

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 4840200019

WHEREAS, Mr. Daniel F. Switzer, (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on October 13, 2010 and November 10, 2010 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. 4840200019 and further identified as 2697 Jockeys Neck Trail in the Vineyards at Jockeys Neck Subdivision (the "Property") as set forth in the application CBE-11-033 for the purpose of constructing a paver patio addition; 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:
 - 1) **The applicant must obtain all other necessary local permits as required for the project.**
 - 2) **All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and proposed shrubs shall be minimum three gallon size.**

- 3) The LID-IMP (low impact development – integrated management practice) feature, as shown and labeled on the mitigation plan as a “soil amendment/planting area”, shall be constructed adjacent to the patio. This area shall be approximately 120 square feet in size and consist of a depressed (sunken) area with soil amendments, mulch, and native perennial plantings as approved by the Environmental Division.
- 4) Full implementation of the RPA Mitigation Plan submitted with the WQIA 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) which is providing a form of surety satisfactory to the County Attorney.
- 5) This exception request approval shall become null and void if construction has not begun by November 10, 2011 or all improvements, including those plants and features required for mitigation, are not completed by that expiration date.
- 6) Written requests for an extension to an exception shall 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 10th day of November 2010.