

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
September 11, 2019
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from August 14, 2019, Regular Meeting

D. PUBLIC HEARINGS

1. CBPA 19-0088 : 105 Shellbank Drive
2. CBPA 19-0091 : 3884 Fox Run

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 9/11/2019

TO: Chesapeake Bay Board

FROM: Michael Woolson, Chesapeake Bay Board Secretary

SUBJECT: Minutes from August 14, 2019, Regular Meeting

ATTACHMENTS:

	Description	Type
	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	9/9/2019 - 5:01 PM
Chesapeake Bay Group	Small, Toni	Approved	9/9/2019 - 5:24 PM
Publication Management	Burcham, Nan	Approved	9/10/2019 - 7:42 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	9/10/2019 - 9:53 AM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
August 14, 2019
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for August 14, 2019, 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.

B. ROLL CALL

Board Members Present:

David Gussman, Chair
William Apperson, Vice chair
John Hughes
Charles Roadley
Robert Lukens, Alternate

Board Members Absent:

Larry Waltrip

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Trevor Long, Watershed Planner, Stormwater and Resource Protection
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

C. MINUTES

1. Minutes from July 10, 2019, Regular Meeting

A motion to Approve the minutes was made by Mr. Gussman. The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. CBPA 19-0055 : 10025 Sycamore Landing Road

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Jeffrey Miller for encroachments into the Resource Protection Area (RPA) buffer for the construction of a detached garage on property located at 10025 Sycamore Landing Road, within the Sycamore Landing subdivision, and the Ware Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0720400007. The presentation described the current and proposed site conditions. Staff determined the impacts associated with this project to be minor and recommends approval. However, if the Board approved the request, staff asked that the attached conditions be incorporated into the

approval.

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

The Public Hearing from the July 10, 2019 meeting was left open.

A. Mr. Jeffrey Miller, property owner, outlined the project changes to the Board.

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

Mr. Hughes made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 19-0055 at 10025 Sycamore Landing Road.

A motion to Approve with Conditions was made by Mr. Hughes.

The motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Apperson, Hughes, Roadley, Lukens

Absent: Waltrip

2. CBPA 19-0087 : 7612 Uncles Neck

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Ms. Karla Havens, Mid-Atlantic Resource Consulting, on behalf of Ms. Theresa Whelan for encroachments into the RPA buffer for the grading of the bank for access to the beach and pier on the property located at 7612 Uncles Neck, within the Rivers Bend at Uncles Neck subdivision and the Yarmouth Creek watershed. The property is further identified as James City County Tax Map Parcel No. 2030200028. The presentation described the current and proposed site conditions. Staff determined the impacts associated with this project to be minor and recommended approval with the conditions.

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

Mr. Gussman opened the Public Hearing.

A. Ms. Havens, Mid-Atlantic Resource Consulting, outlined the project to the Board.

Mr. Gussman inquired as to the intended use of the vinyl.

A. Ms. Havens responded that it was a vinyl sheeting wall that would line the access down to the pier.

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

Mr. Roadley made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 19-0087 at 7612 Uncles Neck.

A motion to Approve with Conditions was made by Mr. Roadley.

The motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Apperson, Hughes, Roadley, Lukens

Absent: Waltrip

3. CBPA 19-0066 : 3124 Sapling Drive

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Bob Root, Williams Landscaping & Design, Inc., on behalf of Mr. Richard Summerville and Mrs. Carole Summerville for encroachments into the RPA buffer for the construction of a retaining wall on the property located at 3124 Sapling Drive, within the Stonehouse subdivision and the Ware Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0520400025. The presentation described the current and proposed site conditions. Staff determined the impacts associated with this project to be minor and recommended approval with the conditions.

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

Mr. Gussman opened the Public Hearing.

A. Mr. Aaron Williams, Williams Landscaping & Design, Inc., outlined the project to the Board.

Mr. Roadley questioned the height of the wall.

A. Mr. Williams responded that the height of the wall was 10 feet above grade. He also explained the composition of the backfill materials.

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

Mr. Apperson made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 19-0066 at 3124 Sapling Drive.

A motion to Approve with Conditions was made by Mr. Apperson.

The motion result was: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Apperson, Hughes, Roadley, Lukens

Absent: Waltrip

4. CBPA 19-0065 : 2529 William Tankard Drive

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Jonathan Cramer, HH Hunt Homes, Inc., on behalf of Ms. Amanda Stallings for encroachments into the RPA buffer for the construction of an in-ground pool on the property located at 2529 William Tankard Drive, within the Landfall Village subdivision, and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4640800015. The presentation described the current and proposed site conditions. Staff determined the impacts associated with this project to be minor and recommended approval with the conditions.

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

Mr. Gussman opened the Public Hearing.

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

Mr. Hughes made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 19-0065 at 2529 William Tankard Drive.

A motion to Approve with Conditions was made by Mr. Hughes.

The motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Apperson, Hughes, Roadley, Lukens

Absent: Waltrip

E. BOARD CONSIDERATIONS

1. CBPA 18-0134 : 500 Thompson Lane

Mr. Trevor Long, Watershed Planner, presented the extension request from Mr. Ross Thompson. Mr. Thompson is requesting a one-year extension to CBPA 18- 0134, originally granted on September 26, 2018.

Mr. Gussman made a motion to Adopt the resolution for extension of Chesapeake Bay Board Case No. CBPA 18-0134 at 500 Thompson Lane.

A motion to Approve with Conditions was made by Mr. Gussman.

The motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Apperson, Hughes, Roadley, Lukens

Absent: Waltrip

2. CBPA 18-0108 : 2917 Leatherleaf Drive

Mr. Trevor Long, Watershed Planner, presented the extension request from Mr. Edwin Keusey. Mr. Keusey is requesting a one-year extension to CBE 18-0108, last extended on July 30, 2019.

Mr. Gussman made a motion to Adopt the resolution for extension of Chesapeake Bay Board Case No. CBPA 18-0108 at 2917 Leatherleaf Drive.

A motion to Approve with Conditions was made by Mr. Gussman.

The motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Apperson, Hughes, Roadley, Lukens

Absent: Waltrip

F. MATTERS OF SPECIAL PRIVILEGE

None

G. ADJOURNMENT

A motion to Adjourn was made by Mr. Hughes and approved on a voice vote.

The meeting adjourned at 6:22 p.m.

ITEM SUMMARY

DATE: 9/11/2019

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: CBPA 19-0088 : 105 Shellbank Drive

Mid-Atlantic Resource Consulting, on behalf of Bruce Christman, has filed an exception request for encroachments into the RPA buffer for bank grading at 105 Shellbank Drive in the Shellbank subdivision, JCC Parcel No. 4530200014.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Presentation	Presentation
▣	Site Plan	Backup Material
▣	Public Advertisement	Backup Material
▣	APO Letter	Backup Material
▣	APO Mailing List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	9/9/2019 - 5:00 PM
Chesapeake Bay Group	Small, Toni	Approved	9/9/2019 - 5:24 PM
Publication Management	Burcham, Nan	Approved	9/10/2019 - 7:41 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	9/10/2019 - 9:53 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 19-0088. 105 Shellbank Drive
Staff Report for the September 11, 2019, Chesapeake Bay Board Public Hearing**

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.

EXISTING SITE DATA AND INFORMATION

Applicant: Mr. Bruce Christman

Agent: Ms. Karla Havens, Mid-Atlantic Resource Consulting

Location: 105 Shellbank Drive

Parcel: Lot 14, Section A, Shellbank

Parcel Identification No.: 4530200014

Lot Size: 1.14 acres

Area of Lot in Resource Protection Area (RPA): 0.31 acres +/- (27%)

Watershed: James River (JL30)

Floodplain: VE Zone, El. 16 - Coastal flood zone with velocity hazard (wave action); base flood elevation 16 feet Mean Sea Level (MSL)

Proposed Activity: Bank grading associated with a proposed stone revetment

Impervious Cover: None proposed outside of the revetment

RPA Encroachment: 7,750 square feet within the seaward 50-foot RPA and 3,875 square feet within the landward 50-foot RPA buffer

Staff Contact: Michael D. Woolson, Senior Watershed Planner Phone: 253-6823

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. Karla Havens, Mid-Atlantic Resource Consulting, has applied for a Chesapeake Bay Exception on behalf of Mr. Bruce Christman for encroachments into the RPA buffer for the regrading of a bank in association with a stone revetment on property located at 105 Shellbank Drive within the Shellbank subdivision and the James River watershed. The property is further identified as James City County Tax Map Parcel No. 4530200014. The parcel was platted in 1981, prior to the adoption of the Chesapeake Bay Preservation Ordinance. The lot currently does not have any structures on it. They were removed approximately two to four years ago.

The total lot size of this property is 1.14 acres, of which 0.31 acres or 27%, is located within the RPA. The applicant is proposing to grade the bank on the property at a 3 to 1 slope, taking a portion of the earth, and filling in the intertidal wetland area up to 10 feet MSL, the height of the proposed stone revetment, then grading the remaining bank back on a 3 to 1 slope until the existing elevation of (approximate) 26 feet MSL is reached. There are several 30- to 48-inch diameter oak trees near the top of bank that must be removed for the clearing work to happen. A neighbor has expressed concern about an oak tree on his property near the common property line and how the proposed grading will affect the tree.

The proposal includes a walkway ramp of undetermined slope, from the northeast top of the bank and running downslope to the southwest to reach the proposed pier. There is no proposal for stairs or steps to reach the pier. The disturbed slope is proposed to be revegetated with switchgrass (*Virginica panicum*) and a native wildflower seed mix. The disturbed slopes are also proposed to be matted to help prevent erosion.

STAFF EVALUATION

Staff has evaluated the application and exception request for the regrading of the bank. This application should be heard by the Chesapeake Bay Board because it meets the Ordinance conditions in Sections 23-11 and 23-14. The Board has requested that all bank regrading projects done in conjunction with shoreline work come to them for approval.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The Board may grant exceptions to Section 23-7 if the application meets the following five conditions:

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the applicant any special privileges denied by this chapter to other property owners similarly situated in the vicinity; and
3. The exception request will be in harmony with the purpose and intent of this chapter, and is not of substantial detriment to water quality; and
4. The exception request is not based upon 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; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

STAFF RECOMMENDATIONS

Should the Board find that the exception request meets all five of the conditions outlined above, staff suggests the following conditions be incorporated into the approval:

1. The applicant must obtain all other necessary federal, state, and local permits as required for the project. This shall include a James City County Erosion and Sediment Control plan approval and a land disturbing permit with surety; and
2. This exception request approval shall become null and void if construction has not begun by September 11, 2020; and
3. 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.

MDW/md
CBPA19-99ShellBkDr

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 19-0088. 105 SHELLBANK DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Bruce Christman (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. 4530200014 and further identified as 105 Shellbank Drive (the “Property”) as set forth in the application CBPA 19-0088 for the purpose of regrading the shoreline bank; 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 as required for the project. This shall include a James City County Erosion and Sediment Control plan approval and a land disturbing permit with surety; and
 - b. This exception request approval shall become null and void if construction has not begun by September 11, 2020; and

- c. 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.

David Gussman
Chair, Chesapeake Bay Board

Michael D. Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of September, 2019.

