

## RESOLUTION

### GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 4741200055

WHEREAS, Mr. Jim Duguay, Performance Contracting (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") 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 4741200055 and further identified as 2836 Durfey's Mill Road in the Lake Powell Pointe subdivision (the "Property") as set forth in the application CBE-15-106 for the purpose of constructing a single family home, and attached deck; 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 on August 12, 2015, 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 applicant must resubmit an acceptable mitigation plan encompassing 1 canopy tree, 5 understory trees and 16 shrubs, as outlined in the application.
  - 3) Prior to construction, a \$1,500 surety to guarantee the mitigation plantings shall be submitted in a form acceptable to the County Attorney's office.

- 4) This exception request approval shall become null and void if construction has not begun by August 12, 2016.
- 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 12<sup>th</sup> day of August 2015.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12<sup>th</sup> DAY OF August 2015 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.

*Melanie J. Davis*  
NOTARY PUBLIC

MY COMMISSION EXPIRES 12/31/18

7014335  
REGISTRATION

<p>MELANIE J. DAVIS          NOTARY PUBLIC          REG. #7014335          COMMONWEALTH OF VIRGINIA          MY COMMISSION EXPIRES DECEMBER 31, 2018</p>
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