

## **RESOLUTION**

### **GRANTING AN EXCEPTION ON JCC RE TAX PARCEL 1910300005**

WHEREAS, Mr. David Moore, on behalf of Toby Development LLC (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 1910300005 and further identified as 4029 S Riverside Drive in the Chickahominy Haven subdivision (the "Property") as set forth in the application CBE-16-059 for the purpose of constructing a single family dwelling and deck; and

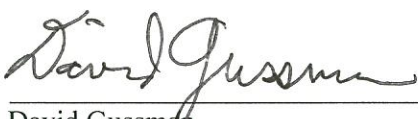
WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, following a public hearing on January 13, 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, including a building permit from James City County Building Safety and Permits Division.
  - 2) A \$2,000 surety will be required in a form acceptable to the County Attorney's office, to guarantee full implementation of the RPA Mitigation Plan submitted with the WQIA for this project.
  - 3) This exception request approval shall become null and void if construction has not begun by January 12, 2017.

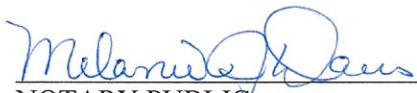
- 4) Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

  
Michael Woolson  
Senior Watershed Planner

  
David Gussman  
Chair, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13<sup>th</sup> day of January 2016.

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13<sup>th</sup> DAY OF January 20 16 IN THE COMMONWEALTH OF VIRGINIA IN THE COUNTY OF JAMES CITY.

  
NOTARY PUBLIC

MY COMMISSION EXPIRES 12/31/18

7014335  
REGISTRATION

