

## RESOLUTION

CASE NO. CBE-15-105. 108 SEVEN OAKS

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE

#### EXTENSION OF AN EXCEPTION

WHEREAS, Ronald A. and Lois S. Nervitt, (the "Applicant") has requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the "Board") on August 12, 2015. The exception request is for encroachment into the Resource Protection Area (the "RPA") on a parcel of property identified as James City County Real Estate Tax Parcel No. 3130900038 and further identified as 108 Seven Oaks in the Ford's Colony subdivision (the "Property") as set forth in the application CBE-16-074 for the purpose of constructing a single-family dwelling with a terrace pool; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing on August 12, 2015, and pursuant to this request for an extension, 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:
  - a. The applicant must obtain all other necessary federal, state and local permits required for the project; and

- b. Design and construction of the on-lot runoff reduction/pollutant removal practice proposed shall generally follow micro-scale specifications found in Virginia Department of Environmental Quality 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 on-lot residential practices. Final design/construction information for the practice as labeled on the mitigation plan as "Proposed Rain Garden Area (To Be Designed)" shall be submitted to the Engineering and Resource Protection Division for review and approval prior to installation.
- c. At the time of building permit application for the single-family residence dwelling, if there is any encroachment into the 25-foot-pond buffer/setback, defined as the zone 25 feet landward from the 100-year design high water elevation of the lake (Dam No. 1; County Best Management Practice ID Code: PC083; Normal Pool Elevation 48.0; Design High Water Elevation 50.45), a Pond Buffer/Setback waiver request will need to be submitted, reviewed, and approved by the County in accordance with those specific County program guidelines and procedures.
- d. Surety of \$4,000 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plan including canopy tree, understory trees and shrub/ground cover plantings and the on-lot rain garden practice.
- e. This exception request approval shall become null and void if construction has not begun by July 13, 2017; and
- f. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than six-weeks prior to the expiration date.

*David Gussman*

David Gussman  
Chair, Chesapeake Bay Board

*Michael Woolson*

Michael Woolson  
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13 day of July, 2016

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13<sup>th</sup> DAY OF July, 2016 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

*Melanie J. Davis*  
NOTARY PUBLIC

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

MY COMMISSION EXPIRES: 12/31/18