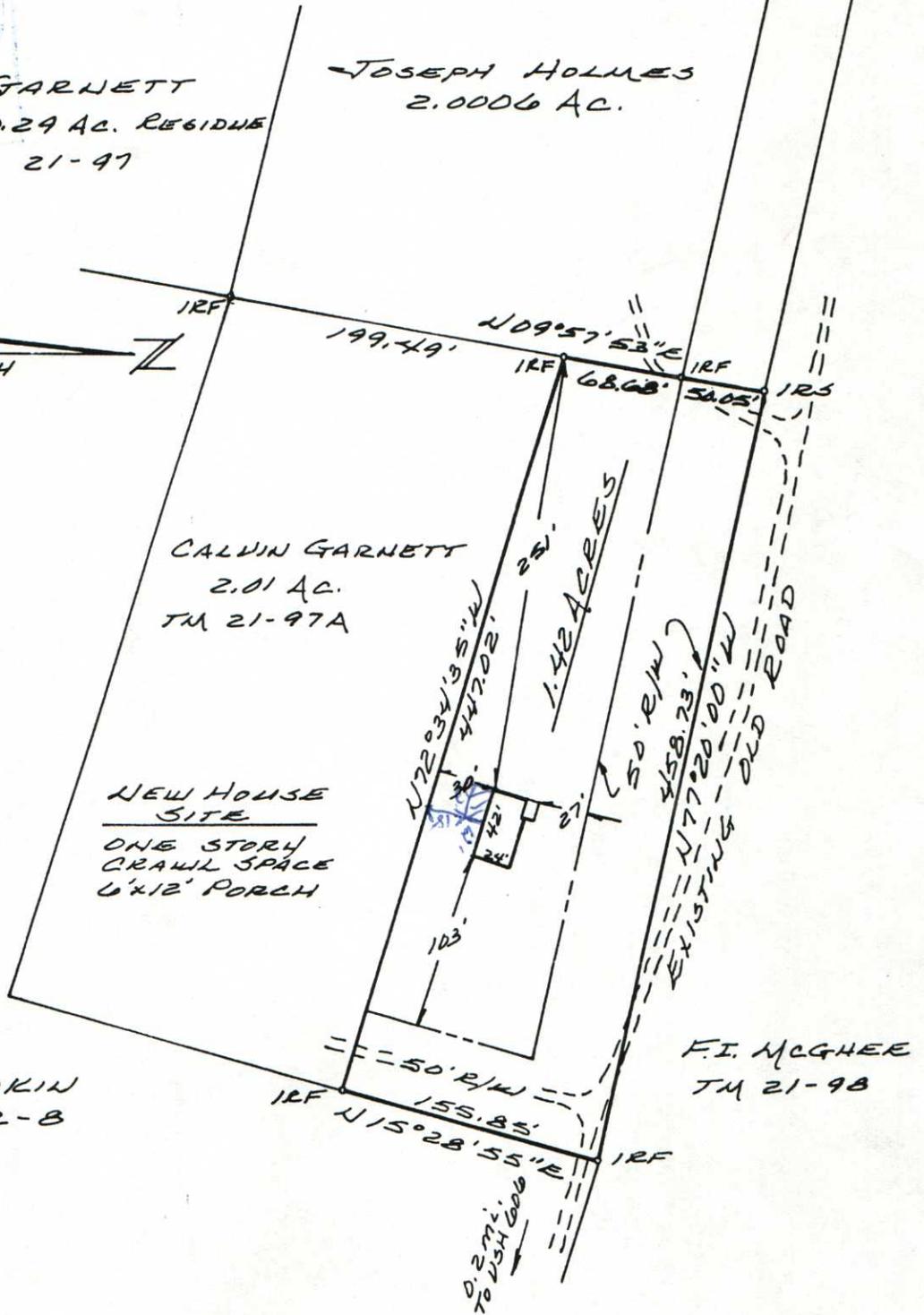
Reviewed by Date Supervisory Sanitarian Date Regional Sanitarian



SEP 6 2019

D. GARNETT  
10.29 AC. RESIDUE  
TM 21-97

JOSEPH HOLMES  
2.0006 AC.



**SITE PLAN**

**FOR: DAISY P. GARNETT and ALVIN W. BYRD**

1.42 acres being a part of Tax Map 21-97.

Deed Book \_\_\_\_\_ page \_\_\_\_\_.

Acquinton Magisterial District, King William County, Virginia.

2 December, 1998

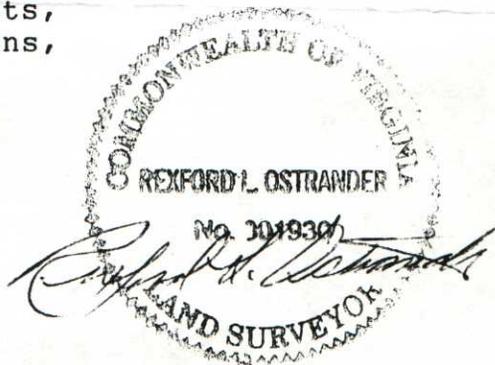
Scale: 1"=100'

**NOTE:**

- Lot zoned: Agricultural.  
Setback Limit: 50' front/rear and 25' sides.
- Lot is not in a flood zone.
- Lot subject to all covenants, easements, restrictions, reservations, conditions, and right of ways of public record.

**Survey by:**

Axis Land Surveying  
6806 Orchid Lane  
Fredericksburg, VA. 22407  
800-748-0614



**6a.**

**Special Exception Case**

**SE-01-99 Daisy Garnett**



# KING WILLIAM COUNTY

FOUNDED 1702 IN VIRGINIA

EXECUTIVE OFFICES: KING WILLIAM, VIRGINIA 23086

DAVID S. WHITLOW  
County Administrator

March 12, 1999

BOARD OF SUPERVISORS  
R.S. DIGGS, First District  
C.T. REDD, III, Second District  
J.E. MICKENS, Third District  
J.P. TOWNSEND, Fourth District  
L.T. McALLISTER, Fifth District

Telephone  
769-4927  
843-3422  
994-2937

Ms. Daisy P. Garnett  
P.O. Box 204  
Aylett, VA 23009

RE: Condition amendment for Special Exception Case # SE-1-99: Daisy P. Garnett  
Deletion of Previous Condition # 2

Dear Ms. Garnett:

At their meeting of February 23, 1999, the King William County Board of Zoning Appeals, on a motion by Paul Copeland, seconded by Bryant Wilson, voted to amend the conditions related to Special Exception SE-1-99 in order to create a 1.42 acre lot from a 11.71 acre parcel described as Tax Map Section 21, Parcel 97, so that a survey of the residual of the parent tract will not be required. The Special Exception is still subject to the following conditions:

1. The proposed subdivision is non-transferable. It is only to be used for Daisy P. Garnett and immediate family members.
2. Since this private road accesses three (3) or more dwellings, the road must be named and a street sign be posted at the applicant's expense.
3. The new lot and house created by the Special Exception will be held by the applicant for a minimum of at least two (2) years.

You should be advised that the survey plat of the 1.42 acre plat must be recorded with the Circuit Court. This recorded plat must be submitted at the time of Land Disturbance application. Land Disturbance and Building Permits will need to be issued by King William County before you can begin clearing land or construction.

If you have any further questions concerning this matter, please contact me at (804) 769-4973.

Sincerely,

Christina Goggin  
Zoning Administrator

cc: Greg Baka, Director of Community Development

CG/cg



# KING WILLIAM COUNTY

FOUNDED 1702 IN VIRGINIA

EXECUTIVE OFFICES: KING WILLIAM, VIRGINIA 23086

DAVID S. WHITLOW  
County Administrator

February 5, 1999

BOARD OF SUPERVISORS  
R.S. DIGGS, First District  
C.T. REDD, III, Second District  
J.E. MICKENS, Third District  
J.P. TOWNSEND, Fourth District  
L.T. McALLISTER, Fifth District

Telephone  
769-4927  
843-3422  
994-2937

Ms. Daisy P. Garnett  
P.O. Box 204  
Aylett, VA 23009

RE: Approval of Special Exception Case # SE-1-99: Daisy P. Garnett

Dear Ms. Garnett:

At their meeting of January 26, 1999, the King William County Board of Zoning Appeals, on a motion by A. Lorraine Washington, seconded by Thomas Chisholm, voted to **APPROVE** the above-captioned request for a Special Exception in order to create a 1.42 acre lot from a 11.71 acre parcel described as Tax Map Section 21, Parcel 97 subject to the following conditions:

1. The proposed subdivision is non-transferable. It is only to be used for Daisy P. Garnett and immediate family members.
2. A surveyed plat of both the proposed parcel and the remaining parent tract shall be submitted to the Subdivision Agent within one (1) year of the date of the approval of the Special Exception.
3. Since this private road accesses three (3) or more dwellings, the road must be named and a street sign be posted at the applicant's expense.
4. The new lot and house created by the Special Exception will be held by the applicant for a minimum of at least two (2) years.

You should be advised that the appropriate survey plats must be submitted and both a land disturbance and building permit will need to be issued by King William County before you can begin clearing land or construction.

If you have any further questions concerning this matter, please contact me at (804) 769-4973.

Sincerely,

Christina Goggin  
Zoning Administrator

cc: Greg Baka, Director of Community Development

CG/cg



# KING WILLIAM COUNTY

FOUNDED 1702 IN VIRGINIA

EXECUTIVE OFFICES: KING WILLIAM, VIRGINIA 23086

DAVID S. WHITLOW  
County Administrator

Telephone  
769-4927  
843-3422  
994-2937

## MEMORANDUM

BOARD OF SUPERVISORS  
R.S. DIGGS, First District  
C.T. REDD, III, Second District  
J.E. MICKENS, Third District  
J.P. TOWNSEND, Fourth District  
L.T. McALLISTER, Fifth District

**TO:** King William County Board of Zoning Appeals

**FROM:** Greg Baka, Director of Community Development **GB**

**DATE:** January 19, 1999

**RE:** SE-1-99 – Daisy P. Garnett

**CC:** Christina Goggin, Zoning Administrator

**ISSUE:** This is a request of Daisy P. Garnett for a Special Exception to create a lot less than 5 acres to construct a residence for the applicant. The parent parcel is 11.71 acres and the proposed lots will be 1.42 and 10.29 acres located in the A-C (Agricultural-Conservation District). The subject is located 0.2 (+/-) miles from the State Route 606 (Commins Road). It is shown as Section 21, Parcel 97 on the King William County Tax Maps.

**FACTS:** This is an unusual situation in that a 1.42 acre portion of the existing parent parcel (Section 21 Parcel 97) is no longer connected to the remaining 10.29 acres of this property. This disconnection resulted from a conveyance to Joseph Holmes shown as Section 21 Parcel 97 C. The applicant also owes back taxes on subject parcel. As per the King William County E-911 Ordinance, any road that provides access to three (3) or more dwellings must be named and have a street sign posted at the applicant's expense. Therefore, the applicant must post a street sign for the private road that accesses the proposed lot.

**PLANNING COMMISSION ACTION:** The King William County Planning Commission recommended **APPROVAL** on the condition that the applicant pay the back taxes on the subject parcel, by the date of the Board of Zoning Appeals meeting – January 26, 1999.

**RECOMMENDATIONS:** If the applicant pays the back taxes, staff recommends **APPROVAL** to be granted with the following conditions:

1. The proposed subdivision is non-transferable. It is only to be used for Daisy P. Garnett and immediate family members.

Board of Zoning Appeals Memorandum  
SE-1-99, Daisy Garnett  
January 19, 1999  
Page 2

2. A surveyed plat of both the proposed parcel and the remaining parent tract shall be submitted for approval to the Subdivision Agent within one (1) year of the date of the approval of the Special Exception.
3. Since this private road is needed to access ~~the subject parcel~~ provides access to three (3) or more dwellings, the road must be named and a street sign be posted at the applicant's expense.
4. The new lot and house created by the Special Exception will be held by the applicant for a minimum of at least two (2) years.