CBPA19-88ShellBkDr-res



Chesapeake Bay Board of James City County, Virginia

September 11, 2019

CBPA 19-0088

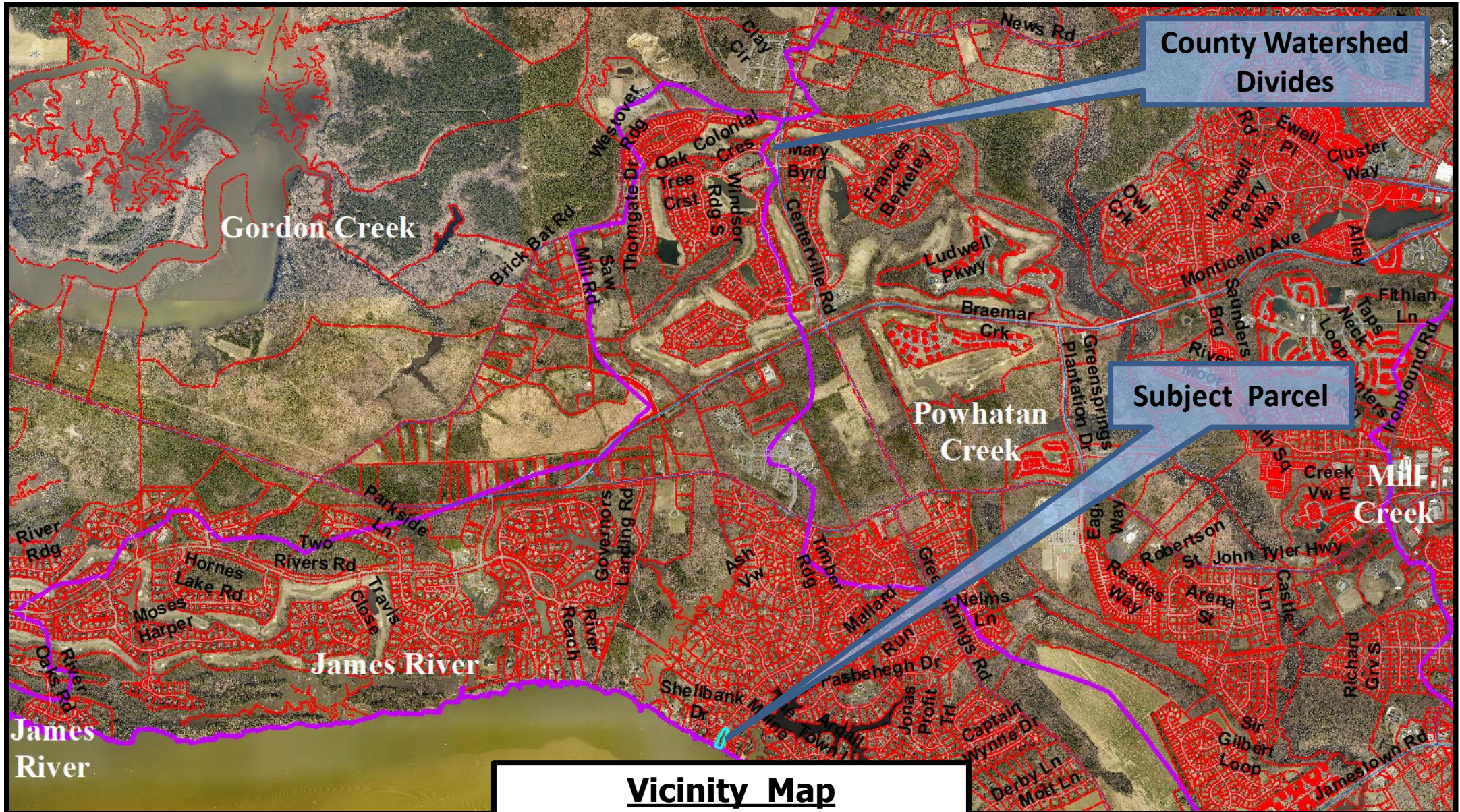
Bruce Christman

105 Shellbank Drive



Applicant Request

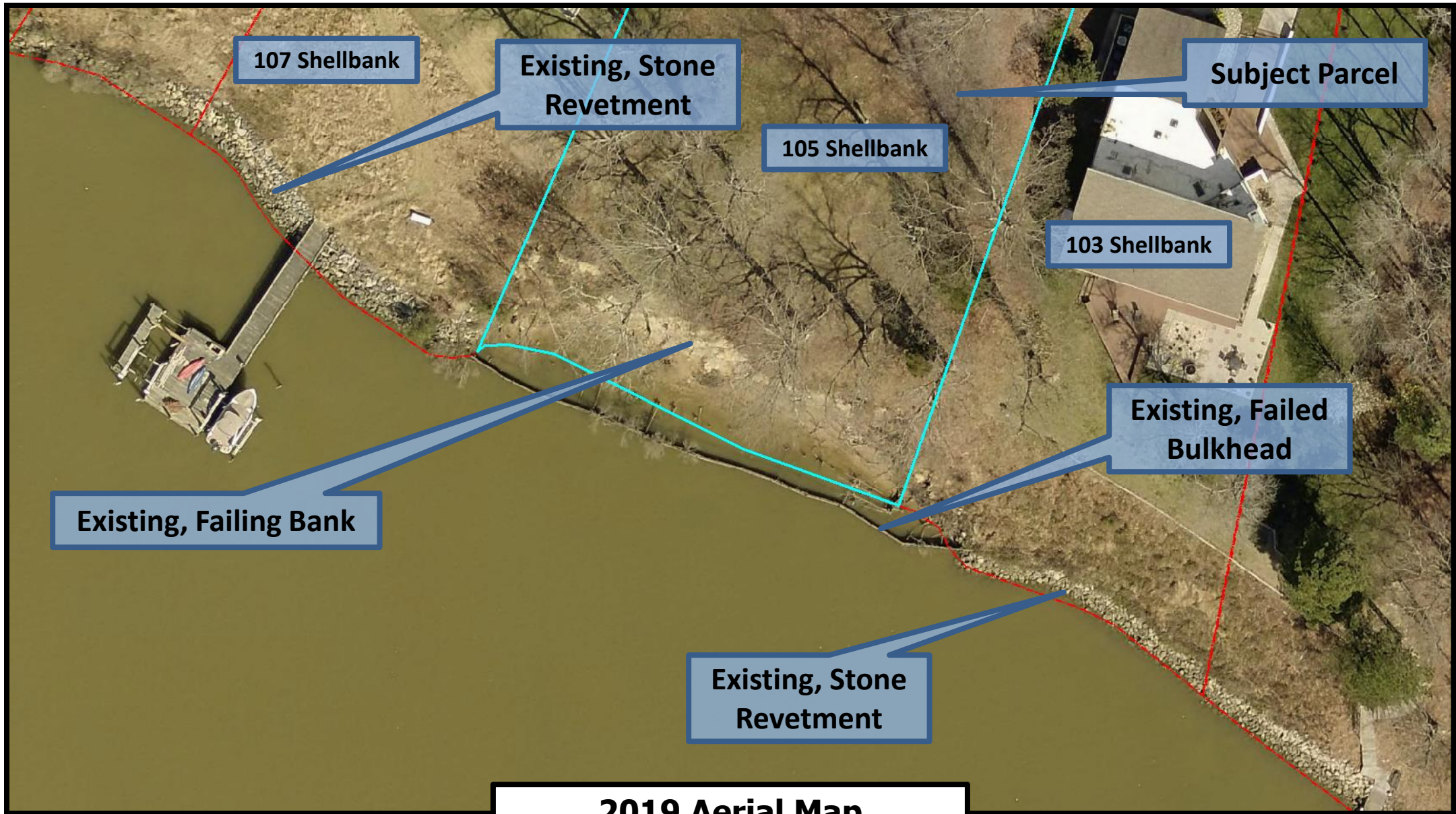
- ✓ Permit Request: To construct a 155 linear foot quarry stone revetment and associated bank grading.
- ✓ Exempt from Wetlands Board Jurisdiction Request: 5 foot x 100 foot open-pile pier with open-sided, roofed boat house and lift.
- ✓ Chesapeake Bay Board: Bank grading and tree removal.



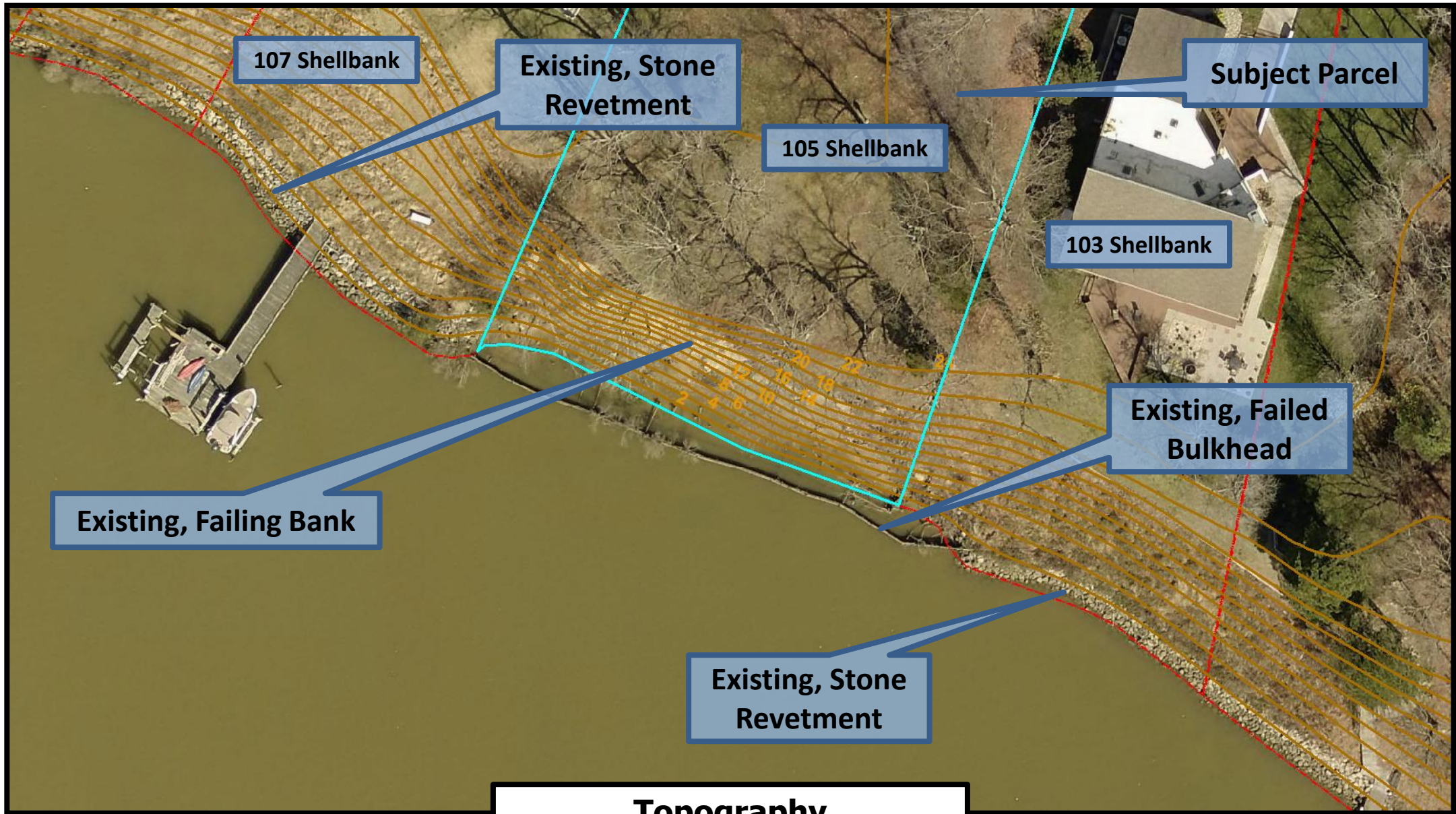
County Watershed
Divides

Subject Parcel

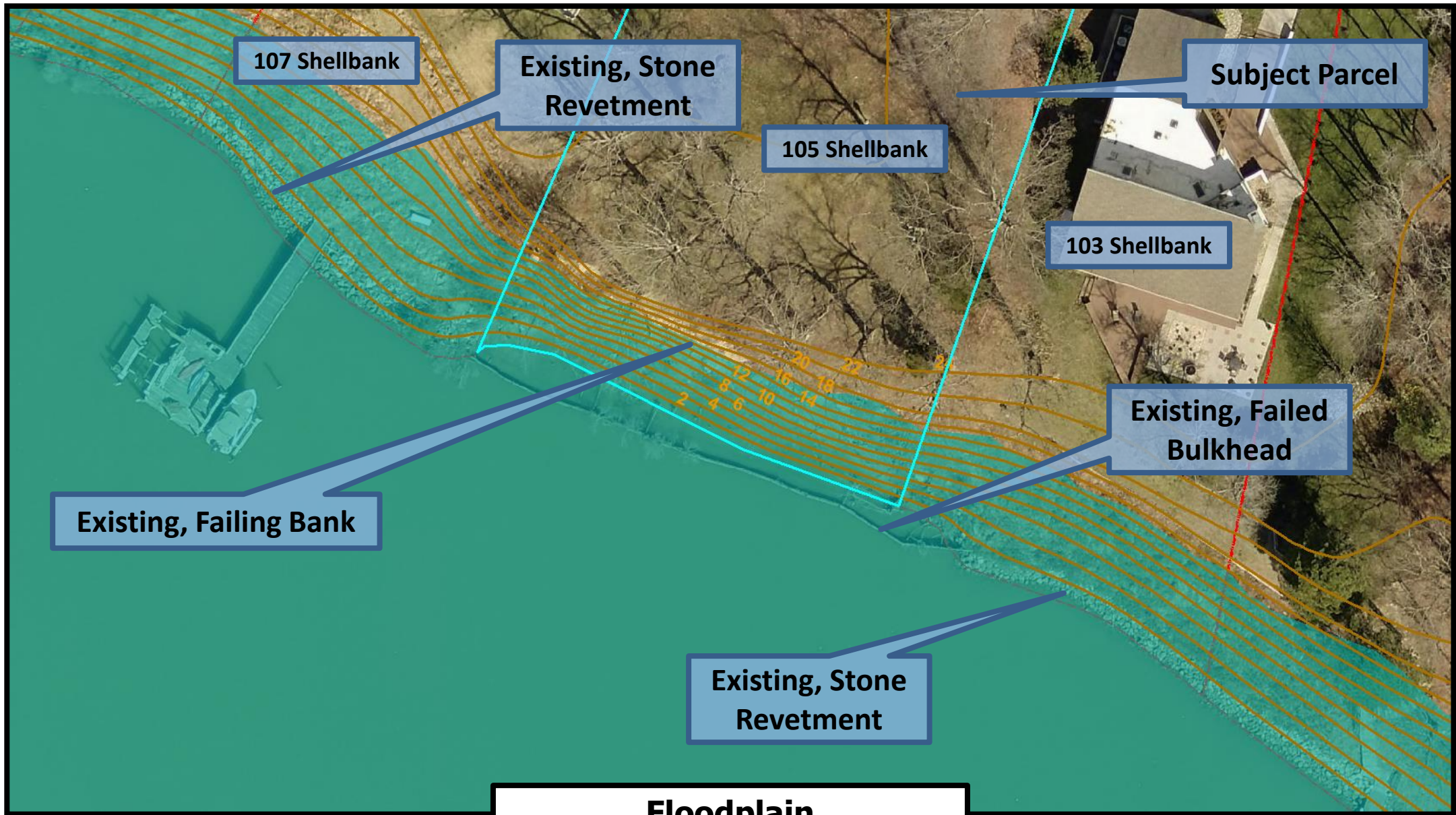
Vicinity Map
CBPA 19-0088
105 Shellbank Drive



