

**A G E N D A**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, VA 23185**  
**August 8, 2018**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. Minutes from June 13, 2018, regular meeting

**D. PUBLIC HEARINGS**

1. CBPA 18-0108 : 2917 Leatherleaf Drive
2. CBPA-18-0121 : 103 Bermuda Circle
3. CBPA 18-0122 : 2148 Benomi Drive
4. CBPA 18-0128 : 4131 Centerville Road

**E. BOARD CONSIDERATIONS**

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 8/8/2018  
TO: Chesapeake Bay Board  
FROM: Chesapeake Bay Board Secretary  
SUBJECT: Minutes from June 13, 2018, regular meeting

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Minutes from June 13, 2018, regular meeting

**ATTACHMENTS:**

	Description	Type
☐	Minutes	Minutes

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, VA 23188**  
**June 13, 2018**  
**5:00 PM**

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**VIDEO    A.    CALL TO ORDER**

The Chesapeake Bay Board meeting for June 13, 2018, was Called to Order.

The responsibility of this Board is to carry out locally the Commonwealth policy to protect against and minimize pollution and deposition of sediment in wetlands, streams and lakes in James City County which are tributaries of the Chesapeake Bay.

**VIDEO    B.    ROLL CALL**

Board Members Present:

Charles Roadley  
Larry Waltrip  
David Gussman  
John Hughes  
William Apperson

Board Members Absent:

None

County Staff Present:

Michael Woolson, Senior Watershed Planner, Stormwater  
Frances Geissler, Director, Stormwater  
Liz Parman, Assistant County Attorney  
Trevor Long, Watershed Planner, Stormwater  
Janice Petty, Assistant, Stormwater

**VIDEO    C.    MINUTES**

**VIDEO    1.    Minutes from May 9, 2018, regular meeting**

The minutes from the May 9, 2018, regular meeting were approved as written. Mr. Hughes made the motion to accept the minutes.

**VIDEO    D.    PUBLIC HEARINGS**

**VIDEO    1.    CBE-18-091 : 2148 Benomi Drive**

Mr. Michael Woolson, on behalf of the applicants who could not attend, requested a deferral until August 8, 2018.

Mr. Gussman opened the Public Hearing.

No one wished to speak.

Mr. Gussman kept the Public Hearing open.

Mr. Hughes made a motion to defer the application until the next meeting for Chesapeake Bay Board Case No. CBE-18-091 at 2148 Benomi Drive.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson

Nays: None

Absent: None

VIDEO 2. CBE-18-092 : 4069 South Riverside Drive

Mr. Michael Woolson presented the exception request submitted by Mr. Vladamir Arana for the construction of a hot tub on property located at 4069 South Riverside Drive. The property is further identified as James City County Real Estate Tax Map Parcel No. 1910500015. The presentation described the current site conditions and the proposed project. Staff does not recommend any further mitigation due to the restoration of the RPA that Mr. Arana has previously undertaken. Staff does not recommend approval of this exception request due to the applicant's appearance before this Board in regards to CBV-18-008 & CBE-18-063. Should the Board grant the exception, the staff recommends the conditions outlined in the Resolution be required for approval.

The Board deliberated on the pros and cons of this application.

Mr. Gussman opened the Public Hearing.

A. Mr. Vladamir Arana addressed the Board and responded to questions.

Mr. Gussman closed the Public Hearing as no one else wished to speak.

Mr. Roadley made a motion to adopt the Resolution to grant the exception request for CBE-18-092 at 4069 South Riverside Drive.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson

Nays: None

Absent: None

VIDEO 3. CBE-18-093 : 123 Jordans Journey

Mr. Trevor Long presented the exception request submitted by Whitford and Judith Strickland for encroachments into the RPA buffer for the construction of a retaining wall, access path and coir logs bank stabilization. The project is located on property known as 123 Jordans Journey, within the First Colony subdivision in the James River Watershed. The property is further identified as James City County Tax Map Parcel No. 4540200150. Total impervious cover within the RPA 770 sf within the landward fifty feet of the RPA. Mitigation plan was described. Staff determined the impacts associated with the proposal to be minor and does recommended the conditions outlined in the Resolution be required for approval.

Mr. Gussman opened the Public Hearing.

A. Mr. Whitford Strickland addressed the Board and responded to questions.

Mr. Gussman closed the public hearing, as no one else wished to speak.

Mr. Apperson made a motion to adopt the Resolution to grant the exception request for CBE-18-093 at 123 Jordans Journey.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson

Nays: None

Absent: None

VIDEO

4. CBE-18-088 : 1 Ensigne Spence

Mr. Trevor Long presented the exception request submitted by Mathew Roth of Roth Environmental on behalf of Jay Napoleon for encroachments into the Resource Protection Area (RPA) for the construction of a patio and retaining wall, located at 1 Ensigne Spence in the Kingsmill subdivision in the College Creek Watershed. Staff has evaluated the request for a patio and retaining wall and determined the impacts associated with the proposal to be minor and recommends approval with the conditions outlined in the Resolution be incorporated into the approval.

The Board deliberated on the pros and cons of this application.

Mr. Gussman opened the Public Hearing.

A. Mr. Mathew Roth, Roth Environmental, addressed the Board and responded to questions.

Mr. Gussman commended Mr. Roth on providing a comprehensive plan.

Mr. Roadley had questions about the proposed outfall.

Mr. Roth explained the design of the outfall.

B. Mr. Jay Napoleon, property owner, addressed the Board and responded to questions.

Mr. Gussman closed the Public Hearing, as no one else wished to speak.

Mr. Hughes made a motion to grant the exception request for CBE 18-088 at 1 Ensigne Spence.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson

Nays: None

Absent: None

VIDEO

5. CBE-18-100 : 4131 Centerville Road

Mr. Michael Woolson presented the exception request submitted by Joe Franklin of Greensprings Mobile Home Park, LLC for encroachments into the Resource Protection Area buffer for the construction of a new principle structure. The project is located on property known as 4131 Centerville Road in the Gordon Creek Watershed. The property is further

identified as James City County Tax Map Parcel No. 3640100001. Applicant has verbally committed to planting the required mitigation at the rear of the lot, but a proposed mitigation plan has not yet been submitted. The required mitigation for this amount of impact would be three mitigation units. Staff recommends approval with conditions.

The Board deliberated the pros and cons of the application.

Mr. Gussman opened the Public Hearing.

A. Joe Franklin, Franklin Management, addressed the Board and answered questions.

Mr. Gussman had questions about the impervious cover.

Mr. Woolson clarified the impervious cover issue.

Mr. Gussman had questions about the mitigation.

Mr. Hughes asked to see the area of impervious cover removal shown on a plan.

Mr. Franklin requested a deferral until the next scheduled meeting.

Mr. Gussman kept the Public Hearing open.

Mr. Hughes made a motion to accept the deferral request for CBE 18-100 at 4131 Centerville Road to the next scheduled meeting.