GB/cg

**THIS PERMIT IS  
NOT TRANSFERABLE**

**Water Supply and/or Sewage Disposal System Construction Permit**

Commonwealth of Virginia  
 Department of Health  
King William Health Department

Health Department  
 Identification Number 150-98-277  
 Map Reference 21-97

**General Information**

Water Supply System: New  Repair \_\_\_\_\_ Public \_\_\_\_\_ FHA \_\_\_\_\_ VA \_\_\_\_\_ Case No. \_\_\_\_\_  
 Sewage Disposal System: New  Repair \_\_\_\_\_ Expanded \_\_\_\_\_ Conditional \_\_\_\_\_ Public \_\_\_\_\_  
 Based on the application for a sewage disposal system construction permit filed in accordance with Section 2.13 E, of the Sewage Handling and Disposal Regulations and/or Section 2.13 of the Private Well Regulations a construction permit is hereby issued to:  
 Owner Daisy Barnett Telephone 443-2433  
 Address RT 1 Box 332 Jam Va 22560 For a Type E Sewage Disposal System or Well to  
 be constructed on/at W. side of 606 approx 1 mile S. of 1608  
 Subdivision NA Section/Block \_\_\_\_\_ Lot \_\_\_\_\_ Actual or estimated water use 450 gal/day

DESIGN	NOTE: SEWAGE DISPOSAL SYSTEM INSPECTION RESULTS
<b>Water supply, existing:</b> (describe) _____ <b>To be installed:</b> class <u>3C lined well</u> cased <u>20'</u> grouted <u>20'</u>	<b>Water supply location:</b> Satisfactory yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Completion Report _____ G. W. 2 Received: yes <input type="checkbox"/> no <input type="checkbox"/> not applicable <input type="checkbox"/>
<b>Building sewer:</b> <u>4"</u> I.D. PVC Schedule 40, or equivalent. Slope 1.25" per 10' (minimum). <input type="checkbox"/> Other _____	<b>Building sewer:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
<b>Septic tank:</b> Capacity <u>1000</u> gals. (minimum). <input type="checkbox"/> Other _____	<b>Pretreatment unit:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
<b>Inlet-outlet structure:</b> PVC Schedule 40, 4" tees or equivalent. <input type="checkbox"/> Other _____	<b>Inlet-outlet structure:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
<b>Pump and pump station:</b> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> describe and show design. if yes: _____	<b>Pump &amp; pump station:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
<b>Gravity mains:</b> 3" or larger I.D., minimum 6" fall per 100', 1500 lb. crush strength or equivalent. <input type="checkbox"/> Other _____	<b>Conveyance method:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
<b>Distribution box:</b> Precast concrete with <u>6</u> ports. <input type="checkbox"/> Other _____	<b>Distribution box:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
<b>Header lines:</b> Material: 4" I.D. 1500 lb. crush strength plastic or equivalent from distribution box to 2' into absorption trench. Slope 2" minimum. <input type="checkbox"/> Other _____	<b>Header lines:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
<b>Percolation lines:</b> Gravity 4" plastic 1000 lb. per foot bearing load or equivalent, slope 2" 4" (min. max.) per 100'. <input type="checkbox"/> Other _____	<b>Percolation lines:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
<b>Absorption trenches:</b> Square ft. required <u>900</u> ; depth from ground surface to bottom of trench <u>24"</u> ; aggregate size <u>2-13"</u> Trench bottom slope <u>2.4"/100'</u> center to center spacing <u>9'</u> ; trench width <u>3'</u> Depth of aggregate <u>13"</u> Trench length <u>60'</u> ; Number of trenches <u>5</u>	<b>Absorption trenches:</b> yes <input type="checkbox"/> no <input type="checkbox"/> comments _____ Satisfactory
Date _____ Inspected and approved by: _____ <div style="text-align: right;">Sanitarian</div>	

NOT TRANSFERABLE

Health Department Identification Number 150-98-275

**Schematic drawing of sewage disposal system and topographic features.**

PAGE 2 OF 2

Show the lot lines of the building lot and building site, sketch of property showing any topographic features which may impact on the design of the system, all existing and/or proposed structures including sewage disposal systems and wells within 100 feet of sewage disposal system and reserve area. The schematic drawing of the sewage disposal system shall show sewer lines, pretreatment unit, pump station, conveyance system, and subsurface soil absorption system, reserve area, etc. When a nonpublic drinking water supply is to be located on the same lot show all sources of pollution within 100 feet.

The information required above has been drawn on the attached copy of the sketch submitted with the application. Attach additional sheets as necessary to illustrate the design.

\* Install drainline on contour, ecd

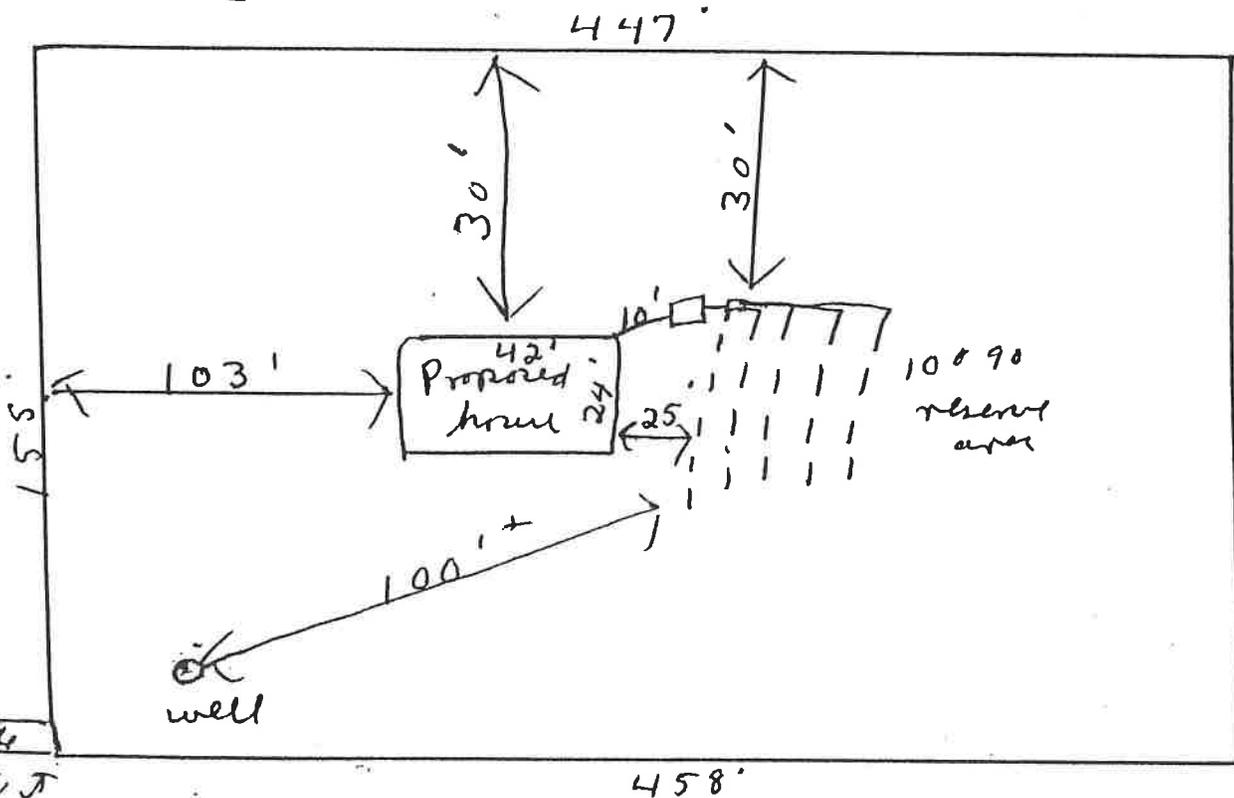
(900 sq. ft  
5 lines 60' x 3'  
24" deep)

NOTE: Disturbance removal of soil during tree or vegetation removal and/or drainfield site preparation may void this permit.

A This permit has a 100% reserve area identified and is greater than 100' from tidal/wetlands area.

B. This site may not meet the county's criteria of the Chesapeake Bay Preservation Act.

- 1. 100% Reserve area was not located contiguous to prime drainfield site.
- 2. Required separation distance from water and/or wetlands was not available.



The sewage disposal system is to be constructed as specified by the permit  or attached plans and specifications .

This sewage disposal system construction permit is null and void if (a) conditions are changed from those shown on the application (b) conditions are changed from those shown on the construction permit.

No part of any installation shall be covered or used until inspected, corrections made if necessary, and approved, by the local health department or unless expressly authorized by the local health dept. Any part of any installation which has been covered prior to approval shall be uncovered, if necessary, upon the direction of the Department.

Date: 12-15-98 Issued by: Clyde C. Davis, Jr.  
Sanitarian

This Construction Permit Valid until 6-15-2000

Date: \_\_\_\_\_ Reviewed by: \_\_\_\_\_  
Supervisory Sanitarian

If FHA or VA financing

Reviewed by Date \_\_\_\_\_ Date \_\_\_\_\_  
Supervisory Sanitarian Regional Sanitarian

**6a.**  
**Pictures**







**6b.**

**Appeal Public Hearing**

**A-01-20 The Fix**



King William  
County  
Est. 1702

Board of Supervisors

Ron W. Etter, Director  
Community Development

William L. Hodges, First District  
Travis J. Moskalski, Second District  
Stephen K. Greenwood, Third District  
C. Stewart Garber, Jr., Fourth District  
Edwin H. Moren, Jr., Fifth District

**To:** Board of Zoning Appeals  
**From:** Sherry Graham, Zoning Administrator  
**Subject:** Appeal Case 01-20, The Fix Ministry, LLC  
**Date:** February 19, 2020

### Summary of Request for A-01-20

On October 23, 2019, the Department of Community Development received a letter from The Fix Ministry, LLC (the "Fix Ministry"), through its counsel Ms. Jamie Wisegarver, requesting a zoning determination pursuant to Virginia Code § 15.2-2286 for property it leases and is under contract to buy located at 4465 Mount Olive Cohoke Road, tax map parcel 52-2 (the "Property"). The property is zoned A-C (Agricultural-Conservation) and consists of approximately 18.5 acres. The letter describes the Fix Ministry as "a faith-based program that provides comprehensive assistance to people from all walks of life struggling with drug or alcohol abuse" and states that it currently "hosts up to eight students for twelve to eighteen months at a time in the house on the Property." The October 23, 2019 letter requested a determination from the zoning administrator that the Fix Ministry would be able to expand its program so that it could host twelve (12) additional students in the house on the Property. In its letter, the Fix Ministry takes the position that "The Fix Ministry's use is permitted by right, either because it is a church and/or Sunday school specifically listed in the Zoning Ordinance, or because it is a use that may be implied because it falls within the same category as churches, temples, synagogues, Sunday schools, rectories, parish house, convents, and monasteries." The letter provides additional information supporting approval of the expansion of the facility and the use of the Property. The October 23, 2019 letter is attached.

On November 15, 2019, the Department of Community Development sent a response letter to Fix Ministry, first stating that the certificate of occupancy issued for the Property was for a single-family-dwelling. The letter further stated that no other use permits or certificates of occupancy have been issued for the Property. Based on the statements contained in the Fix Ministry's October 23, 2019 letter, additional information concerning group homes / residential facilities was provided, which is a use permitted by right in the A-C district under the zoning ordinance and Virginia Code § 15.2-2291. The Department's letter included the determination that the use of the Property as described by the Fix Ministry in its letter was principally for a group home facility, as distinguished from a Church, Sunday school, or similar use, and encourage the Fix Ministry to apply for the appropriate permits and certificate of occupancy to operate as a group home under the zoning ordinance. The November 15, 2019 letter is attached.

On December 13, 2019, the Fix Ministry, by counsel, requested an appeal to the Zoning Administrator's November 15, 2019 determination letter. The December 13, 2019 appeal is attached.

### Response

Staff has reviewed the appeal submitted by the Fix Ministry, through counsel. Based on our review we provide the following:

The County's zoning ordinance is inclusive, meaning that uses not specifically listed in the zoning ordinance are prohibited. See Zoning Ordinance § 86-49. Under an inclusive zoning ordinance like the County's, the burden is on the property owner to establish that a proposed use is permitted.

The Subject Property has a certificate of occupancy as a single family dwelling and is permitted as a single family dwelling. Pursuant to the County's zoning ordinance, "no premises shall be used, and no buildings hereafter erected or structurally altered shall be used, occupied or changed in use, until a certificate of occupancy and compliance shall have been issued by the building official, stating that the building or proposed use of a building or premises complies with the building laws and the provisions of [the zoning ordinance]." See Zoning Ordinance § 86-92. Thus, if the owners wish to change the use of the Property from a single family dwelling, a certificate of occupancy is required stating that the proposed use complies with the County's building code and zoning ordinance. Relatedly, no building or occupancy permit can be issued until the property owner obtains a zoning permit from the zoning administrator "which acknowledges that the proposed use, structure or building complies with the [zoning ordinance]." See Zoning Ordinance § 86-93.

The Subject Property does not have a certificate of occupancy for institutional use, which is required to operate any type of assembly hall. The Property has not been issued a zoning permit for use as a group home, church, monastery, or any other permit, other than for a single family dwelling. Group homes and churches are permitted by right in accordance with the King William Code. However, zoning permits have to be obtained for these uses in accordance with Local and State law. There are no records indicating that the Fix Ministry or the Subject Property's Owner has applied for any zoning permits for the use of the property for anything other than a single family dwelling.

