

## RESOLUTION

CASE NO. CBE-17-020, 124 COLONELS WAY

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Matt Roth of Roth Environmental, on behalf of Chris and Lynn Faiferlick (the "Applicant"), has applied to the Chesapeake Bay Board of James City County (the "Board") on November 9, 2016, to request an exception to use of the Resource Protection Area (the "RPA") on a parcel of property identified as James City County Real Estate Tax Parcel No. 5030300028 and further identified as 124 Colonels Way in the Kingsmill subdivision (the "Property") as set forth in the application CBE-17-020 for the purpose of constructing a retaining wall; 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, 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. A surety of \$1,000 will be required, in a form acceptable to the County Attorney's Office, to guarantee the mitigation plantings; and
  - c. This exception request approval shall become null and void if construction has not begun by November 9, 2017; and
  - d. 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.

  
Davis Gussman  
Chair, Chesapeake Bay Board

  
Michael Woolson  
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of November, 2016.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 9<sup>th</sup> DAY OF November, 2016 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

  
NOTARY PUBLIC

MY COMMISSION EXPIRES: 12/31/18

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

CBE-17-020-124ColonelsWay-res