The motion for deferral was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson

Nays: None

Absent: None

VIDEO

6. CBE-18-101 : Busch Gardens Pet Shenanigans Building

Mr. Trevor Long presented the exception request submitted by Ms. Suzy Cheely on behalf of SeaWorld Parks & Entertainment, LLC for encroachments into the Resource Protection Area for the construction of a new deck & HVAC unit. The project is located on property known as 7851 Pocahontas Trail in an area identified behind the Pet Shenanigans building of the Busch Garden Amusement Park in the James River Watershed. The property is further identified as James City County Tax Map Parcel No. 5140100009. Additional project aspects presented. Staff determined the impacts associated with the proposal to be minor and does recommended the conditions outlined in the Resolution be required for approval.

The Board deliberated on the pros and cons of this application.

Mr. Gussman opened the Public Hearing.

A. Larry Giles, Busch Gardens, addressed the Board and responded to questions.

Mr. Gussman closed the Public Hearing.

Mr. Roadley made a motion to adopt the Resolution to grant the exception request for CBE-18-101 at the Busch Gardens Williamsburg Pet Shenanigans Building.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson  
Nays: None  
Absent: None

VIDEO 7. CBE-18-094 : Busch Gardens Ireland Expansion

Mr. Michael Woolson presented the exception request submitted by Mr. Piotr Swietuchowski on behalf of SeaWorld Parks & Entertainment, LLC for encroachments into the RPA buffer for a new attraction in the Ireland section of Busch Gardens Williamsburg. The project is located on property known as 7851 Pocahontas Trail located in the James River Watershed. The property is further identified as James City County Tax Map Parcel No. 5140100009. Staff determined the impacts associated with the proposal to be major and does recommended the conditions outlined in the Resolution be required for approval.

The Board deliberated on the pros and cons of this application.

The Board had questions about the application, including the mitigation and wetland impacts.

Mr. Woolson responded to the questions.

Mr. Gussman opened the Public Hearing.

**A.** Mr. Larry Giles, representing Busch Gardens addressed the Board and responded to questions.

**B.** Mr. Piotr Swietuchowski, VHB, responded to additional Board questions.

Mr. Gussman closed the Public Hearing.

Mr. Waltrip made a motion to approve the Resolution to grant the exception request for CBE-18-094 at Busch Gardens.

The motion was approved: 5-0

Ayes: Roadley, Waltrip, Gussman, Hughes, Apperson  
Nays: None  
Absent: None

VIDEO **E. BOARD CONSIDERATIONS**

VIDEO 1. Special Conditions Discussion

Mr. Woolson presented the exception conditions from the April 11, 2018 Work Session for Board review. The Board agreed that the conditions are to be used when applicable.

VIDEO **F. MATTERS OF SPECIAL PRIVILEGE**

None

VIDEO **G. ADJOURNMENT**

The meeting was adjourned at 6:30 p.m.





**ITEM SUMMARY**

DATE: 8/8/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBPA-18-0108 : 2917 Leatherleaf Drive

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Mr. Edwin Keusey has filed an exception request for encroachment into the RPA buffer for the construction of a deck extension at 2917 Leatherleaf Drive in the Stonehouse subdivision, JCC Parcel No. 0510200010.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site Plan	Backup Material
☐	Public Hearing Notice	Backup Material
☐	APO Notification Letter	Backup Material
☐	APO Notification List	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/1/2018 - 2:31 PM
Chesapeake Bay Group	Geissler, Fran	Approved	8/1/2018 - 5:10 PM
Publication Management	Burcham, Nan	Approved	8/2/2018 - 7:27 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/2/2018 - 8:43 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-18-108. 2917 Leatherleaf Drive  
Staff Report for the August 8, 2018, Chesapeake Bay Board Public Hearing**

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

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**EXISTING SITE DATA AND INFORMATION**

Applicant: Mr. Edwin Keusey  
Agent: None  
Location: 2917 Leatherleaf Drive  
Tax Map/Parcel No.: 0510200010  
Parcel: Stonehouse, Leatherleaf, Section 4A, Block A, Lot 10  
Lot Size: .80 Acres  
Area of Lot in Resource Protection Area (RPA): .37 acres +/- (46%)  
Watershed: Ware Creek, (HUC YO62)  
Floodplain: None  
Proposed Activity: Construction of an attached deck  
Impervious Cover: 608 square feet  
RPA Encroachment: 608 square feet, landward 50-foot RPA buffer  
Staff Contact: Trevor Long, Watershed Planner Phone: 253-6789

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Edwin Keusey has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a new attached deck on property located at 2917 Leatherleaf Drive within the Ware Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0510200010. The parcel was platted in 1997 after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The additional impervious cover within the RPA is 608 square feet within the landward 50-foot RPA. The construction is considered an expansion because there is an existing deck currently in place. At this time, no mitigation plan has been submitted to County staff. Required mitigation for this amount of impact would be the plantings of two canopy trees, four understory trees and six shrubs.

**STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of the attached deck and finds that the application meets the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the attached deck is more than necessary to afford relief. Therefore, this request must be considered by the Board following a public hearing under the formal exception process. Per Sections 23-11

and 23-14 of the County Ordinance, a Water Quality Impact Assessment (WQIA) was submitted for the proposed project.

### **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. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBPA-18-108 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

### **STAFF RECOMMENDATIONS**

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be minor for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project;
2. A mitigation plan be submitted to accommodate the required plantings by staff, and a surety of \$1,000 in a form acceptable to the James City County Attorney to ensure the mitigation;
3. This exception request approval shall become null and void if construction has not begun by August 8, 2019;
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/md  
CBPA18-108LeatherleafDr

#### Attachments:

1. Resolution
2. Water Quality Impact Assessment Package
3. Site Plan

## RESOLUTION

CASE NO. CBPA-18-108. 2917 LEATHERLEAF DRIVE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Edwin Keusey (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on August 8, 2018, 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. 0510200010 and further identified as 2917 Leatherleaf Drive (the “Property”) as set forth in the application CBPA-18-108 for the purpose of constructing an attached deck; 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 submit a mitigation plan with two planting units, along with a \$1,000 surety to guarantee the plantings;
  - c. This exception request approval shall become null and void if construction has not begun by August 8, 2019.

- d. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

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

\_\_\_\_\_  
Michael Woolson  
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of August, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

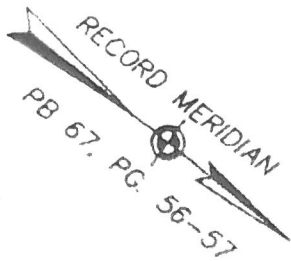
\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

CBPA18-108LeatherleafDr-res

Ed Keusey  
 Lot 10 Block A  
 Leatherleaf Stonehouse  
 2917 Leatherleaf Dr, Toano  
 (516) 949-6067

N/F  
 STANLEY S. HAZELWOOD  
 LIFE ESTATE  
 TAX PARCEL (4-2)91-20)



