

Chesapeake Bay Board Building F - 7 p.m.

June 11, 2014

A. Roll Call

B. Minutes

From 14, 2014 - Board Meeting

C. Public Hearings

1. CBE-14-084. Walk Wright/Hanson - 113 Burnham – SFD and patio continued from May 14
2. CBE-14-088. Henderson - 102 Overlook – platform for path and steps to water
3. CBE-14-089. Southeasten Va Properties - 117 Seminole – SFD

D. Board Considerations

1. CBE-07-015 Extension. Nervitt – 108 Seven Oaks - SFD

E. Matters of Special Privilege

F. Adjournment

Chesapeake Bay Exception CBE-14-088: 102 Overlook – Henderson

Staff report for the June 11, 2014 Chesapeake Bay Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Chesapeake Bay Board to assist in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: Gregory and Lesley Henderson

Location: 102 Overlook Drive
Lot 30, Section 5, Kingspoint
PIN: 4910250030

Lot Size/Zoning: 1.069 ac +/-; R1 Limited Residential

Area of Lot in RPA: 0.328 ac +/- (31%)

Watershed: College Creek (HUC Code JL 34)

Proposed Activity: access path (administrative review) with 12' x 12' platform (CBB review)

Impervious Cover: approximately 180 square feet

RPA Encroachment: approximately 180 square feet in seaward 50 ft. RPA

Brief Summary and Description of Activities

Mr. and Mrs. Henderson have applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA buffer for the construction of a wooden, treated timber platform overlooking an existing pier. They also intend on building a mulched access path to the platform and steps from the platform to the existing pier. These last two items are considered administrative reviews for access to the pier. The lot was platted prior to the adoption of the 1990 Chesapeake Bay Preservation Ordinance.

The applicant has had several discussions with staff over the preceding year regarding the access path layout and platform location. The wooden platform is considered an accessory structure, as it is more than necessary to provide for access. However, the platform is located in a location that does not require any tree removal for the construction. Standard mitigation requirements are 3 shrubs for this amount of impervious cover.

Staff Evaluation

Staff has evaluated the application and exception request for the construction of a platform associated with the construction of an access path and stairs to an existing pier. Staff does not find this request unreasonable and further finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board because the construction of the wooden platform impacts the 50 ft. seaward RPA and is considered an accessory structure. Therefore, the exception request must be considered by the Board following a public hearing. The exception request before the board, and any decision to approve or deny by resolution, is for encroachment into the RPA buffer for the construction of a 12' x 12' platform.

Water Quality Impact Assessment (WQIA)

Under Sections 23-11 and 23-14 of the County's Chesapeake Bay Preservation ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs.

The applicant has submitted the majority of the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The applicant has submitted a *County Sensitive Area Activity Application*, a site plan showing the improvements. The mitigation will be bonded.

Consideration by the Chesapeake Bay Board

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-14-088 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-14-088 are included for the Board's use and decision.

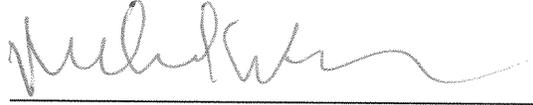
Staff Recommendations

Staff has fully reviewed the application and exception request and has determined impacts associated with the proposal to be **minimal** for the proposed development. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. Surety of \$250.00 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation; and

3. This exception request approval shall become null and void if construction has not begun by June 11, 2015; and
4. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

Staff Report prepared by:



Michael D. Woolson
Senior Watershed Planner

CONCUR:



Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Water Quality Impact Assessment Package

Chesapeake Bay Exception CBE-14-089: 117 Seminole – Hallmark Builders

Staff report for the June 11, 2014 Chesapeake Bay Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Chesapeake Bay Board to assist in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: Mike Carroll, Hallmark Builders

Agent: same

Location: 117 Seminole
Lot 99, Section 7, Ford's Colony at Williamsburg
PIN: 3720400099A

Lot Size/Zoning: 0.386 ac +/-; R4 Residential Planned Community

Area of Lot in RPA: 0.374 ac +/- (97%)

Watershed: Powhatan Creek (HUC Code JL 31)

Proposed Activity: Single Family Dwelling construction

Impervious Cover: approximately 4,100 square feet

RPA Encroachment: approximately 1,500 square feet in seaward 50 ft. RPA
approximately 2,600 square feet in landward 50 ft. RPA

Brief Summary and Description of Activities

Mr. Mike Carroll of Hallmark Builders has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA buffer for the construction of a single family dwelling in the Ford's Colony subdivision. The lot was platted prior to the 2004 Chesapeake Bay Preservation Ordinance revisions.

