

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Adam R. Kinsman, County Attorney

SUBJECT: Request for Special Use Permit Extension

On behalf of George Nice & Sons, Inc. and Mason Park Development, LLC, Mr. Vernon Geddy has requested that the Board of Supervisors (the “Board”) grant an extension to Special Use Permit No. SUP-19-06 (the “SUP”). The SUP was approved by the Board on October 10, 2006, and permitted development of the Mason Park subdivision along Jamestown Road.

Condition Number 2 of the SUP requires commencement of construction on the development within 36 months from January 1, 2008 (January 1, 2011) or the SUP becomes void. Construction is defined as having obtained permits for building construction and footings and/or foundation that have passed required inspections. Though construction was not commenced by January 1, 2011, Section 15.2-2209.1 of the Code of Virginia, 1950, as amended (the “Virginia Code”) automatically extended the expiration date until July 1, 2020. The extension statute has been in place since 2009 and was intended to address developers’ need to extend projects due to the housing crisis. The statute was extended in 2011, 2012, and 2017; however, the General Assembly did not further extend it during its 2020 session.

Because the statute was not extended, the SUP will automatically expire on July 1, 2020 unless 1) the developer satisfies Condition Number 2 by commencing construction or 2) the Board grants an extension as permitted by the Virginia Code. Section 15.2-2209.1 of the Virginia Code grants the Board the authority to extend the deadline “for a longer period as agreed to by the locality.” Such an extension may be granted by resolution of the Board. Mr. Geddy has asked that the new construction commencement deadline be July 1, 2021.

Mr. Geddy has outlined the reasons for the extension request in the attached letter, including Mason Park, LLC’s recent purchase of the property as well as difficulties associated with the COVID-19 pandemic. Should the Board desire to grant an extension to the SUP, I recommend that it adopt the attached resolution.

ARK/md
SUPext-MasonPark-mem

Attachment