

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 4730100068

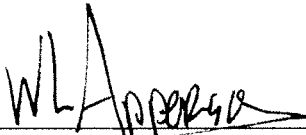
WHEREAS, **Larry and Jean Waltrip**, (the "Applicants") appeared before the Chesapeake Bay Board of James City County (the "Board") on **August 13, 2008** to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. **4730100068** and further identified as **100 Lands End Drive, Powhatan Shores** (the "Property") as set forth in the application **CBE-09-007 for approximately 155 sqft of encroachment into the Resource Protection Area (RPA) buffer associated with the construction of a flood 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:

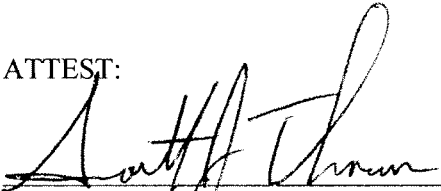
1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The 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:
 - **Full implementation of the RPA mitigation planting plan, requiring the installation of (12) native shrubs at the location shown on the plan. Any upslope areas disturbed during construction must be restored by the applicant or his contractor.**
 - **The size of the mitigation shrubs shall be 3-5 gallon size. All shrubs shall be native species approved by the Environmental Division.**

- Implementation would be guaranteed through the provisions of the 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 form of 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.
- Erosion and sediment control measures may be required during construction of the flood wall.
- This exception request approval shall become null and void if construction has not begun by August 13, 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 13th day of August, 2008.

GrantExcTemp.res