

RESOLUTION

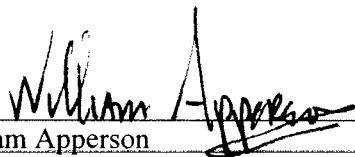
GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 5021100033

WHEREAS, **George Craig Peck**, (the "Applicant") appeared before the Chesapeake Bay Board of James City County (the "Board") on **November 13, 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. **5021100033** and further identified as **28 Hampton Key, Kingsmill** (the "Property") as set forth in the application **CBE-08-040 for approximately 35 sqft of encroachment into the Resource Protection Area (RPA) buffer associated with an existing timber retaining wall**; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

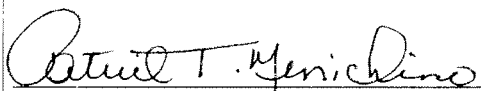
NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

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.



William Apperson
Chair, Chesapeake Bay Board

ATTEST:



Patrick T. Menichino
Compliance Specialist

Adopted by the Chesapeake Bay Board of James City County, Virginia, this **13th day of November, 2008.**