

A G E N D A
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23188
June 10, 2020
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from May 13, 2020, Regular Meeting

D. PUBLIC HEARINGS

1. Case No. CBPA 20-0037 : 855 Drewry Lane
2. Case No. CBPA 20-0039 : 6312 Adams Hunt Drive
3. Case No. CBPA 20-0042 : 117 Braddock Road

E. BOARD CONSIDERATIONS

1. CBPA 19-0032 : 3884 Fox Run

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 6/10/2020
TO: Chesapeake Bay Board
FROM: Michael Woolson, Chesapeake Bay Board Secretary
SUBJECT: Minutes from May 13, 2020, Regular Meeting

ATTACHMENTS:

	Description	Type
📎	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/2/2020 - 4:15 PM
Chesapeake Bay Group	Small, Toni	Approved	6/8/2020 - 8:56 AM
Publication Management	Burcham, Nan	Approved	6/8/2020 - 8:57 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/8/2020 - 10:50 AM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23185
May 13, 2020
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for May 13, 2020, 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
Charles Roadley
Larry Waltrip
Halle Dunn

Board Members Absent:

None

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Michael Woolson, Senior Watershed Planner, Stormwater and Resource Protection
Trevor Long, Watershed Planner, Stormwater and Resource Protection

C. MINUTES

1. Minutes from March 11, 2020, 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. Case No. CBPA 20-0009 : 108 Godspeed Lane

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Michael Haurand of Whitt Corporation on behalf of Mr. David Chin for encroachments into the Resource Protection Area (RPA) buffer for the construction of a lower and upper deck with Americans with Disabilities Act (ADA) ramps, hot tub and screened porch located at 108 Godspeed Lane, within the Powhatan Shores subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4730500050. The presentation described the current and proposed site conditions. 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.

Mr. Gussman opened the Public Hearing.

A. Mr. David Chin, property owner, outlined the project to the Board and requested that mitigation be changed to one planting unit.

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

Mr. Waltrip made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 20-0009 at 108 Godspeed Lane.

A motion to Approve with Conditions was made by Mr. Waltrip. The motion result was:

AYES: 3 NAYS: 2 ABSTAIN: 0 ABSENT: 0

AYES: Gussman, Apperson, Waltrip

NAYS: Roadley, Dunn

ABSENT: None

2. Case No. CBPA 20-0011 : 204 Riverview Plantation Drive

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Curtis Lemley for encroachments into the RPA buffer for the construction of a home expansion located at 204 Riverview Plantation Drive, within the Riverview Plantation subdivision and Skimino Creek watershed. The property is further identified as James City County Tax Map Parcel No. 1640600029. The presentation described the current and proposed site conditions. 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.

Mr. Dunn inquired if the concrete patio was to be removed, which would change the size of the impervious area.

Mr. Long deferred to the applicant for an answer.

Mr. Gussman opened the Public Hearing.

A. Mr. Curtis Lemley, property owner, outlined the project to the Board. He affirmatively replied the concrete patio would be removed.

Mr. Roadley questioned the stormwater runoff, gutter outfalls, and sheet flows on the ground. He asked if there was an issue with erosion at this location.

A. Mr. Lemley answered that erosion is not an issue because of the trees.

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 20-0011 at 204 Riverview Plantation Drive.

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

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

AYES: Gussman, Apperson, Roadley, Waltrip, Dunn

NAYS: None

ABSENT: None

3. Case No. CBPA 20-0027 : 2 Staples Road

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Mathew Roth of Roth Environmental, LLC on behalf of Mr. Song Kuk Kang and Mrs. Hi-Sung Lim Kang for encroachments into the RPA buffer for the construction of a retaining wall and patio located at 2 Staples Road, within the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5021100046. The presentation described the current and proposed site conditions. 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.

Mr. Roadley inquired about the severity of the erosion.

Mr. Woolson deferred to Mr. Roth for an answer.

Mr. Gussman opened the Public Hearing.

A. Mr. Mathew Roth, Roth Environmental, LLC, outlined the project to the Board. Mr. Roth replied there was moderate erosion caused by water velocity under the deck.

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 20-0027 at 2 Staples Road.