The appeal asserts that the Fix Ministry is operating as a church not a group home. A group home is a permitted use in a residential structure, but Churches are not permitted uses in residential structures and must meet the standards established for institutional uses. In either case, the Fix Ministry is not in compliance with the King William Code.

Regarding the expansion from 8 beds, which is allowed under the group home use, to a total of 20 beds – the zoning ordinance only permits by right "Group homes for eight or fewer persons pursuant to Code of Virginia, § 15.2-2291." See Zoning Ordinance §§ 86-171, 173. There is no allowance for expanding the number of beds under this definition. The main concern for the 8 bed limit is that this use is permitted in residential structures, which are not rated for sewer and water service for 20 full time occupants of the home. Houses of worship are generally used for religious assembly, worship, prayer, Sunday schools and the like, without full time occupants. Moreover, the occupants of parish houses, convents, monasteries and the like are generally their clergy or other full-time members of their order. By contrast, the Fix Ministry defines itself as a "faith-based program that provides comprehensive assistance to people struggling with drug or alcohol abuse, and that serves Richmond's homeless community through various outreach programs". Therefore, in Staff's opinion, its focus is treatment of people with serious physical, emotional, and mental health problems and as such it must meet the standards for such a facility.

### **Materials/Background**

Information Packet

Letters

Receipt

Public Hearing Notice

Public Notice – Adjacent Property Owners

GIS View

Zoning Map

Plat

Code of Virginia Definitions

Definitions

Permits

Permitted Use Table

Virginia State Corporation Commission

Pictures

**6b.**

**Zoning Determination**



King William  
County  
Est. 1702

Board of Supervisors

Department of Community Development

William L. Hodges, First District  
Travis J. Moskalski, Second District  
Stephen K. Greenwood, Third District  
David E. Hansen, Fourth District  
Robert W. Ehrhart, Fifth District

November 15, 2019

Ms. Jaime B. Wisegarver  
Hirschler Fleischer  
2100 East Cary Street  
Richmond, VA 23223

**RE: Zoning Determination for The Fix Ministry, Inc located at 4465 Mount Olive Cohoke Road, King William, Virginia, Tax Map Number 52-2, Zoned A-C (Agricultural-Conservation).**

Dear Ms. Wisegarver:

The property located at 4465 Mount Olive Cohoke Road is zoned A-C (Agricultural-Conservation) and the last Certificate of Occupancy issued for this location was for a single-family-dwelling. Our records do not show that any other permits or certificate of occupancies have been issued for this location.

Per Section 86-171 of King William's County Ordinance, a group home for eight or fewer persons pursuant to the Code of Virginia, 15.2-2291, is permitted in the A-C district; however, they are required to meet all requirements of the Building Code, the Health Department and the Code of Virginia.

Per the Code of Virginia, 15.2-2291 a "residential facility" means "any assisted living facility or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Department of Social Services is the licensing authority pursuant to this Code". As you indicated in your letter of October 23, 2019, the Property is a "house that serves as a home" clearly distinguishing the Property from Churches, temples, synagogues including Sunday schools, rectories, parish house, convents and monasteries.

If your clients would like to be permitted as a group home for eight or fewer persons, I would encourage your clients to apply for the required permits and obtain a ~~Certificate of Use and Occupancy for this use.~~

You have the right to appeal this decision within 30 days in accordance with Virginia State Code, Section 15.2-2311(A), after which time the matter shall be considered final and no longer subject to appeal. Said appeal shall be submitted in writing and must be accompanied by a filing fee of one thousand dollars (\$1,000.00).

If you have any questions or if I can provide additional assistance regarding this determination or the filling of an appeal, please do not hesitate to contact me. I can be reached at 804-769-4978 or by email at [sgraham@kingwilliamcounty.us](mailto:sgraham@kingwilliamcounty.us).

Sincerely,

Sherry L. Graham  
Zoning Administrator

Ron W. Etter  
Director of Community Development

**6b.**

**Letter from Hirschler**

**(Request for 12)**



Jaime B. Wisegarver  
D: 804 771 5634  
jwisegarver@hirschlerlaw.com

Hirschler Fleischer | hirschlerlaw.com  
2100 East Cary Street | Richmond, VA 23223  
P: 804 771 9500 | F: 804 644 0957

October 23, 2019

**VIA U.S. MAIL and E-MAIL**

Mr. Ron Etter  
Director of Community Development  
Zoning Administrator  
King William County  
180 Horse Landing Road, #4  
King William, VA 23086  
planningdir@kingwilliamcounty.us

Mr. Andrew R. McRoberts  
County Attorney  
c/o Sands Anderson  
1111 E Main St Suite 2400  
Richmond, VA 23219  
amcroberts@sandsanderson.com

Re: Zoning Determination Pursuant to Virginia Code § 15.2-2286

Dear Messrs. Etter and McRoberts:

This office represents The Fix Ministry, Inc. (“The Fix Ministry”), the current tenant and contract purchaser of certain property located at 4465 Mount Olive Cohoke Road, King William, Virginia, Parcel ID [52-2] and described as follows:

All those certain lots or parcels of land with improvements thereon located and appurtenances thereunto appertaining, situated in the West Point Magisterial District of King William County, Virginia, on the northerly side of Mount Olive Cohoke Road, King William, Virginia, being known and designated as Parcel one (in part) and Parcel two (in part) together containing 20.5 acres, more or less, as is more clearly shown on a plat titled, “Plat Showing Boundary Survey of Land Standing in the Name of Harvey B. Heath and Lori T. Heath,” as prepared by Dillard & Marion, P.P., Land Surveyors, dated January 4, 2002 and of record in the Clerk’s Office of the Circuit Court of King William County in Plat Book 20, Page 138, TOGETHER WITH a right of way for ingress and egress to said property from State Route 632 as shown on said plat along with all other easements of record.

Code of Virginia  
Title 15.2. Counties, Cities and Towns  
Chapter 22. Planning, Subdivision of Land and Zoning

## § 15.2-2291. Assisted living facilities and group homes of eight or fewer; single-family residence.

A. Zoning ordinances for all purposes shall consider a residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, as residential occupancy by a single family. For the purposes of this subsection, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in § 54.1-3401. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this subsection, "residential facility" means any group home or other residential facility for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to this Code.

B. Zoning ordinances for all purposes shall consider a residential facility in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this subsection, "residential facility" means any assisted living facility or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Department of Social Services is the licensing authority pursuant to this Code.

1990, c. 814, § 15.1-486.3; 1993, c. 373; 1997, c. 587; 1998, c. 585; 2007, c. 813; 2008, c. 601; 2009, cc. 813, 840; 2010, cc. 796, 847; 2012, cc. 476, 507; 2014, c. 238.

(the "Property"). The Property is zoned Agriculture-Conservation ("A-C") under the King William County Zoning Ordinance ("Zoning Ordinance").

Located on the Property is a house that serves as home to The Fix Ministry, a faith-based program that provides comprehensive assistance to people from all walks of life struggling with drug or alcohol abuse. The Fix Ministry hosts up to eight students for twelve to eighteen months at a time in the house on the Property, which is known as the "Lodge." Students, families, and community members gather daily in the Lodge for bible studies, classes, chapels, meetings, baptisms, and prayer. On Sundays and Tuesdays, The Fix Ministry serves the homeless through its urban ministry program called the "Lighthouse." Wednesday and Saturday evenings are designated times of worship and fellowship that are open to the community.

The Fix Ministry would like to expand its program so that it can host twelve additional students; however, The Fix Ministry is only willing to incur the expense of such a project if the Zoning Administrator can make a determination that the use is permitted on the Property.

The Zoning Ordinance provides that "[c]hurches, temples, synagogues including Sunday schools, rectories, parish houses convents and monasteries" are permitted by right in the A C zoning district. ZO § 86-173. None of these terms are defined in the Zoning Ordinance. To many members of the community, the Lodge is a church—a building of public worship. Because the Lodge is the common area where students and community members gather for bible studies and religious education, The Fix Ministry could also be considered a Sunday school.

Even assuming that The Fix Ministry's use of the Property does not fit the definition of "church" or "Sunday school," the Zoning Ordinance also provides that "[a] use may . . . be implied through listing of a category which contains a family of uses although the use itself may not be specifically listed as a separate use. In such case, the use may be permitted in a district only if it can be clearly demonstrated that the use is customarily accepted as being within the meaning of the category identified in the table." *Id.* Clearly, The Fix Ministry's use of the Property is one that may be implied because it falls within the "family of uses" described above. While some might argue that The Fix Ministry's live-in students distinguish it from a church, temple, synagogue, or Sunday school, the same cannot be said of rectories, parish houses, convents, and monasteries—all of which house people. The Fix Ministry is not unlike the well-known CARITAS organization, which is a network of congregations and churches that provide shelter for the homeless and substance abuse recovery programs for those in need.

In short, The Fix Ministry's use is permitted by right, either because it is a church and/or Sunday school specifically listed in the Zoning Ordinance, or because it is a use that may be implied because it falls within the same category as churches, temples, synagogues, Sunday schools, rectories, parish houses, convents, and monasteries. Improving the Lodge to accommodate additional students in no way changes the use of the Property or the footprint of the building.

Not only is The Fix Ministry's current use of the Property (as well as its proposed expansion of the number of beds) expressly permitted by the Zoning Ordinance, it is also supported by case law. The Fix Ministry is modeled after Teen Challenge, a non-profit religious organization whose purpose is to counsel youths and young adults who have problems related to the use of alcohol or drugs in a controlled and structured environment. In *Teen Challenge of Greater Cincinnati v. Stonelick Twp. Bd. of Zoning Appeals*, No. 692, 1977 Ohio App. LEXIS 9377 (Ct. App. Dec. 21, 1977), the zoning inspector denied Teen Challenge's application for a permit to construct a building that would accommodate twenty-four people. The zoning inspector was of the opinion that the township zoning regulations precluded Teen Challenge's proposed structure. *Id.* at \*2. The Board of Zoning Appeals disagreed, concluding that the denial of the permit was unreasonable and unlawful. *Id.* On appeal, the BZA's decision was upheld by the court, which also noted the many public benefits of such programs. *Id.* at \*6-\*7.

More recently, in 2009, the Justice Department settled a federal lawsuit in which the U.S. government alleged that the City of Nashville had discriminated against individuals with disabilities in violation of the Fair Housing Act ("FHA") and imposed a substantial burden on religious exercise in violation of the Religious Land Use and Institutionalized Persons Act ("RLUIPA").<sup>1</sup> The City had denied Teen Challenge a building permit to operate and then amended its zoning code in a manner that prevented Teen Challenge from using property that it had purchased in order to expand its mission. At the time Teen Challenge purchased the property, its rehabilitative services were considered a permitted use. Teen Challenge was forced to sell the property after the government prevented it from obtaining zoning approval. *Teen Challenge Int'l v. Metro. Gov't of Nashville & Davidson Cty.*, No. 3:07-00668, 2009 U.S. Dist. LEXIS 61223, at \*14 (M.D. Tenn. July 16, 2009). Prior to the settlement, which resolved the U.S. Government's claims as well as the related lawsuit filed by Teen Challenge, a jury awarded Teen Challenge almost \$1 million. This verdict was upheld by the court.

To allow churches, temples, synagogues, Sunday schools, rectories, parish houses, convents, monasteries, and group homes to locate by right in the A-C zoning district, but to deny that right to The Fix Ministry, would almost certainly constitute a violation of The Fix Ministry's equal protection rights. See *Open Homes Fellowship, Inc. v. Orange Cty.*, 325 F. Supp. 2d 1349, 1363 (M.D. Fla. 2004) (finding that the County violated the plaintiff's equal protection rights when it required Open Homes—a drug and alcohol rehabilitation center—to apply for a special permit when other multiple-dwelling facilities were permitted to locate by right in the same zoning district). King William County cannot treat The Fix Ministry differently than other similarly situated entities simply because its students are recovering drug and alcohol addicts.

Lastly, The Fix Ministry confers a public benefit to its community, and King William County as a whole. The illicit use of drugs and the consumption of alcohol to excess present formidable problems in nearly all communities. Efforts to ameliorate the condition of those plagued by such ills

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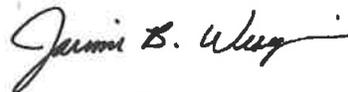
<sup>1</sup> See Department of Justice Press Release, available at <https://www.justice.gov/opa/pr/justice-department-settles-allegations-disability-and-religious-discrimination-against>.

serve the general public welfare. The Fix Ministry provides a controlled environment and structure to the lives of its students, encouraging them to develop the skills and self-discipline necessary to enable them to function productively within society. Such purposes and methods benefit not only the students, but the community at large.