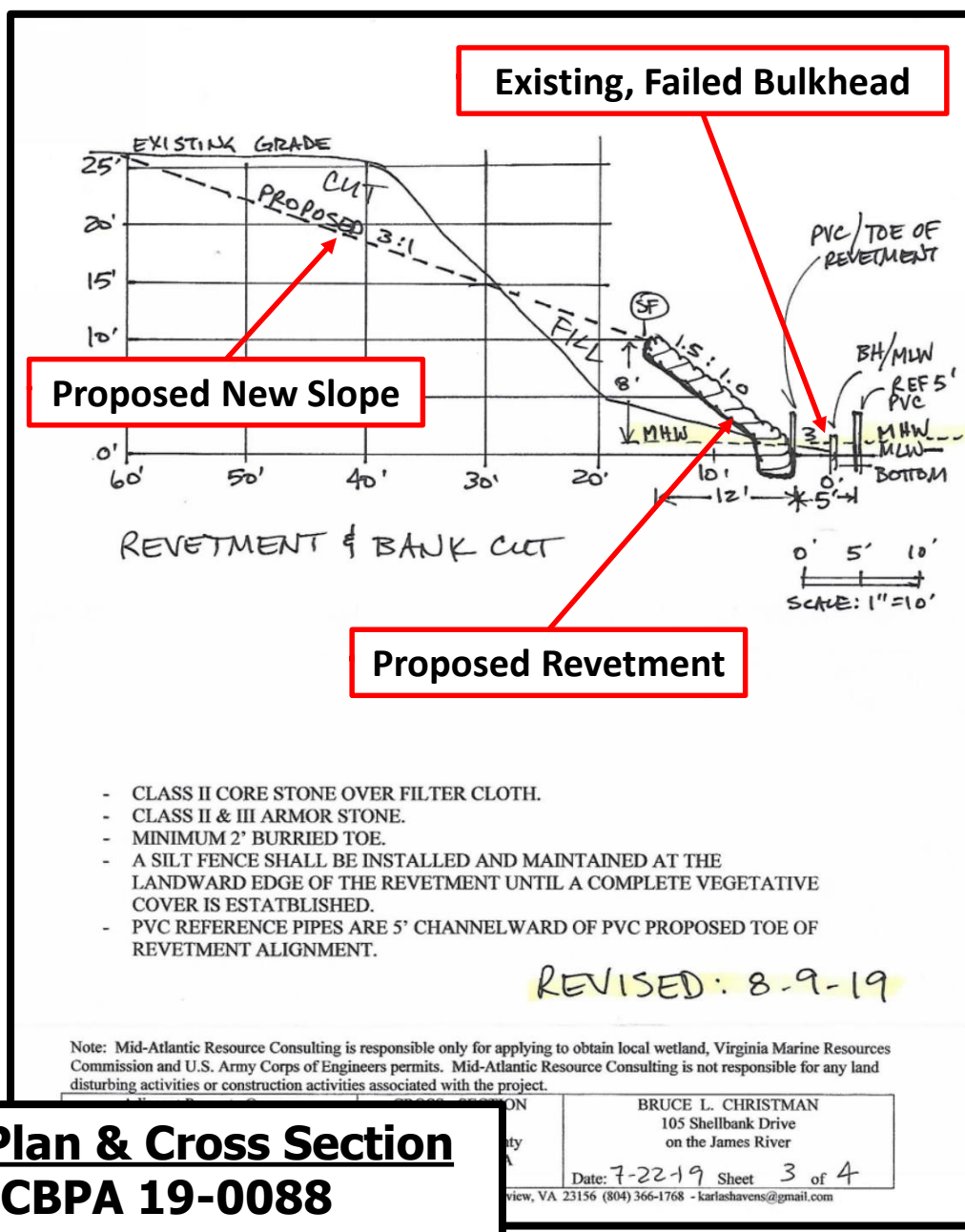
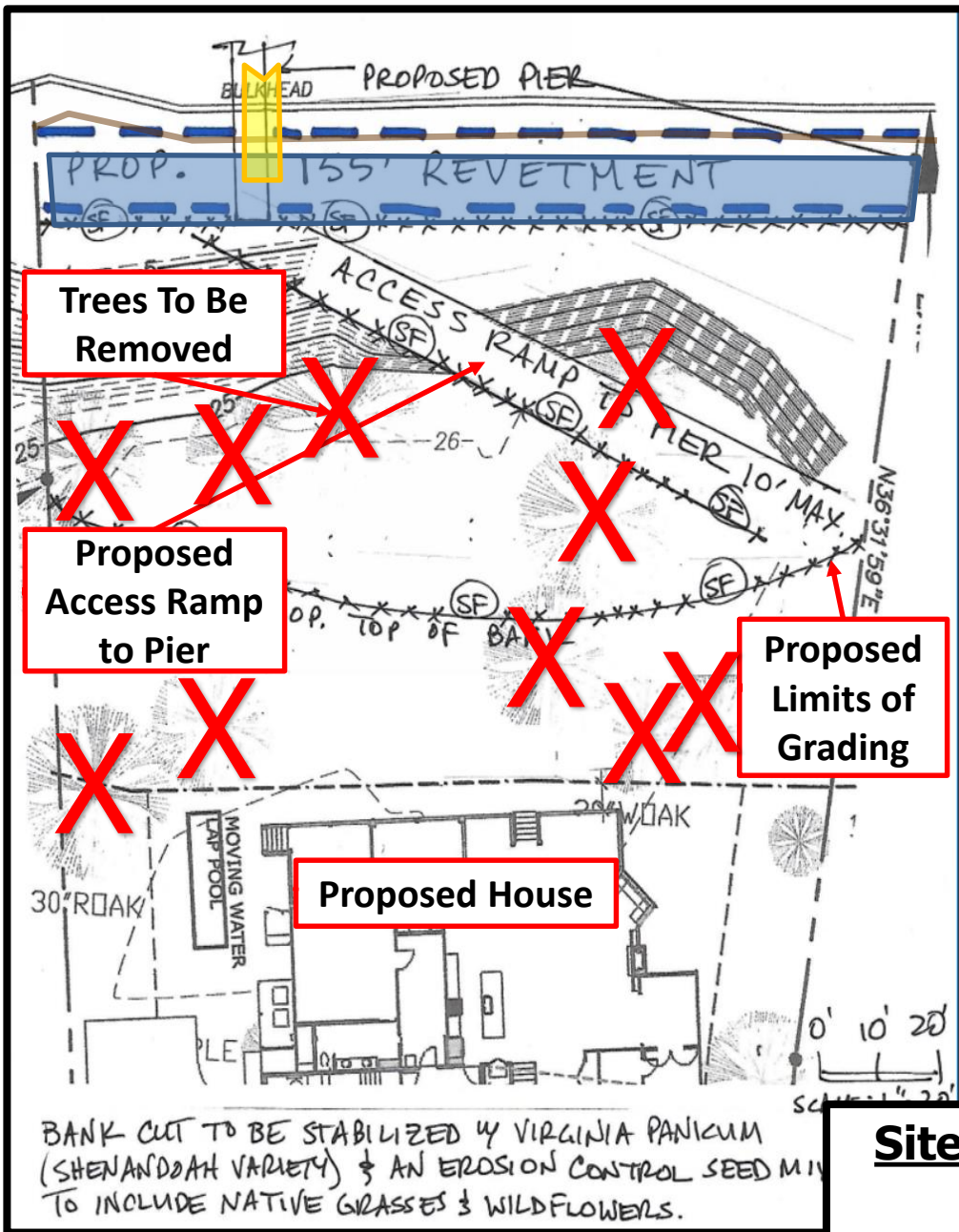
**2019 Aerial Map
CBPA 19-0088
105 Shellbank Drive**



Topography
CBPA 19-0088
105 Shellbank Drive

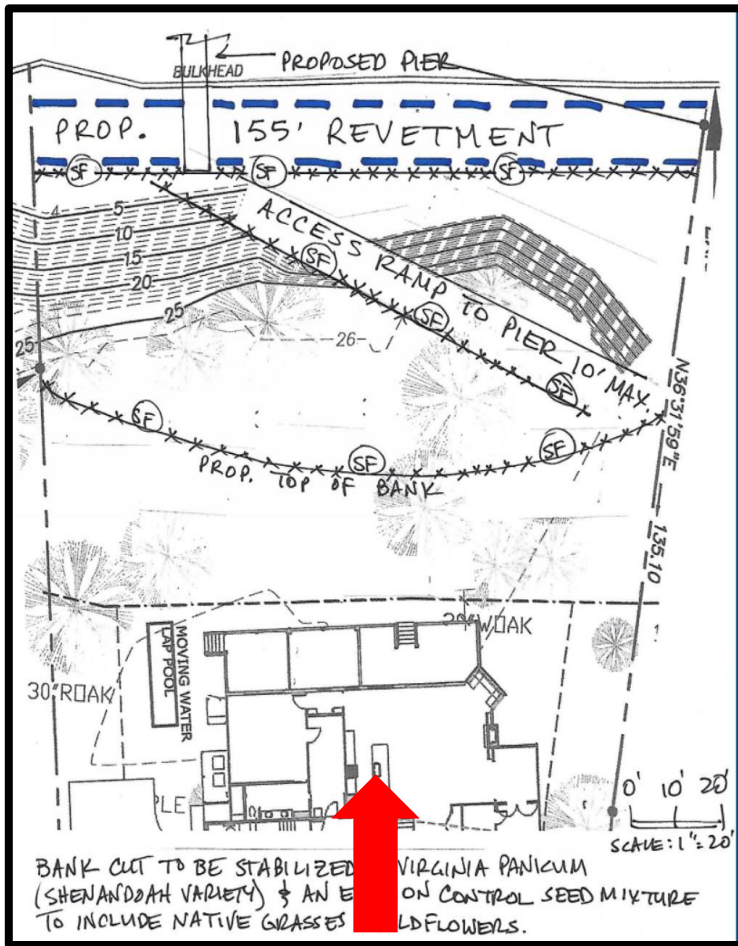


Floodplain
CBPA 19-0088
105 Shellbank Drive



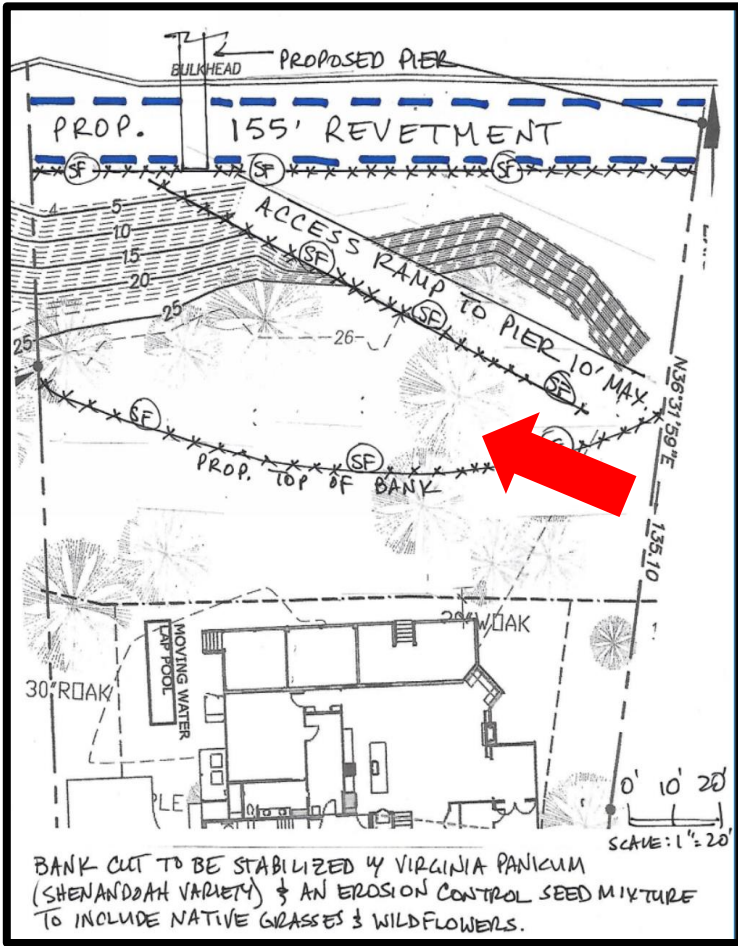
Site Plan showing proposed improvements, submitted August 16, 2019. For representative use only for presentation of case #CBPA 19-0088.

