

## RESOLUTION

### GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 1910900011

WHEREAS, Mr. Wayne Carter, (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. 1910900011 and further identified as 4123 South Riverside Drive in the Chickahominy Haven subdivision (the "Property") as set forth in the application CBE-14-047 for the purpose of installing a covered porch; 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) Surety of \$250 will be held in escrow by the Engineering and Resource Protection Division to guarantee the mitigation plantings and conditions #3 and #4 below.
  - 3) The Applicant shall build a new structure at an elevation of 9.5 ft MSL.
  - 4) The Applicant shall have a revised/updated Flood Elevation Certificate prepared and submitted to James City County.

- 5) This exception request approval shall become null and void if construction has not begun by December 11, 2014.
- 6) 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