

# Chesapeake Bay Board Building F

Jan. 14, 2015 - 7 p.m.

**A. Roll Call**

**B. Minutes**

From Dec. 10, 2014 – Board Meeting

**C. Public Hearings**

1. CBE-15-028. Continued from 12/10/14 - Husslein – 153 Thomas Dale
2. CBE-15-042. Howe/Roth -181 Southport

**D. Board Considerations - None**

**E. Matters of Special Privilege**

**F. Adjournment**

**Chesapeake Bay Exception CBE-15-042: 181 Southport- Ford's Colony  
Kasey and Angeliki Howe**

Staff report for the January 14, 2015 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 them 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: Kasey and Angeliki Howe  
Land Owner: Kasey and Angeliki Howe  
Location: 181 Southport  
Parcel: Section 30, Lot 35, Ford's Colony  
PIN: 3811300035  
Lot Size: 41,382 sq. ft. /0.95 acres  
RPA Area on Lot: 0.095 acres/ 90% of the lot  
Watershed: Powhatan Creek, Subwatershed 209 (HUC Code JL31)  
Proposed Activity: Construction of single family home and deck

**Proposed Impacts**

Impervious Area: 4,161 square feet (approximate)  
RPA Encroachment: 1,324 square feet (approximate) to the seaward 50 foot RPA buffer, 2,837 square feet (approximate) landward RPA buffer with an approximate total of 4,161 square feet.

**Description of Activities**

Mr. and Mrs. Kasey Howe– the property owner have applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for an encroachment into the RPA buffer for the construction of a single family home and deck. The project is located at 181 Southport within the Ford's Colony subdivision. The lot was platted in 2002 after adoption of the Chesapeake Bay Preservation Ordinance and prior to the 2004 revisions to the Ordinance. The proposed

improvements are within the seaward 50 foot and landward RPA buffer. The owner has made every effort to adjust the proposed principal structure layout to the greatest extent possible out of the RPA buffer without referring future exceptions to the Board of Zoning Appeals and Ford's Colony. The required mitigation for this project is 8 planting units (8 canopy tree, 16 understory trees, and 24 shrubs).

### **Background of Parcel**

Based on staff review of County records, the lot was recorded before the 2004 Ordinance revision. As the proposed construction is located within the RPA buffer, it cannot be administratively reviewed, therefore in accordance with section 23-14 of the Ordinance an exception request must be considered by the Board following public hearing under the formal exception process. The exception request before the board, and decision to approve or deny by resolution, is for encroachment into the RPA buffer for the construction of the single family home and deck.

### **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 required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The applicant has submitted a *County Sensitive Area Activity Application*.

### **Consideration by the Chesapeake Bay Board**

The issue before the Board is the construction of the single family home, and deck that will create approximately 4,161 square feet of impervious area within the landward and seaward RPA buffer. The Board is to determine whether or not this is consistent with the spirit and intent of the Ordinance and make a finding based upon the five (5) criteria outlined in Section 23-14 (c) of the Ordinance.

The board 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 Board is to fully consider Chesapeake Bay Exception CBE-15-042 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 denial of Chesapeake Bay Exception CBE-15-042 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 high for the proposed plan of development and that the proposed mitigation measures meet standard mitigation requirements. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

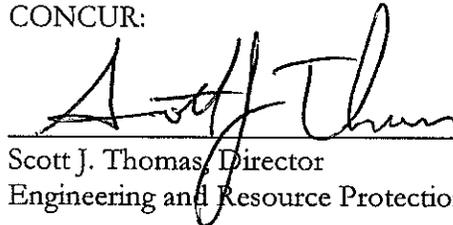
1. The applicant must obtain all other necessary local permits as required for the project; and
2. Surety of \$4,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings; and
3. This exception request approval shall become null and void if construction has not begun by January 15, 2016.
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:



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Gregory B. Johnson  
Senior Environmental Inspector

CONCUR:



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Scott J. Thomas, Director  
Engineering and Resource Protection

Attachments: Sensitive Area Activity Application