

RESOLUTION

CASE NO. CBPA-18-0123. 102 WALTON HEATH

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION


WHEREAS, Mr. Martin Mather (the "Applicant"), has applied to the Chesapeake Bay Board of James City County (the "Board") on December 12, 2018, 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. 3810300019 and further identified as 102 Walton Heath in the Ford's Colony subdivision (the "Property") as set forth in the application CBPA-18-0123 for the purpose of constructing a single-family dwelling, deck 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.
 - b. The applicant must execute an Affidavit at the Williamsburg-James City County courthouse and provide evidence of such to the County.

- c. Surety of \$4,000 will be required in a form acceptable to the County Attorney's office to guarantee all of the mitigation components.
- d. The mitigation plantings shall have a survivability of at least 90% at one-year post planting prior to final surety release. Up to 50% of the surety may be released once mitigation has been planted.
- e. The rain garden feature will follow the standards and specifications found in the Virginia Department of Environmental Quality Stormwater Specification No. 9 Bioretention, current version.
- f. This exception request approval shall become null and void if construction has not begun by December 12, 2019.
- g. Written requests for an extension to this exception shall be submitted to the Stormwater and Resource Protection Division no later than October 30, 2019.


David Gussman
Chair, Chesapeake Bay Board


Michael D. Woolson
Secretary, Chesapeake Bay Board

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

