

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act for the relief of James F. Holden.*

3 [H 1799]

4 Approved

5 Whereas, Mr. Holden purchased two acres of land in James City County in 1989; and
6 Whereas, in 1986, having determined that the property would "perk", the State Board of Health had
7 issued a permit to build a three bedroom residence on the property; and

8 Whereas, the permit to build was valid at the time Mr. Holden purchased the property; and

9 Whereas, in 1990, Mr. Holden submitted an application to build a four bedroom residence; and

10 Whereas, the application to build a four bedroom residence was denied, but the permit to build a
11 three bedroom residence was approved again; and

12 Whereas, Mr. Holden began construction on the property in 1990, completing a three-car garage and
13 a storage shed, and the initial footings for the house; and

14 Whereas, Mr. Holden married in 1992 and decided to complete the project in 1995, but with certain
15 changes to the original building plan; and

16 Whereas, Mr. Holden submitted a new application for a building permit to the State Department of
17 Health in 1995; and

18 Whereas, after several meetings and appeals, Mr. Holden was denied any building permit for the
19 property, including the permit for a three bedroom residence which previously had been approved,
20 because the property did not "perk"; and

21 Whereas, the State Board of Health acknowledged that the 1986 permit was not issued in accordance
22 with the applicable regulations; and

23 Whereas, James City County ordinances prohibit Mr. Holden from utilizing available alternatives that
24 would allow Mr. Holden to build on the property; and

25 Whereas, Mr. Holden has incurred costs of \$47,800 in purchasing the property, building on the
26 property, and paying property taxes and other expenses related to the property, as a result of the original
27 incorrect assessment by the State Board of Health that the property would "perk"; and

28 Whereas, the residual value of the real estate and improvements is \$8,000; and

29 Whereas, Mr. Holden has no other means to obtain relief except by action of this body; now,
30 therefore,

31 **Be it enacted by the General Assembly of Virginia:**

32 **1. § 1.** *That there is hereby appropriated from the general fund of the state treasury the sum of \$39,800*
33 *for the relief of James F. Holden. This sum shall be paid by check issued by the State Treasurer on*
34 *warrant of the Comptroller to James F. Holden, upon execution by him of a release of all claims he*
35 *may have against the Commonwealth or any agency, instrumentality, officer, employee or political*
36 *subdivision thereof, in connection with the aforesaid occurrence.*

37 **§ 2.** *That James City County shall reimburse the general fund of the state treasury in an amount*
38 *equal to \$19,900. Such amount shall be reimbursed from the distribution of net profits appropriated to*
39 *James City County pursuant to § 4.1-117.*

ENROLLED

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