

## **RESOLUTION**

**CASE NO. CBPA-19-0028. 117 GODSPEED LANE**

### **JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION**


WHEREAS, Jess Gentry (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") on April 10, 2019, 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. 4730500035 and further identified as 117 Godspeed Lane (the "Property") as set forth in the application CBPA-19-0028 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; and
  - b. A surety of \$250 in a form acceptable to the James City County Attorney's Office to ensure the mitigation plantings; and

- c. 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
- d. This exception request approval shall become null and void if construction has not begun by April 10, 2020.
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than February 27, 2020, six weeks prior to the expiration date.

  
David Gussman  
Chair, Chesapeake Bay Board

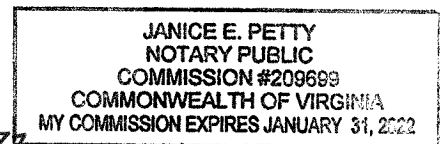
  
Michael D. Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of April, 2019.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 10 DAY OF April, 2019 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

  
NOTARY PUBLIC

MY COMMISSION EXPIRES: January 31, 2022



CBPA19-0028-117Godspeed-res