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

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

AYES: Gussman, Apperson, Roadley, Waltrip, Dunn

NAYS: None

ABSENT: None

4. Case No. CBPA 20-0028 : 105 Abigail Lane

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Edward Podish, Edward Podish Custom Builder, LLC on behalf of Ms. Amber Martens for encroachments into the RPA buffer for the construction of two tiered retaining walls located at 105 Abigail Lane, within the Kingmill Subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5030400083. The presentation described the current and proposed site conditions. 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.

Mr. Roadley inquired about the slope erosion for this series of retaining walls down the hillside and protection for the footers of the deck.

Mr. Woolson deferred to the applicant for an answer.

Mr. Gussman opened the Public Hearing.

A. Mr. Edward Podish, Edward Podish Custom Builder, LLC, outlined the project to the Board.

Mr. Roadley questioned the design of the project.

A. Mr. Podish answered that he would reinforce the first retaining wall behind the deck. The second retaining wall would have sediment come up and reinforce the upper wall.

Mr. Roadley asked about the elevation drop between the two retaining walls. He questioned the height of the second retaining wall.

A. Mr. Podish replied that the highest point of the second retaining wall would not exceed 36 inches.

Mr. Roadley questioned the materials to be used for construction of the retaining walls and the use and materials to be used in the area between the two retaining walls.

A. Mr. Podish answered, explaining what materials were to be used in each location.

Mr. Roadley expressed his concern about destabilizing that slope any further.

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

Mr. Dunn made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 20 -0028 at 105 Abigail Lane.

A motion to Approve with Conditions was made by Mr. Dunn. The motion result was:

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

AYES: Gussman, Apperson, Roadley, Waltrip, Dunn

NAYS: None

ABSENT: None

E. BOARD CONSIDERATIONS

1. Case No. CBPA 19-0033 : 221 Burtcher Court

Mr. Michael Woolson presented the extension request.

Mr. Roadley made a motion to grant the resolution for extension of Chesapeake Bay Board Case No. CBPA 19-0033 for 221 Burtcher Court, extended to May 13, 2021.

A motion to Approve the resolution for extension was made by Mr. Roadley. The motion result was:

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

AYES: Gussman, Apperson, Roadley, Waltrip, Dunn

NAYS: None

ABSENT: None

2. Case No. CBPA 19-0035 : 106 Loxley Lane

Mr. Michael Woolson presented the extension request.

Mr. Apperson made a motion to grant the resolution for extension of Chesapeake Bay Board Case No. CBPA 19-0035 for 106 Loxley Lane extended to May 13, 2021.

A motion to Approve the resolution for extension was made by Mr. Apperson. The motion result was:

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

AYES: Gussman, Apperson, Roadley, Waltrip, Dunn

NAYS: None

ABSENT: None

3. Case No. CBPA 18-0138 : 108 Seven Oaks

Mr. Michael Woolson presented the proposed modification to an Approved Mitigation Plan.

Mr. Roadley made a motion to Adopt the modification of the mitigation plan of Chesapeake Bay Board Case No. CBPA 18-0138 for 108 Seven Oaks.

A motion to Approve the modifications to the Approved Mitigation Plan was made by Mr. Roadley. The motion result was:

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

AYES: Gussman, Apperson, Roadley, Waltrip, Dunn

NAYS: None

ABSENT: None

4. Appeal - The Promenade

Mr. Michael Woolson presented the Appeal for the Promenade at John Tyler.

Mr. Apperson voiced concerns about overruling staff as there is no environmental degradation taking place.

Mr. Dunn concurred.

A motion to Grant the appeal was made by Mr. Roadley. The motion result was:

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

AYES: Gussman, Apperson, Roadley, Waltrip, Dunn

NAYS: None

ABSENT: None

5. Remote Participation Policy

Liz Parman made a presentation on the Remote Participation Policy for the Chesapeake Bay Board.

A motion to Approve was made by Mr. Apperson. The motion result was:

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

AYES: Waltrip, Roadley, Gussman, Apperson, Dunn

NAYS: None
ABSENT: None

F. MATTERS OF SPECIAL PRIVILEGE

1. Mr. Woolson introduced Mr. Michael O'Brien, recently appointed to the Chesapeake Bay Board by the Board of Supervisors.
2. Mr. Apperson noted a Board member will be unavailable for a few months. The Board's thoughts and best wishes are with him.

