

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 1910900003A

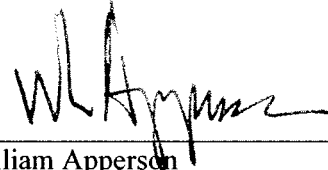
WHEREAS, **Wayne S. Warren**, (the "Applicant") appeared before the Chesapeake Bay Board of James City County (the "Board") on **May 14, 2008** to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. **1910900003A** and further identified as **4107 South Riverside Drive, Chickahominy Haven** (the "Property") as set forth in the application **CBE-08-014 for approximately 63 sqft of encroachment into the Resource Protection Area (RPA) buffer associated with an existing 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:

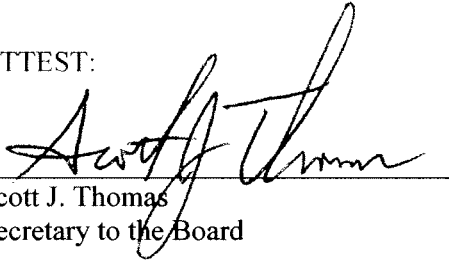
1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The 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 showing the location of (3) native shrubs installed within the buffer must be submitted and approved by the Environmental Division.**
 - **The shrubs planted shall be a minimum of 3-5 gallon container size, native species and 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 the (3) required shrubs are not installed within 60 days following Board action.**



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 **14th day of May, 2008.**