Based upon the foregoing analysis, our contention is that The Fix Ministry's current use and its proposed expansion of the Lodge are permitted by right under the foregoing provisions of the Zoning Ordinance, and further, that The Fix Ministry cannot be treated differently simply because it provides rehabilitative services. Pursuant to Virginia Code § 15.2-2286(A)(4), we hereby request that you issue an official determination to this effect as Zoning Administrator of King William County.<sup>2</sup>

I am available to answer any questions or supply additional supporting material. Otherwise, we will await receipt of your determination.

Respectfully submitted,



Jaime B. Wisegarver

JBW/

cc: The Fix Ministry, Inc.  
Brandt Stitzer, Esquire

11645650.3 044728.00001

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<sup>2</sup> This letter was prepared exclusively for the benefit of The Fix Ministry and is not intended to be an opinion of title.

**6b.**

**Letter from Hirschler**

**Request for Appeal**



Jaime B. Wisegarver  
D: 804.771.5634  
jwisegarver@hirschlerlaw.com

Hirschler Fleischer | hirschlerlaw.com  
2100 East Cary Street | Richmond, VA 23223  
P: 804.771.9500 | F: 804.644.0957

December 13, 2019

**VIA UPS OVERNIGHT AND E-MAIL**

Sherry L. Graham  
Zoning Administrator  
180 Horse Landing Road, No. 4  
King William, VA 23086  
sgraham@kingwilliamcounty.us

Ron W. Etter  
Director of Community Development  
180 Horse Landing Road, No. 4  
King William, VA 23086  
planningdir@kingwilliamcounty.us

Benjamin Shumaker, Chairman  
King William County Board of Zoning Appeals  
565 Terra Alta Drive  
Aylett, VA 23009  
ingodthytrust@gmail.com

**Re: The Fix Ministry, Inc. – Appeal of Zoning Determination**

Dear Ms. Graham and Board Members:

The undersigned, as counsel to The Fix Ministry, Inc. (“The Fix Ministry”), pursuant to Virginia Code § 15.2-2311, hereby appeals the zoning determination letter dated November 15, 2019 for the reasons set forth below.

The Fix Ministry is the current tenant and contract purchaser of property located at 4465 Mount Olive Cohoke Road, King William, Virginia (the “Property”). The Property is zoned Agriculture-Conservation (“A-C”) under the King William County Zoning Ordinance. The Zoning Ordinance provides that “[c]hurches, temples, synagogues including Sunday schools, rectories, parish houses, convents and monasteries” are permitted by right in the A-C zoning district. ZO § 86-173.

The Fix Ministry is a faith-based program that provides comprehensive assistance to people struggling with drug or alcohol abuse, and that serves Richmond’s homeless community through various outreach programs. The Fix Ministry hosts up to eight students for twelve to eighteen months at a time in the house that is located on the Property, which is known as the “Lodge.” Students, families, and community members gather daily in the Lodge for bible studies, classes, chapels, meetings, baptisms, and prayer. Twice a week, on Wednesdays and Saturdays, The Fix Ministry holds

church services that are open to the community. On Sundays and Tuesdays, The Fix Ministry serves food to the homeless through its urban ministry program called the “Lighthouse.”

In filing the October 23, 2019 request for zoning determination, The Fix Ministry sought to establish that its current use—as well as its proposed expansion of its program to accommodate twelve more students—is permitted by right under the Zoning Ordinance because it falls within the category of churches, temples, synagogues, Sunday schools, rectories, parish houses, convents, and monasteries. The November 15, 2019 zoning determination letter does not address this argument directly, but instead states only that the Property is distinguishable from churches, temples, synagogues including Sunday schools, rectories, parish houses, convents and monasteries because it is a “house that serves as a home[.]”

Rather than render an interpretation as to whether The Fix Ministry’s current use as a church is permitted by right, the zoning determination letter instead suggests that The Fix Ministry is “a group home for eight or fewer persons pursuant to the Code of Virginia, 15.2-2291[.]” Such a use is also permitted by right in the A-C district; however, The Fix Ministry has established that it is a church—not a group home.

The November 15, 2019 zoning determination letter does not address the specific zoning issue raised by The Fix Ministry, but focuses instead on the requirements of the Building Code and the Health Department. The letter encourages The Fix Ministry to apply for permits and a certificate of use and occupancy for use as a group home. As set forth in the October 23, 2019 request for zoning determination, The Fix Ministry’s program expansion in no way changes the use of the Property or the footprint of the building. The Fix Ministry simply seeks to add twelve more students. There are currently no plans for new construction or alteration of the current structure, and thus no need for the issuance of a building permit. Moreover, whether or not the building official should re-issue a certificate of occupancy stating that the building complies with the building laws is a question separate and apart from the zoning question raised by The Fix Ministry: is the Fix Ministry’s current use and proposed expansion permitted by right under section 86-173 of the Zoning Ordinance? It is The Fix Ministry’s position that its operations fall squarely within the family of uses that includes churches, temples, synagogues, Sunday schools, rectories, parish houses, convents, and monasteries. It is a building for Christian worship and an organization of religious believers.

Importantly, “[a] church is more than an edifice affording people the opportunity to worship God. Strictly religious uses and activities are more than prayer and sacrifice.” *Harvest Christian Ctr. v. Zoning Appeals Bd.*, 55 Va. Cir. 279, 283 (Cir. Ct. 2001) (quoting *Community Synagogue v. Bates*, 1 N.Y.2d 445, 453, 136 N.E.2d 488, (1956)) (holding that a day care facility was an extension of the ministry of the church). In other words, judicial interpretation as to what constitutes a religious use or a church is very broad. The Virginia Supreme Court has also explained that “churches or religious associations are recognized and treated, though unincorporated, as bodies entitled, under our form of government, to enjoy the benefits of property, which property, like that of all other citizens . . . should

be protected and secured to them by law.” *Trustees v. Guthrie*, 86 Va. 125, 140-41, 10 S.E. 318, 322-23 (1889).

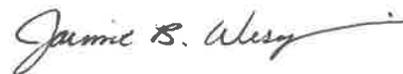
The Fix Ministry confers a substantial benefit to its students and the community. The leadership and staff at The Fix Ministry would agree that “[f]ew things are more critical to the brotherhood of man and the religious activity of a Church than assisting, in every way possible, to bring community youngsters to maturity as healthy, responsible, contributing members of the community.” *Slevin v. Long Island Jewish Med. Ctr.*, 66 Misc. 2d 312, 317, 319 N.Y.S.2d 937, 945 (Sup. Ct. 1971) (finding that “the drug center is a religious use of the church property and a valid exercise of the religious institution for zoning purposes.”).

Lastly, as set forth in the October 23, 2019 request for zoning determination, King William County cannot treat The Fix Ministry differently than other similarly situated entities simply because its students are recovering from drug and alcohol addictions, as that would constitute a violation of The Fix Ministry’s equal protection rights.

Based on all of the foregoing, and for the reasons articulated in the October 23, 2019 request for zoning determination, The Fix Ministry seeks a ruling from the Board of Zoning Appeals that The Fix Ministry falls within the family of uses described in the Zoning Ordinances as “[c]hurches, temples, synagogues including Sunday schools, rectories, parish houses, convents and monasteries” and thus its current use, as well as its proposed expansion, are permitted by right.

Attached hereto are the October 23, 2019 request for zoning determination, the November 15, 2019 zoning determination letter, and a check in the amount of \$1,000 for the filing fee for this appeal. Please schedule this appeal for presentation to the Board. The Fix Ministry respectfully requests the right to present additional argument and evidence to the Board at the time this matter is scheduled for consideration.

Respectfully submitted,



Jaime B. Wisegarver

JBW/  
Enclosures

cc: The Fix Ministry, Inc.  
Brandt Stitzer, Esquire

**6b.**

**Receipt Transmittal**

# Revenue Transmittal Planning/Building Department King William County, VA

12/16/19

Date

Name: 141414 for 230128

Subdivision: 141414 for 230128

Address: 210 E. 1st St.

Permit No: \_\_\_\_\_

Tax Map No: 52.2

<u>Dept.</u>	<u>Description</u>	<u>Amount</u>
COPIES	Sale Of Copies (Maps, Data, Etc.)	\$ _____
CONUSE	Conditional Use/Rezoning Ap.	\$ _____
VARINC	Variance Applications	\$ _____
APPEAL	Appeals Fees-Zoning Decisions	\$ _____
HISREV	Hist. Pres. & Architectural Review Bd.	\$ _____
SITE	Site Plan	\$ _____
SIGN	911 Road Sign Maintenance	\$ _____
BOND	Escrow Acct. for Cash Bonds	\$ _____
ERSE	Erosion/Sediment Control	\$ _____
PROF	Cash Proffers	\$ _____
SUBD	Subdivision Application	\$ _____
WETL	Wetlands Board	\$ _____
ZPER	Zoning Permits	\$ _____
BPER	Building Permits	\$ _____
SURC	Building Permit Surcharge	\$ _____
PLNR	Building Plans Review Fee	\$ _____
RENSP	Re-Inspection Fee / Penalty	\$ _____
FPCP	Fire Prevention	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

**TOTAL REMITTANCE TO TREASURER** \$ 1000

Henry J. Johnson 12/16/19

Signature and Date  
Planning Office

John A. Lewis 12/16/19

Signature and Date  
Treasurer's Office

13501

**6b.**

**Public Hearing Ad**

**KING WILLIAM COUNTY  
PUBLIC HEARING NOTICE**

The Board of Zoning Appeals of King William County, Virginia will hold a Public Hearing on Wednesday, February 19, 2020, at 6:30 p.m., or as soon thereafter as may be heard, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia to receive public comment and consider approval on the following matter:

**Variance V-01-20 – Owners/Applicants, Alvin W. Byrd and Daisy P. Garnett**

A request for a variance to reduce the required 25 feet side setback to 18 feet in order to construct a 12 x 12 feet addition. The property is located at 263 Garnett Lane, tax map parcel 21-97D and consists of approximately 1.42 acres. The property is zoned A-C (Agricultural-Conservation) and is located in the Aylett District.

**A-01-20 – The Fix Ministry, LLC**

A request for an appeal of the Zoning Administrator's denial to expand a group home occupancy from eight beds to twenty beds on property located at 4465 Mount Olive Cohoke Road, tax map parcel 52-2. The property is zoned A-C (Agricultural-Conservation) and consists of approximately 18.5 acres.

All interested persons may appear and present their views at the above time and place. If a member of the public cannot attend, comments may be submitted by mail to 180 Horse Landing Road, #4, King William, Virginia 23086; or by fax to (804)769-2235, or by email to [sgraham@kingwilliamcounty.us](mailto:sgraham@kingwilliamcounty.us). Comments received by 12:00 noon on the day of the hearing will be distributed to the Board members and made a part of the public record. All records pertaining to this matter may be viewed in the Planning and Zoning Office at 180 Horse Landing Road, King William, Virginia during regular business hours. Anyone needing assistance or accommodations under the provisions of the American with Disabilities Act should contact the Planning and Zoning Office at (804) 769-4978 or email to [sgraham@kingwilliamcountv.us](mailto:sgraham@kingwilliamcountv.us).

