

## RESOLUTION

### GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 0720300008

WHEREAS, Mr. Danny Winall, Waters Edge Construction (the "Applicant") on behalf of Deborah Portela, (the "Owner") has appeared before the Chesapeake Bay Board of James City County (the "Board") on March 13, 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. 0720300008 and further identified as 10142 Sycamore Landing Road (the "Property") as set forth in the application CBE-13-071 for the purpose of re-grading a failing slope and the subsequent stabilization and re-planting associated with the installation of a stone revetment; 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) A pre-construction meeting shall be held on-site prior to commencing work.
  - 3) A mitigation planting plan shall be submitted prior to the pre-construction meeting. The mitigation plan shall have a minimum 5 trees and 15 shrubs as well as the proposed native grass species.

MELANIE J. DAVIS  
NOTARY PUBLIC

- 4) The mitigation plantings shall meet James City County standards with all proposed trees being a minimum of .5 inch caliper and the shrubs a minimum #3 can size (21" to 24" tall shrub).
- 5) Implementation of the mitigation plan shall be guaranteed through the provision of Chapter 23, Chesapeake Bay Preservation, of the James City County Code, Sections 23-10(3) d and 23-17(c) by providing a surety of \$2,000 in a form satisfactory to the County Attorney.
- 6) This exception request approval shall become null and void if construction has not begun by March 13, 2014.
- 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  
Senior Watershed Planner

*David Gussman*

David Gussman  
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13<sup>th</sup> day of March 2013.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13<sup>th</sup> DAY OF March 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<br>NOTARY PUBLIC<br>REG. #7014335<br>COMMONWEALTH OF VIRGINIA<br>MY COMMISSION EXPIRES DEC. 31, 2014 |
|---|