G. ADJOURNMENT

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

The meeting adjourned at 6:48 p.m.

David Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Secretary to the Board

ITEM SUMMARY

DATE: 6/10/2020

TO: Chesapeake Bay Board

FROM: Trevor Long

SUBJECT: Gayle Basler has filed an exception request for encroachments into the RPA buffer for the construction of a carport at 855 Drewry Lane, JCC Parcel No. 0940100005.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site Plan	Backup Material
☐	Public Advertisement	Backup Material
☐	APO Letter	Backup Material
☐	APO List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	6/8/2020 - 1:43 PM
Chesapeake Bay Group	Small, Toni	Approved	6/8/2020 - 1:44 PM
Publication Management	Daniel, Martha	Approved	6/8/2020 - 2:01 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/8/2020 - 2:09 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-20-0037. 855 Drewry Lane
Staff Report for the June 10, 2020, 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: Ms. Gayle Basler

Agent: None

Location: 855 Drewry Lane

Parcel Identification No.: 0940100005

Parcel: Parcel 5 Bozzel, James and Jody

Lot Size: 2.00 acres

Area of Lot in Resource Protection Area (RPA): 1.78 acres +/- (89%)

Watershed: Diascund Creek (HUC JL 27)

Floodplain: Zone AE - The special flood hazard area subject to 1% annual chance flood. Flood elevation determined at elevation 7

Proposed Activity: Construction of a carport

Impervious Cover: 624 square feet (+/-)

RPA Encroachment: 624 square feet (+/-)

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. Gayle Basler has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a carport on property located at 855 Drewry Lane within the Diascund Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0940100005. The parcel was platted in 1987, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 2.00 acres, of which 89% is located within the RPA. The applicant is proposing to construct a carport equating to a total of 624 square feet within the landward 50-foot RPA. Currently there is no area in which to store vehicles under roof and it is for this reason that the applicant is proposing to construct the carport on property. To date, the applicant has planted 12 shrubs and five understory trees therefore exceeding mitigation requirements.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a carport. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the carport 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 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; 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

Staff's view of this application is that it does meet all five of the conditions as presented above. Should the Board also find that the exception request meets all five of the conditions 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.
2. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
3. Ensure that the property lines submitted as part of the site plan to this property are accurate and that the structure is out of the flood zone; and
4. This exception request approval shall become null and void if construction has not begun by June 10, 2021; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 29, 2021, six weeks prior to the expiration date.

MDW/nb
CBPA20-37-855DrewryLn

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 20-0037. 855 DREWRY LANE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Gayle Basler (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 10, 2020, 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. 0940100005 and further identified as 855 Drewry Lane (the “Property”) as set forth in the application CBPA 20-0037 for the purpose of constructing a carport; 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; and
 - b. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and

- c. Ensure that the property lines submitted as part of the site plan to this property are accurate and that the structure is out of the flood zone; and
- d. This exception request approval shall become null and void if construction has not begun by June 10, 2021; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 29, 2021, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael D. Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of June, 2020.

CBPA20-37-855DrewryLn-res

1/4/2020
Gayle Basler
855 Drewry Lane
Lanexa VA 23089
Proposed 24 x 26 CARPORT

Map Satellite Lot lines

Directions

Save Home

Share



Google

Arlington

PROPERTY OF
 JAMES RANDALL BOZZELL
 & JODY LYNN BOZZELL
 INST #150010439
 PIN: 0940100007C

RECORD MERIDIAN
 P.B. 45, PG. 51

800'± TO
 ARLINGTON RD.

"DREWRY LANE"
 50' INGRESS &
 EGRESS EASEMENT

50' INGRESS &
 EGRESS EASEMENT
 PROPERTY LINE
 HEREBY
 EXTINGUISHED

EXISTING
 WELL

36" CYPRESS

SURVEY
 TIE-LINES
 ONLY
 PROPERTY
 LINE IS
 MEAN LOW
 WATER
 (P.B. 45,
 PG. 51)

NEW
 PROPERTY
 LINE

EXISTING
 GRAVEL
 DRIVEWAY

POOL

EXISTING
 RESIDENCE

EXIST. CONC. DRIVE

PARCEL B-2
 PIN: 0940100007E
 OLD AREA
 130,687± S.F.
 3.00± AC.
 NEW AREA
 130,687± S.F.
 3.00± AC.

