

## RESOLUTION

CASE NO. CBE-18-065. 116 NOTTINGHAMSHIRE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Joseph and Phyllis Leigh (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") on March 14, 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. 3233100034 and further identified as 116 Nottinghamshire in the Ford's Colony subdivision (the "Property") as set forth in the application CBE-18-065 for the purpose of constructing a single-family dwelling and deck; 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; and
  - b. Surety of \$3,500 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation, including plantings, Turf Love program registration and gravel under the deck; and

- c. The Applicant must record an affidavit in the land records of the Williamsburg-James City County Circuit Court regarding the environmental resource restrictions on this lot. This Resolution and the approved site plan shall be attached to such affidavit; and
- d. This exception request approval shall become null and void if construction has not begun by March 14, 2019; and
- e. 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*

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.

*Leigh Eddy*  
NOTARY PUBLIC

MY COMMISSION EXPIRES

*January 3, 2022*  
*Notary Commission Registration Number: 209699.*

CBE18-065Leigh-res