

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 5031200013

WHEREAS, Mr. Robert Dively (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 5031200013 and further identified as 175 West Landing in the Kingsmill subdivision (the "Property") as set forth in the application CBE-16-063 for the installation of a retaining wall;

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 February 10, 2016, 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 applicant may use the same \$2,000 surety from case W-22-15 to guarantee the mitigation plantings.
 - 3) This exception request approval shall become null and void if construction has not begun by February 10, 2017.

- 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.

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 10th day of February 2016

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 10th DAY OF February 2016 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