Proposed Carport
 24' x 26'

RESOURCE PROTECTION
 AREA PER JCC GIS MAPPING
 (SEE GENERAL NOTE #11)

ZONE "AE" L11
 ZONE "X" L12
 L10

EXISTING
 WELL

SHED

SHED

SHED

EXISTING
 RESIDENCE

15" OAK

GAZEBO

16" POPLAR

NEW
 PROPERTY
 LINE

APPROXIMATE LIMITS OF
 RESOURCE PROTECTION
 AREA PER INSTRUMENT
 #090027979 (PLAT)
 (SEE GENERAL NOTE #11)

APPROXIMATE F.I.R.M.
 ZONE BOUNDARY

PIN: 0940100005
 OLD AREA
 87,134± S.F.
 2.00± AC.
 NEW AREA
 87,134± S.F.
 2.00± AC.

EXISTING
 DRAINFIELD
 (PER OWNER)

PROPERTY LINE
 HEREBY
 EXTINGUISHED

230'± (TOTAL)

N 65°05'50"

BACK CREEK

67

2



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY June 10, 2020 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 CASES:

WJPA 20-0014/VMRC 20-0643: Glen Horner has applied for a wetlands permit for the construction of a bulkhead at 3181 Derby Lane, JCC Parcel No. 4540300008.

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

CBPA 20-0037: Gayle Basler has filed an exception request for encroachments into the RPA buffer for the construction of a carport at 855 Drewry Lane, JCC Parcel No. 0940100005.

CBPA 20-0039: Shawn Barry has filed an exception request for encroachments into the RPA buffer for the construction of a shed and driveway extension at 6312 Adams Hunt Drive, in the Adams Hunt subdivision, JCC Parcel No. 3120400031.

CBPA 20-0042: Corde Gray has filed an exception request for encroachments into the RPA buffer for the construction of an above ground swimming pool at 117 Braddock Road, JCC Parcel No. 4720700095

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

All interested parties are invited to attend the meetings. There is also a call-in option for the public hearings. To participate, call 757-253-6772 to record a comment that will be played during the meeting. Recorded comments must be submitted no later than noon on the day of the meeting. Please give your name and address for the public record and limit comments to five minutes or less. Questions? Call 757-253-6823.

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 – May 27 and June 3, 2020.
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

May 20, 2020

RE: CBPA-20-0042
117 Braddock Road
Above Ground Pool

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. Corde Gray on behalf of Mr. Andrew Hitt for encroachment into the Resource Protection Area (RPA) buffer for the installation of an above ground pool. The project is located at 117 Braddock Road and further identified as JCC Parcel No. 4720700095.

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, June 10, 2020 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,

Michael D. Woolson

Michael D. Woolson
Chesapeake Bay Board Secretary
757-253-6670
michael.woolson@jamescitycountyva.gov

cc: Mr. Corde Gray

MDW: jep

Mailing List for: CBPA-20-0042-117 Braddock Road – Above Ground Pool

Owner: 4720700095

Hitt, Andrew, Trustee,
Braddock Rd Land Trust
5701 Princess Anne Road, Suite G
Virginia Beach, VA 23462-3253

4720700094-115 Braddock Road

James City Service Authority
Attn: Mr. Danny Poe
19 Tewning Road
Williamsburg, VA 23188-2639

4720700095

Gray, Corde
117 Braddock Road
Williamsburg, VA 23185-3203

4720700088

Hudson, Walter & Edith T
121 Druid Drive
Williamsburg, VA 23185-3239

47207000096- 119 Braddock Road

Martin, Frank Lee, Jr; Patricia D & Martin,
Frank Lee, III
109 Spring Branch
Williamsburg, VA 23185-3188

4722600001A-130 Braddock Road

Marywood Property Owners Association, Inc.
500 Viking Avenue, Suite 202
Virginia Beach, VA 23452-7487