The applicant has had several discussions with staff over the preceding year regarding this lot. Staff required a wetland delineation to accurately portray the RPA buffer limits on this lot. The applicant has supplied this information on the submitted site plan and sited the house in accordance with Ford's Colony HOA requirements.

The required mitigation for this amount of impervious cover is 10 planting units (10 canopy trees, 20 understory trees, and 30 shrubs) and 3” of gravel under the deck. The application complies with all the mitigation requirements.

Staff Evaluation

Staff has evaluated the application and exception request for the construction of a single family dwelling. Staff does not find this request unreasonable and further finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board because the construction of the dwelling impacts the 50 ft. seaward RPA. Therefore, the exception request must be considered by the Board following a public hearing. The exception request before the board, and any decision to approve or deny by resolution, is for encroachment into the RPA buffer for the construction of a single family dwelling.

Water Quality Impact Assessment (WQIA)

Under Sections 23-11 and 23-14 of the County’s Chesapeake Bay Preservation ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs.

The applicant has submitted the majority of the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The applicant has submitted a *County Sensitive Area Activity Application*, a site plan showing the improvements with an accurate RPA buffer line and the required mitigation. The mitigation will be bonded.

Consideration by the Chesapeake Bay Board

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County’s Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-14-089 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County’s Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-14-089 are included for the Board’s use and decision.

Staff Recommendations

Staff has fully reviewed the application and exception request and has determined impacts associated with the proposal to be **severe** for the proposed development and that the proposed mitigation measures **meet** the standard mitigation requirements. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

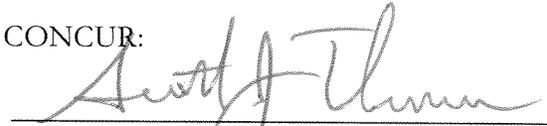
1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. Surety of \$6,000.00 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation; and
3. This exception request approval shall become null and void if construction has not begun by June 11, 2015; and
4. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

Staff Report prepared by:



Michael D. Woolson
Senior Watershed Planner

CONCUR:



Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Water Quality Impact Assessment Package

MEMORANDUM

DATE: June 11, 2014
TO: The Chesapeake Bay Board
FROM: Michael D. Woolson
SUBJECT: Case No. CBE-07-015, 108 Seven Oaks, Ford's Colony

Mr. Nervitt, owner of 108 Seven Oaks, has expressed a desire for the Board to consider and act upon his request which would grant him an indefinite extension, reevaluate the original RPA determination, and grandfather this lot from any Chesapeake Bay Preservation Ordinance requirements.

The original request was granted on May 9, 1007. A two year extension was granted on June 11, 2008, June 9, 1010, and again on June 13, 2012. In his extension request, Mr. Nervitt states that there are no plans for building on this lot in the foreseeable future.

Under Section 23-16, Granting waivers or exceptions, the ordinance states that waivers or exceptions granted will become null and void if building foundations are not completed within 12 months. The ordinance is silent on the issue of extension requests, however it has been the Board's policy of hearing and acting upon extension requests if the request is received by staff during the time frame listed in the exception approval. Further, there are no provisions within the Ordinance that allow for a parcel to be removed from consideration of the Ordinance.

The Board may consider any and all of these requests and find that special circumstances or hardships exist that may warrant the granting of any of these three requests.

Should the Board concur, staff recommends granting of an additional two-year extension with all conditions stipulated within the original exception be applied to the extension granted by the Board.

JUN 11 2014