

RESOLUTION

CASE NO. CBE-18-028. 19 AND 20 MILE COURSE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Susan Anton and Lawrence and Penny Pulley (the "Applicants"), have applied to the Chesapeake Bay Board of James City County (the "Board") on March 14, 2018, to request an exception to use the Resource Protection Area (the "RPA") on parcels of property identified as James City County Real Estate Tax Map Parcel Nos. 5040200019 and 5040200020 and further identified as 19 Mile Course and 20 Mile Course respectively in the Kingsmill subdivision (the "Property") as set forth in the application CBE-18-028 for the purpose of constructing a wooden bulkhead and shoreline stabilization with coir logs; 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 as required for the project; and
 - b. Surety of \$1,500 is required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings for 19 Mile Course and a surety of \$500 is

required in a form acceptable to the County Attorney's office to guarantee the mitigation planting for 20 Mile Course; and

- c. The owners or the contractor provide written permission from the Kingsmill Community Services Association to allow the barge access and stockpile/laydown area as proposed; and
- d. All development activities located in the special flood hazard area shall comply with Article VI Division 3 Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
- e. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
- f. 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.


David Gussman
David Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of March, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 14 DAY OF March, 2018 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

Julie E. Hays
NOTARY PUBLIC

MY COMMISSION EXPIRES: January 31, 2022
Notary Commission Registration Number: 209699

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