

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 3720700057

WHEREAS, Olsen Fine Home Building LLC and Williams Landscape & Design Inc on behalf of Ardis and James Hartney, (the "Applicant") have 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. 3720700057 and further identified as 160 Broadmoor in the Ford's Colony subdivision (the "Property") as set forth in the application CBE-14-059 for the purpose of constructing three 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 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 Ford's Colony HOS and /or ECC.

- 3) This exception request approval shall become null and void if construction has not begun by December 11, 2014.
- 4) 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 11th day of December 2013.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 11th 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