

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 3811300036

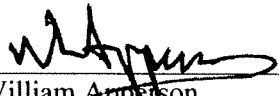
WHEREAS, **Mr. Mike Carroll, Hallmark Builders**, on behalf of **Bruce and Kari Tomberg**, (the "Owners") have appeared before the Chesapeake Bay Board of James City County (the "Board") on **October 8, 2008** to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. **3811300036** and further identified as **177 Southport, in the Fords Colony Subdivision** (the "Property") as set forth in the application **CBE-09-031** for **approximately 13,000 sqft of encroachment into the RPA buffer associated with the construction of a single family residence, deck, screened porch, and concrete surfaces, totaling approximately 5020 square feet of impervious area;** 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:

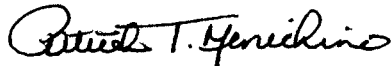
1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The 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: *(INSERT CONDITIONS BELOW)*
 - **Full implementation of the mitigation landscape plan submitted with the WQIA.**
 - **The size of the trees planted shall be a minimum of 1- 1-1/2 inch caliper (six to eight feet tall) and the shrubs shall be 3-5 gallon size, minimum 18 inches tall.**

- The deck shall have 3 inches of gravel on filter fabric installed underneath.
- Implementation of the mitigation landscape plan would be guaranteed through the provisions of the Chesapeake Bay Preservation Ordinance contained in Sections 23-10(3)d and 23-17(c) where installation of the plant material is required prior to the certificate of occupancy or through a surety instrument satisfactory to the county attorney.
- This exception request approval shall become null and void if construction has not begun by October 8, 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 Patrick T. Menichino
~~Secretary to the Board~~ Compliance Specialist

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of October 1008.

GrantExcTemp.res