By the authority of

Ron W. Etter  
Director of Community  
Development Secretary to the  
Board of Zoning Appeals

Please publish in the Tidewater Review on 2/5 and 2/12

**6b.**

**Affadavit**



King William  
County  
Est. 1702

Department of Community Development

### AFFIDAVIT

### RE: PUBLIC NOTIFICATION

I hereby certify that the adjoining property owners (see attached list),

Case Number A-01-20

Applicant The Fix Ministry, LLC

Request appeal

Were notified of a public hearing on this matter with the

- Board of Zoning Appeals
- Planning Commission
- Board of Supervisors
- Other \_\_\_\_\_

Via letter(s) sent first class mail on Feb 5, 2020 (write in)  
Date

Sharon J. Jackson 2/5/2020  
Department Representative Date

2.5.2020  
Date

K. Cole  
Notary

7/31/23  
Commission Expires



**6b.**  
**Adjacent Property Owner**  
**List**

**Adjacent Property Owner List for Appeal Case 01-20, The Fix Ministry, LLC**

William Carter Upshaw  
Everett Pickett Upshaw  
4716 Custis Millpond Road  
West Point, VA 23181  
52-1B  
A-C, 184.55 acres, Vacant parcel

Giles C. Johnson  
1253 Elsing Green Lane  
King William, Virginia 23086  
52-3A  
A-C, 15.58 acres, Vacant parcel

Carlton M.J. Southworth  
David r. Hanny  
P.O. Box 7926  
Richmond, VA 23223  
52-1C  
A-C, 92.95 acres, Vacant parcel

Kysa Renee Emmons  
1217 Copper Stone Circle  
Chesapeake, VA 23320  
52-4A  
A-C, 4.8 acres, Vacant parcel

Russell Cason  
Virginia M. Evans  
5328 Nelson Court  
Virginia Beach, VA 23464  
Property address: 4489 Mount Olive Cohoke Road  
52-4  
A-C, 1 acre, vacant parcel

Bryan W. Spangler  
17 Kelley Lane  
King William, VA 23086  
52-6  
51-15  
A-C, 23.44 acres, vacant parcels

**6b.**

**Owner/Attorney**

**Notification**



King William  
County  
Est. 1702

Board of Supervisors

Department of Community Development

William L. Hodges, First District  
Travis J. Moskalski, Second District  
Stephen K. Greenwood, Third District  
David E. Hansen, Fourth District  
Robert W. Ehrhart, Fifth District

February 5, 2020

Ms. Jaime B. Wisegarver  
Hirschler Fleischer Law  
2100 East Cary Street  
Richmond, VA 23223

**RE: Request For An Appeal For 4465 Mount Olive Cohoke Road, Tax Map Parcel 52-2**

Dear Ms. Wisegarver:

The King William County Board of Zoning Appeals will hold a Meeting to consider your request to appeal the decision of the Zoning Administrator regarding your property located at 4465 Mount Olive Cohoke Road, Tax Map Parcel 52-2. The meeting will be held on Wednesday, February 19, 2020, at 6:30 p.m., or as soon thereafter, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Sherry L. Graham  
Zoning Administrator

**6b.**

**Owner/Attorney**

**Notification**



King William  
County  
Est. 1702

Board of Supervisors

Ron W. Etter, Director  
Community Development

William L. Hodges, First District  
Travis J. Moskalski, Second District  
Stephen K. Greenwood, Third District  
C. Stewart Garber, Jr., Fourth District  
Edwin H. Moren, Jr., Fifth District

February 5, 2020

Mr. William C. Upshaw  
Mr. Everett P. Upshaw  
4716 Custis Millpond Road  
West Point, Virginia 23181  
Owner(s) of record Tax Map Parcel 52-1B

**RE: Notice to Adjacent Property Owners**  
**Request For An Appeal for 4465 Mount Olive Cohoke Road**  
**Tax Map Parcel 52-2**  
**Owner: The Fix Ministry, LLC**

Dear Land Owner:

The King William County Board of Zoning Appeals will hold a Meeting to consider a request for an appeal on the matter(s) listed below. The meeting will be held on Wednesday, February 19, 2020, at 6:30 p.m., or as soon thereafter, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia.

The Fix Ministry, LLC to appeal the decision of the Zoning Administrator regarding the property located at 4465 Mount Olive Cohoke Road, Tax Map Parcel is 52-2, which consist of approximately 18.5 acres of land. The property is zoned A-C (Agricultural-Conservation).

You are being notified of this hearing because your property is adjacent, or in close proximity to the above-stated request. All records pertaining to this matter may be viewed in the Office of Community Development at 180 Horse Landing Road, King William, VA, during regular business hours. Anyone needing assistance or accommodations under the provisions of the American with Disabilities Act should contact the Office of Community Development at (804) 769-4978 or [sgraham@kingwilliamcounty.us](mailto:sgraham@kingwilliamcounty.us).

Sherry L. Graham  
Zoning Administrator



King William  
County  
Est. 1702

Board of Supervisors

Ron W. Etter, Director  
Community Development

William L. Hodges, First District  
Travis J. Moskalski, Second District  
Stephen K. Greenwood, Third District  
C. Stewart Garber, Jr., Fourth District  
Edwin H. Moren, Jr., Fifth District

February 5, 2020

Mr. Giles C. Johnson  
1253 Elsing Green Lane  
King William, Virginia 23086  
Owner(s) of record Tax Map Parcel 52-3A

**RE: Notice to Adjacent Property Owners**  
**Request For An Appeal for 4465 Mount Olive Cohoke Road**  
**Tax Map Parcel 52-2**  
**Owner: The Fix Ministry, LLC**

Dear Land Owner:

The King William County Board of Zoning Appeals will hold a Meeting to consider a request for an appeal on the matter(s) listed below. The meeting will be held on Wednesday, February 19, 2020, at 6:30 p.m., or as soon thereafter, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia.

The Fix Ministry, LLC to appeal the decision of the Zoning Administrator regarding the property located at 4465 Mount Olive Cohoke Road, Tax Map Parcel is 52-2, which consist of approximately 18.5 acres of land. The property is zoned A-C (Agricultural-Conservation).

You are being notified of this hearing because your property is adjacent, or in close proximity to the above-stated request. All records pertaining to this matter may be viewed in the Office of Community Development at 180 Horse Landing Road, King William, VA, during regular business hours. Anyone needing assistance or accommodations under the provisions of the American with Disabilities Act should contact the Office of Community Development at (804) 769-4978 or [sgraham@kingwilliamcounty.us](mailto:sgraham@kingwilliamcounty.us).

Sherry L. Graham  
Zoning Administrator



King William  
County  
Est. 1702

Board of Supervisors

Ron W. Etter, Director  
Community Development

William L. Hodges, First District  
Travis J. Moskalski, Second District  
Stephen K. Greenwood, Third District  
C. Stewart Garber, Jr., Fourth District  
Edwin H. Moren, Jr., Fifth District

February 5, 2020

Mr. Carlton M.J. Southworth  
Mr. David R. Hanny  
P.O. Box 7926  
Richmond, VA 23223  
Owner(s) of record Tax Map Parcel 52-1C

**RE: Notice to Adjacent Property Owners**  
**Request For An Appeal for 4465 Mount Olive Cohoke Road**  
**Tax Map Parcel 52-2**  
**Owner: The Fix Ministry, LLC**

Dear Land Owner:

The King William County Board of Zoning Appeals will hold a Meeting to consider a request for an appeal on the matter(s) listed below. The meeting will be held on Wednesday, February 19, 2020, at 6:30 p.m., or as soon thereafter, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia.

The Fix Ministry, LLC to appeal the decision of the Zoning Administrator regarding the property located at 4465 Mount Olive Cohoke Road, Tax Map Parcel is 52-2, which consist of approximately 18.5 acres of land. The property is zoned A-C (Agricultural-Conservation).

You are being notified of this hearing because your property is adjacent, or in close proximity to the above-stated request. All records pertaining to this matter may be viewed in the Office of Community Development at 180 Horse Landing Road, King William, VA, during regular business hours. Anyone needing assistance or accommodations under the provisions of the American with Disabilities Act should contact the Office of Community Development at (804) 769-4978 or [sgraham@kingwilliamcounty.us](mailto:sgraham@kingwilliamcounty.us).

Sherry L. Graham  
Zoning Administrator



King William  
County  
Est. 1702

Board of Supervisors

Ron W. Etter, Director  
Community Development

William L. Hodges, First District  
Travis J. Moskalski, Second District  
Stephen K. Greenwood, Third District  
C. Stewart Garber, Jr., Fourth District  
Edwin H. Moren, Jr., Fifth District

February 5, 2020

Ms. Kysa Renee Emmons  
1217 Copper Stone Circle  
Chesapeake, VA 23320  
Owner(s) of record Tax Map Parcel 52-4A

**RE: Notice to Adjacent Property Owners**  
**Request For An Appeal for 4465 Mount Olive Cohoke Road**  
**Tax Map Parcel 52-2**  
**Owner: The Fix Ministry, LLC**

Dear Land Owner:

The King William County Board of Zoning Appeals will hold a Meeting to consider a request for an appeal on the matter(s) listed below. The meeting will be held on Wednesday, February 19, 2020, at 6:30 p.m., or as soon thereafter, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia.

The Fix Ministry, LLC to appeal the decision of the Zoning Administrator regarding the property located at 4465 Mount Olive Cohoke Road, Tax Map Parcel is 52-2, which consist of approximately 18.5 acres of land. The property is zoned A-C (Agricultural-Conservation).

You are being notified of this hearing because your property is adjacent, or in close proximity to the above-stated request. All records pertaining to this matter may be viewed in the Office of Community Development at 180 Horse Landing Road, King William, VA, during regular business hours. Anyone needing assistance or accommodations under the provisions of the American with Disabilities Act should contact the Office of Community Development at (804) 769-4978 or [sgraham@kingwilliamcounty.us](mailto:sgraham@kingwilliamcounty.us).

Sherry L. Graham  
Zoning Administrator



King William  
County  
Est. 1702

Board of Supervisors

Ron W. Etter, Director  
Community Development

William L. Hodges, First District  
Travis J. Moskalski, Second District  
Stephen K. Greenwood, Third District  
C. Stewart Garber, Jr., Fourth District  
Edwin H. Moren, Jr., Fifth District

February 5, 2020

Mr. Russell Cason  
Ms. Virginia M. Evans  
5328 Nelson Court  
Virginia Beach, Virginia 23464  
Owner(s) of record Tax Map Parcel 52-4

**RE: Notice to Adjacent Property Owners**  
**Request For An Appeal for 4465 Mount Olive Cohoke Road**  
**Tax Map Parcel 52-2**  
**Owner: The Fix Ministry, LLC**

Dear Land Owner:

The King William County Board of Zoning Appeals will hold a Meeting to consider a request for an appeal on the matter(s) listed below. The meeting will be held on Wednesday, February 19, 2020, at 6:30 p.m., or as soon thereafter, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia.

The Fix Ministry, LLC to appeal the decision of the Zoning Administrator regarding the property located at 4465 Mount Olive Cohoke Road, Tax Map Parcel is 52-2, which consist of approximately 18.5 acres of land. The property is zoned A-C (Agricultural-Conservation).

You are being notified of this hearing because your property is adjacent, or in close proximity to the above-stated request. All records pertaining to this matter may be viewed in the Office of Community Development at 180 Horse Landing Road, King William, VA, during regular business hours. Anyone needing assistance or accommodations under the provisions of the American with Disabilities Act should contact the Office of Community Development at (804) 769-4978 or [sgraham@kingwilliamcounty.us](mailto:sgraham@kingwilliamcounty.us).

Sherry L. Graham  
Zoning Administrator



King William  
County  
Est. 1702

Board of Supervisors

Ron W. Etter, Director  
Community Development

William L. Hodges, First District  
Travis J. Moskalski, Second District  
Stephen K. Greenwood, Third District  
C. Stewart Garber, Jr., Fourth District  
Edwin H. Moren, Jr., Fifth District

February 5, 2020

Mr. Bryan W. Spangler  
17 Kelley Lane  
King William, Virginia 23086  
Owner(s) of record Tax Map Parcel 52-6 and 51-15

**RE: Notice to Adjacent Property Owners**  
**Request For An Appeal for 4465 Mount Olive Cohoke Road**  
**Tax Map Parcel 52-2**  
**Owner: The Fix Ministry, LLC**

Dear Land Owner:

The King William County Board of Zoning Appeals will hold a Meeting to consider a request for an appeal on the matter(s) listed below. The meeting will be held on Wednesday, February 19, 2020, at 6:30 p.m., or as soon thereafter, in the Board Meeting Room of the County Administration Building, 180 Horse Landing Road, King William, Virginia.

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You are being notified of this hearing because your property is adjacent, or in close proximity to the above-stated request. All records pertaining to this matter may be viewed in the Office of Community Development at 180 Horse Landing Road, King William, VA, during regular business hours. Anyone needing assistance or accommodations under the provisions of the American with Disabilities Act should contact the Office of Community Development at (804) 769-4978 or [sgraham@kingwilliamcounty.us](mailto:sgraham@kingwilliamcounty.us).

