

RESOLUTION

CASE NO. CBPA 19-0058. 105 SOUTH TURNBERRY

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

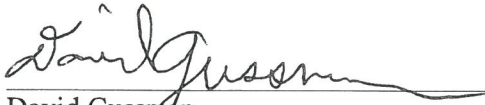
WHEREAS, Ms. Betty Lambuth (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") on July 10, 2019, to request an exception to use of the Resource Protection Area (the "RPA") on property identified as James City County Real Estate Tax Parcel No. 3721000055 in the Ford's Colony subdivision (the "Property") as set forth in the application Case No. CBPA 19-0058 for the purpose of filling the rear yard and constructing a drainage network; 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 must coordinate with and obtain written approval from the James City Service Authority (JCSA) to raise the grade of the manhole and place improvements within the JCSA easement;
 - c. Turf grass will not be planted in rear of property aside from areas currently vegetated by turf grass;

- d. The applicant must submit an erosion and sediment control plan for review and approval. The applicant must apply for a land disturbing permit;
- e. A surety of \$2,000 to be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney to ensure the mitigation requirements;
- f. This exception request approval shall become null and void if construction has not begun by July 10, 2020; and
- g. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than May 29, 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 July, 2019.

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