

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 3440100005

WHEREAS, **Loran D. Ambs**, (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. **3440100005** and further identified as **1666 John Tyler Highway** (the "Property") as set forth in the application **CBE-08-025 for approximately 1200 sqft of encroachment into the Resource Protection Area (RPA) buffer associated with the installation of a 5' wide gravel trail, 130 linear feet of segmented block retaining wall and a 30' long timber bridge;** 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:

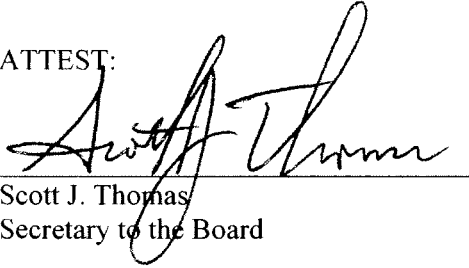
1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The 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 Plan submitted with the WQIA and any additional Board mitigation requirements.**
 - **The size of the trees shall be 1 -1 ½ "caliper and the shrubs shall be 3-5 gallon container size. All vegetation shall be native species approved by the Environmental Division.**

- **Surety for the implementation of the RPA Mitigation Plan if required, shall be provided in a form satisfactory to the County Attorney, pursuant to sections 23-10(3)(d) and 23-17(c) of the James City County Code.**
- **This exception request approval shall become null and void if construction has not begun by May 14, 2009.**
- **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 14th day of
May, 2008.