

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 5030400091

WHEREAS, Michael Matthews with The Structures Group, on behalf of property owners Scott and Deborah Ramer (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 5030400091 and further identified as 112 Burwell Court in the Tazewell's Hundred, Kingsmill subdivision (the "Property") as set forth in the application CBE-16-014 for the purpose of installing retaining walls, a patio and a detached 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 September 9, 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 Land Disturbing Permit.
 - 2) Design and construction of the onlot runoff reduction/pollutant removal practices as proposed (rain garden/infiltration) shall generally follow micro-scale specifications found in Virginia DEQ Stormwater Design Specifications No. 1 (Rooftop Disconnection), No. 8 (Infiltration), or No. 9 (Bioretention); 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 \$4,000 surety to guarantee the mitigation plan, including native plantings and proposed onlot runoff and pollutant reduction practices, 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 September 9, 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

William Apperson
 William Apperson
 Vice Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of Sept 2015.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 9th DAY OF September 20 15 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.

Melanie J. Davis
 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