4720700087

Morton, Rick R & Marcia N
112 Braddock Road
Williamsburg, VA 23185-3238

ITEM SUMMARY

DATE: 6/10/2020

TO: Chesapeake Bay Board

FROM: Trevor Long

SUBJECT: Shawn Barry has filed an exception request for encroachments into the RPA buffer for the construction of a shed and driveway extension at 6312 Adams Hunt Drive, in the Adams Hunt subdivision, JCC Parcel No. 3120400031.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site Plan	Backup Material
☐	Letter of support	Backup Material
☐	Public Ad	Backup Material
☐	APO Letter	Backup Material
☐	APO List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	6/8/2020 - 1:43 PM
Chesapeake Bay Group	Small, Toni	Approved	6/8/2020 - 1:44 PM
Publication Management	Daniel, Martha	Approved	6/8/2020 - 2:04 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/8/2020 - 2:09 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-20-0039. 6312 Adams Hunt Drive
Staff Report for the June 10, 2020, 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. Shawn Barry

Agent: None

Location: 6312 Adams Hunt Drive

Parcel Identification No.: 3120400031

Parcel: Lot 31, Part 1, Adam's Hunt

Lot Size: 0.58 Acres

Area of Lot in Resource Protection Area (RPA): 0.44 acres +/- (76%)

Watershed: Powhatan Creek (HUC JL 31)

Floodplain: None affecting this property

Proposed Activity: Construction of a shed and driveway extension

Impervious Cover: 850 square feet (+/-)

RPA Encroachment: 850 square feet (+/-)

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Shawn Barry has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a shed and driveway extension on property located at 6312 Adams Hunt Drive within the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3120400031. The parcel was platted in 1989, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.58 acres, of which 76% is located within the RPA. In early December, 2019, staff became aware of an alleged shed and driveway extension that was constructed in the RPA without approval from the Chesapeake Bay Board. Upon investigation, staff found that a 120-square-foot shed and an approximately 730-square-foot driveway extension had been constructed within the RPA. After consulting with the homeowner, staff determined the absence of permitting was a result of a lack of knowledge regarding the RPA. The applicant then agreed to apply for an after-the-fact permit for the construction of a shed and driveway extension. The applicant has expressed that, while he was not able to reach an individual from the Stormwater and Resource Protection Division to confirm the construction of the shed and driveway extension, he did contact members of various other County Departments to inquire about potential issues prior to commencing construction.

On June 1, 2020, staff received an email from Ms. Andrea Claxton, an adjacent property owner located at 6305 Adams Hunt Drive, expressing support for the shed and driveway extension. On June 2, 2020, staff received a call from Ms. Dorothy Whitfield, an adjacent property owner located at 6317 Adams Hunt Drive, expressing support for the exception request. On June 3, 2020, staff received a call from Ms. Melissa Graham, an adjacent property owner located at 6304 Melissa Graham also expressing support for the proposal.

Due to the fact that this is an after-the-fact permit, staff has required double mitigation for the 850 square feet of impervious impacts from the plantings of two canopy trees, four understory trees, and six shrubs to the plantings of four canopy trees, eight understory trees, and 12 shrubs. To date, the applicant has planted six canopy trees, two understory trees, and 26 shrubs, therefore County mitigation requirements have been exceeded.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a shed and driveway extension. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction 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 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; 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

Staff's view of this application is that it does meet all five of the conditions as presented above. Should the Board also find that the exception request meets all five of the conditions 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. This exception request approval shall become null and void if construction has not begun by June 10, 2021; and
3. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 29, 2021, six weeks prior to the expiration date.

MDW/md
CBPA20-30_6312AdamsHuntDr

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 20-0039. 6312 ADAMS HUNT DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Shawn Barry (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 10, 2020, 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. 3120400031 and further identified as 6312 Adams Hunt Drive (the “Property”) as set forth in the application CBPA 20-0039 for the purpose of constructing a shed and driveway extension; 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; and
 - b. This exception request approval shall become null and void if construction has not begun by June 10, 2021; and
 - c. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 29, 2021, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael D. Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of June, 2020.

CBPA20-39_6312AdamsHuntDr-res

James City County, Virginia

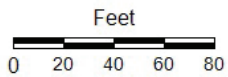
Legend

□ Parcels



Title:

Date: 6/5/2020



DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.