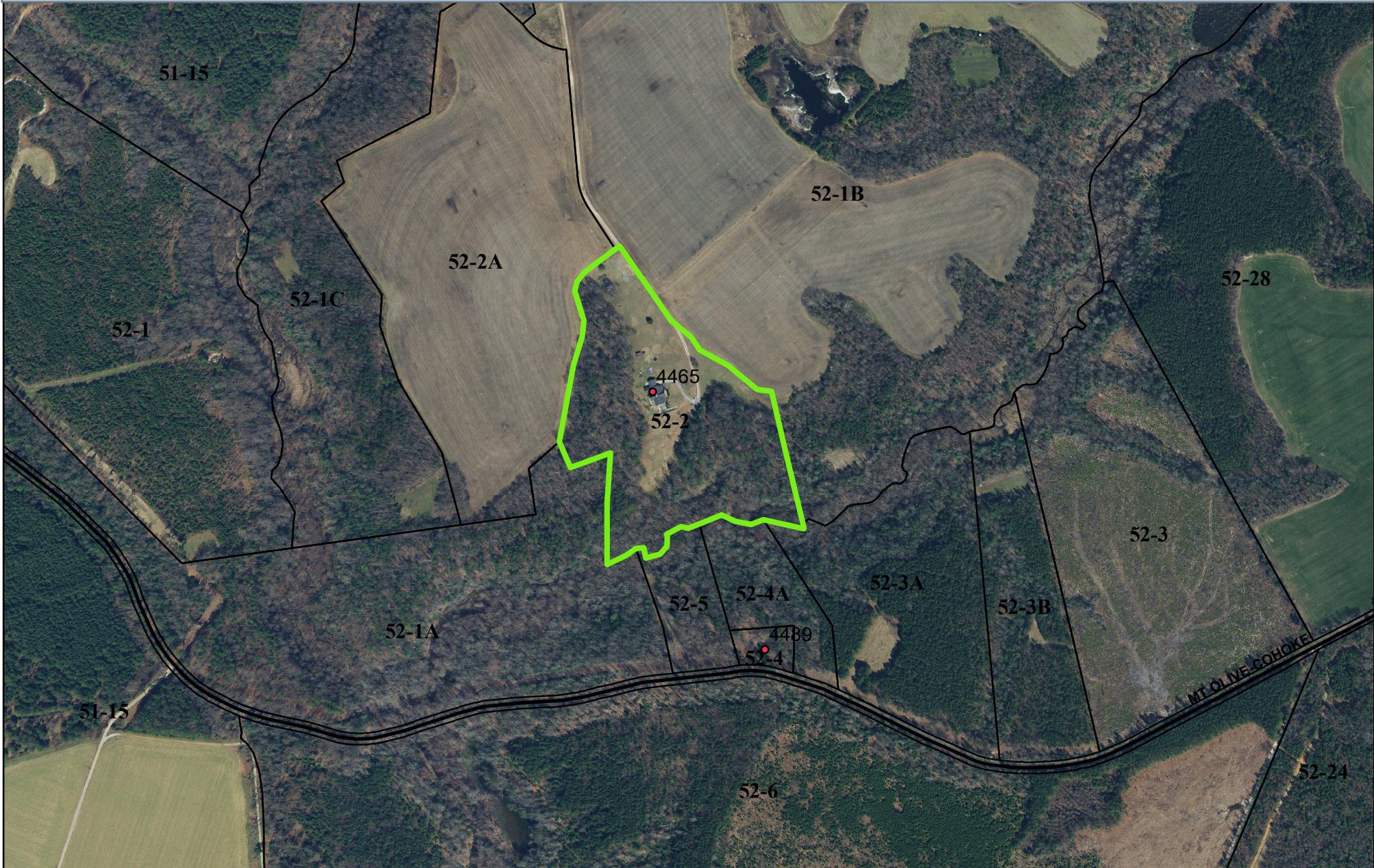
Sherry L. Graham  
Zoning Administrator

**6b.**  
**GIS Map,**  
**Zoning Map & Plat**

Case# A-01-20

Owner: Estate of William E. McKinley, Sr./Applicant: The Fix Ministry, Inc.

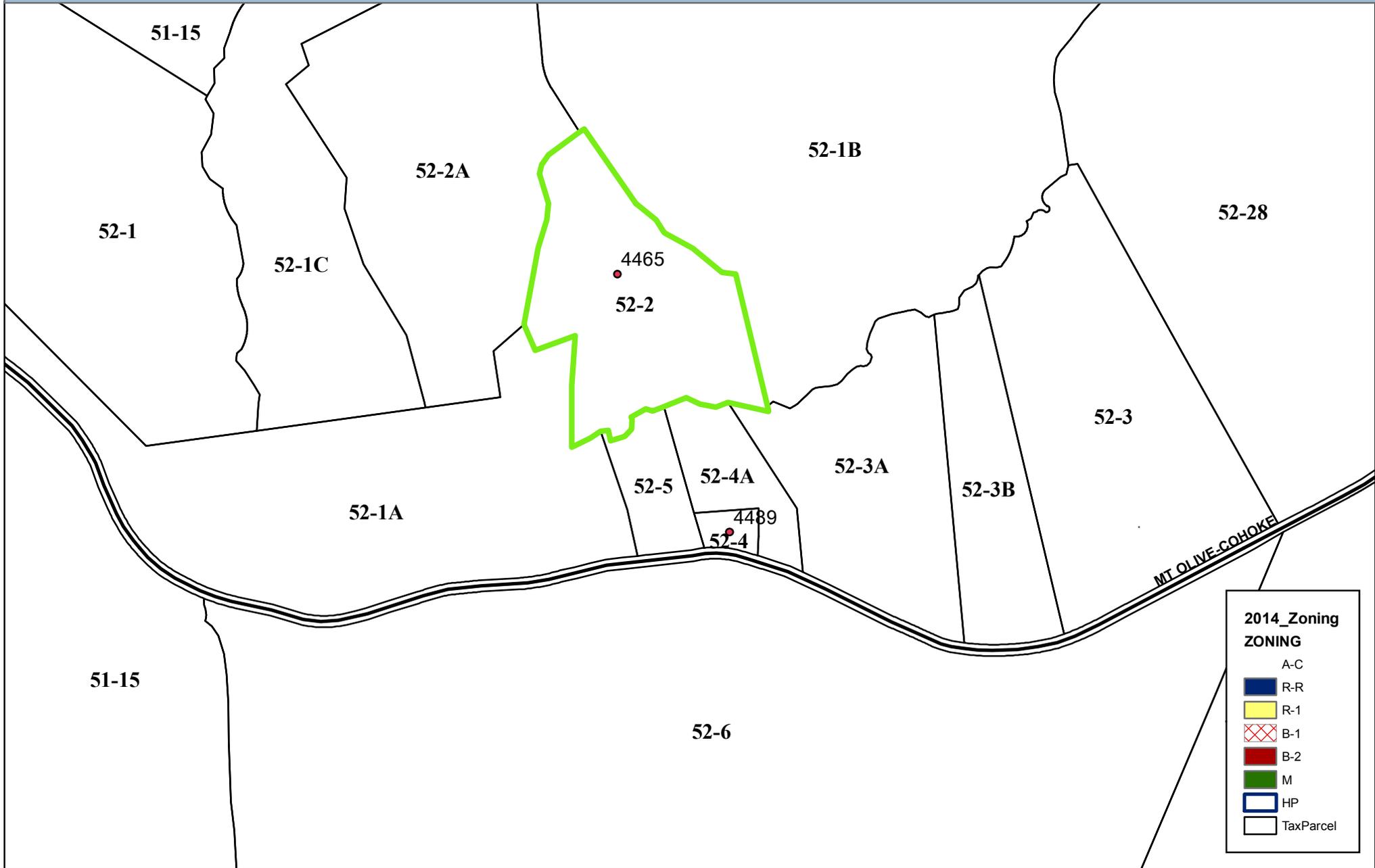
Tax Parcel: 52-2



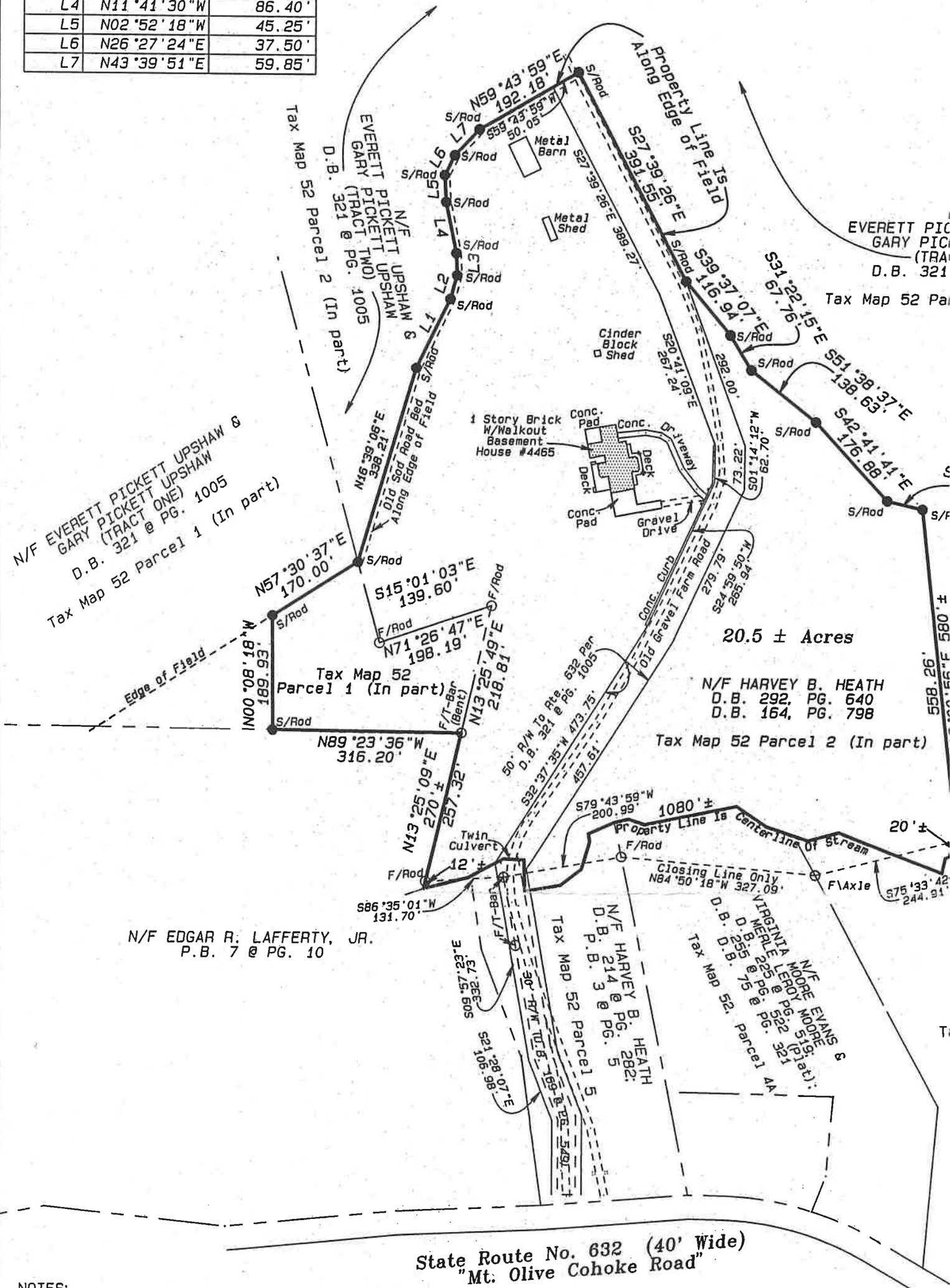
Case# A-01-20

Owner: Estate of William E. McKinley, Sr./Applicant: The Fix Ministry, Inc.

Tax Parcel: 52-2



LINE	BEARING	DISTANCE
L1	N26°08'18"E	128.97'
L2	N15°45'43"E	41.60'
L3	N02°18'30"W	36.81'
L4	N11°41'30"W	86.40'
L5	N02°52'18"W	45.25'
L6	N26°27'24"E	37.50'
L7	N43°39'51"E	59.85'



NOTES:

1. TAX MAP 52 PARCEL 1 (In part) AND 2 (In part)
2. THIS PLAT REPRESENTS THE 20.5 ± ACRES EXCEPTED BY HARVEY BRUCE HEATH AND LORI T. HEATH IN D.B. 321 @ PG. 1005 DESCRIBED AS "HEATH" SKETCH IN D.B. 321 @ PG. 1008.
3. CURRENT OWNER & REFERENCES:  
 HARVEY B. HEATH & LORI T. HEATH  
 D.B. 292 @ PG. 640; D.B. 164 @ PG. 798; D.B. 321 @ PG. 1005;  
 D.B. 169 @ PG. 549

SHOWING  
 OF LAND STAI  
 HARVE  
 LOE

**6b.**

**Code of Virginia**

## 12VAC35-105-1160. Sponsored Residential Home Information.

### Article 4. Sponsored Residential Homes Services

Providers of sponsored residential home services shall maintain the following information:

1. Names and ages of residential sponsors;
2. Date of sponsored residential home agreement;
3. The maximum number of individuals that can be placed in the home at a given time;
4. Names and ages of all other individuals who are not receiving services but are residing in a sponsored residential home;
5. Address and telephone number of the sponsored residential home; and
6. Names of all staff employed in the home, including on-call and substitute staff.

