

## RESOLUTION

### GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 3720300144

WHEREAS, Mr. Jim Gallagher, Green Side Up Landscaping on behalf of Gregg and Deborah Hanson, (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 No. 3720300144 and further identified as 113 Burnham in the Ford's Colony subdivision (the "Property") as set forth in the application CBE-16-002 for the purpose of installing the mitigation including retaining walls and a patio for the approved Chesapeake Bay exception CBE-14-084 at the same address.

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 Turf Love Program, or some other nutrient management program shall be used in the lawn areas and a copy of the plan submitted to the Engineering and Resource Protection Division staff, prior to release of surety posted for CBE-14-084.


- 3) This exception request approval shall become null and void if construction has not begun by August 12, 2016.
- 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.

  
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Michael Woolson  
Senior Watershed Planner

  
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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.

  
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NOTARY PUBLIC

7014335  
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REGISTRATION

MY COMMISSION EXPIRES 12/31/18.

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