

RESOLUTION

CASE NO. CBPA 19-0091. 3884 FOX RUN

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Sakthivel Anbananthan (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") on September 11, 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. 3110800050 and further identified as 3884 Fox Run (the "Property") as set forth in the application CBPA 19-0091 for the purpose of constructing a second driveway; and

WHEREAS, the Board previously granted an exception request on June 12, 2019 on the same Property for the purpose of constructing a detached garage, recorded as Case No. CBPA 19-0032 (the "Garage Exception"); and

WHEREAS, the Garage Exception was conditioned on the Applicant obtaining a license or permanent access easement from the James City Service Authority (the "JCSA") to access the garage; and

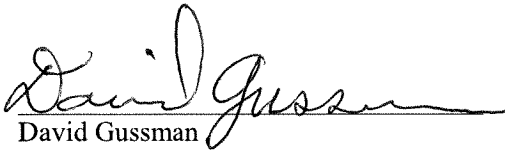
WHEREAS, the JCSA denied the Applicant a license or permanent access easement; and

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 \$1,000 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 September 11, 2020; and
 - d. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than July 31, 2020, six weeks prior to the expiration date.
7. This exception request approval shall satisfy the condition set forth in Case No. CBPA 19-0032, 3884 Fox Run, number 6.b., requiring the Applicant to “provide written proof in the form of a license or permanent access easement from the James City Service Authority (JCSA) that the applicant may use a portion of 3880 Fox Run to access the proposed garage.”


David Gussman
Chair, Chesapeake Bay Board


Michael D. Woolson
Senior Watershed Planner

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