

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 3233100030


WHEREAS, Mr. Woody Crawford, agent for Mr. and Mrs. James Adams, (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on July 13, 2011, continued to August 10, 2011, October 12, 2011, and December 14, 2011 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. 3233100030 and further identified as 132 Nottinghamshire in the Ford's Colony subdivision (the "Property") as set forth in the application CBE-11-134 for the purpose of clearing, filling and grading a backyard, approximately 6,000 sqft into the seaward fifty foot buffer; and

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

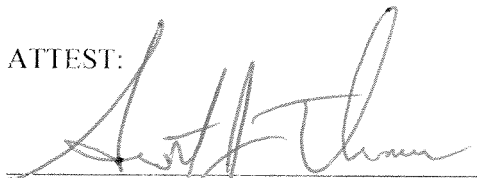
NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

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 federal, state, and local permits as required for the project.**
 - 2) **All mitigation plantings shall meet the James City County standards of 1" caliper for the canopy and understory trees and minimum three gallon size shrubs.**

- 3) An RPA Mitigation Plan shall be amended to include a total of thirteen (13) native canopy trees, twenty-six (26) native understory trees, thirty-nine native shrubs, and the placement of an organic mulch capable of reducing run-off velocity, no less than four inches thick in the previously cleared 50 ft, seaward buffer.
- 4) Mitigation requirements shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3) (d) and 23-17(c) satisfied through a surety of \$4,000 in a form satisfactory to the County Attorney.
- 5) This exception request approval shall become null and void if not completed by December 14, 2012.
- 6) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection 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 14th day of December 2011.