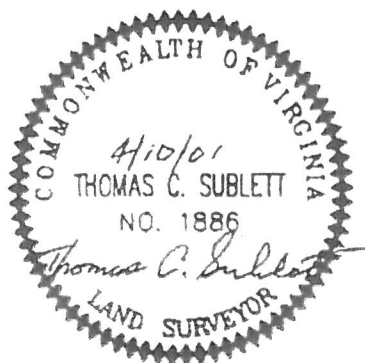
SURVEY PREPARED WITHOUT  
 BENEFIT OF TITLE REPORT

Existing sunroom

Proposed Deck

Existing Deck

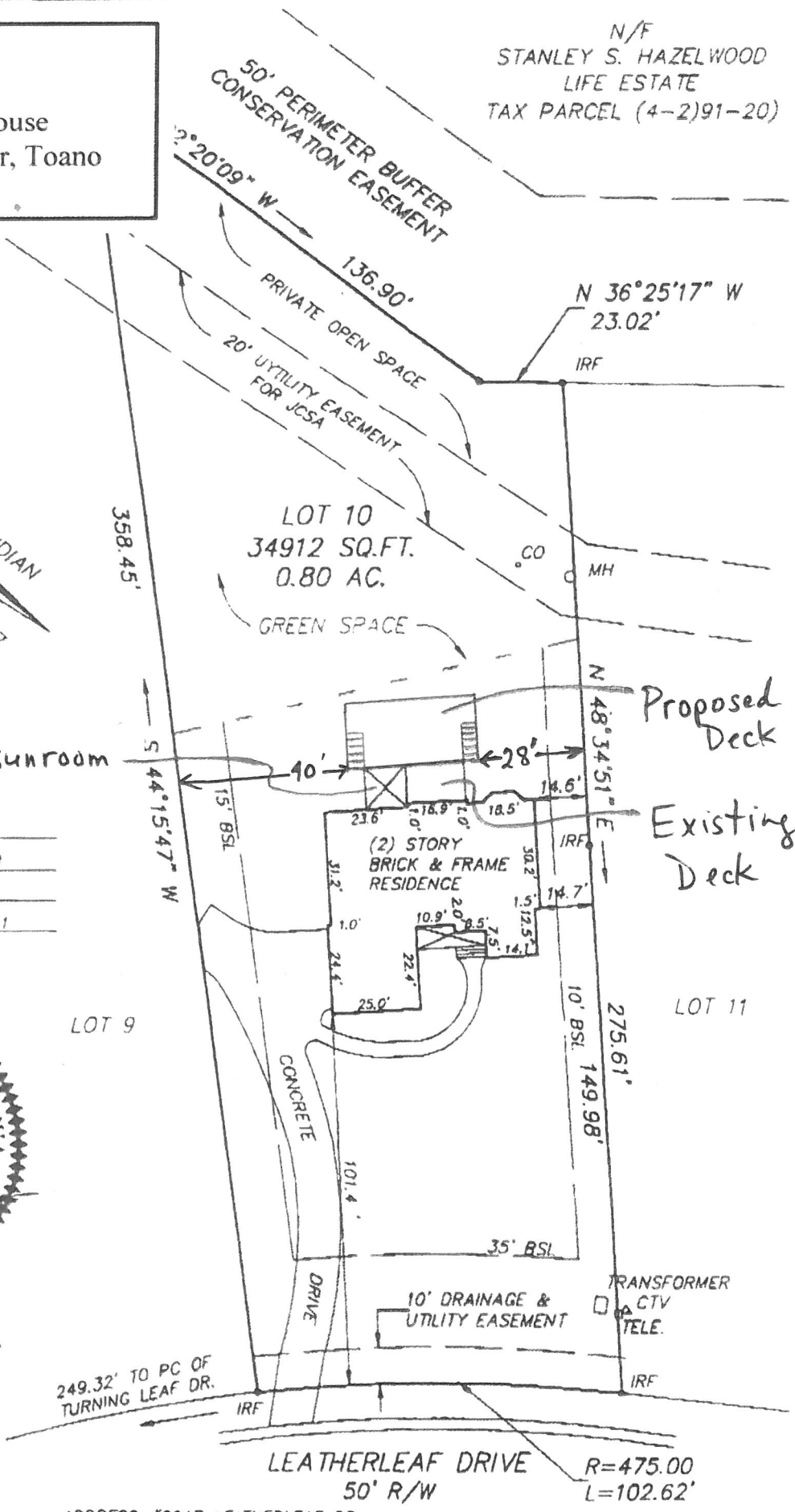
FLOOD INSURANCE RATE MAP  
 ZONE X  
 COMMUNITY NO. 510201  
 PANEL NO. 0010 B  
 DATE OF FIRM 02/06/91



**SYMBOLS DENOTE**

- PIPE FOUND
- PIPE SET
- ROD FOUND/SET
- CONC. MONUMENT

*Thomas C. Sublett*  
 HEREBY CERTIFY THAT THE SURVEY  
 REPRESENTED BY THIS PLAT WAS  
 MADE ON THIS DATE AND IS  
 CORRECT TO THE BEST OF MY  
 KNOWLEDGE AND BELIEF. THERE  
 ARE NO ENCROACHMENTS OF OTHER



PLAT OF THE PROPERTY OF:  
 JAMES M. & BELINDA B. COOK

LOT 10 BLOCK A  
 LEATHERLEAF



## **PUBLIC HEARING NOTICE**

THE WETLANDS AND CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, AUGUST 8, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA-18-0030/VMRC 18-0967: Ms. Donna G. Fowler has applied for a wetland permit to construct a bulkhead at 3032 N Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No. 1910200049.

WJPA-18-0046/VMRC 18-0763: Mr. and Mrs. Steve and Lori Caudill have applied for a wetland permit to construct a pier at 8400 Hicks Island Road, JCC Parcel No. 0910100026.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-18-0108: Mr. Edwin Keusey has filed an exception request for encroachment into the RPA buffer for the construction of deck extension at 2917 Leatherleaf Drive in the Stonehouse subdivision, JCC Parcel No 0510200010.

CBPA-18-0121: Ms. Janet Thrall has filed an exception request for encroachment into the RPA buffer for the construction of a detached garage at 103 Bermuda Circle in the First Colony subdivision, JCC Parcel No. 4540200172.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

## **NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – July 25, 2018 and August 1, 2018.  
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING  
ASSISTANT COUNTY ATTORNEY  
WETLAND/CHESAPEAKE BAY BOARD MEMBERS



General Services  
Stormwater and Resource  
Protection Division  
101-E Mounts Bay Road  
Williamsburg, VA 23185  
757-253-6790

Resource.Protection@jamescitycountyva.gov

July 18, 2018

RE: CBPA-18-0108  
2917 Leatherleaf Drive  
Deck Extension

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Edwin Keusey for encroachment into the Resource Protection Area (RPA) buffer associated with construction of deck extension. The project is located at 2197 Leatherleaf Drive in Block A of Section IV-A Leatherleaf, of the Stonehouse subdivision. The property is further identified by James City County Real Estate as Parcel No 0510200010.

