

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 4840200016

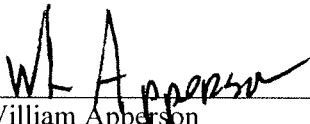
WHEREAS, *Mrs. Carolyn Eshelman* (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on *August 12, 2009* to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. *4840200016* and further identified as *2409 Sarah Spence Court, The Vineyards* (the "Property") as set forth in the application *CBE-10-006* for the purpose of *constructing an approximately 58 LF 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:

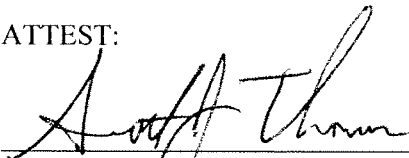
1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The 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:
 - *The applicant must obtain all other permits required from agencies that may have regulatory authority over the proposed activities, including a James City county building permit, if required.*
 - *Full implementation of the submitted RPA Mitigation Plan and any additional Board mitigation requirements shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3) d. and 23-17(c), a form of surety satisfactory to the County Attorney.*

- *The size of the mitigation planting trees shall be a minimum 1"-1 ½" caliper, 6"-7' tall and the shrubs shall be a minimum of 3-5 gallon container size and 18" tall. All vegetation shall be native species approved by the Environmental Division.*
- *This exception approval shall become null and void if construction has not begun by August 12, 2010. An extension can be requested in writing at least 2 weeks prior to the expiration date.*



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 12th day of August 2009.

GrantExcTemp.res