

## RESOLUTION

### GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NOS. 1910100014 and 01910100015


WHEREAS, **John A. & Judith D. Anton** (the "Owners") 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 Nos. **1910100014** and **1910100015** and further identified as 7511 and 7513 Oak Cove Road, Cypress Point (the "Property") as set forth in the application **CBE-08-016 for approximately 1,410 sqft of encroachment into the Resource Protection Area (RPA) buffer associated with the construction of a retaining wall;** and

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

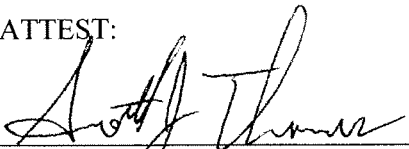
NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

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:
  - **An RPA Mitigation Planting Plan (plan) depicting the species and location of the proposed (8) canopy, (16) understory and (24) shrubs must be submitted and approved by the Environmental Division. The plan must show the entire 3000 sqft mitigation area covered with 4 inches of wood mulch. Any upslope areas disturbed during construction must be restored by the applicant or his contractor.**

- Implementation of the plan will be guaranteed through the provisions of the Chesapeake Bay Preservation Ordinance (Ordinance) contained in Sections 23-10(3) d. and 23-17(c) where installation of the plant material is required prior to the certificate of occupancy or through a surety satisfactory to the County Attorney
- The applicant must obtain all other approvals from regulatory agencies that may have jurisdiction over this project, including a James City County building permit.
- A preconstruction meeting must be held onsite prior to the onset of work.
- The retaining wall must be installed with a sand based backfill and filter fabric.
- This exception request approval shall become null and void if construction has not begun by April 9, 2009.

  
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William Appelson  
Chair, Chesapeake Bay Board

ATTEST:

  
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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