

# **Chesapeake Bay Board Building F - 7 p.m.**

May 14, 2014

## **A. Roll Call**

## **B. Minutes**

From April 9, 2014 - Board Meeting

## **C. Public Hearings**

1. CBE-14-074 continued from 4/9/14. Riley - 3145 Hollow Oak Dr - retaining wall
2. CBE-14-083. Wolons -101 Indian Circle - patio
3. CBE-14-084. Walk Wright/Hanson -113 Burnham - SFD, patio & shed


## **D. Board Considerations**

1. CBE-13-094 Extension. Young - 6312 Adam's Hunt Drive - retaining wall

## **E. Matters of Special Privilege**

## **F. Adjournment**

# MEMORANDUM

**DATE:** May 14, 2014  
**TO:** The Chesapeake Bay Board  
**FROM:** Michael D. Woolson   
**SUBJECT:** Case No. CBE-14-074, 3145 Hollow Oak Drive

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At the April 9, 2014 Chesapeake Bay Board meeting, case CBE-14-074 was presented by staff. The Board had several questions regarding the case and it was deferred to the next meeting so those issues could be worked out. Andrew Riley has supplied staff with a more detailed wall plan, addressing erosion, drainage and mitigation concerns. The application now proposes more than 25 shrubs, which exceeds County mitigation requirements.

The previous staff recommendations included that the applicant provide a mitigation plan to be approved by staff. As that has been provided, staff would propose removing that recommendation from consideration. Updated and revised resolutions, both to approve and to deny, have been provided. Staff recommends approval of this application.

## Chesapeake Bay Exception CBE-14-083: 101 Indian Circle - Wolons

Staff report for the May 14, 2014 Chesapeake Bay Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Chesapeake Bay Board to assist in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

### Existing Site Data & Information

Applicant: David and Karen Wolons

Agent: same

Location: 101 Indian Circle  
Lot 13, Section 1, Poplar Hall Plantation  
PIN: 5920200013

Lot Size/Zoning: 0.643 ac +/-; R2 General Residential Zoning

Area of Lot in RPA: 0.583 ac +/- (91%)

Watershed: Skiffes Creek (HUC Code JL35)

Proposed Activity: 10 ft. x 12 ft. paver patio

Impervious Cover: 120 square feet

RPA Encroachment: 120 square feet

### Brief Summary and Description of Activities

David and Karen Wolons have applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA buffer for the installation of a patio. The lot was platted prior to the 1990 Ordinance and the house built in 1981.

The project entails the construction of a pervious paver patio, along with an elevated deck which was approved administratively. All of the improvements are within the resource protection area as originally defined in the 1990 Chesapeake Bay Preservation Ordinance.

The lot was platted prior to the adoption of the original ordinance with the house being built in 1981. The applicant has been advised on the mitigation requirements of 3 shrubs and 1 understory tree, all native, to be planted with the RPA on the lot.

### Staff Evaluation

Staff has evaluated the application and exception request for the pervious paver patio to allow the owners to increase the outdoor living area. Staff does not find this request unreasonable and further finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board because the patio is considered an accessory structure. Therefore, the exception request must be considered by the Board following public hearing under the formal exception process. The exception request before the board, and decision to approve or deny by resolution, is for encroachment into the RPA buffer for the construction of the pervious paver patio.

### Water Quality Impact Assessment (WQIA)

Under Sections 23-11 and 23-14 of the County's Chesapeake Bay Preservation ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs.

The applicant has submitted the majority of the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The applicant has submitted a County *Sensitive Area Activity Application* and the mitigation planting will be bonded.

### Consideration by the Chesapeake Bay Board

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-14-083 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-14-083 are included for the Board's use and decision.

### Staff Recommendations

Staff has fully reviewed the application and exception request and has determined impacts associated with the proposal to be **minimal** for the proposed development and that the proposed mitigation measures **meet** standard mitigation requirements. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

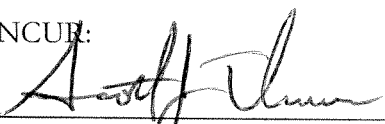
1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. Applicant shall follow the County's Pervious Paver Block System Guidelines for installation of the patio paver system; and

3. Surety of \$500.00 will be required in a form acceptable to the County Attorney's office to guarantee the mitigation plantings; and
4. This exception request approval shall become null and void if construction has not begun by May 14, 2015; and
5. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

