

## RESOLUTION

### GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 5021100014

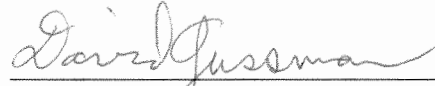
WHEREAS, Ms. Sharon Thomas, Wayne Harbin Builder on behalf of Francis and Kathleen McRickard, (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on October 13, 2010 to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. 5021100014 and further identified as 36 Ensigne Spence in the Kingsmill Subdivision (the "Property") as set forth in the application CBE-11-022 for the purpose of constructing a detached garage; 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:

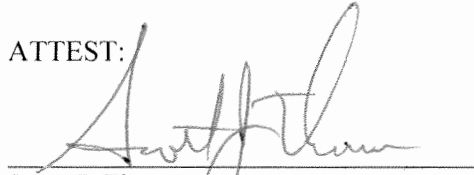
1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The 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 with the proposed shrubs being of three gallon size.**
  - 3) **This exception request approval shall become null and void if construction has not been completed by October 13, 2011 including the required mitigation plantings.**

- 4) **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 13<sup>th</sup> day of October 2010.