Site Plan & Cross Section
CBPA 19-0088
105 Shellbank Drive



Site Photo #1
CBPA 19-0088
105 Shellbank Drive

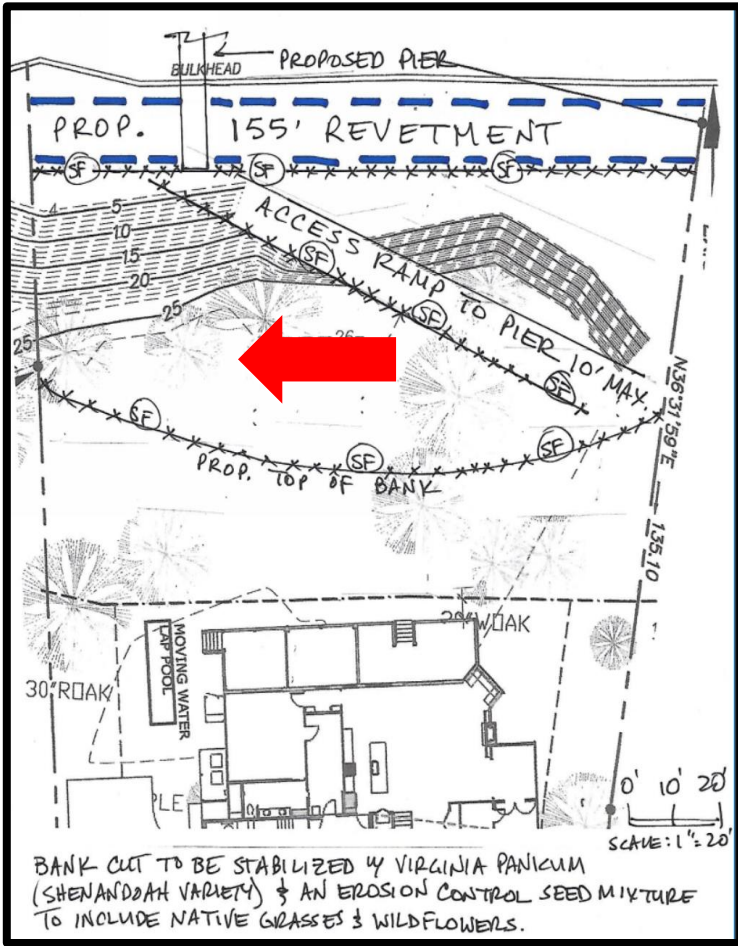




Site Photo #2
CBPA 19-0088
105 Shellbank Drive



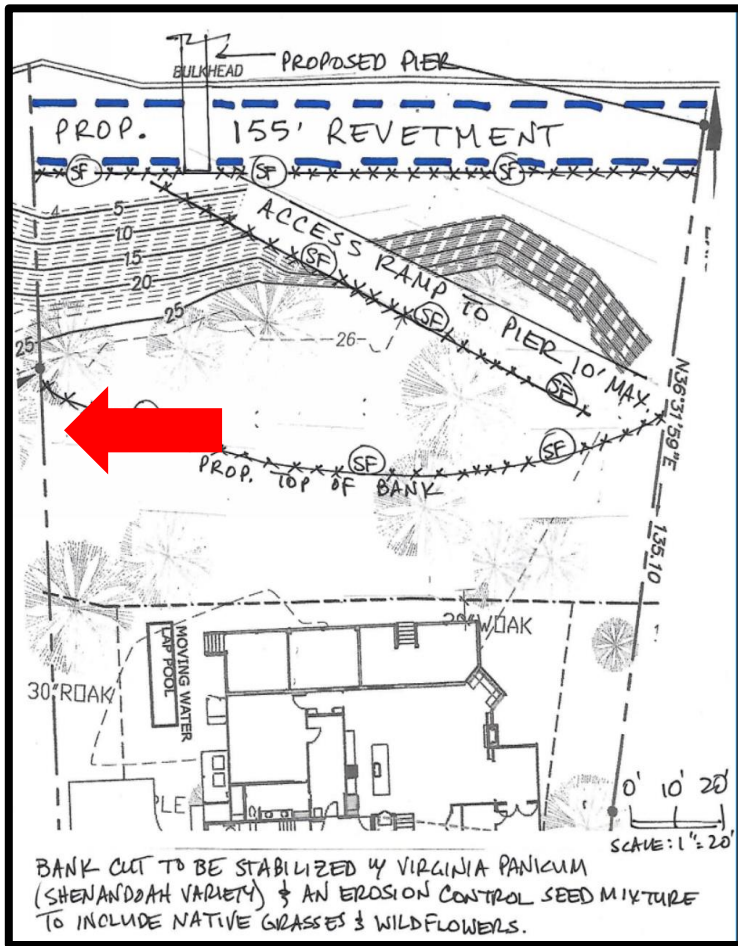
September 10, 2019



Site Photo #3
CBPA 19-0088
105 Shellbank Drive

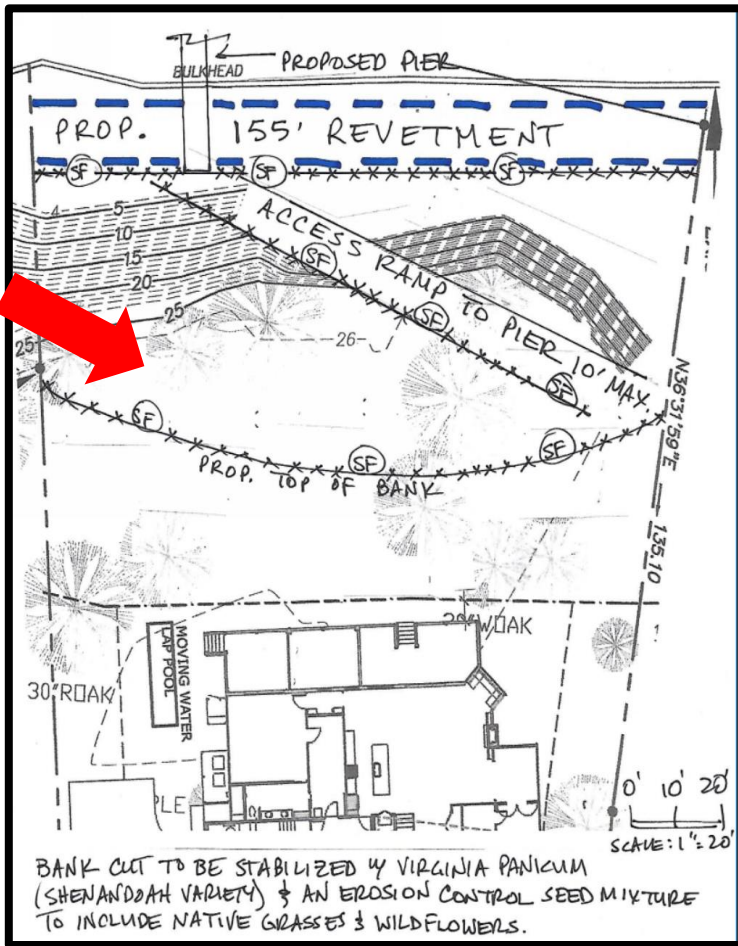


September 10, 2019



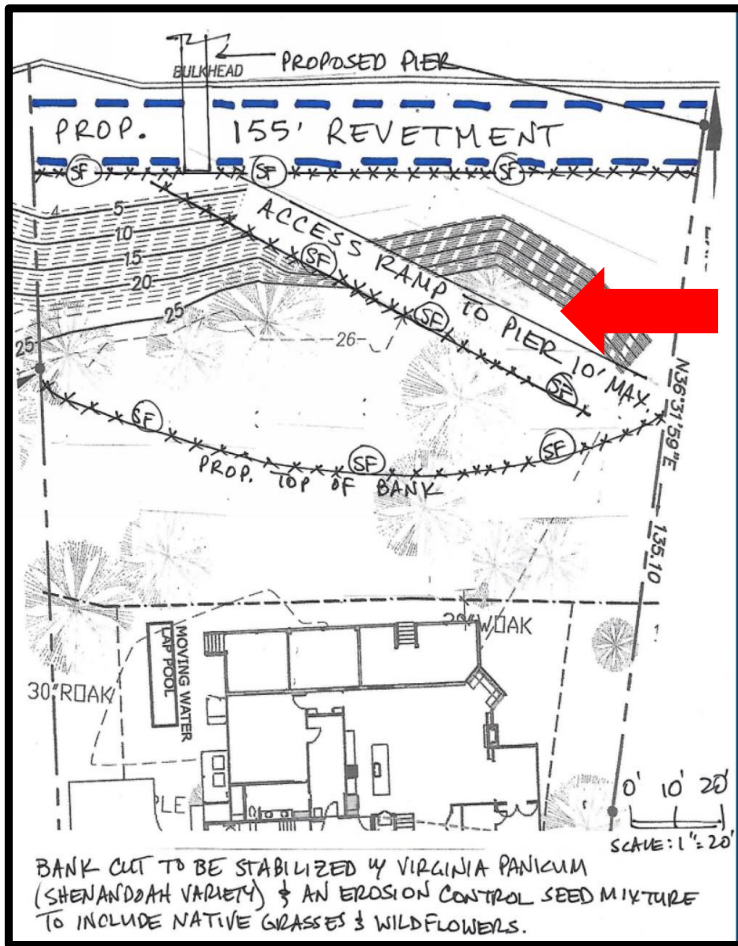
Site Photo #4
CBPA 19-0088
105 Shellbank Drive





Site Photo #5
CBPA 19-0088
105 Shellbank Drive





Site Photo #6
CBPA 19-0088
105 Shellbank Drive

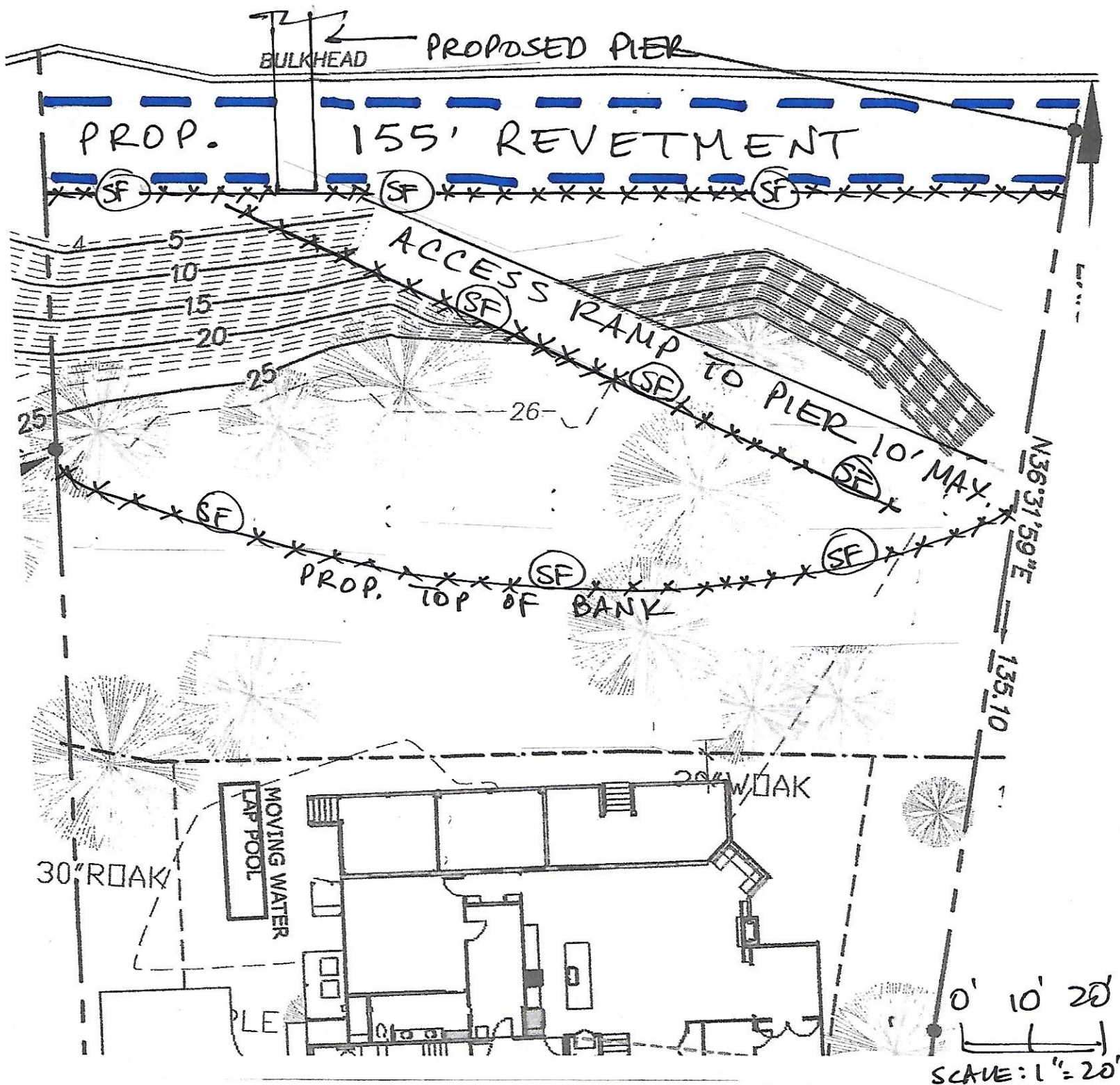


Permit Conditions



Staff Recommended Conditions

- ✓ The applicant must obtain all other necessary federal, state, and local permits as required for the project. This shall include a James City County Erosion and Sediment Control plan approval and a land disturbing permit with surety;
- ✓ The exception request approval shall become null and void if construction has not begun by September 11, 2020;
- ✓ 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.



BANK CUT TO BE STABILIZED w/ VIRGINIA PANICUM (SHENANDOAH VARIETY) & AN EROSION CONTROL SEED MIXTURE TO INCLUDE NATIVE GRASSES & WILDFLOWERS.

Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

Adjacent Property Owners	SITE PLAN	BRUCE L. CHRISTMAN
1. Anthony J. & Kari G. Traver	James City County	105 Shellbank Drive
2. Stephen W. & Katherine R. Shield	LOT 14, SEC A	on the James River
		Date: 8.16.19 Sheet 1 of 1

Erosion Control Mix

High rainfall and bare soil can lead to severe erosion. This mix was created to attain speedy, green color and fast erosion control with tough, fibrous roots for native recovery and restoration of delicate erodible soils.

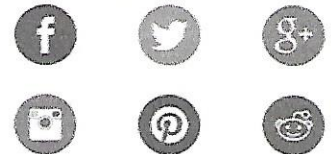
9 lbs. per acre. \$63 per lb. *Mix design and pricing are subject to change without notice depending on the availability of current and future products. Changes to the mix will not affect its function.*

Scientific Name	Common Name	% of Mix	Oz.
Schizachyrium scoparium	Little Bluestem	14%	2.83
Panicum virgatum	Switchgrass	12%	1.33
Andropogon gerardii	Big Bluestem	11%	3.87
Carex lurida	Shallow Sedge	11%	1.67
Coreopsis lanceolata	Lanceleaf Tickseed	9%	1.65
Carex crinita	Fringed Sedge	7%	0.37
Sorghastrum nutans	Indian Grass	6%	1.45
Penstemon digitalis	Foxglove Beardtongue	5%	0.11
Solidago sempervirens	Seaside Goldenrod	5%	0.24
Rudbeckia hirta	Black-Eyed Susan	5%	0.12
Symphotrichum laeve	Smooth Aster	4%	0.24
Chamaecrista fasciculata	Partridge Pea	2%	1.85
Eurybia divaricata	White Wood Aster	2%	0.06
Glyceria striata	Fowl Mannagrass	2%	0.01
Juncus effusus	Soft Rush	2%	0.01
Monarda punctata	Spotted Horsemint	2%	0.06
Penstemon hirsutus	Hairy Beardtongue	1%	0.01

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[Herbaceous Plant Recommendations](#)

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CONTACT US (WHOLESALE ONLY)

Name

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Posted by Pinelands Nursery

Labels: Erosion Control Mixes , Seed

No comments :

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Steep Slope Stabilization Mix

A mixture of forbs and grasses that are exceedingly tolerant of poor soils, and steep slopes. Also, when seeding a slope with a significant gradient- consider using jute mesh or coir matting to reduce the risk of seed being washed away during a rainstorm.

18 lbs. per acre. \$39 per lb. *Mix design and pricing are subject to change without notice depending on the availability of current and future products. Changes to the mix will not affect its function.*

Scientific Name	Common Name	% of Mix	Oz.
<i>Elymus virginicus</i>	Elymus Virginicus	13%	4.73
<i>Echinacea purpurea</i>	Purple Coneflower	12%	2.3
<i>Andropogon gerardii</i>	Big Bluestem	10%	1.67
<i>Schizachyrium scoparium</i>	Little Bluestem	10%	0.96
<i>Helopsis helianthoides</i>	False Sunflower	9%	1.91
<i>Solidago nemoralis</i>	Gray Goldenrod	9%	0.02
<i>Coreopsis lanceolata</i>	Lanceleaf Tickseed	8%	0.7
<i>Rudbeckia hirta</i>	Black-Eyed Susan	7%	0.13
<i>Liatris spicata</i>	Blazing Star	6%	1.29
<i>Panicum virgatum</i>	Switchgrass	6%	0.32
<i>Sorghastrum nutans</i>	Indian Grass	5%	0.58
<i>Chamaecrista fasciculata</i>	Partridge Pea	3%	1.32
<i>Vernonia noveboracensis</i>	New York Ironweed	2%	0.08

Posted by Pinelands Nursery

Labels: Erosion Control Mixes , Seed

No comments :

Post a Comment

Enter your comment...



