

RESOLUTION

CASE NO. CBE-17-009. 3 WEST CIRCLE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION


WHEREAS, Mr. Matthew Roth, Roth Environmental, on behalf of Raffael and Florina Tusa, has applied to the Chesapeake Bay Board of James City County (the "Board") on January 11, 2017, 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. 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, 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 Virginia DEQ 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, 2018; and
- g. 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
 Chair, Chesapeake Bay Board


 Michael Woolson
 Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of January, 2017

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 11th DAY OF January, 2017 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.


 NOTARY PUBLIC

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

MY COMMISSION EXPIRES: 12/31/18