

# **Chesapeake Bay Board Building F**

June 10, 2015 - 7 p.m.

**A. Roll Call**

**B. Minutes**

From May 13, 2015 - Board Meeting

**C. Public Hearings**

1. CBE-15-091. 3252 Oak Branch Lane – Dozier/Williams Landscape – patio & wall

**D. Board Considerations**

**E. Matters of Special Privilege**

**F. Adjournment**

## Chesapeake Bay Exception CBE-15-091: 3252 Oak Branch Lane

Staff report for the June 10, 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

Land Owner: Ben Dozier

Agent: Aaron Williams, Williams Landscape and Design, Inc.

Location: 3252 Oak Branch Lane

PIN: 0530300053

Parcel: Phase 3 Hollow Oak, Lot 53, Stonehouse

Lot Size: 0.896 acres +/-

RPA Area on Lot: 0.371 acres +/- (41%)

Watershed: Ware Creek (HUC Code YO 62)

Proposed Activity: Patio with retaining wall

### Proposed Impacts

Impervious Area: Approximately 700 sq. ft. new  
Approximately 600 sq. ft. previous owner

RPA Encroachment: Landward 50 foot RPA buffer

### Description of Activities

Aaron Williams of Williams Landscape and Design, on behalf of Ben Dozier, has applied for a Chesapeake Bay Preservation Ordinance exception to install a patio and retaining wall at 3252 Oak Branch Lane, in the Hollow Oak section of the Stonehouse subdivision. There is no clearing of large trees that would need to be done. At the same time, if approved, the existing pool deck, which is outside of the RPA, will be replaced in its entirety.

While investigating the history of this property, staff could not find any exceptions granted for the shed and gravel path that exist within the RPA. The Dozier's bought the property in July 2014 and these improvements were in place in 2009, according to JCC GIS photography. Mr. Dozier agreed to mitigate not only for his proposed impacts, but also the previous owner's impacts for the shed and walkway.

The mitigation plan for this property not only includes 22 shrubs, but a turf nutrient management plan for the entire lot and pervious paver installation within the patio area. The combination of all three elements of the mitigation proposal adequately addresses the stormwater pollution concerns of the additional impervious cover, as well as the previously unapproved impervious cover.

### **Background of Parcel**

The original lot was platted in 1999, prior to the adoption of the revisions to the Chesapeake Bay Preservation Ordinance, and because the proposed patio and retaining wall is accessory in nature, it cannot be approved administratively. 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 the construction of a patio and retaining wall, which will impact approximately 700 square feet of RPA buffer and to allow for the continued use and enjoyment of the shed and walking path installed by a previous owner at 3252 Oak Branch Lane in the Stonehouse subdivision.

### **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* and an acceptable mitigation plan.

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

The issue before the Board is the construction of a patio and retaining wall, and whether this activity 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 second issue before the Board is to allow the continued use and enjoyment of a shed and walking path installed by a previous owner without permission.

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-15-091 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 denial of Chesapeake Bay Exception CBE-15-091 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 and that the proposed mitigation, which includes a turf nutrient management plan and previous paver installation, are sufficient mitigation measures. 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. Prior to construction, a \$1500 surety shall be submitted in a form acceptable to the County Attorney's office, to guarantee the mitigation; and
3. The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures for this project if field conditions warrant their use; and
4. This exception request approval shall become null and void if construction has not begun by June 10, 2016; and
5. 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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Michael Woolson  
Senior Watershed Planner

CONCUR:

  
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Scott J. Thomas, Director  
Engineering and Resource Protection

Attachments: Sensitive Area Activity Application w/plan