

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 4711700002


WHEREAS, Mr. Don Newsom, Delightful Gardens Landscape Company on behalf of John Perry (the "Applicant") appeared before the Chesapeake Bay Board of James City County (the "Board") on September 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. 4711700002 and further identified as 108 Holly Grove in the Settlers Mill subdivision (the "Property") as set forth in the application CBE-13-005 for the purpose of constructing two retaining walls; and

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

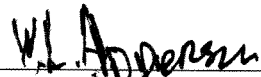
NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

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 local permits as required for the project.
 - 2) Surety of \$250.00 will be required in a form acceptable to the County Attorney's office.
 - 3) The applicant must submit written approval from the adjacent property owners that are affected by the 6' wide construction access areas.

- 4) This exception request approval shall become null and void if construction has not begun by September 12, 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



William Apperson
Vice Chair, Chesapeake Bay Board

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

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12th DAY OF September 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