



**MINUTES
KING WILLIAM COUNTY
PLANNING COMMISSION
REGULAR MEETING OF NOVEMBER 14, 2023**

A regular meeting of the Planning Commission of King William County, Virginia, was held on the 14th day of November 2023, beginning at 7:00 p.m. in the King William County Board Room of the Administration Building and via Zoom.

Agenda Item 1. Call to Order

The meeting was called to order by Chairman Greenwood at 7:00 p.m.

Agenda Item 3. Roll Call

The members were polled:

Bonnie Hite	Aye
Otto Williams	Aye
Matthew Sluder	Aye
Darrell Kellum	Aye
Chairman Stephen Greenwood	Aye

Also in Attendance:

Sherry Graham, Director of Planning
Christina Grover, Zoning Administrator
Barbara Trimmer, Planning Secretary

Agenda Item 4. Review And Adoption Of Meeting Agenda

Commissioner Hite moved for the adoption of the amended meeting agenda as presented; motion was seconded by Commissioner Sluder. Chairman Greenwood called for any discussion.

The members were polled:

Otto Williams	Aye
Matthew Sluder	Aye
Darrell Kellum	Aye
Bonnie Hite	Aye
Chairman Stephen Greenwood	Aye

Agenda Item 5. Approval of Minutes

Commissioner Williams moved for the approval of the November 14, 2023 regular meeting minutes as presented; motion was seconded by Commission Kellum. Chairman Greenwood called for any discussion.

The members were polled:

Darrell Kellum	Aye
Bonnie Hite	Aye
Otto Williams	Aye
Matthew Sluder	Aye
Chairman Stephen Greenwood	Aye

Agenda Item 6. Citizen Comment Period

Chairman Greenwood opened the Citizen Comment Period.

Victoria Nation – 2nd District – Opposes the proposed Ordinance change for a CUP for Short-Term Rentals in the A-C district. They have used their home for the past six years as a short-term rental. They purchased it for the reason that it was located in the A-C district and short-term rentals are allowed by right. They have an animal sanctuary, and the short-term rental allows them to be able to care for the animals. They would not be able to do what they do if they did not rent out the property. They are grandfathered in for the short-term rental but feel this is a government overreach. It is their right in the A-C district to have a short-term rental. King William is a beautiful place and having a short-term rental allows them extra income and allows people to come to a quiet place in the county. People should be allowed to do what is best for them. Strongly opposed to the ordinance change to short-term rentals and CUP, these are extreme measures, and it puts a burden on the Planning Commission and the entire community.

Lisa Mason – 2nd District – Read a letter that her husband wrote and submitted to the Planning Commission. The current process for establishing a short-term rental in the A-C district only requires the property owner to notify the King William County Planning and Zoning department and obtain an annual business license. The surrounding neighbors are only aware of the rental after it has been approved, regardless of the impact the business operation will have on the area and landowners, especially that share a private road with the rental property. A growing body of evidence showing an increase in crime in the community in which they operate. Several studies show an increase in crime in areas where short-term rentals operate and neighborhoods not being able to prevent crime. A function of government is to provide for public safety. A CUP will allow notification to adjacent property owners. The cost of CUP should be built into the business plan.

Jonathan Aulich – 2nd District – Moved to the property because of the A-C zoning, it allowed them to have animals and they love where they live. Operated it six years with no problems. Misconception that the people they are renting to are strangers. Everyone books using a reputable side. This allows people to visit the Country and offsets the costs to take care of the

animals. They make about \$1,000 a month. Amending the ordinance to require a CUP in the A-C district would be kind of unfair.

Steven Hoy – 2nd District – Speaking again to reiterate his opposition to the proposed change that would require a CUP for a short-term rental permit in the A-C district and reiterating his opposition to the proposed ordinance changes to short-term business rentals. Relieved that the board did not vote on the changes and sent them back to the Planning Commission for reconsideration and legal review. Understands another Public Hearing will be held, he is more interested in having discussions with County Officials between now and then without a time restraint. A forum to speak on these issues that allows two-way communication would be beneficial as these issues are of concern to property owners and their rights.

There being no other in person or via zoom to speak, Chairman Greenwood closed the Citizen Comment period.

Agenda Item 7a. Public Hearing – CUP-04-23 Owner: James R. & Carolyn T. Dudley/Applicant: Karla S. Havens- Mid Atlantic Resource Consulting

Ms. Graham presented CUP-04-23. A request by property owners, James R. and Carolyn T. Dudley and their agent, Karla S. Havens with Mid-Atlantic Resource Consulting, for Conditional Use Permit 04-23 to construct a private 33' x 36' open-sided boat house with two boat lifts, and a 16' x 18' open-sided roof over pier platform. The proposed pier will be constructed in the same location as the existing pier and will extend no further than the existing pier which will be demolished and removed. All work will be conducted from the water. The property is located at 1984 Custis Millpond Road, tax map parcel 56-1-8. The property is zoned R-R (Rural-Residential). The comprehensive plan discusses the need for outdoor recreation, water access and boating. While the proposed boathouse will be for private use only, it will provide the private property owner with better access to the water with his boat.

