

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 3130900038

WHEREAS, *Ronald A Nervitt* (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on *June 9, 2010* to request an extension of the Chesapeake Bay Exception Request granted on May 09, 2007 and extended two (2) years on June 11, 2008, for use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. *3130900038* and further identified as *108 Seven Oaks* (the "Property") as set forth in the application *CBE-07-015* for the purpose of *constructing a single family residence*; 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:

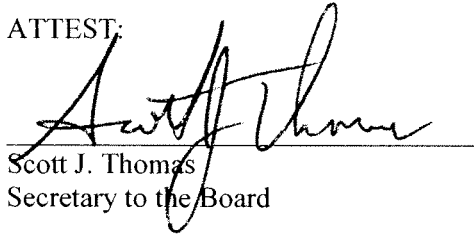
1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The 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 landscape plan submitted with the WQIA or if field conditions prevent the full implementation, an alternate plan along with a contribution paid into a County approved environmental fund may substituted. The amount paid into the fund shall equal \$100.00 times the number of required trees and shrubs not able to be planted on the property.**

- 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 deck shall have 3 inches of gravel on filter fabric installed underneath.
- Implementation of the mitigation plan shall be guaranteed through the provisions of the 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 June 9, 2012.
- Written requests for an extension to this exception must be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.



David Gussman
Chair, Chesapeake Bay Board

ATTEST:



Scott J. Thomas
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of June, 2010.