

RESOLUTION

CASE NO. CBE-18-074. 233 RICHARD BREWSTER

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION


WHEREAS, Brian and Diane Magoon (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on May 9, 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. 5030600044 and further identified as 233 Richard Brewster in the Kingsmill subdivision (the “Property”) as set forth in the application CBE-18-074 for the purpose of constructing a 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 required for the project;
 - b. The applicant submit a mitigation plan consistent with County requirements;
 - c. Surety of \$250 will be required in a form acceptable to the County Attorney’s office to guarantee the mitigation, including plantings;

- d. This exception request approval shall become null and void if construction has not begun by May 9, 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.



Charles Roadley
Chair (temporary), Chesapeake Bay Board



Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of May, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 9th DAY OF May, 2018 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.



NOTARY PUBLIC

MY COMMISSION EXPIRES: 6/30/19



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