Comment as: karlashavens@ ▼

Publish

Preview

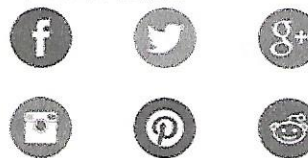
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HELPFUL LINKS

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 323 Island Road Columbus, NJ 08022
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WHOLESALE ONLY



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY SEPTEMBER 11, 2019 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 19-0036/VMRC 19-1324: Mid-Atlantic Resource Consulting, on behalf of Bruce Christman, has applied for a wetlands permit for a revetment and bank grading at 105 Shellbank Drive in the Shellbank subdivision, JCC Parcel No 4530200014.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING EXCEPTION REQUESTS FOR ENCROACHMENT INTO THE RPA BUFFER:

CBPA 19-0088: Mid-Atlantic Resource Consulting, on behalf of Bruce Christman, has filed an exception request for encroachments into the RPA buffer for bank grading at 105 Shellbank Drive in the Shellbank subdivision, JCC Parcel No 4530200014.

CBPA 19-0091: Sakthivel Anbananthan has filed an exception request for encroachments into the RPA buffer for the construction of a driveway at 3884 Fox Run in the Fox Run subdivision, JCC Parcel 3110800050.

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-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – August 28 and September 4, 2019.
ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

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



General Services
107 Tewning Road
Williamsburg, VA 23188
P: 757-259-4080
General.Services@jamescitycountyva.gov
jamescitycountyva.gov

Capital Projects 107 Tewning Road Williamsburg, VA 23188 757-259-4080	Fleet 103 Tewning Road Williamsburg, VA 23188 757-259-4122	Stormwater and Resource Protection 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	Facilities & Grounds 113 Tewning Road Williamsburg, VA 23188 757-259-4080	Solid Waste 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
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August 21, 2019

RE: WJPA-19-0036 and CBPA-19-0088
105 Shellbank Drive
Revetment, Pier, Boathouse, Lift, Catwalk and Bank Grading

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 Wetlands and Chesapeake Bay Boards by Karla Havens of Mid-Atlantic Resource Consulting on behalf of Bruce Christman for encroachment into the Resource Protection Area (RPA) buffer associated with construction of a revetment, pier, boathouse, lift, catwalk and bank grading. The project is located at 105 Shellbank Drive and further identified as JCC Parcel No. 4530200014.

A complete description, plan and other information are on file in the Stormwater and Resource Protection 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, September 11, 2019 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
757-253-6790
janice.petty@jamescitycountyva.gov

cc: Mid-Atlantic Resource Consulting
Attn: Ms. Karla S. Havens

Earth Resources, Inc.
Attn: Mr. Jeff Brown

Mailing List for: WJPA 19-0036 & CBPA-19-0088 – 105 Shellbank Drive -Bank Grading

Owner: 4530200014-105 Shellbank Drive

Christman, Bruce L, Trustee
13610 Flintwood Place
Herndon, VA 20171-3331

Contractors:

Mid-Atlantic Resource Consulting
Attn: Ms. Karla S. Havens
1095 Cherry Row
Plainview, VA 23156-2027

4530200013

Shield, Stephen W & Katherine R
107 Shellbank Drive
Williamsburg, VA 23185-1420

Earth Resources, Inc.

Attn: Mr. Jeff Brown
P.O. Box 520
Lancaster, VA 22503-0520

4530200015

Traver, Anthony J & Kari G
103 Shellbank Drive
Williamsburg, VA 23185-1420

4510200007A

Bodett, Robert C & Karen A
106 Shellbank Drive
Williamsburg, VA 23185-1421

4530300275-100 Shellbank Drive

Dillingham, Daniel R & Diane L
120 Argall Town Lane
Williamsburg, VA 23185-1402

Department of Game and Inland Fisheries

P.O Box 90778
Henrico, VA 23228-0778

Virginia Marine Resource Center
Attn: Allison Norris
380 Fenwick Road, Building 96
Fort Monroe, VA 23651-1064

State Water Control Board

c/o Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218-1105

VIMS Wetlands Program
Attn: Dawn Fleming
P.O. Box 1346
Gloucester Point, VA 23062-1346

Regulatory Branch Army Corps of Engineers

803 Front Street
Norfolk, VA 23510-1011

VDOT

4451 Ironbound Road
Williamsburg, VA 23188-2621

ITEM SUMMARY

DATE: 9/11/2019

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: CBPA 19-0091 : 3884 Fox Run

Sakthivel Anbananthan has filed an exception request for encroachments into the RPA buffer for the construction of a driveway at 3884 Fox Run in the Fox Run subdivision, JCC Parcel No. 3110800050.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution	Resolution
▣	Presentation	Presentation
▣	Site Plan	Backup Material
▣	Public Advertisement	Backup Material
▣	APO Letter	Backup Material
▣	APO Mailing List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	9/9/2019 - 5:01 PM
Chesapeake Bay Group	Small, Toni	Approved	9/9/2019 - 5:24 PM
Publication Management	Burcham, Nan	Approved	9/10/2019 - 7:41 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	9/10/2019 - 9:53 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 19-0091. 3884 Fox Run
Staff Report for the September 11, 2019, Chesapeake Bay Board Public Hearing**

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.

EXISTING SITE DATA AND INFORMATION

Applicant: Mr. Sakthivel Anbananthan

Agent: Same

Location: 3884 Fox Run

Parcel: Lot 50, Phase 1, Fox Ridge

Parcel Identification No.: 3110800050

Lot Size: 0.22 acres

Area of Lot in Resource Protection Area (RPA): 0.22 acres +/- (100%)

Watershed: Powhatan Creek (HUC JL 31)

Floodplain: None affecting property

Proposed Activity: Construction of a driveway

Impervious Cover: 700 square feet

RPA Encroachment: 700 square feet, landward 50-foot RPA

Staff Contact: Michael D. Woolson, Senior Watershed Planner Phone: 253-6823

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Sakthivel Anbananthan has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a driveway on property located at 3884 Fox Run within the Fox Ridge subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3110800050. The parcel was platted in 1989, prior to the adoption of the Chesapeake Bay Ordinance. Mr. Anbananthan recently applied for, and was granted, an exception for a detached garage. As a condition of the detached garage approval, written permission was required from the James City Service Authority (JCSA), whose paved access road Mr. Anbananthan was proposing to use to access the detached garage. The JCSA denied his use of its access road. He is now proposing a driveway adjacent to the JCSA access to reach the approved garage.

The total lot size of this property is 0.22 acres, of which 100% is located within the RPA. The applicant is proposing an additional 700-square-foot driveway in order reach the approved detached garage. Total impacts for the two projects are 1,450 square feet of new impervious cover (750 square feet for the detached garage and 700 square feet for the driveway). The applicant is proposing to plant 10 canopy trees as mitigation and meets County mitigation requirements for the two projects combined.

STAFF EVALUATION

Staff has evaluated the application and exception request for the driveway. This application should be heard by the Chesapeake Bay Board because it meets the Ordinance conditions in Sections 23-11 and 23-14. The application should be heard by the Board because the second driveway is accessory in nature.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The Board may grant exceptions to Section 23-7 if the application meets the following five conditions:

1. The exception request is the minimum necessary to afford relief; and
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; and
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; and
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; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

STAFF RECOMMENDATIONS

Should the Board find that the exception request meets all five of the conditions outlined above, staff suggests the following conditions be incorporated into the approval:

1. The applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. 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;
3. This exception request approval shall become null and void if construction has not begun by September 11, 2020; and
4. 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.

MDW/md
CBPA19-91FoxRun

Attachments:

1. Resolution
2. Site Plan

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 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.

David Gussman
Chair, Chesapeake Bay Board

Michael D. Woolson
Senior Watershed Planner

CBPA19-91FoxRun-res



Chesapeake Bay Board of James City County, Virginia

September 11, 2019

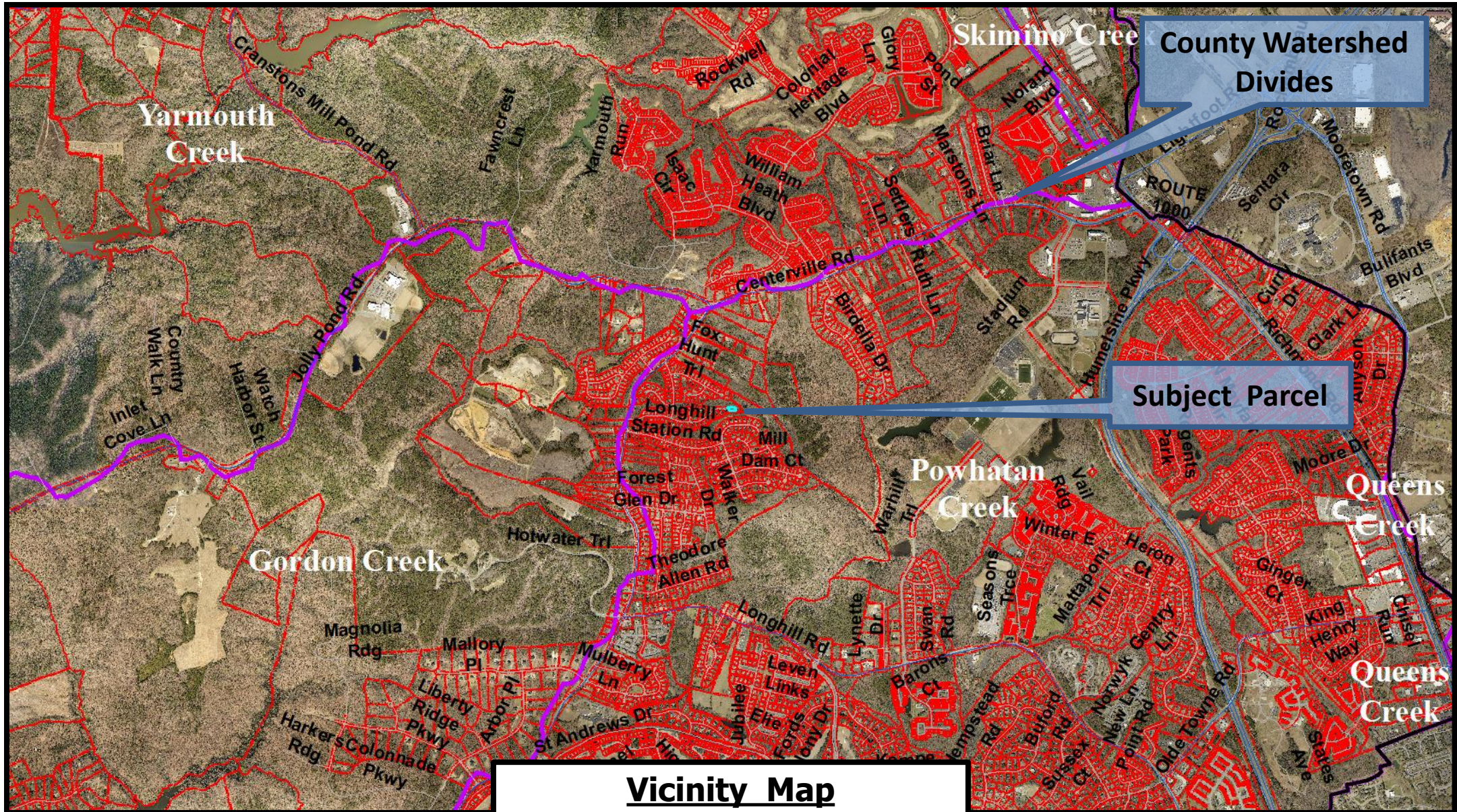
CBPA 19-0091

Sakthivel Anbananthan

3884 Fox Run

Applicant Request

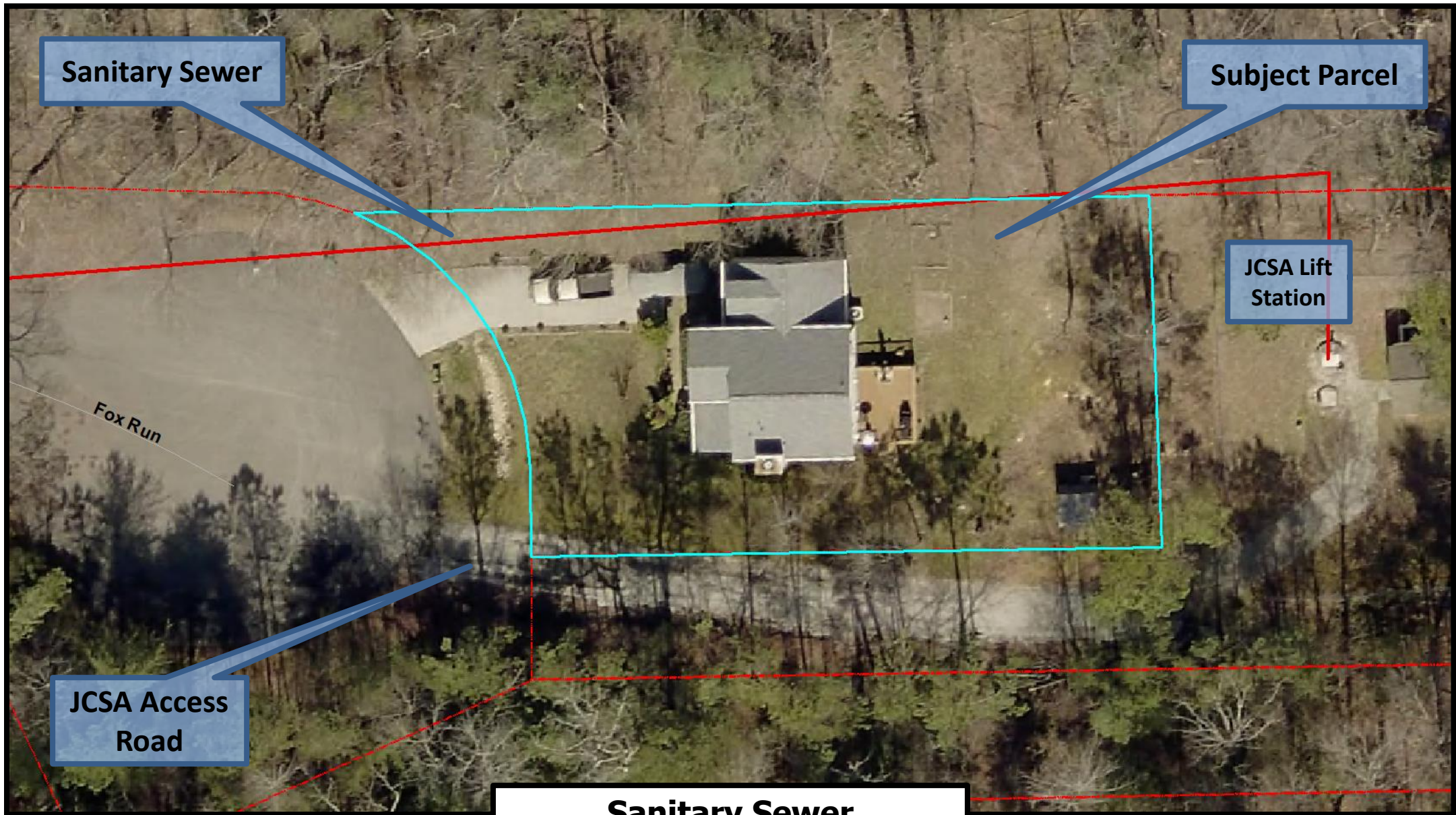
- ✓ To construct a second driveway to access the recently approved attached garage. Access to the attached garage from the JCSA access road was denied by the JCSA.



