

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 5040300018

WHEREAS, Tom and Any Cherry, (the "Applicant") have 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. 5040300018 and further identified as 18 Whittakers Mill in the Kingsmill subdivision (the "Property") as set forth in the application CBE-15-087 for the purpose of installing an at-grade deck adjacent to the bulkhead; 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 May 13, 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 permits as required for the project.
 - 2) Prior to construction, a \$250 surety shall be submitted in a form acceptable to the County Attorney's office, to guarantee the required mitigation.
 - 3) The Engineering and Resource Protection Division Director reserves the right to require additional erosion and sediment control measures for this project if field conditions warrant their use.

- 4) This exception request approval shall become null and void if construction has not begun by May 13, 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 13th day of May 2015.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13th DAY OF May 2015 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.

Melanie J. Davis
NOTARY PUBLIC

7014335
REGISTRATION

MY COMMISSION EXPIRES 12/31/18.

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