Staff Report prepared by:

  
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Michael D. Woolson  
Senior Watershed Planner

CONCUR:

  
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Scott J. Thomas, Director  
Engineering and Resource Protection

Attachments: Water Quality Impact Assessment Package

## Chesapeake Bay Exception CBE-14-084: 113 Burnham

Staff report for the May 14, 2014 Chesapeake Bay Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Chesapeake Bay Board to assist in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

### Existing Site Data & Information

Applicant: Gregg and Deborah Hanson

Agent: Larry Walk, Walk Wright Construction

Location: 113 Burnham  
Lot 144, Section 6, Ford's Colony  
PIN: 3720300144

Lot Size/Zoning: 0.434 ac +/-; R4 Residential Planned Community Zoning

Area of Lot in RPA: 0.365 ac +/- (84%)

Watershed: Powhatan Creek (HUC Code JL31)

Proposed Activity: new single family home, shed and patio

Impervious Cover: 5,077 sq. ft.

RPA Encroachment: 1,869 sq. ft. within seaward 50 feet  
3,208 sq. ft. within landward 50 feet

### Brief Summary and Description of Activities

Mr. Larry Walk of Walk Wright Construction, on behalf of Gregg and Deborah Hanson, has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for encroachments into the RPA buffer for the construction of a single family home, shed and patio. The lot was platted in 1988, prior to the 1990 Chesapeake Bay Preservation Ordinance.

The project entails the construction of a single family home, shed and patio. The total proposed impervious cover for this project is approximately 5,077 sq. ft. The nature of this project requires approval from the Chesapeake Bay Board. The house has been moved forward as much as the setback limits will allow while also allowing for proper drainage around the sides of the home. A 10-foot wide patio runs along the entire rear of the home as well.

## Staff Evaluation

Staff has evaluated the application and exception request for the single family home and patio described above. Staff finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board because the single family house, shed and patio are proposed within the seaward 50' RPA buffer. Therefore, the exception request must be considered by the Board following public hearing under the formal exception process. The exception request before the board, and decision to approve or deny by resolution, is for encroachment into the RPA buffer for the construction of the single family house and patio.

## Water Quality Impact Assessment (WQIA)

Under Sections 23-11 and 23-14 of the County's Chesapeake Bay Preservation ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs.

The applicant has submitted the majority of the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The applicant has submitted a *County Sensitive Area Activity Application*. The required mitigation for this project would be 13 canopy trees, 26 understory trees and 39 shrubs, all native. The mitigation plan will be submitted at a later date and will be bonded.

## Consideration by the Chesapeake Bay Board

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-14-084 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-14-084 are included for the Board's use and decision.


## Staff Recommendations

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be **significant** for the proposed development and that the required mitigation measures **meet** standard mitigation requirements. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project; and
2. Applicant shall provide a planting plan for the proposed mitigation; and

3. Surety of \$7,000 will be required in a form acceptable to the County Attorney's office to ensure the mitigation; and
4. The Turf Love Program, or some other nutrient management program shall be used in the lawn areas and a copy of the plan submitted to staff prior to release of surety; and
5. This exception request approval shall become null and void if construction has not begun by May 14, 2015; and
6. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 6 weeks prior to the expiration date.

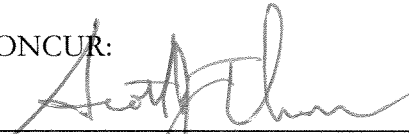
Staff Report prepared by:



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Michael D. Woolson  
Senior Watershed Planner

CONCUR:



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Scott J. Thomas, Director  
Engineering and Resource Protection

Attachments: Water- Quality Impact Assessment Package



# MEMORANDUM

**DATE:** May 14, 2014  
**TO:** The Chesapeake Bay Board  
**FROM:** Michael D. Woolson *MW*  
**SUBJECT:** Case No. CBE-13-094, 6312 Adam's Hunt Drive

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Mr. Patrick Young, homeowner at 6312 Adam's Hunt Drive, has requested an extension of the expiration date for Chesapeake Bay Board Exception CBE-13-094 within the required time frame of the original exception. The extension is being requested because the applicant has run into financial problems. All permit conditions required within CBE-13-094 shall apply to the permit extension. Staff concurs with this request and recommends that the Chesapeake Bay Board extend the expiration date to May 14, 2015.