

## RESOLUTION

### GRANTING AN EXCEPTION ON JCC RE TAX PARCELS 5130800014A and 5130800001C

WHEREAS, Michael Matthews, The Structures Group, on behalf of Alvin Puryear and the Kingsmill Community Service Association (KCSA) (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 parcel of property identified as JCC RE Tax Parcel 5130800014A and further identified as 306 Rivers Edge in the Kingsmill Rivers Edge subdivision and on the adjacent common area owned by KCSA and identified as JCC RE Tax Parcel 5130800001C (the "Property") as set forth in the application CBE-16-031 for the purpose of installing 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 on October 14, 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, including a Building Permit.
  - 2) A surety of \$500 will be required in a form acceptable to the County Attorney's Office.
  - 3) Project location staked in the field and approved by the Engineering and Resource Protection Division prior to construction.
  - 4) This exception request approval shall become null and void if construction has not begun by October 14, 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  
Senior Watershed Planner

  
David Gussman  
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14<sup>th</sup> day of October 2015.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 14<sup>th</sup> DAY OF October 2015 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.

  
NOTARY PUBLIC

MY COMMISSION EXPIRES 12/31/18.

7014335  
REGISTRATION

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