

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NOS. 4540200055 and 4540200056

WHEREAS, Mr. Jeffery Moore and Mr. and Mrs. MacGillivray, (the "Applicants") have applied to the Chesapeake Bay Board of James City County (the "Board") on May 8, 2013 to request an exception to the use of the Resource Protection Area (the "RPA") on parcels of property in the First Colony subdivision identified as 164 The Maine, JCC RE Tax Parcel No. 4540200055 and 166 The Maine, JCC RE Tax Parcel No. 4540200056 (the "Property") as set forth in the application CBE-13-095 for the purpose of slope stabilization in conjunction with a proposed shoreline project at 164 The Maine; 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 applicants must obtain all other necessary federal, state, and local permits as required for the project.
 - 2) Additional erosion and sediment control measures may be required, at the Engineering and Resource Protection Division Director's discretion.
 - 3) A surety of \$5,000 will be required from Mr. Moore and a surety of \$500 will be required from Mr. and Mrs. MacGillivray in a form acceptable to the County Attorney's office, to guarantee the mitigation requirements as per the provisions of the Ordinance contained in Sections 23-10(3) (d) and 23-17(c).

- 4) This exception request approval shall become null and void if construction has not begun by May 8, 2014.
- 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
 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 8th day of May 2013.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8th DAY OF May 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