

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 324100022

WHEREAS, Mr. Larry Walk, Walk Wright Construction, LLC, (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on December 12, 2012 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. 324100022 and further identified as 109 Cartgate in the Ford's Colony subdivision (the "Property") as set forth in the application #CBE-13-042 for the purpose of constructing a single family home and deck; 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) Surety of \$9,000 will be required in a form acceptable to the County Attorney's office.
 - 3) Applicant may pay up to 50% of the surety amount to the Chesapeake Bay Mitigation Fund. The remaining surety cost will require on site planting mitigation.

- 4) Applicant must submit the mitigation plan for approval prior to construction.
- 5) This exception request approval shall become null and void if construction has not begun by December 12, 2013.
- 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.

Michael Woolson
Michael Woolson
Secretary, Chesapeake Bay Board

David Gussman
David Gussman
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th
day of December 2012.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12th DAY OF
December 20 12 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF
JAMES CITY.

Melanie J. Davis
NOTARY PUBLIC

7014335
REGISTRATION

MY COMMISSION EXPIRES 12/31/14.

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