A complete description, plan and other information are on file in the Stormwater Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, August 8, 2018 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Keusey, Edwin H & Kerry A





Mailing List for: CBPA-18-0108 – 2917 Leatherleaf Drive –Keusey, Edwin – Deck Extension

Owner: 0510200010-Deck Expansion

Keusey, Edwin H & Kerry A  
2917 Leatherleaf Drive  
Toano, VA 23168-9600

0510200009

Harrison, David W & Ruth W  
2913 Leatherleaf Drive  
Toano, VA 23168-9600

0510300005

Dunn, Chad B & Lori L  
2916 Leatherleaf Drive  
Toano, VA 23168-9600

0510300006

Bills, Steven H & Elizabeth S  
2920 Leatherleaf Drive  
Toano, VA 23168-2600

0510200011

Lesko, John M, Trustee & Melanie B, Trustee  
2921 Leatherleaf Drive  
Toano, VA 23168-9600

0420100020-9718 Old Stage Road

Hazelwood, Donald A  
9808 Fire Tower Rd  
Toano, VA 23168-9501

**ITEM SUMMARY**

DATE: 8/8/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBPA-18-0121 : 103 Bermuda Circle

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Ms. Janet Thrall has filed an exception request for encroachment into the RPA buffer for the construction of a detached garage at 103 Bermuda Circle in the First Colony subdivision, JCC Parcel No. 4540200172.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site Plan	Backup Material
☐	Public Hearing Notice	Backup Material
☐	APO Notification Letter	Backup Material
☐	APO Notification List	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/1/2018 - 2:31 PM
Chesapeake Bay Group	Geissler, Fran	Rejected	8/2/2018 - 9:05 AM
Chesapeake Bay Group	Woolson, Michael	Approved	8/2/2018 - 10:11 AM
Chesapeake Bay Group	Woolson, Michael	Approved	8/2/2018 - 10:12 AM
Chesapeake Bay Group	Geissler, Fran	Approved	8/2/2018 - 2:05 PM
Publication Management	Burcham, Nan	Approved	8/2/2018 - 2:21 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/2/2018 - 4:35 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-18-0121. 103 Bermuda Circle  
Staff Report for the August 8, 2018, Chesapeake Bay Board Public Hearing**

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

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**EXISTING SITE DATA AND INFORMATION**

Applicant: Ms. Janet Thrall

Agent: Mr. Dustin Turlington

Location: 103 Bermuda Circle

Tax Map/Parcel No.: 4540200172

Parcel: First Colony, L-172 S-2

Lot Size: .40 Acres

Area of Lot in Resource Protection Area (RPA): .31 acres +/- (78%)

Watershed: James River, (JL 30)

Floodplain: None

Proposed Activity: Replacement of a detached garage

Impervious Cover: 400 square feet

RPA Encroachment: 305 square feet, landward 50-foot RPA buffer  
95 square feet, seaward 50-foot RPA buffer

Staff Contact: Trevor Long, Watershed Planner Phone: 253-6789

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Dustin Turlington has applied for a Chesapeake Bay Exception on behalf of Ms. Janet Thrall for encroachments into the RPA buffer for the replacement of a detached garage on property located at 103 Bermuda Circle within the James River watershed. The property is further identified as James City County Tax Map Parcel No. 4540200172. The parcel was platted in 1964 prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

Currently, a 12-foot x 20-foot carport exists in the location that the new 24-foot x 30-foot detached garage is proposed. Additionally, there is a 4.5-foot x 19-foot walkway that the applicant is proposing to remove. For this reason, total impervious impacts equate to 400 square feet. The total impervious encroachment within the RPA is 305 square feet within the landward 50-foot RPA and 95 square feet within the seaward 50-foot RPA. Required mitigation for this amount of impact would be the plantings of one canopy tree, two understory trees and three shrubs. The applicant has proposed a rain garden and area for mitigation units to be planted adjacent to the proposed shed.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of the detached garage and finds that the application meets the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the detached garage is accessory in nature. Therefore, this request must be considered by the Board following a public hearing under the formal exception process. Per Sections 23-11 and 23-14 of the County Ordinance, a Water Quality Impact Assessment (WQIA) was submitted for the proposed project.

## **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. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBPA-18-0121 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

## **STAFF RECOMMENDATIONS**

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be minor for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project;
2. A surety of \$500 in a form acceptable to the James City County Attorney to ensure the mitigation;
3. The applicant will utilize the Turf Love program to design the rain garden feature;
4. This exception request approval shall become null and void if construction has not begun by August 8, 2019;
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

TL/nb  
CBPA18-0121BermudaC

### Attachments:

1. Resolution
2. Water Quality Impact Assessment Package
3. Site Plan
4. Mitigation Plan

## RESOLUTION

CASE NO. CBPA-18-0121. 103 BERMUDA CIRCLE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Janet Thrall (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on August 8, 2018, to request an exception to use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 4540200172 and further identified as 103 Bermuda Circle (the “Property”) as set forth in the application CBPA-18-0121 for the purpose of constructing a detached garage; 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 submit a mitigation plan with two planting units, along with a \$500 surety to guarantee the mitigation;

- c. The applicant shall utilize the Turf Love program to design the rain garden feature;
- d. This exception request approval shall become null and void if construction has not begun by August 8, 2019;
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

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

\_\_\_\_\_  
Michael Woolson  
Senior Watershed Planner

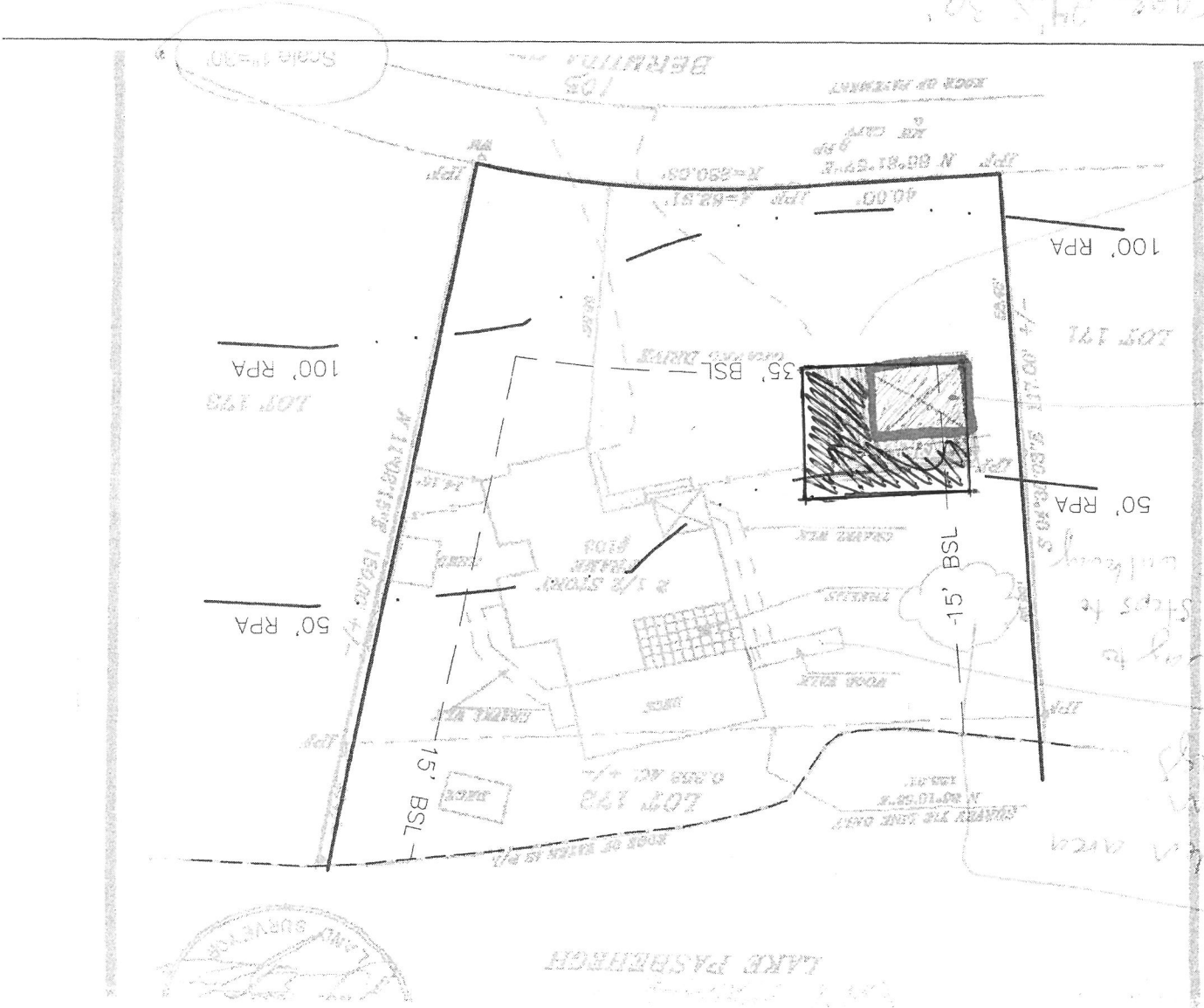
Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of August, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

