

## RESOLUTION

CASE NO. CBPA-18-0151. 38 ENSIGNE SPENCE ACCESSORY STRUCTURE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE

### EXCEPTION EXTENSION

WHEREAS, Stephen and Gaye Moth (the "Applicants"), have 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 on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 5021100015 and further identified as 38 Ensigne Spence in the Kingsmill subdivision (the "Property") as set forth in the application CBPA-18-0147 (formerly CBE-18-032) for the purpose of constructing a deck and step access to the water; and

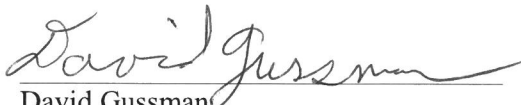
WHEREAS, the Applicants have requested a one-year extension to the exception granted by the Board on December 13, 2017; and

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 applicants 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:

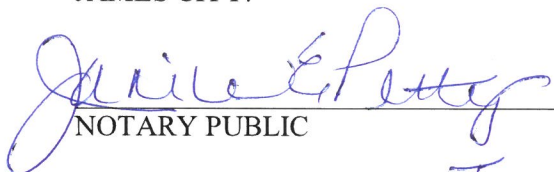
- a. The applicant must obtain all other necessary federal, state and local permits and permissions as required for the project; and
- b. Surety of \$250 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation; and
- c. This exception request approval shall become null and void if construction has not begun by December 13, 2019. Written requests for an extension to this 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

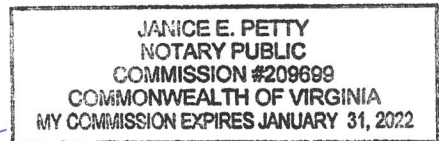
  
Michael Woolson  
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 12th day of December, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12 DAY OF December, 2018 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

  
NOTARY PUBLIC

MY COMMISSION EXPIRES: January 31, 2022



CBPA-18-0151-Ext-res