Fri 5/29/2020 10:46 PM

Andrea Claxton <andrea.l.claxton@gmail.com>

[External] Shawn Barry—Adams Hunt

To Trevor Long

 You replied to this message on 6/1/2020 7:48 AM.

I spoke with my neighbor, Shawn Barry today about the upcoming hearing regarding his shed and driveway. As an adjacent property owner, I believe his shed adds to the curb appeal of his property. It does not bother me in any way that he has a shed or driveway there. Before the Barry's bought that home, the previous owners cut every tree down and graded the lot flat. I don't know if they had a permit for that, but I was much more upset by that loss of trees and the change it made in the culdesac than by the minor changes Mr. Barry has implemented to the property. Surely the loss of trees and shrubbery was a greater threat to the natural resources than a shed and driveway? It is my view that Mr. Barry has done all he can to be a good neighbor and citizen, and he is doing what has been asked of him to mitigate any possible runoff because of the improvements he made.

Sincerely,
Andrea Claxton
6305 Adams Hunt Dr, Williamsburg, VA 23188



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY June 10, 2020 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 CASES:

WJPA 20-0014/VMRC 20-0643: Glen Horner has applied for a wetlands permit for the construction of a bulkhead at 3181 Derby Lane, JCC Parcel No. 4540300008.

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

CBPA 20-0037: Gayle Basler has filed an exception request for encroachments into the RPA buffer for the construction of a carport at 855 Drewry Lane, JCC Parcel No. 0940100005.

CBPA 20-0039: Shawn Barry has filed an exception request for encroachments into the RPA buffer for the construction of a shed and driveway extension at 6312 Adams Hunt Drive, in the Adams Hunt subdivision, JCC Parcel No. 3120400031.

CBPA 20-0042: Corde Gray has filed an exception request for encroachments into the RPA buffer for the construction of an above ground swimming pool at 117 Braddock Road, JCC Parcel No. 4720700095

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

All interested parties are invited to attend the meetings. There is also a call-in option for the public hearings. To participate, call 757-253-6772 to record a comment that will be played during the meeting. Recorded comments must be submitted no later than noon on the day of the meeting. Please give your name and address for the public record and limit comments to five minutes or less. Questions? Call 757-253-6823.

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 – May 27 and June 3, 2020.
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

May 20, 2020

RE: CBPA-20-0039
6312 Adam's Hunt
Shed and Driveway 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 Mr. Shawn Barry for encroachment into the Resource Protection Area (RPA) buffer for the construction of a shed and installation of a driveway extension. The project is located at 6312 Adam's Hunt Drive and further identified as JCC Parcel No. 3120400031.

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, June 10, 2020 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,

Michael D. Woolson

Michael D. Woolson
Chesapeake Bay Board Secretary
757-253-6670
michael.woolson@jamescitycountyva.gov

cc: None

MDW: jep

Mailing List for: CBPA-20-0039–6312 Adam’s Hunt Drive – Shed & Driveway Extension

Owner: 3120400031

Barry, Shawn G & Bravo-Barry, Suzette S
6312 Adam’s Hunt Drive
Williamsburg, VA 23188-7356

3120400030A-9314 Adam’s Hunt Drive

James City Service Authority
Attn: Mr. Danny Poe
19 Tewning Road
Williamsburg, VA 23188-2639

3120400032

Graham, Brent T & Melissa M
6308 Adam’s Hunt Drive
Williamsburg, VA 23188-7356

3120400030

Whitefield, Dorothy P
6317 Adam’s Hunt Drive
Williamsburg, VA 23188-7356

3120400036

Rohlmeier, Bartholomew L & Cheryl
4284 Birdella Drive
Williamsburg, VA 23188-7358

3120400028

Lewis, Mark A & Joyce E
6309 Adam’s Hunt Drive
Williamsburg, VA 23188-7357

ITEM SUMMARY

DATE: 6/10/2020

TO: Chesapeake Bay Board

FROM: Trevor Long

SUBJECT: Corde Gray has filed an exception request for encroachments into the RPA buffer for the construction of an above ground swimming pool at 117 Braddock Road, JCC Parcel No. 4720700095