### Statutory Authority

§ 37.2-203 of the Code of Virginia.

### Historical Notes

Derived from Volume 18, Issue 18, eff. September 19, 2002; amended, Virginia Register Volume 28, Issue 05, eff. December 7, 2011.

## 12VAC35-105-1180. Sponsor Qualification and Approval Process.

- A. The provider shall evaluate and certify each sponsored residential home other than his own through face-to-face interviews, home inspections, and other information documenting compliance with this section. The provider shall submit the certification form to the department before individuals are placed in the home and ensure that the following requirements are met annually.
- B. The provider shall certify and document that each sponsored residential home meets the criteria for physical environment and residential services in these regulations.
- C. The provider shall document the ability of the sponsored residential home staff to meet the needs of the individuals placed in the home by assessing and documenting:
1. The ability of the sponsor or any staff to communicate and understand individuals receiving services;
  2. The ability of the sponsor or any staff to provide the care, treatment, training, or habilitation for individuals receiving services in the home;
  3. The abilities of all members of the sponsored household to accept individuals with disabilities and their disability-related characteristics, especially the ability of children in the household to adjust to nonfamily members living with them;
  4. The financial capacity of the sponsor to meet the sponsor's own expenses for up to 90 days, independent of payments received for residents living in the home; and
  5. The education, qualifications, and experience of the sponsor or staff with the individuals served including Virginia Department of Motor Vehicles driving record, tuberculosis screening, first-aid and CPR certification, and completion of medication administration and behavior interventions training.
- D. The provider shall obtain three job-related references, past licensing history, criminal background checks, and a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services for the sponsor and all staff.
- E. The provider shall implement written policies for obtaining references, criminal background checks, and registry checks for all adults in the home who are neither staff nor individuals being served. The policy shall indicate what action the provider will take if the results indicate that a member of the sponsor family has been convicted of a barrier crime or fails to meet the requirements of this regulation should an ineligible result be received.
- F. The sponsored residential home shall submit to the provider the results of a physical and mental health examination of family members when requested by the provider based on indications of a physical or mental health issue.
- G. Sponsored residential homes shall not also operate as group homes or Department of Social Services approved homes or foster homes.

H. The provider shall submit the name, address, and certification of the sponsored residential home to the department prior to adding the home. The provider shall submit the name and address of the sponsored residential home to the department prior to closing the home. The provider shall submit a service modification when approving homes more than 100 miles from the previously approved homes.

#### Statutory Authority

§ 37.2-203 of the Code of Virginia.

#### Historical Notes

Derived from Volume 18, Issue 18, eff. September 19, 2002; amended, Virginia Register Volume 28, Issue 05, eff. December 7, 2011.

## 12VAC35-105-1190. Sponsored Residential Home Service Policies.

- A. The provider shall implement written policies to provide orientation and supportive services to the sponsored residential home staff specific to the needs of the individuals receiving services.
- B. The provider shall implement a training plan for the sponsor staff consistent with the needs of the individuals receiving services.
- C. The provider shall specify staffing arrangements in all sponsored residential homes, including on-call and substitute care arrangements.
- D. The provider shall implement a written policy on managing, monitoring, and supervising sponsored residential homes. This policy shall address changes in supervision arrangements as the number of homes increase.
- E. The provider shall conduct inspections of each sponsored residential home other than his own. Inspections shall be performed at least on a quarterly basis during the year with at least two being unannounced inspections.
- F. On an on-going basis and at least annually, the provider shall review and document compliance by each sponsored residential home and sponsor with regulations related to sponsored residential homes.
- G. The provider shall develop written policies for terminating a sponsored residential home.
- H. The provider shall document that all residents or their authorized representatives are provided the opportunity to choose a new placement when the current placement ends. Prior to moving an individual to another placement the provider shall conduct and document a meeting to include the individual and his authorized representative, if applicable, case manager, the current sponsor, and a receiving placement staff, if possible.

### Statutory Authority

§ 37.2-203 of the Code of Virginia.

### Historical Notes

Derived from Volume 18, Issue 18, eff. September 19, 2002; amended, Virginia Register Volume 28, Issue 05, eff. December 7, 2011.

**6b.**

**King William Definitions**

## King William County Definitions

**Group home** means a residential facility with no more than eight mentally ill, mentally retarded, or developmentally disabled persons together with one or more counselors or other staff persons and for which the department of mental health, mental retardation and substance abuse service has issued a valid license.

A group home is permitted in the A-C, R-R and the R-1 zoning districts for eight or fewer permits pursuant to Code of Virginia 15.2-2291

**Churches**, temples, synagogues including Sunday schools, rectories, parish houses, convents and monasteries are permitted in most zoning districts.

---

Convent – House or building where a group of nuns live together.

Monastery – A house for persons under religious vows (monks)

Parish house - An auxiliary building belonging to a church and used for its business, social, or extension activities. The residence of a clergyman (as a Roman Catholic priest)

Rectory – A residence of a rector or parish priest.

Synagogue – A house of worship and communal center of a Jewish congregation.

Temple – A building for religious practice such as 1) a building for Mormon sacred ordinances 2) A house of worship of reform and some conservative Jewish congregations.

Church – A building for public and especially Christian worship.

**6b.**

**Old Building Information**

**King William County, Virginia  
West Point, Virginia**

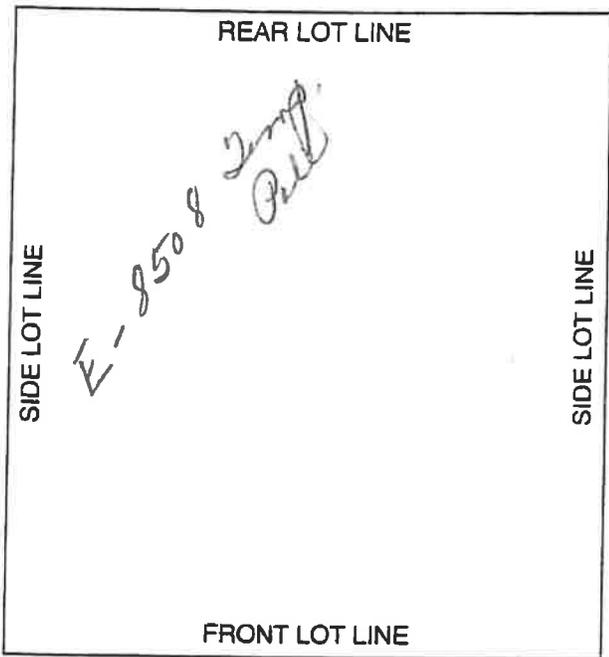
Permit No. \_\_\_\_\_

Date 3/11, 19 92

**APPLICATION FOR BUILDING PERMIT  
(Certificate of Zoning Compliance)**

Application is hereby made for a permit to erect/alter a structure/structures as described herein or shown in accompanying plans to be located as shown on the accompanying plot plan. The information which follows is made a part of this application, in reliance upon which is requested the issuance of a building permit and/or certificate of occupancy. It is understood and agreed by this applicant that any error, misstatement or misrepresentation, either with or without intention on the part of this applicant, such as might, or would operate to cause disapproval of this application, shall constitute sufficient grounds for the revocation of such permit.

Applicant: Harvey B. Heath  
Address of applicant: P.O. Box 409  
West Point VA 23181 phone 843-3881



Location: subdivision \_\_\_\_\_  
Tax Map Section 52 Parcel 2  
Street or road name Old Rt. 632  
Civil district West Point Zoning A-R

CHECK:  
Type of Construction: new  alteration \_\_\_\_\_ change in use \_\_\_\_\_  
Proposed use: commercial \_\_\_\_\_, industrial \_\_\_\_\_, institutional \_\_\_\_\_  
quasi-public \_\_\_\_\_, public \_\_\_\_\_, multi-family residential \_\_\_\_\_  
single family residential  sign \_\_\_\_\_, housetrailer \_\_\_\_\_  
Proposed use: New home  
Dimensions: site size 504, road frontage 25  
frontyard setback 50, sideyard setback 25  
rearyard setback 50, lot area per unit \_\_\_\_\_

Soil and erosion permit necessary: Yes \_\_\_\_\_ No   
CHECK: House note dated 3 yrs ago  
Utilities: public water \_\_\_\_\_, well , sanitary sewage \_\_\_\_\_  
septic tank

Estimated cost 100000 Square feet of Structure 4,000 Fee 10.00

I hereby certify that the information given herein is correct and true.

(Signed) Harvey B. Heath Applicant

PERMIT above applied for (will) (will not) comply with the Zoning Regulations of West Point, Virginia; King William County, Virginia.

By Elysebeth W. Werged Zoning Administrator

If not approved give reasons: \_\_\_\_\_  
(West Point) (King William County) Board of Zoning Appeals on \_\_\_\_\_, 19\_\_\_\_  
(granted) (denied) the issuance of a Building Permit with the following conditions:

\_\_\_\_\_  
\_\_\_\_\_

Certificate of Occupancy issued \_\_\_\_\_, 19\_\_\_\_ by \_\_\_\_\_

# KING WILLIAM COUNTY, VIRGINIA

Building Permit

Building Permit Application

Bldg. Permit No. B-8660 Plumbing Permit No. xx Elect. Permit No. xx Temp. Serv. .....

Mechanical ~~xxx~~ Permit xx

This application shall be accompanied by a plat plan prepared by a certified land surveyor or a registered Civil Engineer on paper 8 1/2 "x11" showing all distances to all property lines; two sets of building plans, when required by the building inspector; and approval of the County Health Officer if an individual sewage disposal system is proposed. Permit is granted only for work shown on plans and application forms filed for this job.

Owner Harvey B. Heath Address West Point, Va.

Contractor J. Sanders Construction \* Address 3240 King William Avenue West Point, Va. 23181

After completion of work, building will be: For use as a: 14x24=336

For Rent..... Occupied by Owner..... For Sale.....

Basement 40x80=3200 Garage and Carport 22x24=840

FRONT deck 6x20=120; 6x24=144; 30x28=840

6x20=120; 6x8=48; 6x8=48

Back deck 6x24=144; 10x20=200; 6x10=60

\* Contractor will do footing, foundation and framing.

### DESCRIPTION AND LOCATION OF LOT

Street off Route 632 4

Size of lot: Width.....

Lot No..... Block.....

Depth..... Zone.....

Subdivision.....

Distance to building from property line:

Tax Map No. 52-2

Front..... Left.....

District West Point

Right..... Rear.....

No. of Floors 1 No. of Rooms 4

Floor Area 3,872 Sq. Ft.

No. of Baths 3 Basement 3,200

Carport 840

Sq. Ft. in Garage 528 Sq. Ft.

Ex. Walls-Mat Brick In. Walls-Fin.....

Sheetrock..... Carpet/tile/hardwood

Flooring.....

Roofing Shingles Type Heating.....

San. Fac. Septic Tank

Water Supply well Fireplace Yes

Air Conditioning.....

NOTE: This permit does not supersede PRIVATE BUILDING RESTRICTIONS, if any, which may be imposed upon above property by deed. \*\* This permit does not cover any electrical, plumbing or mechanical work.

100,000.00

1-21-93

Porches/stoops/decks \$ 35.36

DATE RECEIVED.....

House 232.32

Basement FEE \$ 192.00

Garage & carport 54.76

TOTAL \$ 514

BY P. Langford

(Initials)

TOTAL \$519.58 (check)

NOTE: This permit requires the builder or owner to start construction within six months from the above date and to complete the project within a reasonable time. A discontinuance of the construction covered under this permit for a period of nine months shall render this permit invalid and shall necessitate that a new permit be secured by the owner or their agents. I hereby certify that I have the authority to make the foregoing application, that the application is correct and that the construction will conform to the regulations in the Building Code, Zoning Ordinances or private building restrictions, if any which may be imposed on the property by deed.

Signature [Signature]

Telephone No. ....

