

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 3721000054

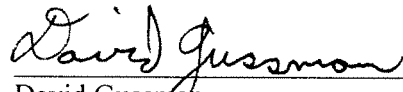
WHEREAS, **George and Susan Sallwasser**, (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on **December 10, 2008**, for an exception to the use of the Resource Protection Area (the “RPA”) on a parcel of property identified as JCC RE Tax Parcel No. **3721000054** and further identified as **201 St. Cuthbert, Fords Colony** (the “Property”) as set forth in the application **CBE-09-48** for approximately **68 sqft of impervious area associated with construction of a patio and steps**; 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:

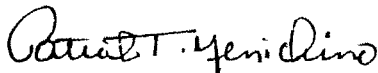
1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The 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:
- **This exception shall become null and void if construction of the patio and staircase and all required mitigation planting is not completed within 12 months from the date the exception or waiver is granted by the Board**
 - **All recommendations adopted by the Board must be incorporated into the site plans for the project, which then must be approved by the Environmental Division before construction can begin.**



David Gusman
Vice-Chair, Chesapeake Bay Board

ATTEST:



Patrick T. Menichino
Compliance Specialist

Adopted by the Chesapeake Bay Board of James City County, Virginia, this **10th** day of **December 2008**.

GrantExcTemp.res