

RESOLUTION

GRANTING AN APPEAL ON JCC RE TAX PARCEL NO. 3110800042

WHEREAS, Mr. Edward Swann, (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on September 14, 2011 appealing a Notice of Violation CBV-12-001 dated August 1, 2011, ordering removal of the structures, in the Resource Protection Area (RPA), on property identified as JCC RE Tax Parcel No. 3110800042 and further identified as 3833 Fox Run in the Fox Ridge Subdivision (the "Property") 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 been met:

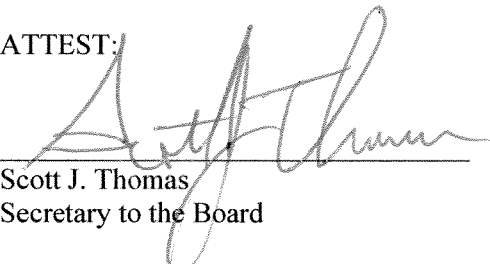
1. The hardship is not generally shared by other properties in the vicinity;
2. The Chesapeake Bay, its tributaries and other properties in the vicinity will not be adversely affected: and
3. The appellant acquired the property in good faith and the hardship is not self-inflicted.

THEREFORE, the Chesapeake Bay Board of James City County is granting the appeal filed by Edward Swann on August 9, 2011 and overturning the August 1, 2011 Notice of Violation issued by James City County Engineering and Resource Protection Division.

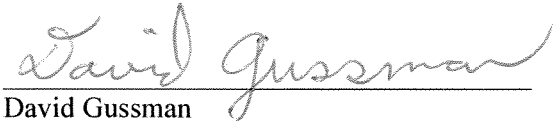
In granting this appeal, the following conditions are hereby imposed to prevent this project from causing degradation of water quality:

- The free standing garage encroaching into the RPA is to be removed.
- The 80-100 sqft of driveway encroaching in to the RPA will remain.
- Staff will consider mitigation for the driveway on a future Sensitive Area Application submitted by this owner on this property.

ATTEST:



Scott J. Thomas
Secretary to the Board



David Gussman
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of September 2011.