

## RESOLUTION

### GRANTING AN EXTENSION OF AN EXCEPTION ON JCC RE TAX PARCEL NO. 3130900038


WHEREAS, Ronald A. Nervitt, (the "Applicant") has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the "Board") on May 9, 2007, extended for two (2) years on June 11, 2008 and extended again for two (2) years on June 9, 2010. The exception request is for encroachment into the Resource Protection Area (RPA), on property identified as JCC RE Tax Parcel No. 3130900038 and further identified as 108 Seven Oaks in the Ford's Colony subdivision (the "Property") as set forth in the application CBE-07-015, for constructing a single family residence and;


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

NOW, THEREFORE, having conducted a public hearing on May 9, 2007, and pursuant to the extensions granted on June 11, 2008 and June 9, 2010, and the current request for an additional extension, 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:
  - **Full implementation of the RPA mitigation landscape plan submitted with the WQIA or if field conditions prevent the full implementation, an alternate plan along with a contribution paid into a County approved environmental fund may substituted. The amount paid into the fund shall equal \$100.00 times the number of required trees and shrubs not able to be planted on the property.**

- The size of the trees planted shall be a minimum of 1-1/2 inch caliper (six to eight feet tall) and the shrubs shall be 3 gallon size. All vegetation shall be native species approved by the Environmental Division.
- The deck shall have 3 inches of gravel on filter fabric installed underneath.
- Implementation of the mitigation plan shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3)d and 23-17(c) where installation of the plant material is required prior to the certificate of occupancy or through a surety instrument satisfactory to the county attorney.
- This exception request approval shall become null and void if construction has not begun by June 13, 2014.
- Written requests for an extension to this exception must be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.

  
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Michael Woolson  
Secretary, Chesapeake Bay Board

  
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David Gussman  
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13<sup>th</sup> day of June 2012.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13<sup>th</sup> DAY OF June 2012 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.

  
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NOTARY PUBLIC

7014335  
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REGISTRATION

MY COMMISSION EXPIRES 12/31/14

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