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site Plan	Exhibit
☐	Public Ad	Backup Material
☐	APO Letter	Backup Material
☐	APO List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	6/8/2020 - 1:44 PM
Chesapeake Bay Group	Small, Toni	Approved	6/8/2020 - 1:44 PM
Publication Management	Burcham, Nan	Approved	6/8/2020 - 1:48 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/8/2020 - 2:09 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-20-0042. 117 Braddock Road
Staff Report for the June 10, 2020, 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. Corde Gray

Agent: Lycourgos Koliopoulos

Location: 117 Braddock Road

Parcel Identification No.: 4720700095

Parcel: Lot 95, Section D, Druid Hills

Lot Size: 0.48 acres

Area of Lot in Resource Protection Area (RPA): 0.36 acres +/- (75%)

Watershed: Mill Creek (HUC JL 33)

Floodplain: None affecting this property

Proposed Activity: Construction of an above ground pool

Impervious Cover: 530 square feet (+/-)

RPA Encroachment: 530 square feet (+/-)

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Corde Gray has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of an above ground pool on property located at 117 Braddock Road within the Mill Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4720700095. The parcel was platted in 1968, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.48 acres, of which 75% is located within the RPA. The applicant is proposing to construct an above ground swimming pool, equating to a total of 530 square feet within the landward 50-foot RPA. Required amount of mitigation for this amount of impervious impacts equates to the plantings of one canopy tree, two understory trees, and three shrubs.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of an above ground pool. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the pool 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 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; 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

Staff's view of this application is that it does meet all five of the conditions as presented above. Should the Board also find that the exception request meets all five of the conditions 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 mitigation plan equating to the plantings of one canopy tree, two understory trees, and three shrubs be submitted to the James City County Stormwater and Resource Protection Division; and
3. A surety of \$500 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office; and
4. The application fee of \$125 be paid prior to the issuance of a Building Permit; and
5. This exception request approval shall become null and void if construction has not begun by June 10, 2021; and
6. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 29, 2021, six weeks prior to the expiration date.

MDW/md
CBPA20-42_117BraddockRd

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 20-0042. 117 BRADDOCK ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Corde Gray (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 10, 2020, 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. 4720700095 and further identified as 117 Braddock Road (the “Property”) as set forth in the application CBPA 20-0042 for the purpose of constructing an above ground pool; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the 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; and
 - b. A mitigation plan equating to the plantings of one canopy tree, two understory trees, and three shrubs be submitted to the James City County Stormwater and Resource Protection Division; and
 - c. A surety of \$500 in place prior to the commencement of work, in a form acceptable to the James City County Attorney’s Office; and

- d. The application fee of \$125 be paid prior to the issuance of a Building Permit; and
- e. This exception request approval shall become null and void if construction has not begun by June 10, 2021; and
- f. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 29, 2021, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael D. Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 10th day of June, 2020.

CBPA20-42_117BraddockRd-res

117 BRADDOCK RD IMAGE





PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY June 10, 2020 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 CASES:

WJPA 20-0014/VMRC 20-0643: Glen Horner has applied for a wetlands permit for the construction of a bulkhead at 3181 Derby Lane, JCC Parcel No. 4540300008.

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

CBPA 20-0037: Gayle Basler has filed an exception request for encroachments into the RPA buffer for the construction of a carport at 855 Drewry Lane, JCC Parcel No. 0940100005.

CBPA 20-0039: Shawn Barry has filed an exception request for encroachments into the RPA buffer for the construction of a shed and driveway extension at 6312 Adams Hunt Drive, in the Adams Hunt subdivision, JCC Parcel No. 3120400031.

CBPA 20-0042: Corde Gray has filed an exception request for encroachments into the RPA buffer for the construction of an above ground swimming pool at 117 Braddock Road, JCC Parcel No. 4720700095

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

All interested parties are invited to attend the meetings. There is also a call-in option for the public hearings. To participate, call 757-253-6772 to record a comment that will be played during the meeting. Recorded comments must be submitted no later than noon on the day of the meeting. Please give your name and address for the public record and limit comments to five minutes or less. Questions? Call 757-253-6823.

