

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 1910800007

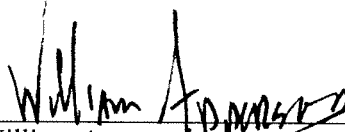
WHEREAS, **George and Jill Pongonis**, (the "Applicants") appeared before the Chesapeake Bay Board of James City County (the "Board") on **November 13, 2008** to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. **1910800007** and further identified as **7272 Osprey Drive** (the "Property") as set forth in the application **CBE-09-041 for approximately 612 sqft of encroachment into the Resource Protection Area (RPA) buffer associated with the construction of a deck;** 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:

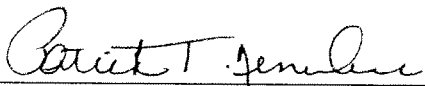
1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The 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 planting plan submitted with the WQIA.**
 - **The size of the trees planted shall be a minimum of 1-1/2 inch caliper (six to eight feet tall) and the shrubs shall be 3 gallon size. All vegetation shall be native species approved by the Environmental Division.**
 - **The encroachment for the deck shall be reduced to 498 sqft and the deck will have 3 inches of gravel on filter fabric installed underneath.**

- Staff recommends a reduction in the proposed impervious area or a reduction in existing lawn/turf areas as a method to reduce adverse water quality impacts.
- This exception shall become null and void if construction of the deck and all required mitigation planting is not completed by November 13, 2009.



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.**

GrantExcTemp.res