

## RESOLUTION

### GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 5031300001

WHEREAS, Boyd Nurseries on behalf of Joseph and Carey Flannery (the "Applicant") has appeared before the Chesapeake Bay Board of James City County (the "Board") on November 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. 5031300001 and further identified as 508 Sir George Percy in the Kingsmill subdivision (the "Property") as set forth in the application CBE-14-038 for the purpose of constructing a 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) Full implementation of the RPA Mitigation Plan submitted with the WQIA and any additional Board mitigation requirements shall be guaranteed through the provisions of Chapter 23 of the James City County Code contained in Sections 23-10(3) (d) and 23-17(c) providing a \$1,000 surety in a form satisfactory to the County Attorney.

- 3) This exception request approval shall become null and void if construction has not begun by November 13, 2014.
- 4) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 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 November 2013.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13<sup>th</sup> DAY OF November 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