Vicinity Map
CBPA 19-0091
3884 Fox Run



Aerial
CBPA 19-0091
3884 Fox Run



Sanitary Sewer

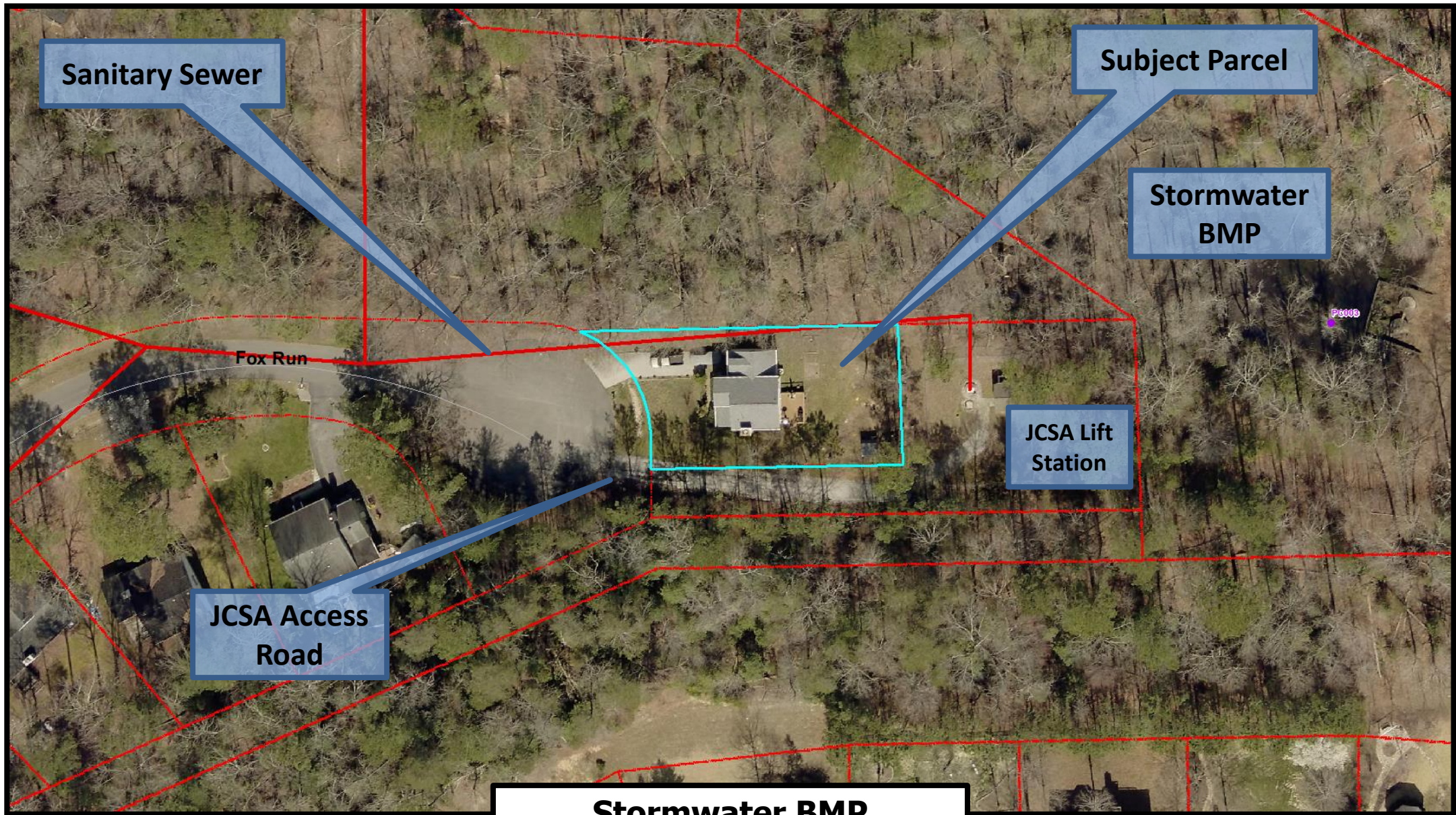
Subject Parcel

**JCSA Lift
Station**

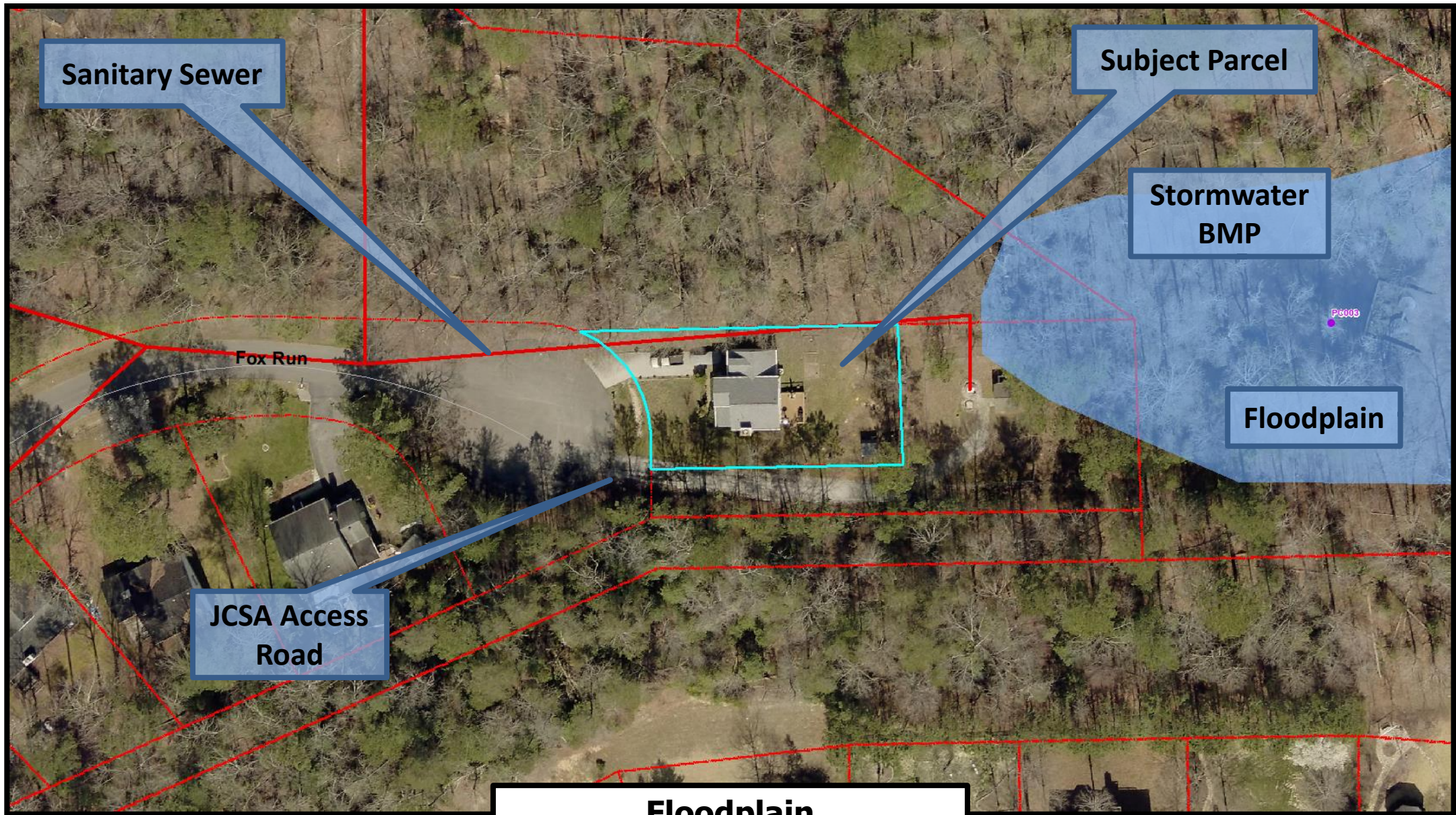
**JCSA Access
Road**

Fox Run

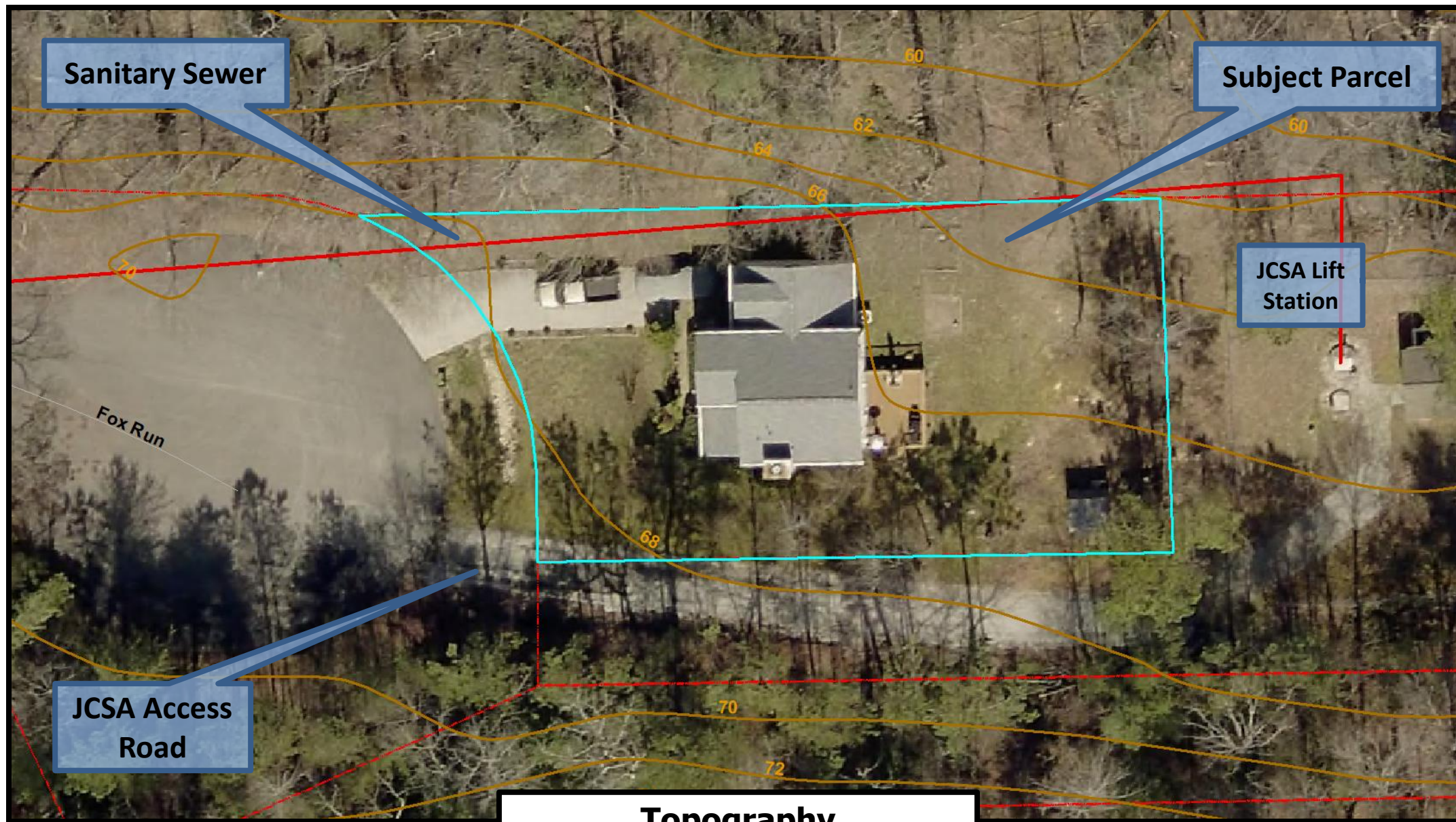
Sanitary Sewer
CBPA 19-0091
3884 Fox Run



