

RESOLUTION

CASE NO. CBPA 19-0038. 3034 NORTH RIVERSIDE DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Caroline Hamer (the “Applicant”) has 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. 19100200048 and further identified as 3034 North Riverside Drive (the “Property”) as set forth in the application CBPA 19-0038 for the purpose of the construction of a swimming pool; 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. 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

- c. The applicant must submit a mitigation plan that details the size, location and name of the required plant materials, which shall be two canopy trees, four understory trees, and six shrubs or equivalent; and
- d. A surety of \$500 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
- e. This exception request approval shall become null and void if construction has not begun by May 8, 2020; and
- f. 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 8th day of May, 2019.

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