

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 5010300088

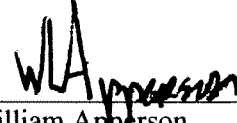
WHEREAS, **Christopher & Julie Rouzie,** (the “Applicants”) have appeared before the Chesapeake Bay Board of James City County (the “Board”) on **April 9, 2008** to request an exception to the use of the Resource Protection Area (the “RPA”) on a parcel of property identified as JCC RE Tax Parcel No. **5010300088** and further identified as **144 Holdsworth Road, Kingsmill** (the “Property”) as set forth in the application **CBE-07-080** for **encroachment into the RPA for a driveway modification and expansion including the construction of retaining walls;** and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

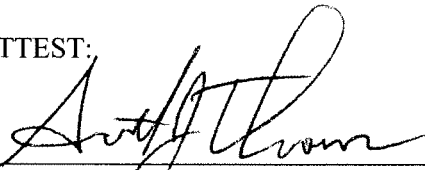
1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - **The driveway surface shall be constructed of sand set brick type pavers as shown on the Land Tech plan dated 2/12/08.**
 - **The retaining walls shall be constructed as shown on the Land Tech plan dated 2/12/08.**
 - **The infiltration trench and storm drainage system shall be installed as shown on the Land Tech plan dated 2/12/08.**
 - **The applicants must obtain all necessary approvals and permits from other regulatory agencies that may have jurisdiction.**

- The RPA mitigation planting plan shall be implemented as shown on the LPDA plan dated 3/11/2008. The applicants must also adhere to the terms and conditions set forth in the Chesapeake Bay Restoration Agreement executed on 2/1/08.
- This exception shall become null and void if construction of the above improvements is not begun by April 9, 2009.



William Apperson
Chair, Chesapeake Bay Board

ATTEST:



Scott J. Thomas
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th
day of April, 2008.

GrantExcTemp.res