

## RESOLUTION

CASE NO. CBPA-18-0121. 103 BERMUDA CIRCLE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION


WHEREAS, Ms. Janet Thrall (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") on August 8, 2018, 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. 4540200172 and further identified as 103 Bermuda Circle (the "Property") as set forth in the application CBPA-18-0121 for the purpose of constructing a detached garage; 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;
  - b. The applicant submit a mitigation plan with two planting units, along with a \$500 surety to guarantee the mitigation;

- c. The applicant shall utilize the Turf Love program to design the rain garden feature;
- d. This exception request approval shall become null and void if construction has not begun by August 8, 2019;
- e. 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.

  
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William Apperson  
Vice-Chair, Chesapeake Bay Board

  
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Michael Woolson  
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of August, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8 DAY OF August, 2018 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

  
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NOTARY PUBLIC

MY COMMISSION EXPIRES: January 31, 2022

JANICE E. PETTY  
NOTARY PUBLIC  
COMMISSION #209689  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES JANUARY 31, 2022