

## RESOLUTION

### GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 4310200022

WHEREAS, Mr. Don Newsom of Delightful Gardens, on behalf of Mr. David Trickey, (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on December 11, 2013 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. 4310200022 and further identified as 1592 Harbor Road in the Governor's Land at Two Rivers subdivision (the "Property") as set forth in the application CBE-14-022 for the purpose of installing a deck or patio; 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 the Applicants written copy of approvals from the Governor's Land Foundation prior to starting construction.
  - 3) The Applicant shall follow the County's Pervious Paver Block System Guidelines for installation of the walkway paver system.
  - 4) Surety of \$1,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings.

MELANIE J. DAVIS  
NOTARY PUBLIC

- 5) The Applicant shall implement the Turf Love (or similar nutrient management plan) program for the remaining turf in the RPA 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 December 11, 2014.
- 7) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six weeks prior to the expiration date.

*Michael Woolson*

Michael Woolson  
Senior Watershed Planner

*David Gussman*

David Gussman  
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11<sup>th</sup> day of December 2013.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 11<sup>th</sup> DAY OF December 2013 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
---