

**RESOLUTION**

**DENYING AN EXCEPTION ON JCC RE TAX PARCEL NO. 3721000050**

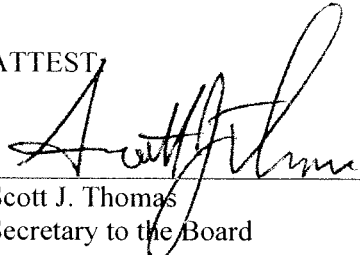
**WHEREAS, Cason Custom Homes**, on behalf of **John and Joan Moon** , (the "Owners") has appeared before the Chesapeake Bay Board of James City County (the "Board") on **March 10, 2010** to request an exception to the use of the Resource Protection Area ("RPA") on a parcel of property identified as JCC RE Tax Parcel No. **3721000050** and further identified as **219 St Cuthbert, in the Ford's Colony Subdivision** (the "Property") as set forth in the application **CBE-10-058** for **approximately 390 sqft of encroachment into the RPA buffer to create additional turf area and to relocate an infiltration trench 10 feet seaward**; and

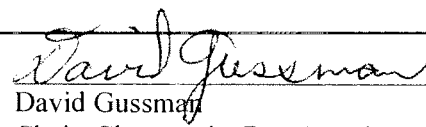
WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that all of the following conditions have **NOT** been met:

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant special privileges not allowed 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 of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, and the request arises from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions can be imposed, which will prevent the exception request from causing a degradation of water quality.

ATTEST

  
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Scott J. Thomas  
Secretary to the Board

  
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David Gussman  
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10<sup>th</sup> day of March 2010.