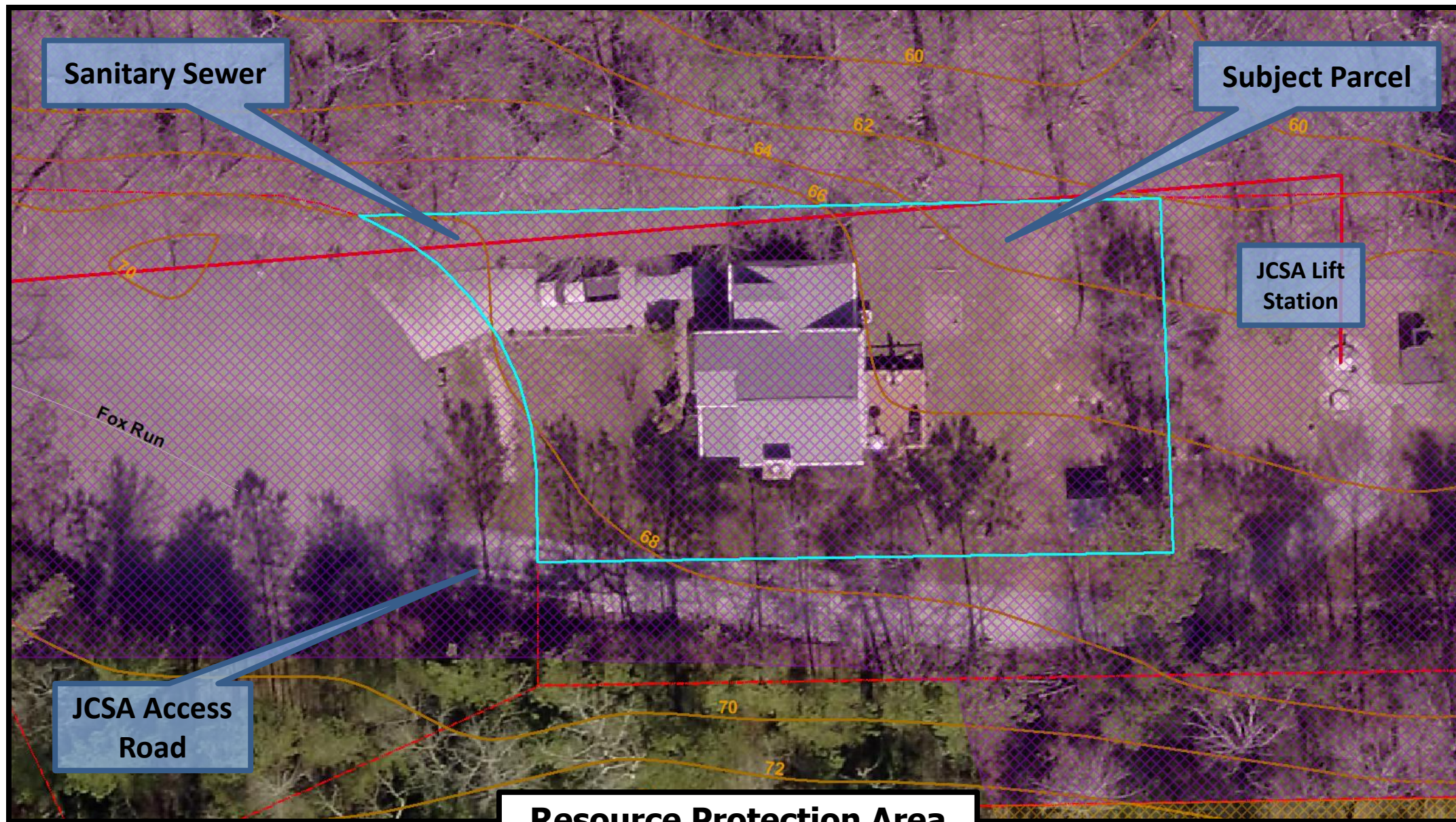
Stormwater BMP
CBPA 19-0091
3884 Fox Run



Floodplain
CBPA 19-0091
3884 Fox Run



Topography
CBPA 19-0091
3884 Fox Run



Resource Protection Area
CBPA 19-0091
3884 Fox Run

**Exception request
granted,
June 12, 2019**

Condition 6c.
**The applicant shall
provide written proof
from the James City
Service Authority that
the JCSA easement may
be used for access to the
proposed garage.**

Site Plan showing
proposed improvements,
submitted March 26,
2019. For representative
use only for presentation
of case #CBPA 19-0032.



Proposed Mitigation

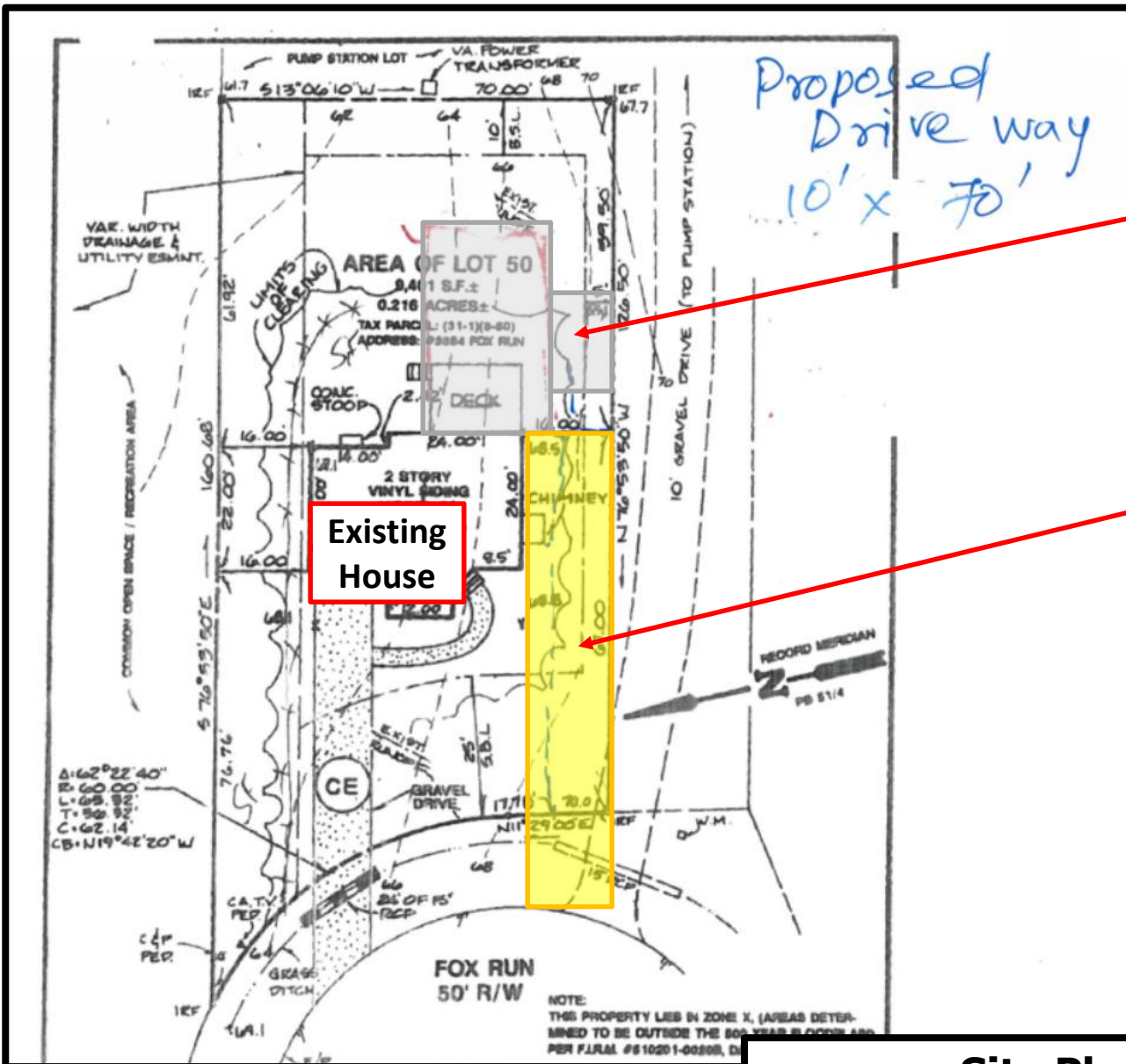
Proposed Detached
Garage

Existing Deck to be
removed

Access through JCSA
Easement

Access through JCSA
Easement – Denied by
JCSA

**Site Plan - CBPA-19-0032
3884 Fox Run**

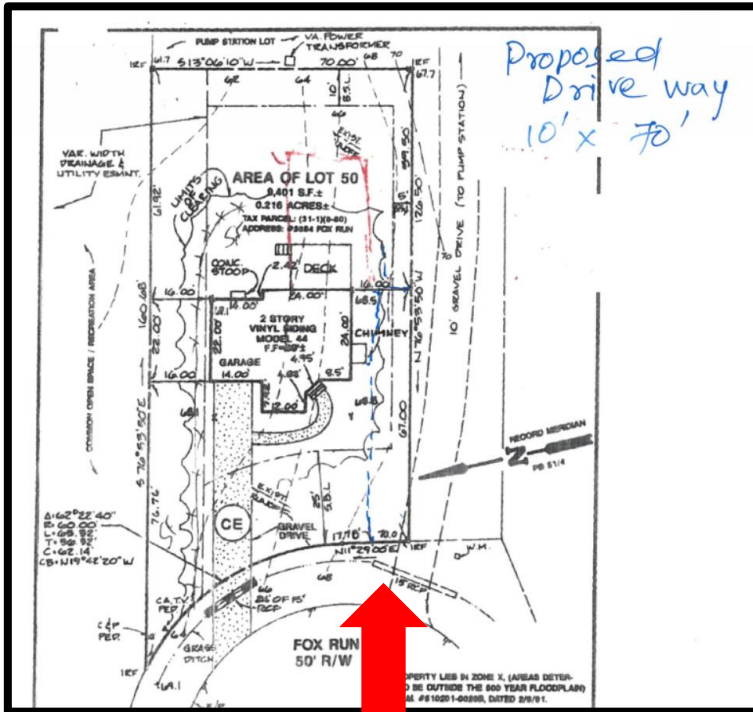


Approved
Garage, June
12, 2019

Proposed
driveway,
September 11,
2019

Site Plan
CBPA 19-0091
3884 Fox Run

Site Plan showing
proposed
improvements,
submitted August
20, 2019. For
representative
use only for
presentation of
case #CBPA 19-
0091.

