

RESOLUTION

CASE NO. CBE-17-009. 3 WEST CIRCLE –

GRANTING AN EXTENSION OF AN EXCEPTION

WHEREAS, Raffael and Florina Tusa (the “Applicant”) have requested an extension of the exception granted by the Chesapeake Bay Board of James City County (the “Board”) on January 11, 2017. The exception request is for use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 45402000080A and further identified as 3 West Circle in the First Colony subdivision (the “Property”) as set forth in the application CBE-17-009, for the construction of a single-family dwelling, deck and 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 January 11, 2017, 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 and permissions as required for the project; and
 - b. The applicant must execute a Declaration of Covenants, Inspection/Maintenance of Drainage Systems with James City County and record said document at the Williamsburg/James City County courthouse and provide evidence to the County; and

- c. The applicant must execute the Affidavit at the Williamsburg/James City County courthouse and provide evidence of such to the County; and
- d. Design and construction of the on-lot runoff reduction/pollutant removal practices proposed shall generally follow micro-scale specifications found in the Virginia Department of Environmental Quality's Stormwater Design Specifications No. 1 (Rooftop Disconnection), No. 8 (Infiltration), No. 7 (permeable pavement) and/or No. 9 (Bioretention) as applicable; or alternatively, an equivalent and acceptable published and agreed upon standard for on-lot residential runoff reduction/best management practices; and
- e. Surety of \$10,000 will be required in a form acceptable to the County Attorney's office; and
- f. This exception request approval shall become null and void if construction has not begun by January 11, 2019; and
- g. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.



David Gussman
Chair, Chesapeake Bay Board



Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of December, 2017.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 13 DAY OF December, 2017 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.


NOTARY PUBLIC

MY COMMISSION EXPIRES: January 31, 2018
Notary Commission No. 209699

CBE17-09WestCircle-res