

## RESOLUTION

### GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 3232900042A

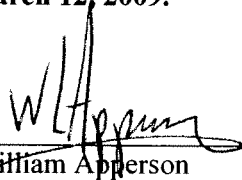
WHEREAS, **Charles H. Skipper**, (the "Applicant") appeared before the Chesapeake Bay Board of James City County (the "Board") on **March 12, 2008** to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. **3232900042A** and further identified as **7318 Hatton Cross, Longhill Gate** (the "Property") as set forth in the application **CBE-08-003 for approximately 45 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.

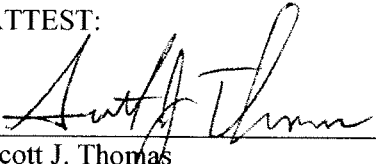
NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

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:
  - **Full implementation of the mitigation landscape plan submitted with the WQIA.**
  - **The size of the shrubs planted shall be a minimum of 3-5 gallon container size (18" to 36" tall). All vegetation shall be native species approved by the Environmental Division.**
  - **The retaining wall design, specifications, and location must meet the approval of all other regulatory agencies that may have jurisdiction.**
  - **Installation of the required plant material shall be completed immediately following the installation of the retaining wall.**

- The applicant must submit to the division authorization from the Longhill Gate HOA, for the permanent installation of native planting material within the RPA buffer located on property under the control of the HOA.
- This exception request approval shall become null and void if construction has not begun by March 12, 2009.

  
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William Apperson  
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 12th day  
of March, 2008.