

## RESOLUTION

### GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 5130300040


WHEREAS, Carville Landscaping Company on behalf of Michael and Lori Jacobson, (the "Applicants") has appeared before the Chesapeake Bay Board of James City County (the "Board") on June 13, 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. 5130300040 and further identified as 217 Burtcher Court in the Kingsmill subdivision (the "Property") as set forth in the application CBE-12-116 for the purpose of replacing three retaining walls, a patio and a walkway; 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 Applicants must obtain all other necessary local permits as required for the project.
  - 2) The Applicants shall follow James City County's Pervious Paver Block System Guidelines and submit the design worksheet for the pervious pavers prior to paver installation.


- 3) Full implementation of the submitted RPA Mitigation Plan and any additional Board mitigation requirements shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3) (d) and 23-17(c), and provide a surety of \$2,000.00 in a form acceptable to the County Attorney's office.
- 4) This exception request approval shall become null and void if construction has not begun by June 13, 2013.
- 5) 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  
Secretary, Chesapeake Bay Board

  
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.

  
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