

## RESOLUTION

CASE NO. CBPA-18-0131. 113 WAREHAMS POINT

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION


WHEREAS, Miley and Jean Walker (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on September 26, 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 Parcel No. 5041900113 and further identified as 113 Warehams Point (the “Property”) as set forth in the application CBPA-18-0131 for the purpose of the construction of 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 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 applicants must obtain all other necessary federal, state and local permits required for the project.
  - b. A surety of \$250 in a form acceptable to the James City County Attorney to ensure the mitigation.
  - c. This exception request approval shall become null and void if construction has not begun by September 26, 2019.


- d. 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  
Chair, Chesapeake Bay Board

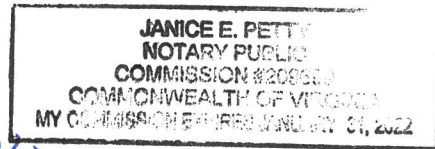
  
Michael D. Woolson  
Secretary, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 26th day of September, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 26 DAY OF September, 2018 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

  
NOTARY PUBLIC

MY COMMISSION EXPIRES: January 31, 2022  
Commission Number: 209899



CBPA18-0131WarehamsPt-res