

## RESOLUTION

### GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 3720700057

WHEREAS, Ms. Beverly Olsen with Olsen Fine Home Building, LLC on behalf of property owners Ardist and James Hartney, (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on November 14, 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. 3720700057 and further identified as 160 Broadmoor in the Ford's Colony subdivision (the "Property") as set forth in the application CBE-13-037 for the purpose of constructing an new single family home, a patio and a retaining wall; 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) The County must receive from the Applicant a written copy of any approvals from the Ford's Colony HOA and/or ECC.
  - 3) A mitigation planting plan that meets County requirements must be received and approved prior to starting construction.

- 4) Surety of \$9,000 will be required in a form acceptable to the County Attorney's office.
- 5) The Applicant shall implement the Turf Love (or similar nutrient management plan) program and give a copy of all recommendations to the County.
- 6) This exception request approval shall become null and void if construction has not begun by November 14, 2013.
- 7) 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 14th day of November 2012.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 14<sup>th</sup> DAY OF November 2012 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
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