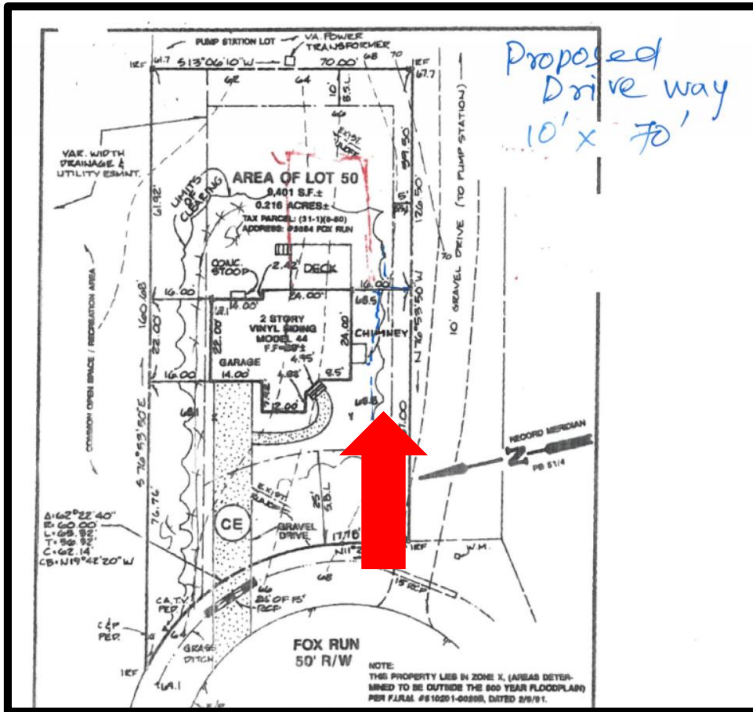


Site Photo #1
CBPA 19-0091
3884 Fox Run

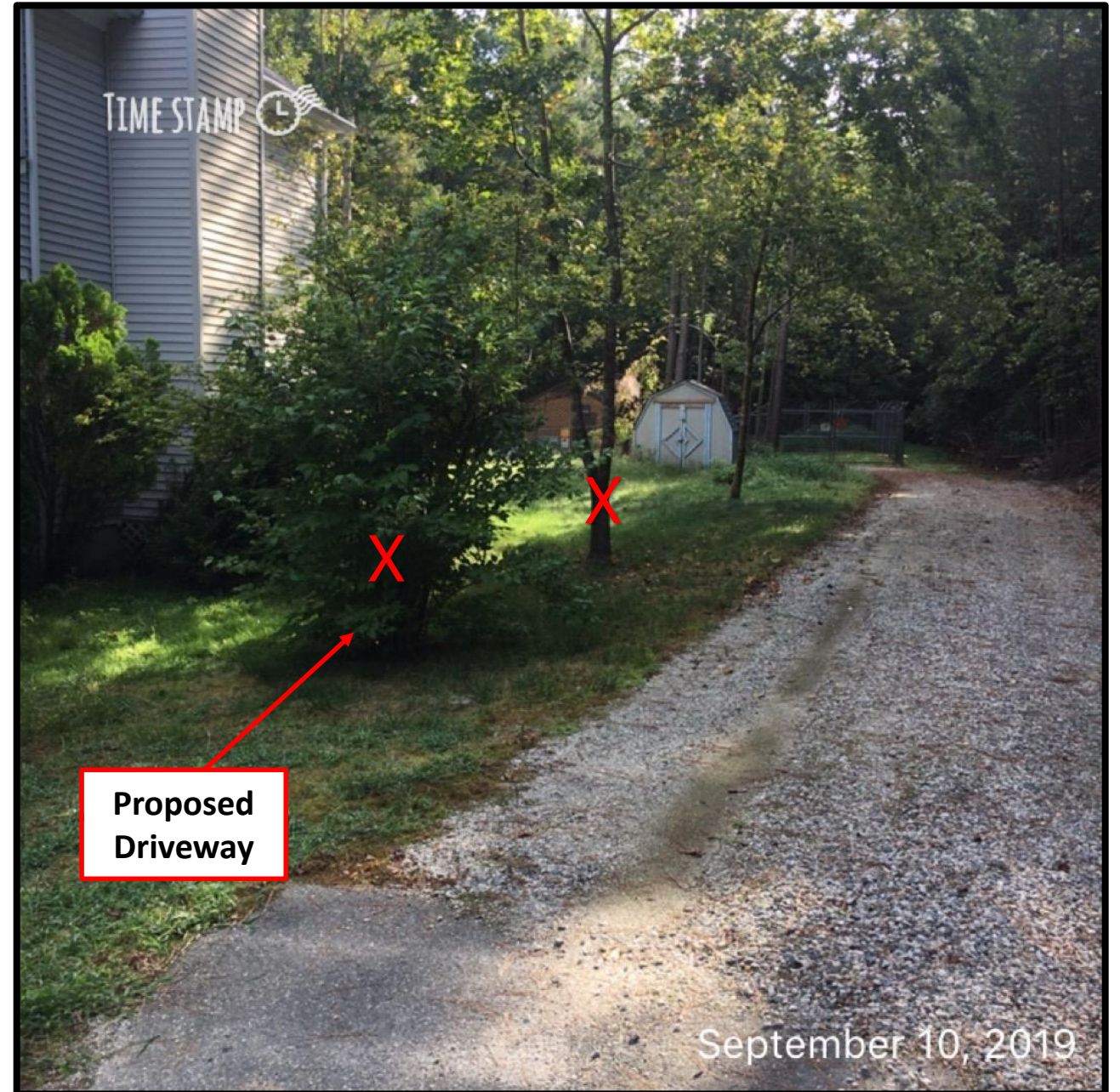


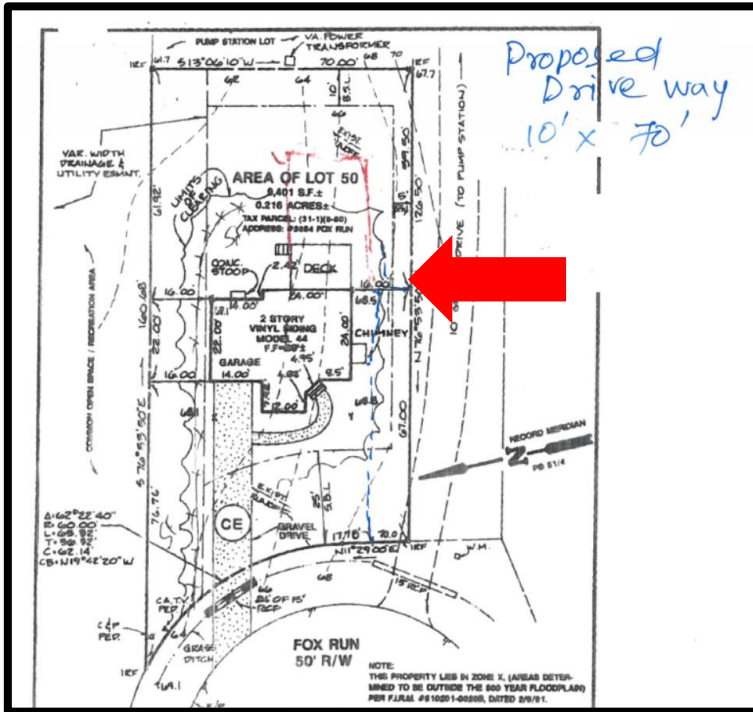
Proposed Driveway

September 10, 2019

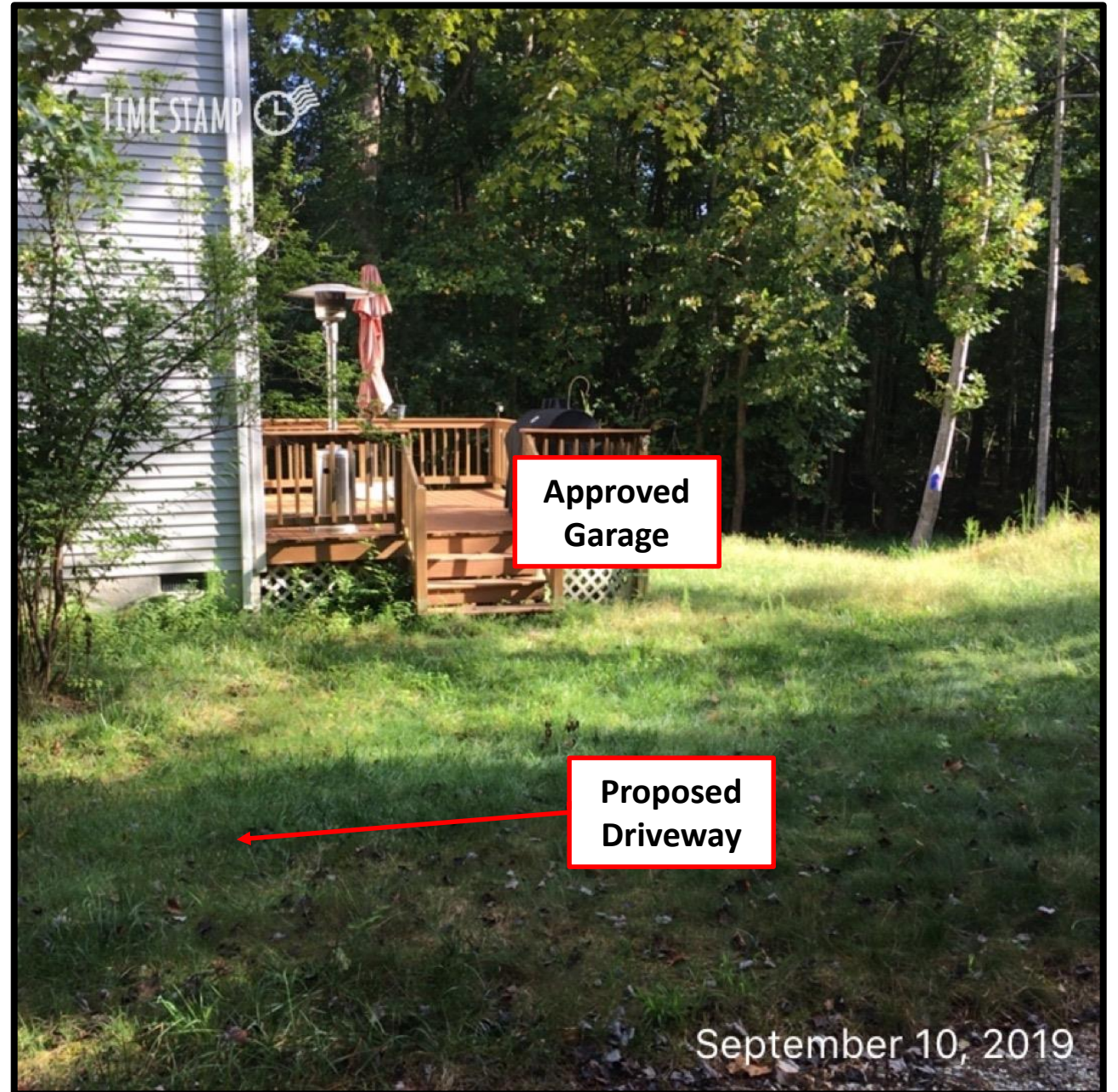


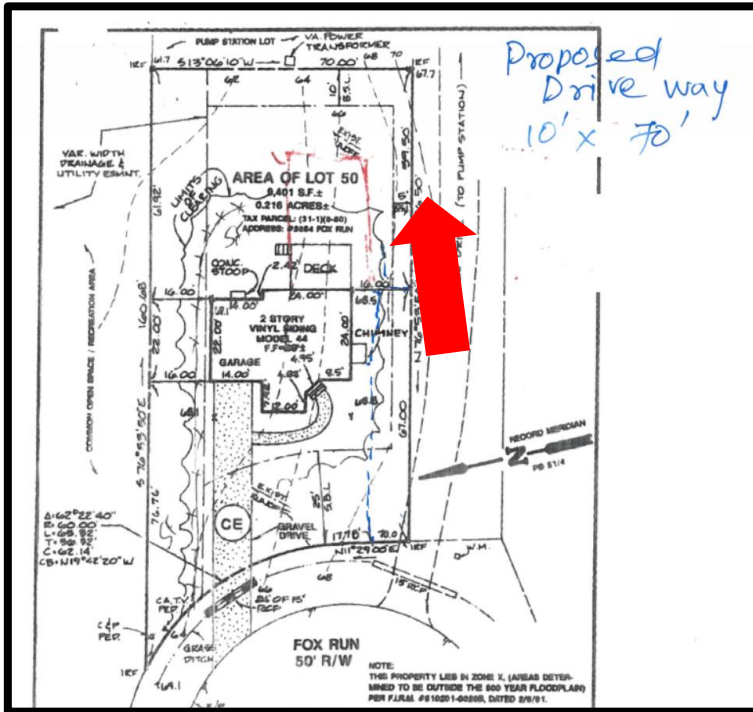
Site Photo #2
CBPA 19-0091
3884 Fox Run





Site Photo #3
CBPA 19-0091
3884 Fox Run





Site Photo #4
CBPA 19-0091
3884 Fox Run

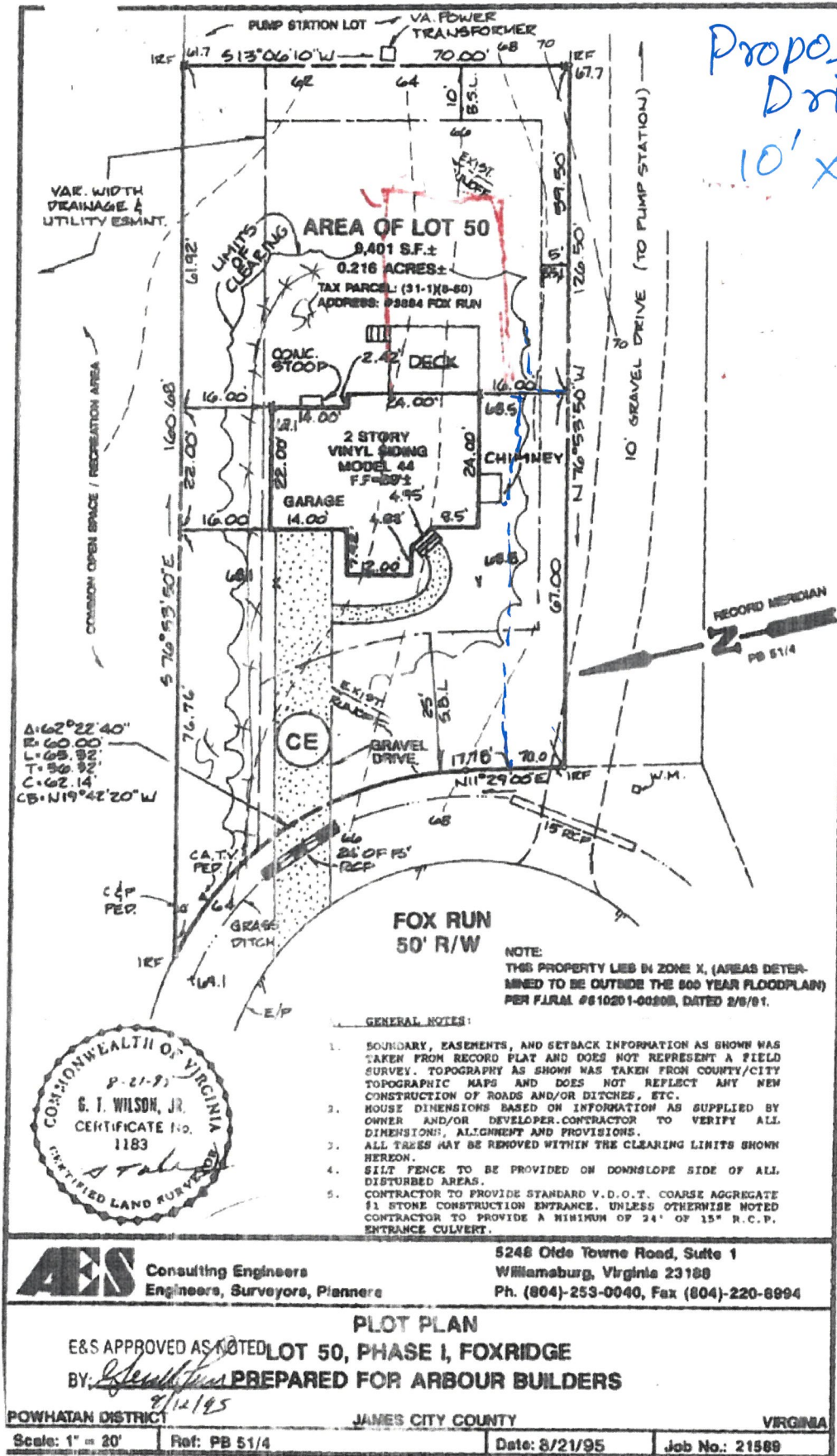


Permit Conditions



Staff Recommended Conditions

- ✓ The applicant must obtain all other necessary federal, state, and local permits as required for the project (this includes a VDOT Land Use permit if required); and
- ✓ 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
- ✓ This exception request approval shall become null and void if construction has not begun by September 11, 2020; and
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This document is a printout from the official JCC Records Management Imaging site.



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



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

August 21, 2019

RE: CBPA-19-0091
3884 Fox Run
Driveway

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 Sakthivel Anbananthan for encroachment into the Resource Protection Area (RPA) buffer associated with the construction of a driveway. The project is located at 3884 Fox Run and further identified as JCC Parcel No. 3110800050.

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Sincerely,

Janice Petty

Janice Petty
Stormwater Assistant

cc:

Mailing List for: CBPA-19-0091 – 3884 Fox Run –Attached Garage

Owner: 3110800050

Anbananthan, Sakthivel

3884 Fox Run

Williamsburg, VA 23188-7350

3110800001A-6010 Fox Hill

Fox Ridge Williamsburg Home Owners Association

P.O. Box 413

Lightfoot, VA 23090-0413

3110800050A-3880 Fox Run

James City Service Authority

119 Tewning Road

Williamsburg, VA 23188-2639

3110800051

Fields, Belinda E

3876 Fox Run

Williamsburg, VA 23188-7350