

RESOLUTION

GRANTING AN APPEAL ON JCC RE TAX PARCEL NO. 4711900018

WHEREAS, Mike and Mechelle Benson, property owners (the "Appellants") have appeared before the Chesapeake Bay Board of James City County (the "Board") on August 8, 2012 appealing Notices of Violation, Case No. CBV-12-009, dated May 18, 2012, ordering removal of the deck and restoration of the Resource Protection Area (RPA) and Natural Open Space (NOS) easement, on property identified as JCC RE Tax Parcel No. 4711900018 and further identified as 328 Mill Stream Way in the Settler's Mill 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 Appellants 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 Mike and Mechelle Benson received on June 8, 2012 and overturning the May 18, 2012 Notices of Violation issued by James City County Engineering and Resource Protection Division.

In granting this appeal, the Appellants are required to enter into a Chesapeake Bay Restoration Agreement and mitigate the impervious area of the deck at a rate of twice the normal rate to ensure that water quality is not adversely affected. In this case, the plantings would be onsite and consist of 2 understory trees and 6 shrubs.



Scott J. Thomas
Director, Engineering and Resource Protection



David Gussman
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of August 2012.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8th DAY OF August 2012 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.



NOTARY PUBLIC
MY COMMISSION EXPIRES 12/31/14.

7014335 MELANIE J. DAVIS
NOTARY PUBLIC
REG. #7014335
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES DEC. 31, 2014