The designation of a use as a conditional use in a zoning district means that the use may not be appropriate in all cases, depending upon whether CUP conditions can be met. Section 86-44 provides a general guide and standards for obtaining a Conditional Use Permit. The Zoning Ordinance, Section 86-44 states that a conditional use should be approved if it is found that: The designation of a use as a conditional use in a zoning district means that the use may not be appropriate in all cases, depending upon whether CUP conditions can be met. The proposed use will not adversely affect the health, safety, or welfare of persons residing or working in the general proximity of the proposed use. Nor will the proposed use be detrimental to public welfare or injurious to the property or improvements in the neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibrations, with due regard for timing of operation, screening, and other matters which might be regulated to mitigate adverse impact. Staff Comment: This will be a private structure that will be replacing an existing structure. The proposed structure will not extend out any further than the existing structure. There will be no land disturbance since all work will be performed by water. The proposed structure will not create any further impacts to the public or increase any impacts to the Chesapeake Bay. The proposed use will conform to the comprehensive plan, or to specific elements of such plan, and the official policies adopted in relation thereto, including the purposes and the expressed intent of this ordinance. Staff

Comment: The proposed boathouse will not block any of the navigable waters. Article II also requires that boathouses to be fitted with reflectors and lighting to make them visible at night to water traffic. The Planning Commission may recommend reasonable conditions to the Board of Supervisors, as it believes necessary to accomplish the objectives of this chapter.

Staff recommends approval with the following conditions:

The proposed work must meet all the requirements of the State and Local agencies.
All work must be completed within two (2) years of the approval date, or the permit becomes invalid, and the applicants will need to re-apply.

Commissioner Kellum asked when does the County's jurisdiction stop and VMRC pick up.

Ms. Graham said the County requires a CUP for a boathouse. Open pier are usually permitted through the Corp and local board. VMRC goes to the mean low water mark.

Karla Havens, Mid Atlantic Resource Consulting spoke on the County, State, and Federal joint permit process. Each reviews the permits independently of the other. The water is a four-way navigation channel and has very strict regulations. They have received Corp approval. The State waits for County approval. King William is one of a few Counties that require a CUP for boathouses. The Dudleys are replacing the existing pier and expanding the boathouse.

Chairman Greenwood opened the Public Hearing. There being no one in person or via zoom to speak, Chairman Greenwood closed the Public Hearing.

Chairman Greenwood asked for Commissioners discussion.

Commissioner Hite asked if this was the primary residence.

Ms. Havens said this was recently purchased and not at this point.

Commissioner Hite asked if they planned to use this as a short-term business rental either now or in the future.

Ms. Havens said she is sure that they will have only family members at this residence.

Commissioner Hite said this is part of Foxes Reach Subdivision, does it have any covenants.

Ms. Havens and Ms. Graham did not research this and did not know. Each adjacent property has a pier that goes approximately the same distance.

Commissioner Hite asked if the adjacent property owners received the revised drawings.

Ms. Havens said they have been given the revised drawings. The first drawings were downstream, and they flipped it to be upstream. It was not an increase in the structure just a mirror image of it.

Commissioner Hite as part of the application, a notice had to be put in the local paper. It was put in the New Kent paper not in our local paper.

Ms. Havens said she would advise County staff of that.

Commissioner Williams asked why the homeowners were not present.

Ms. Havens said because they are out of the Country. She is the agent and applicant for the owners.

Commissioner Sluder asked if the adjacent property owners had any complaints or inquiries.

Ms. Graham said she did not have any.

Commissioner Sluder made a motion to approve with staff conditions. The motion was seconded by Commissioner Hite. Chairman Greenwood called for any discussion.

The members were polled:

Bonnie Hite	Aye
Otto Williams	Aye
Matthew Sluder	Aye
Darrell Kellum	Aye
Chairman Stephen Greenwood	Aye

Agenda Item 8a. Unfinished Business- Amendments to Zoning and Subdivision Ordinance and Proposed Fee Changes

Ms. Graham provided an update on the October 24, 2023 Public Hearing for the Amendments to the Zoning and Subdivision Ordinance with the Board of Supervisors. The Board voted to send the amendments for the short-term rental ordinance back to the Planning Commission for further review. The County Attorney said this would require another public hearing. All other changes to the Zoning and Subdivision Ordinances were tabled as well. Once the Planning Commission revisits the changes and reaches a consensus, the information will be forwarded to the County Attorney for review. The Board of Supervisors also held a public hearing on the proposed fee changes and voted 5-0 to approve the changes.

Agenda Item 9. New Business

Ms. Graham presented a proposal to change the Planning Commission meeting's start time from 7:00 pm to 6:00 pm. After discussion by Commission members, it was decided to change the meeting start time to 6:30 pm. The 2024 Planning Commission By-Laws will be updated with the new meeting start time and the change will be effective with the adoption of the 2024 Planning Commission By-Laws.

Commission Kellum made a motion to change the Planning Commission meeting start time in 2024 to 6:30 pm. The motion was seconded by Commission Sluder. Chairman Greenwood called for any discussion.

The members were polled:

Darrell Kellum	Aye
Bonnie Hite	Aye
Otto Williams	Nay
Matthew Sluder	Aye
Chairman Greenwood	Abstain

A Public Hearing will be held at the December meeting for a Conditional Use Permit for Roger Elliot, owner and Steve Elliot, applicant for a property located on Scotland Landing Road for an opened sided boathouse and covered deck.

Agenda Item 10. Staff and/or Special Committee Report

Planning and Zoning Edmonds reports, Property Maintenance, and Violation reports were presented to the Commissioners by Christina Grover, Zoning Administrator.

Agenda Item 11. Adjournment or Recess

Commission Williams made a motion to adjourn the meeting, seconded by Commissioner Kellum. Chairman Greenwood called for any discussion. The members were polled:

Darrell Kellum	Aye
Bonnie Hite	Aye
Don Wagner	Aye
Chairman Stephen Greenwood	Aye
Vice-Chair Matthew Sluder	Aye

There being no further business, the meeting was adjourned.

Stephen Greenwood, Chairman

Barbara Trimmer, Commission Secretary