THIS IS NOT A PERMIT FOR AN ENTRANCE OR WORK ON STATE RIGHT OF WAY. THESE PERMITS MUST BE OBTAINED FROM THE VA. DEPT. OF HIGHWAYS & TRANS. OFFICE OF THE RESIDENT ENGINEER, BOWLING GREEN, VA. 22424

Building Inspector [Signature]

CERTIFICATE OF OCCUPANCY

King William County  
King William, VA 23066

PERMIT NUMBER.: 75 - 1997  
C.O. ISSUED: 6/09/1999

SITE DIRECTION:  
RT 632

CONTRACTOR NAME/ADDRESS

OWNER: HEATH HARVEY R  
MAILING ADDRESS: POB 210  
WEST POINT VA

SITE ADDRESS:  
4465 RT. OLIVE CHOKE ROAD

23101

23101

# OF BEDROOMS: 4  
OCCUPANT LOAD:  
MAP NO. : 52-2  
DISTRICT: WEST POINT  
AREA: WEST POINT  
SUB-DIV:  
WATER: PRIVATE  
DATE COMPLETED: 6/09/1999  
LOT:2 SECTION: 52 BLOCK:  
MODIFICATIONS:  
NATURE OF WORK: NEW DWELLING

USBC EDITION: 1993  
USE GROUP: RESIDENTIAL  
CONSTR. TYPE: COMBUSTIBLE  
USAGE: RESIDENTIAL 1&2 FAMILY  
SEWER: PRIVATE  
ACTUAL COST: 100,000.00

MODIFICATIONS:

NEW OWNER, IF SOLD SINCE BUILDING PERMIT WAS ISSUED.

I HEREBY CERTIFY THAT I, HARVEY HEATH  
APPLICATION FOR HARVEY HEATH  
HEREIN ARE TRUE.

AM MAKING THIS  
AND THAT THE STATEMENTS MADE

DATE 6/09/1999

APPLICANT HARVEY HEATH  
ADDRESS 3240 KING WILLIAM ROAD  
WEST POINT VA 23101

Building Official

**6b.**

**Permitted Use Table**

**Attachments**

Sawmill						R	
Tire sales and service						R	R
Repair establishment for appliances						R	
Welding and soldering shop						R	
Truck terminal/freight terminal						R	
Wood preserving treatment/no creosote						C	
PUBLIC SERVICE AND INSTITUTIONAL							
Churches, temples, synagogues including Sunday schools, rectories, parish houses, convents and monasteries.	R	R	R	R	R		
Convalescent homes, nursing homes or related facilities for long term medical care	C	C		R	R		
Correctional institution; private or publicly owned and operated jails, prisons, or other similar facilities						C	
Electric generating plant						C	
Electric transformer substation	C			C	C	C	
Hospital or clinic for human use	C	C		R	R		
Museums, libraries, art galleries	R	R	C	R	R	R	
Nursery schools, kindergartens, child care centers, day nursery or day care centers	C	C	C	R	R		
Private schools, private or public colleges or universities	C			R	R	C	
Public schools or other governmental buildings and uses, including fire stations, parks, playgrounds, public boat landings, office buildings.	R	R	R	R	R	R	
Public service facilities (distribution)	R	R	R	R	R	R	
Public solid waste transfer site	R	R	R	R	R	R	

Marina	C			C	C		
Pier gazebo, large	C	C	C	C	C	C	
Pier gazebo, small	R	R	R	R	R	R	
Piers, boat docks (private)	R	R	R	R	R	R	
Picnic areas	R	R	R	R	R	R	
Private club, lodge, meeting hall or fraternal organization	C			R	R	R	
Recreational facility, commercial, indoor or outdoor, including theaters, bowling alleys, dancehalls subject to applicable county regulations, skating rinks (ice skating or roller skating), swimming pools, miniature golf, billiard or pool parlors, game centers, indoor or outdoor tennis, indoor model racing tracks, and similar activities.				R	R	R	
Recreational uses or facilities such as golf courses, games courts, swimming pools, archery ranges, fishing and boating lakes, picnic grounds. Includes accessory sale of food, beverages, bait incidentals and supplies and equipment.	R	R	R	R	R	R	
Stable, private or keeping of horses, ponies or other livestock for personal enjoyment but not as a business. Buildings housing animals shall be located at least 100 feet from any side or rear lot line.	R	R	R				
Turkey shoot/shooting matches	C			C	C	C	
RESIDENTIAL							
Accessory apartment on the same site as a business when occupied by owner				R	R	R	
Accessory apartment on the same site as a business when not occupied by owner				R	R	R	
Bed and breakfast facility in a private home	R	R					
Dwelling, second or accessory dwelling/apartment, whether attached or detached, on a parcel of land over 50 acres in area	R						
Dwelling, second or accessory dwelling/apartment, whether attached or detached, on a parcel of land under 50 acres in area	C	C	C				

Dwelling, single-family attached, including duplex and townhouse	C	C	C				
Dwelling, single-family, detached on a permanent foundation	R	R	R				
Dwelling, multiple-family	C	C					
Dwellings for resident watchmen and caretakers employed on premises				R	R	R	
Group homes for eight or fewer persons pursuant to Code of Virginia, § 15.2- 2291	R	R	R				
Home occupations	R	R	R				
Hotel, motel or motor lodge				R	R		
Manufactured home park	C	C	C				
Manufactured home, consisting of only one section on an individual lot	R						
Manufactured home, doublewide or modular, on an individual lot	R	R	R				
Residential accessory buildings and uses such as garages, swimming pools and off-street parking	R	R	R	R	R	R	R
Subdivision, major		R	R	R	R	R	R
Subdivision, minor, with one to four lots	R	R	R	R	R	R	
Subdivision, single lot	R	R	R	R	R	R	
SIGNS							
Advertising sign up to 32 square feet	R						
Church bulletin board or similar sign of no more than 32 square feet. Temporarily identifying permitted public or semipublic uses, wildlife reservations, recreational uses or clubs.	R	R		R	R	R	
Detached sign, if there are no projecting signs, limited to 32 square feet and 20 feet high; one for each business on the premises. A group of three or more contiguous business shall combine permitted detached sign area to provide a single detached sign advertising the group and the combined sign area shall not exceed 110 square feet in size and 25 feet in height.				R	R	R	

**6b.**

**State Corporation Commission  
Information**

## Entity Information

### Entity Information

Entity Name: THE FIX MINISTRY, INC.

Entity ID: 08303570

Entity Type: Nonstock Corporation

Entity Status: **Active**

Formation Date: 04/12/2018

Reason for Status: Active and In Good Standing

VA Qualification Date: 04/12/2018

Status Date: 04/12/2018

Industry Code: 0 - General

Period of Duration: Perpetual

Jurisdiction: VA

Annual Report Due Date: N/A

Registration Fee Due Date: N/A

Charter Fee: \$50.00

### Registered Agent Information

RA Type: Individual

Locality: MARTINSVILLE CITY

RA Qualification: Member of the Virginia State Bar

Name: JOHN W SWEZEY

Registered Office Address: 227 STARLING AVE, MARTINSVILLE, VA, 24112 - 0000, USA

### Principal Office Address

Address: 4465 MT. OLIVE COHOKE RD, KING WILLIAM, VA, 23088 - 0000, USA

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([https://www.scc.virginia.gov/cis/cis\\_contact.aspx](https://www.scc.virginia.gov/cis/cis_contact.aspx))

Principal Information

(<https://www.facebook.com/VirginiaStateCorporationCommission>)

(<https://twitter.com/VASStateCorpComm>)

Title	Director	Name	Address	Last Updated
President	Yes	BEN CALDWELL	4465 MT. OLIVE COHOKE RD, KING WILLIAM, VA, 23088 - 0000, USA	05/24/2019
	Yes	JOHN W SWEZEY JR	7441 MOUNTAIN LILY LANE, MECHANICSVILLE, VA, 23111 - 0000, USA	05/24/2019
Secretary	Yes	CASEY REYNOLDS WEYMOUTH	4465 MT OLIVE COHOKE RD, KING WILLIAM, VA, 23088 - 0000, USA	05/24/2019
Vice President	Yes	FRED EVERETTE WEYMOUTH III	4465 MT. OLIVE COHOKE RD, KING WILLIAM, VA, 23088 - 0000, USA	05/24/2019
Treasurer	Yes	BEN OTTINGER	4465 MT. OLIVE COHOKE RD, KING WILLIAM, VA, 23088 - 0000, USA	05/24/2019

MEMBER INFORMATION;

Member Information: No Membership Provisions Provided

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**6b.**  
**Pictures**



01 24 2020



01 24 2020



01 24 2020



01 24 2020



01 24 2020



01 24 2020



01 24 2020

A brick pillar with a grey plaque. On top of the pillar is a sculpture of an eagle with its wings spread. The plaque has the following text:

*The Lyric*  
*Where Eagles Nest*  
1056

01 24 2020

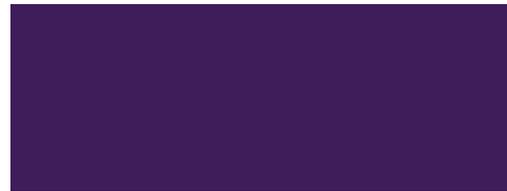


01 24 2020

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**2019**

**Annual BZA Report**



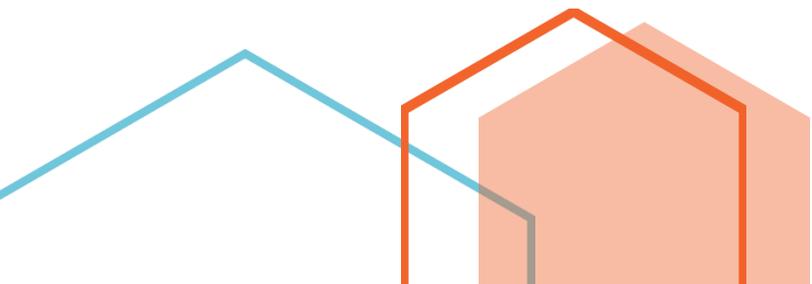
# 2019 Annual Board of Zoning Appeals Report King William County



## Message from Staff

It is our pleasure to present the 2019 Annual Report of the King William County Board of Zoning Appeals. This report contains a summary of our accomplishments towards our goals for 2019, a list of our official actions taken, meetings held and our goals for 2020.

-King William Planning & Zoning Staff



## Rules of Procedure of Board of Zoning Appeals

1. The board of zoning appeals shall adopt such rules of procedure as it may deem necessary in order to carry into effect the provisions of this article, such rules to be in writing and copies available to the public at the office of the Zoning Administrator and the secretary of the board of zoning appeals.
2. Meetings of the board of zoning appeals shall be held at the call of the chairman and at such other times as the board of zoning appeals may determine.
3. The Chairman, or in the Chairman's absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.
4. All meetings of the board of zoning appeals shall be open to the public.
5. A quorum shall be not less than a majority of all the members of the board.
6. No action of the board shall be valid unless authorized by a majority vote of those present and voting.
7. The board shall keep minutes of its proceedings, showing the vote of each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of zoning appeals and shall be a public record.

### BOARD OF ZONING APPEALS 2019 MEETING DATES

January 30, 2019

April 10, 2019

June 26, 2019

July 16, 2019

August 21, 2019

October 16, 2019  
(Public Hearing)

## Board of Zoning Appeals Activity

Appeals – 1  
A-01-19 Kondakor, Inc.  
(Appeal withdrawn)

Variances – 1  
V-01-19 Mitchell Homes, Inc.  
(Approved)

### King William County Annual Population Growth

2018  
16,939 1.40%

2017  
16,705 1.81%

2016  
16,408 0.76%

Va Population. (2019-05-12).  
Retrieved 2019-12-30, from  
<http://worldpopulationreview.com/virginia-counties/va/>

## Goals and Accomplishments of 2019

The King William County Planning & Zoning Staff, as well as Board of Zoning Appeals, worked very diligently to address some of the inefficiencies in record keeping prior to Mr. Ron Etter becoming the Planning Director. Mr. Ron Etter implemented procedures that insures all meetings are recorded and minutes are documented in a timely manner.

Prior to 2019, the Board of Zoning Appeals only met on an as needed basis. In 2019, the Board made the executive decision to meet on the third Wednesday of every other month at 6:30 P.M. so that the Board can be kept up to current zoning issues and potential upcoming appeals.

## Moving Forward

Going forward, the Board has bigger goals for the year 2020, as Chairman, Benjamin Shumaker has high hopes of implementing some BZA classes, whether they be online or facility based, for board members to have a better understanding of zoning laws/purposes, responsibilities of the Board and anything else that may increase effectiveness as contributors of the Board.

The Board will be holding discussion at its January meeting in regards to participating in the final zoning ordinance revision of Section 86 in the Spring of 2020, as well as the future 2020 rewrite of the Comprehensive Plan. The King William County Board of Zoning Appeals is looking forward to stepping up and getting involved for a prosperous year in development.

## 2019 Board of Zoning Appeals

Chairman, Benjamin Shumaker

Sergio Tassinari

Laura Nunnally

Doris White

Michael Nolan

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## Planning & Zoning Staff

### Director of Community Development

Ron Etter

### Zoning Administrator

Sherry Graham

### Zoning Officer

Kristi Gibson

### Planning Secretary

Krista Cole