CBPA18-0121BermudaC-res



LAKSH PASHEHGH

- 6'5" front setback on Lot 171  
 - 0' front setback on Lot 172  
 detached garage 24' x 30'  
 \* New proposed

12' x 20'  
 car port  
 \* existing  
 be built in lot's utility  
 be removed / new steps to  
 - 4.5 x 17' walk way to  
 \* existing  
 rain garden area  
 + mitigation  
 plantings  
 proposed





## **PUBLIC HEARING NOTICE**

THE WETLANDS AND CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, AUGUST 8, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA-18-0030/VMRC 18-0967: Ms. Donna G. Fowler has applied for a wetland permit to construct a bulkhead at 3032 N Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No. 1910200049.

WJPA-18-0046/VMRC 18-0763: Mr. and Mrs. Steve and Lori Caudill have applied for a wetland permit to construct a pier at 8400 Hicks Island Road, JCC Parcel No. 0910100026.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-18-0108: Mr. Edwin Keusey has filed an exception request for encroachment into the RPA buffer for the construction of deck extension at 2917 Leatherleaf Drive in the Stonehouse subdivision, JCC Parcel No 0510200010.

CBPA-18-0121: Ms. Janet Thrall has filed an exception request for encroachment into the RPA buffer for the construction of a detached garage at 103 Bermuda Circle in the First Colony subdivision, JCC Parcel No. 4540200172.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

## **NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – July 25, 2018 and August 1, 2018.  
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING  
ASSISTANT COUNTY ATTORNEY  
WETLAND/CHESAPEAKE BAY BOARD MEMBERS



**General Services  
Stormwater and Resource  
Protection Division**  
101-E Mounts Bay Road  
Williamsburg, VA 23185  
757-253-6790

Resource.Protection@jamescitycountyva.gov

July 18, 2018

RE: CBPA-18-0121  
103 Bermuda Circle  
Detached Garage

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Janet Thrall for encroachment into the Resource Protection Area (RPA) buffer associated with construction of a detached garage. The project is located at 103 Bermuda Circle, within Section Two of the First Colony subdivision. The property is further identified by James City County Real Estate as Parcel No 4540200172.

A complete description, plan and other information are on file in the Stormwater Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, August 8, 2018 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Thrall, Janet  
Crossroad Custom Builders- Dustin Turlington

Mailing List for: CBPA-18-0121 – 103 Bermuda Circle – Thrall, Janet/Crossroad Custom Builder-Dustin Turlington – Detached Garage

Owner: 4540200172

Thrall, Janet L  
103 Bermuda Circle  
Williamsburg, VA 23185-1406

Crossroad Custom Builders  
Attn: Mr. Dustin Turlington  
P.O. Box 5671  
Williamsburg, VA 23188-5210

4540200173

Bennett, Alan R & Melissa C  
101 Bermuda Circle  
Williamsburg, VA 23185-1406

4540200171

Walker, Jeffrey K & Kathy A  
105 Bermuda Circle  
Williamsburg, VA 23185-1406

4540200167 – 102 Bermuda Circle

Reger, Ellen E, Trustee  
106 Curles Circle  
Williamsburg, VA 23185-1409

4540200168 - 106 Bermuda Circle

Lash, Edward L & Verite, Florence N  
8701 Standish Road  
Alexandria, VA 22308-2512

4520200220

Charles, John M & Patricia K M  
120 Pasbehegh Drive  
Williamsburg, VA 23185-1417

4520200219

Dwyer, Frank T, Trustee & Marguerite M, Trustee  
118 Pasbehegh Drive  
Williamsburg, VA 23185-1417

**ITEM SUMMARY**

DATE: 8/8/2018  
TO: Chesapeake Bay Board  
FROM: Chesapeake Bay Board Secretary  
SUBJECT: CBPA-18-0122 : 2148 Benomi Drive

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Mrs. Tabitha Partlow has filed an exception request for encroachment into the RPA buffer and conservation easement for the installation of a shed at 2148 Benomi Drive in the Peleg's Point subdivision, JCC Parcel No. 4741300084.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site Plan	Backup Material
☐	Public Hearing Notice	Backup Material
☐	APO Notification Letter	Backup Material
☐	APO Notification List	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/2/2018 - 8:35 AM
Chesapeake Bay Group	Geissler, Fran	Approved	8/2/2018 - 9:33 AM
Publication Management	Daniel, Martha	Approved	8/2/2018 - 9:41 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/2/2018 - 10:41 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-18-0122. 2148 Benomi Drive  
Staff Report for the August 8, 2018, Chesapeake Bay Board Public Hearing**

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

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Tabitha and Robert Partlow

Agent: None

Location: 2148 Benomi Drive

Tax Map/Parcel No.: 4741300084

Parcel: Peleg's Point, Section 5, Lot 84

Lot Size: 0.53 acre

Area of Lot in Resource Protection Area (RPA): 0.32 acre +/- (60%)

Watershed: Mill Creek, (HUC JL33)

Floodplain: Zone AE- Special Flood Hazard Area subject to 1% annual chance flood

Proposed Activity: Construction of a shed

Impervious Cover: 96 square feet

RPA Encroachment: 96 square feet, landward 50-foot RPA buffer

Staff Contact: Trevor Long, Watershed Planner Phone: 253-6789

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Tabitha and Robert Partlow have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a shed on property located at 2148 Benomi Drive within the Peleg's Point subdivision and the Mill Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4741300084. The parcel was platted in 2002 after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total impervious cover within the RPA is 96 square feet within the landward 50-foot RPA. To date, the applicant has not proposed any mitigation plantings. The required mitigation for this amount of impact would be one planting unit.

**STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a shed and finds that the application meets the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the proposed shed is considered accessory. Therefore, this request must be considered by the Board following a public hearing under the formal exception process.

## **WATER QUALITY IMPACT ASSESSMENT (WQIA)**

A WQIA must be submitted, per Sections 23-11 and 23-14 of the County Ordinance, for any proposed land-disturbing activity resulting from development or redevelopment within RPAs. To date, the applicant has submitted most of the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*.

## **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. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBPA-18-0122 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

## **STAFF RECOMMENDATIONS**

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be minor for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project;
2. That the applicant submit a mitigation plan with a \$250 surety to guarantee the plantings;
3. This exception request approval shall become null and void if construction has not begun by August 8, 2019;
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

MDW/md  
CBPA18-0122BenomiDr

### Attachments:

1. Resolution
2. Water Quality Impact Assessment Package
3. Site Plan

## RESOLUTION

CASE NO. CBPA-18-0122. 2148 BENOMI DRIVE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Tabitha and Robert Partlow (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on August 8, 2018, to request an exception to use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 4741300084 and further identified as 2148 Benomi Drive (the “Property”) as set forth in the application CBPA-18-0122 for the purpose of constructing a shed; 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 applicant must obtain all other necessary federal, state and local permits required for the project;
  - b. The applicant submit a mitigation plan with one planting unit, along with a \$250 surety to guarantee the mitigation;
  - c. This exception request approval shall become null and void if construction has not begun by August 8, 2019;

- d. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

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

\_\_\_\_\_  
Michael Woolson  
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of August, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

\_\_\_\_\_  
NOTARY PUBLIC

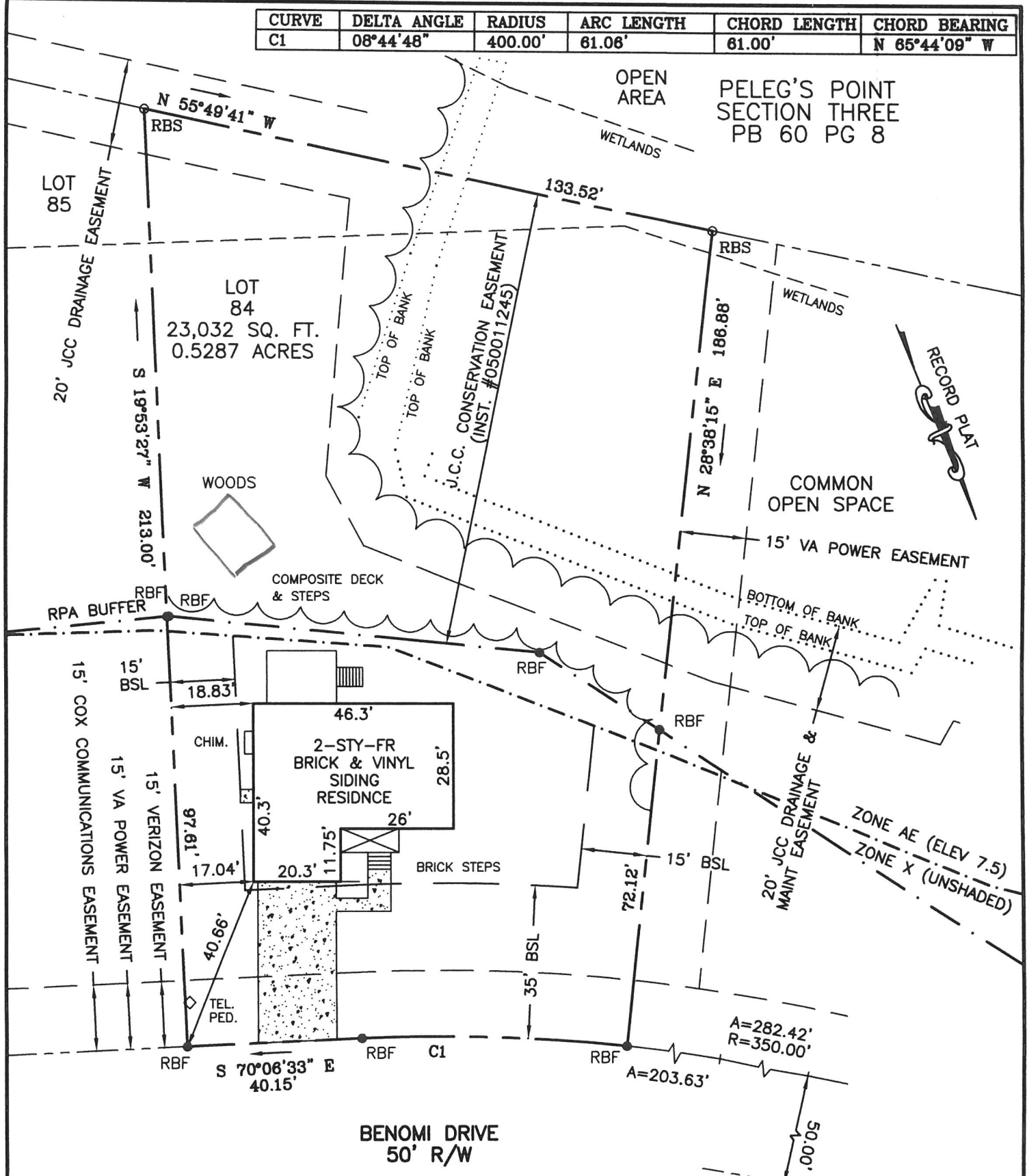
MY COMMISSION EXPIRES: \_\_\_\_\_

CBPA18-0122BenomiDr-res

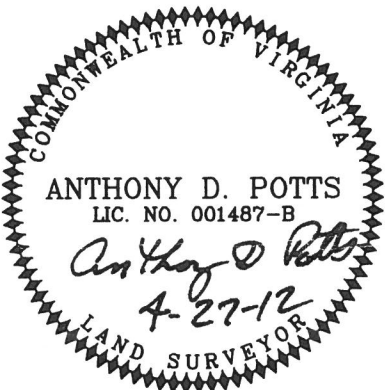


CAD PA-18-0122  
 CDE#18-091

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	08°44'48"	400.00'	61.06'	61.00'	N 65°44'09" W



NOTES: UNDERGROUND UTILITIES  
 THIS PROPERTY IS LOCATED IN FIRM ZONE X, (UNSHADED)(AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD), & ZONE AE, (ELEV. 7.5)(BASE FLOOD ELEVATIONS DETERMINED), AS SHOWN ON COMMUNITY PANEL NO. 510201 0185 C DATED SEPTEMBER 28, 2007 (INDEX DATE SEPTEMBER 28, 2007)  
 REF: INST. #050014087  
 NO TITLE REPORT PROVIDED  
 ALL EASEMENTS MAY NOT BE SHOWN



THIS IS TO CERTIFY THAT ON APRIL 27, 2012 I PERFORMED A CURRENT FIELD SURVEY OF THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE TITLE LINES AND THE WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT.  
 THE BUILDINGS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY EXCEPT AS SHOWN.  
 Anthony D. Potts  
 ANTHONY D. POTTS, L.S.

