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May 19, 2020

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WILLIAMSBURG, VIRGINIA 23187-0379

Adam R. Kinsman, Esq.
County Attorney
James City County
101-C Mounts Bay Road
Williamsburg, VA 23185

Re: Mason Park – SUP-19-06

Dear Adam:

I am writing on behalf of our clients, George Nice & Sons, Inc. and Mason Park Development, LLC. Mason Park Development, LLC is a newly formed Virginia limited liability company owned by the principals of George Nice & Sons, Inc., a site construction contractor headquartered in James City County.

On April 22, 2020, Mason Park Development purchased the Mason Park development from the original developer, HHHunt Homes Hampton Roads, LLC. Mason Park was originally rezoned in October 2006, with proffered conditions and a Special Use Permit for a residential cluster development of 15 homes. The SUP provided that:

“If construction has not commenced on this project with 36 months from January 1, 2008, the SUP shall become void. Construction shall be defined as obtaining permits for building construction and footings and/or foundations that have passed rezoned inspections.”

While the project was rezoned in October 2006, the original developer proffered that construction would not begin until January 1, 2008 so there would not be development and construction activities in this key location during the 2007 Quadricentennial celebrations at Jamestown.

The original developer did some limited development work on the project, but due to the housing and financial crisis that occurred in 2008 and the resulting great recession the project was put on hold and has languished since. In response to the crisis, the Virginia General Assembly by statute extended special use permit deadlines to commence a project first to July 1, 2014, then July 1, 2017 and finally to July 1, 2020. The statute is codified as Section 15.2-2209.1 of the Virginia Code.

Since closing on the property, Mason Park Development has been working diligently to install the subdivision infrastructure. Plans have been submitted to the County for three homes in

the project. While Mason Park Development believes that it can, if necessary, meet the deadline to commence construction imposed by the SUP which would entail the installation of the footings/foundation for one home, given the novel Coronavirus pandemic and the State of Emergency imposed by the Governor of Virginia, it has been more difficult to schedule both construction activities and required inspections creating the risk that the current SUP could become void. If that case, Mason Park Development would have to apply for a new SUP, with the attendant application, staff reviews and public hearings before the Planning Commission and Board. The process can be long and expensive, would cause the ongoing development work to grind to a halt with no guarantee of the result.

Section 15.2-2209.1 extended SUP performance deadlines until July 1, 2020 **or longer as agreed to by the locality** so the Board has the authority to agree to a longer deadline. Mason Park Development hereby requests an extension of the deadline to July 1, 2021 to allow the first footings/foundation to be installed in an orderly fashion.

Please forward this request to the Board for their consideration. We would, of course, be happy to furnish any further information needed. Thanks for your help.

Sincerely,



Vernon M. Geddy, III

cc: Mr. Michael A. Nice