

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 0720400004

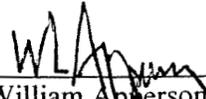
WHEREAS, **Richard and Nina Costello**, (the "Owners") have appeared before the Chesapeake Bay Board of James City County (the "Board") on **June 11, 2008** to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. **0720400004** and further identified as **10020 Sycamore Landing Road** (the "Property") as set forth in the application **CBE-08-029** for **approximately 220 sqft of encroachment into the Resource Protection Area (RPA) buffer associated with the relocation of a walkway, grading and 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:

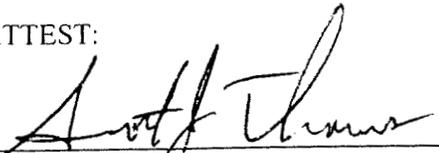
1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The 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:
 - **The applicant must submit a RPA Mitigation Plan showing the locations of three native shrubs to be installed within the buffer.**
 - **The size of the shrubs shall be 3-5 gallon size and all vegetation shall be native species approved by the Environmental Division.**

- This exception shall become null and void, if the required RPA Mitigation Plan is not submitted to the Environmental Division, and if the three required shrubs are not installed within 120 days following Board action.
- 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.



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 11th day
of June, 2008.

GrantExcTemp.res