**#2148 BENOMI DRIVE**  
 PHYSICAL SURVEY OF THE PROPERTY OF  
**TABITHA C. PARTLOW**

---

**LOT 84**  
**PELEG'S POINT**  
**SECTION FIVE**  
 JAMESTOWN DISTRICT  
 JAMES CITY COUNTY, VIRGINIA

---

ADPA **A.D. POTTS & ASSOCIATES, INC.**  
 11524 JEFFERSON AVENUE  
 NEWPORT NEWS, VIRGINIA 23601  
 PHONE: (757)-595-4610  
 SCALE: 1"=30' DATE: 4/27/12



## **PUBLIC HEARING NOTICE**

THE WETLANDS AND CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, JUNE 13, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

W-26-18/VMRC 18-0763: Mr. and Mrs. Steve and Lori Caudill have applied for a wetland permit to construct a pier at 8401 Hicks Island Road, JCC Parcel No. 0910100024A.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-091: Mrs. Tabitha Partlow has filed an exception request for encroachment into the RPA buffer and conservation easement for the installation of a shed at 2148 Benomi Drive in the Peleg's Point subdivision, JCC Parcel No. 4741300084.

CBE-18-092: Mr. Vladimir Arana has filed an exception request for encroachment into the RPA buffer for the installation of a hot tub at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-093: Mr. Whitford R. Strickland has filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall, patio, access path and shoreline restoration at 123 Jordans Journey in the First Colony subdivision, JCC Parcel No. 4540200150.

CBE-18-094: Mr. Piotr Swietuchowski of VHB, Inc., on behalf of SeaWorld Parks & Entertainment, LLC, has filed an exception request for encroachment into the RPA buffer for the construction of a new structure in the Ireland Hamlet section of Busch Gardens at 7851 Pocahontas Trail, JCC Parcel No. 5140100009.

CBE-18-100: Mr. Joseph E. Franklin has filed an exception request for encroachment into the RPA buffer for installation of a double wide mobile home at 25 Clay Circle in the Greensprings Mobile Home Park located at 4131 Centerville Road, JCC Parcel No. 3640100001.

CBE-18-101: Ms. Suzy Cheely, on behalf of SeaWorld Parks & Entertainment, LLC, has filed an exception request for encroachment into the RPA buffer for the construction of a deck behind the Pet Shenanigans Show building at Busch Gardens, located at 7851 Pocahontas Trail, JCC Parcel No. 5140100009.

Consideration of proposed Chesapeake Bay exception conditions will be heard.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – May 30, 2018 and June 6, 2018.  
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES:        PLANNING  
                  ASSISTANT COUNTY ATTORNEY  
                  WETLAND/CHESAPEAKE BAY BOARD MEMBERS



General Services  
Stormwater and Resource  
Protection Division  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

May 23, 2018

RE: CBE-18-091  
2148 Benomi Drive  
Accessory Building-Shed

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Tabitha Partlow for encroachment into the Resource Protection Area (RPA) buffer and Conservation Easement associated with installation of a shed. The project is located at 2148 Benomi Drive in Section 5 of the Peleg's Point subdivision. The property is further identified by James City County Real Estate as Parcel No 4741300084.

A complete description, plan and other information are on file in the Stormwater Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, June 13, 2018 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Partlow, Tabitha



Mailing List for: CBE-18-091 – 2148 Benomi Drive – Partlow – Shed

Owner: 4741300084

Partlow, Tabitha C  
2148 Benomi Drive  
Williamsburg, VA 23185-2116

4741300093

Hammett, Michael B & Judith I  
2147 Benomi Drive  
Williamsburg, VA 23185-2116

4741300085

Keys, Diane C  
2152 Benomi Drive  
Williamsburg, VA 23185-2116

4741300001A & 5520300001A

Pelegs Point Owners Association, Inc.  
4724 Williamsburg Glade  
Williamsburg, VA 23185-2113

4830100042

Gilley, R Edwin II & Leigh Ann & Terri Lynn  
223 Gate House Boulevard  
Williamsburg, VA 23185-3169

**ITEM SUMMARY**

DATE: 8/8/2018  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: CBPA-18-0128 : 4131 Centerville Road

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Mr. Joseph E. Franklin has filed an exception request for encroachment into the RPA buffer for installation of a double wide mobile home at 25 Clay Circle in the Greensprings Mobile Home Park located at 4131 Centerville Road, JCC Parcel No. 3640100001.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site Plan	Backup Material
☐	Public Hearing Notice	Backup Material
☐	APO Notification Letter	Backup Material
☐	APO Notification List	Backup Material

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/1/2018 - 5:18 PM
Chesapeake Bay Group	Geissler, Fran	Approved	8/1/2018 - 5:45 PM
Publication Management	Burcham, Nan	Approved	8/2/2018 - 7:27 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/2/2018 - 8:43 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-18-128. 4131 Centerville Road  
Staff Report for the August 8, 2018, Chesapeake Bay Board Public Hearing**

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

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**EXISTING SITE DATA AND INFORMATION**

Applicant: Greensprings Mobile Home Park, LLC

Agent: Joe Franklin

Location: 4131 Centerville Road

Tax Map/Parcel No.: 3640100001

Lot Size: 46.29 acre

Area of Lot in Resource Protection Area (RPA): 10.08 acre +/- (22%)

Watershed: Gordon Creek, (HUC JL29)

Floodplain: None

Proposed Activity: Construction of a new principle structure

Impervious Cover: 1,400 square feet

RPA Encroachment: 400 square feet within the seaward 50-foot RPA buffer  
1,000 square feet within the landward 50-foot RPA buffer

Staff Contact: Trevor Long, Watershed Planner Phone: 253-6789

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Joe Franklin has applied for a Chesapeake Bay Exception on behalf of Greensprings Mobile Home Park, LLC for encroachments into the RPA buffer for the construction of a new principle structure on property located at 4131 Centerville Road within the James River watershed. The property is further identified as James City County Tax Map Parcel No. 3640100001. The parcel was platted in 1955 prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total impervious cover within the RPA is 1,400 square feet, of which 400 square feet is within the seaward 50-foot RPA. The lot in question was used historically for a mobile home site. That use discontinued in 1986. The owners are requesting to use the site again for a mobile home site because the other programmed site has encroachments into it from the two adjacent mobile homes. The major open space area outside of the RPA cannot be used for mobile home placement because it is used by the community as a recreation field. The applicant has verbally committed to planting the required mitigation at the rear of the lot but has not proposed a written mitigation plan. The required mitigation is three planting units.

This case appeared before the June 13, 2018 Chesapeake Bay Board where it was deferred for the purpose of allowing the applicant to amend the site plan and formulate a mitigation plan that addresses the location



of the plantings and any impervious area to be removed. The mitigation plan now encompasses the required planting units plus the removal of 1,400 square feet of impervious cover from the RPA.

