

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 3120300038

WHEREAS, Greg and Joyce Carpenter, (the "Applicants") have applied to the Chesapeake Bay Board of James City County (the "Board") on January 9, 2014 requesting an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. 3120300038 and further identified as 5516 North Mallard Run in the Warhill (Mallard Hill) subdivision (the "Property") as set forth in the application CBE-14-061 for the purpose of constructing a retaining wall; 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; and
 - 2) A mitigation planting plan submitted and approved by the Engineering and Resource Protection staff prior to construction starting. and
 - 3) A surety in the amount of \$250, in a form acceptable to the James City County Attorney's office, be submitted prior to work commencing; and

- 4) This exception request approval shall become null and void if construction has not begun by 9 January 2015; and
- 5) 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 9th day of January 2014.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 9th DAY OF January 2014 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.

Melanie J. Davis

NOTARY PUBLIC

MY COMMISSION EXPIRES 12/31/14.

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REGISTRATION

