

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 4920380017

WHEREAS, Phillip Merritt, Hertzler & George, on behalf of Brink and Sandra Miller, (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 4920380017 and further identified as 104 Archers Court in the Kingspoint subdivision (the "Property") as set forth in the application CBE-16-038 for installation of a patio; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

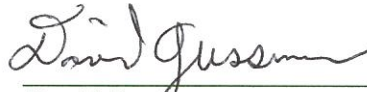
NOW, THEREFORE, following a public hearing on October 14, 2015, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

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.
 - 2) Design and construction of the onlot runoff reduction/pollutant removal practices as proposed (infiltration facility) shall generally follow micro-scale specifications found in Virginia DEQ Stormwater Design Specification No. 8 (Infiltration); or alternatively, an equivalent and acceptable published and agreed upon standard for onlot residential practices. Final design/construction information for the

practices shall be submitted to the Engineering and Resource Protection Division for review and approval prior to installation


- 3) A \$2,500 surety to guarantee the mitigation plan, including native plantings and the proposed onlot runoff and pollutant reduction practice, shall be submitted to the Engineering and Resource Protection Division, 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 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 14th day of October 2015.

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


 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