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 – May 27 and June 3, 2020.
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

May 20, 2020

RE: CBPA-20-0042
117 Braddock Road
Above Ground Pool

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. Corde Gray on behalf of Mr. Andrew Hitt for encroachment into the Resource Protection Area (RPA) buffer for the installation of an above ground pool. The project is located at 117 Braddock Road and further identified as JCC Parcel No. 4720700095.

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, June 10, 2020 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,

Michael D. Woolson

Michael D. Woolson
Chesapeake Bay Board Secretary
757-253-6670
michael.woolson@jamescitycountyva.gov

cc: Mr. Corde Gray

MDW: jep

Mailing List for: CBPA-20-0042-117 Braddock Road – Above Ground Pool

Owner: 4720700095

Hitt, Andrew, Trustee,
Braddock Rd Land Trust
5701 Princess Anne Road, Suite G
Virginia Beach, VA 23462-3253

4720700094-115 Braddock Road

James City Service Authority
Attn: Mr. Danny Poe
19 Tewning Road
Williamsburg, VA 23188-2639

4720700095

Gray, Corde
117 Braddock Road
Williamsburg, VA 23185-3203

4720700088

Hudson, Walter & Edith T
121 Druid Drive
Williamsburg, VA 23185-3239

47207000096- 119 Braddock Road

Martin, Frank Lee, Jr; Patricia D & Martin,
Frank Lee, III
109 Spring Branch
Williamsburg, VA 23185-3188

4722600001A-130 Braddock Road

Marywood Property Owners Association, Inc.
500 Viking Avenue, Suite 202
Virginia Beach, VA 23452-7487

4720700087

Morton, Rick R & Marcia N
112 Braddock Road
Williamsburg, VA 23185-3238

ITEM SUMMARY

DATE: 6/10/2020
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBPA 19-0032 : 3884 Fox Run

Sakthivel Anbananthan has requested a one year extension to CBPA 19-0032 for an attached garage and has requested that CBPA 19-0091, exception request for a driveway, be combined into the same extension request.

ATTACHMENTS:

	Description	Type
☐	Staff Memo	Cover Memo
☐	Resolution	Resolution

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	6/8/2020 - 1:44 PM
Chesapeake Bay Group	Small, Toni	Approved	6/8/2020 - 1:45 PM
Publication Management	Burcham, Nan	Approved	6/8/2020 - 1:47 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/8/2020 - 2:09 PM

MEMORANDUM

DATE: June 10, 2020
TO: The Chesapeake Bay Board
FROM: Trevor Long, Watershed Planner
SUBJECT: Case No. CBPA 19-0032: Attached Garage/Case No. CBPA 20-0091: Driveway

Mr. Sakthivel Anbananthan is requesting a one-year extension to CBPA 19-0032, originally granted on June 12, 2019, due to unexpected changes in the construction sequence. CBPA 20-0091 was also granted for this property on September 11, 2019. The applicant would like to combine the extension requests of these two exceptions.

Staff concurs with this request, with the stipulation that all permit conditions, except for the expiration date, be reauthorized and that the new date of expiration be June 10, 2021.

TL/md
CBPA19-32Ext-mem

Attachment

RESOLUTION

CASE NO. CBPA 19-0032. 3884 FOX RUN

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION

ORDINANCE EXCEPTION EXTENSION

WHEREAS, Mr. Sakthivel Anbananthan (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 12, 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 in the Fox Run subdivision (the “Property”) as set forth in the application CBPA 19-0032 for the purpose of constructing a garage; and

WHEREAS, the Applicant has applied to the Board on September 11, 2019, to request an exception to use the RPA on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 3110800050 and further identified as the Property as set forth in the application CBPA 19-0091 for the purpose of constructing a garage; and

WHEREAS, the Applicant has requested that CBPA 19-0091 be combined into CBPA 19-0032; and

WHEREAS, the Applicant has requested a one-year extension to CBPA 19-0032 granted by the Board on June 10, 2020; 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 and permissions as required for the project; and
 - b. Surety of \$1,000 will be required in a form acceptable to the County Attorney's Office to guarantee the mitigation; and
 - c. Surety of \$500 will be required in a form acceptable to the County Attorney's Office to guarantee the mitigation; and
 - d. This exception request approval shall become null and void if construction has not begun by June 10, 2021. Written requests for an extension to this 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 10th day of June, 2020.

CBPA19-32Ext-res