### **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a new principle structure and finds that the application meets the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the proposed construction encroaches into the 50-foot seaward RPA. Therefore, this request must be considered by the Board following a public hearing under the formal exception process. A Water Quality Impact Assessment (WQIA) was submitted per Sections 23-11 and 23-14 of the County Ordinance for the project within the RPA.

### **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. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception CBPA-18-0128 as outlined and presented above and review the request for exception along with the WQIA. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

### **STAFF RECOMMENDATIONS**

Staff has reviewed the application and exception request and has determined impacts associated with the proposal to be major for the proposed development. Staff recommends approval of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state and local permits as required for the project;
2. The applicant submit a mitigation plan with three planting units and the exact area of impervious cover removed, along with a \$1,500 surety to guarantee the mitigation;
3. This exception request approval shall become null and void if construction has not begun by August 8, 2019;
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

TL/nb  
CBPA18-128-4131CentvilleRd

#### Attachments:

1. Resolution
2. Water Quality Impact Assessment Package
3. Site Plan

## RESOLUTION

CASE NO. CBPA-18-128. 4131 CENTERVILLE ROAD

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Joe Franklin (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on August 8, 2018, 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. 3640100001 and further identified as 4131 Centerville Road (the “Property”) as set forth in the application CBPA-18-128 for the purpose of installing a new trailer; 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 submit a mitigation plan with three planting units, area of impervious cover removal and a \$1,500 surety to guarantee the mitigation;
  - c. This exception request approval shall become null and void if construction has not begun by August 8, 2019.

- d. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

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

\_\_\_\_\_  
Michael Woolson  
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of August, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

CBPA18-128-4131CntvllRd-res

REC  
12/12/16

✓ = Tied in  
to Sewer

# Greensprings MHP

4131 Centerville Rd  
Williamsburg, VA 23188

84 Lots  
1 Non-functional lot  
Boat / Storage area

*SWAY LOT location*

*Lot 17 Hickory Ct*



*TO  
2.5  
CLAY*

4131 Centerville Rd



## **PUBLIC HEARING NOTICE**

THE WETLANDS AND CHESAPEAKE BAY BOARDS OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, JUNE 13, 2018, AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

W-26-18/VMRC 18-0763: Mr. and Mrs. Steve and Lori Caudill have applied for a wetland permit to construct a pier at 8401 Hicks Island Road, JCC Parcel No. 0910100024A.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBE-18-091: Mrs. Tabitha Partlow has filed an exception request for encroachment into the RPA buffer and conservation easement for the installation of a shed at 2148 Benomi Drive in the Peleg's Point subdivision, JCC Parcel No. 4741300084.

CBE-18-092: Mr. Vladimir Arana has filed an exception request for encroachment into the RPA buffer for the installation of a hot tub at 4069 South Riverside Drive in the Chickahominy Haven subdivision, JCC Parcel No 1910500017.

CBE-18-093: Mr. Whitford R. Strickland has filed an exception request for encroachment into the RPA buffer for the construction of a retaining wall, patio, access path and shoreline restoration at 123 Jordans Journey in the First Colony subdivision, JCC Parcel No. 4540200150.

CBE-18-094: Mr. Piotr Swietuchowski of VHB, Inc., on behalf of SeaWorld Parks & Entertainment, LLC, has filed an exception request for encroachment into the RPA buffer for the construction of a new structure in the Ireland Hamlet section of Busch Gardens at 7851 Pocahontas Trail, JCC Parcel No. 5140100009.

CBE-18-100: Mr. Joseph E. Franklin has filed an exception request for encroachment into the RPA buffer for installation of a double wide mobile home at 25 Clay Circle in the Greensprings Mobile Home Park located at 4131 Centerville Road, JCC Parcel No. 3640100001.

CBE-18-101: Ms. Suzy Cheely, on behalf of SeaWorld Parks & Entertainment, LLC, has filed an exception request for encroachment into the RPA buffer for the construction of a deck behind the Pet Shenanigans Show building at Busch Gardens, located at 7851 Pocahontas Trail, JCC Parcel No. 5140100009.

Consideration of proposed Chesapeake Bay exception conditions will be heard.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101 Mounts Bay Road, Building E, James City County, Virginia.

**NOT FOR PUBLICATION**

DISPLAY: WEDNESDAY – May 30, 2018 and June 6, 2018.  
ACCOUNT NO.: 0011040200 - VIRGINIA GAZETTE

COPIES: PLANNING  
ASSISTANT COUNTY ATTORNEY  
WETLAND/CHESAPEAKE BAY BOARD MEMBERS



**General Services  
Stormwater and Resource  
Protection Division**  
101-E Mounts Bay Road  
Williamsburg, VA 23185

Resource.Protection@jamescitycountyva.gov

May 23, 2018

RE: CBE-18-100  
4131 Centerville Road

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Joseph Franklin for encroachment into the Resource Protection Area (RPA) buffer associated with the installation of a double wide trailer in the Greensprings Mobile Home Park at 4131 Centerville Road, Williamsburg, VA. The property is further identified by James City County Real Estate as Parcel No 3640100001.

A complete description, plan and other information are on file in the Stormwater Division and are available for inspection during normal business hours, should anyone desire to review them.

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, June 13, 2018 at 5:00 p.m.**, in the Board Room of Building F, 101 Mounts Bay Road, James City County, Virginia, at which time you may request to speak on the above referenced project.

Sincerely,

*Janice Petty*

Janice Petty  
Stormwater Assistant

cc: Joseph Franklin, Greensprings Mobile Home Park





Mailing List for: CBE-18-094 – 7851 Pocahontas Trail– Seaworld Parks – Accessory – Deck

Owner: 5140100009

SeaWorld Parks & Entertainment LLC c/o Pts  
P.O. Box 543185  
Dallas, TX 75354-3185

SeaWorld Parks and Entertainment  
Attn: Suzy Cheely  
One Busch Gardens Blvd  
Williamsburg, VA 23185-8765

Seaworld Parks & Entertainment LLC  
9205 South Park Center Loop, Suite 400  
Orlando, FL 32819-8651

Vanasse Hangen Brustlin, Inc.  
Attn: Piotr Swietuchowski  
351 McLaws Cir, Suite 3  
Williamsburg, VA 23185-6316

5130100001 - 7801 Pocahontas Tr  
5230100112 – 100 Busch Service Rd  
Anheuser-Busch Brewing Properties, LLC  
Attn: General Counsel  
One Busch Place  
Saint Louis, MO 63118-1849

5140100002 – 8397 Pocahontas Tr  
Sturdivant, Toni C  
8405 Pocahontas Trail  
Williamsburg, VA 23185-5952

5140100003 – 8399 Pocahontas Tr  
Lee, Robert and Rebecca  
215 Telford Drive  
Newport News VA 23602-5224

5130100002 – 1000 Carter's Grove  
5230100011A – 8581 Pocahontas Tr  
5230100111 - 8515 Pocahontas Tr  
5230100011B – 101 Busch Service Rd  
Escalante Kingsmill Development LLC  
2930 Bledsoe Street, Suite 124  
Forth Worth, TX 76107-2942

