

## **RESOLUTION**

**CASE NO. CBPA 19-0035. 106 LOXLEY LANE**

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

WHEREAS, Mr. Thomas Mundy and Mrs. Heather Mundy (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on May 8, 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 Parcel No. 4510400061 and further identified as 106 Loxley Lane (the “Property”) as set forth in the application CBPA 19-0035 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; and
  - b. A surety of \$250 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; and

- c. This exception request approval shall become null and void if construction has not begun by May 8, 2020; and
- d. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than March 27, 2020, six weeks before the expiration date.

  
\_\_\_\_\_  
David Gussman  
Chair, Chesapeake Bay Board

  
\_\_\_\_\_  
Michael Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8<sup>th</sup> day of May, 2019.

CBPA19-35-106LoxlyLn-res