

## RESOLUTION

CASE NO. CBE-18-038. 153 JOHN POTT DRIVE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Curtis and Stacy Carl (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 13, 2017, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 31402F0022 and further identified as 153 John Pott Drive in the Ford's Colony subdivision (the “Property”) as set forth in the application CBE-18-038 for the purpose of constructing a patio, walkway and 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 and permissions as required for the project; and
  - b. Surety of \$500 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation and Turf Love program registration; and
  - c. This exception request approval shall become null and void if construction has not begun by December 13, 2018. Written requests for an extension to this exception

