

**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 23185**  
**October 14, 2020**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. Minutes from September 9, 2020, Regular Meeting

**D. PUBLIC HEARINGS**

1. Case No. CBPA 20-0092 : 4041 Bradshaw Ordinary
2. Case No. CBPA 20-0091 : 8810 Pocahontas Trail
3. Case No. CBPA 20-0088 : 2509 Goodrich Durfey
4. Case No. CBPA 20-0094 : 2425 Manion Drive
5. Case No. CBPA 20-0096 : 289 Mill Stream Way
6. Case No. CBPA 20-0097 : 111 Cove Road
7. Case No. CBPA 20-0090 : 20 Marclay Road

**E. BOARD CONSIDERATIONS**

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

**ITEM SUMMARY**

DATE: 10/14/2020  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Chesapeake Bay Board Secretary  
SUBJECT: Minutes from September 9, 2020, Regular Meeting

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**ATTACHMENTS:**

	Description	Type
📎	Minutes	Minutes

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	10/6/2020 - 8:40 AM
Chesapeake Bay Group	Small, Toni	Approved	10/9/2020 - 1:13 PM
Publication Management	Daniel, Martha	Approved	10/9/2020 - 1:23 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	10/9/2020 - 1:24 PM

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, Virginia 23185**  
**September 9, 2020**  
**5:00 PM**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for September 9, 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  
Halle Dunn  
Charles Roadley  
Michael O'Brien  
Robert Lukens, Remote Participation

A motion to allow the Remote Participation was made by Charles Roadley and approved on a voice vote.

**Board Members Absent:**

William Apperson  
Larry Waltrip

**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  
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

**C. MINUTES**

1. Minutes from August 12, 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-20-0080 : 2844 Castling Crossing

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted

by Mr. Brian DuVal, Elite Comfort Mechanical on behalf of Mr. Alan and Mrs. Julie Moore, for encroachments into the Resource Protection Area (RPA) buffer for the conversion of a deck to a sunroom located at 2844 Castling Crossing, within the Mill Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4812300018. 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 if the applicants were not cited for being in violation, as he has now submitted the application for the proposed structure.

Mr. Woolson affirmatively replied.

Mr. Gussman opened the Public Hearing.

A. Mr. Alan Moore, 2844 Castling Crossing, outlined the project to the Board.

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

Mr. Roadley inquired about the area under the deck having rain dripping through would create some mild form of erosion. He suggested that the applicant use mulch and gravel under that area.

Mr. O'Brien made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 20-0080 at 2844 Castling Crossing.

A motion to Approve with Conditions was made by Mr. O'Brien, the motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

AYES: Gussman, Dunn, Roadley, O'Brien, Lukens

NAYS: None

ABSENT: Apperson, Waltrip

## **E. BOARD CONSIDERATIONS**

### **1. Case No. CBPA 19-0121 : 4053 South Riverside Drive**

Mr. Michael Woolson, Senior Watershed Planner, presented the extension request from Mr. Robert Kaufman. Mr. Kaufman is requesting a one-year extension to CBPA 19-0121, originally granted on November 13, 2019.

Mr. Dunn made a motion to grant the resolution for extension of Chesapeake Bay Board Case No. CBPA 19-0121 for 4053 South Riverside Drive, extended to November 13, 2021.

A motion to Approve the resolution for extension was made by Mr. Dunn, the motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2

AYES: Gussman, Dunn, Roadley, O'Brien, Lukens

NAYS: None

ABSENT: Apperson, Waltrip

**F. MATTERS OF SPECIAL PRIVILEGE**

1. Mr. Gussman voiced concerns about WJPA 20-0053 as the revetments are in the uplands which would be administratively acted upon. He requested that they come before the Board for review and approval. Mr. Woolson stated that he will have Mr. Waltrip submit an application to the Board for the RPA impact from the revetments.

2. Mr. Gussman stated that he wants the Board to review impacts to piers. Mr. Gussman requested a work session to discuss issues related to boat houses, piers, platforms, no wake zones and consideration for an amendment to the appropriate ordinance as necessary.

**G. ADJOURNMENT**

A motion to Adjourn was made by Mr. Gussman and approved on a voice vote. The meeting adjourned at 6:52 p.m.

**ITEM SUMMARY**

DATE: 10/14/2020  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: Case No. CBPA 20-0092 : 4041 Bradshaw Ordinary

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Mr. Emilio Pesante has filed an exception request for encroachments into the RPA buffer for a shed behind 4041 Bradshaw Ordinary, JCC Parcel 3841800001B.

**ATTACHMENTS:**

	Description	Type
☐	Deferral Request	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	10/9/2020 - 1:06 PM
Chesapeake Bay Group	Small, Toni	Approved	10/9/2020 - 1:16 PM
Publication Management	Daniel, Martha	Approved	10/9/2020 - 1:24 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	10/9/2020 - 1:38 PM

## Trevor Long

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**From:** Michael Woolson  
**Sent:** Thursday, October 8, 2020 10:06 AM  
**To:** Trevor Long  
**Subject:** Fwd: [External] RE: your application

Sent from my iPhone

Begin forwarded message:

**From:** Emilio Pesante  
**Date:** October 8, 2020 at 8:14:59 AM EDT  
**To:** Michael Woolson  
**Subject:** [External] RE: your application

Hello,

This is the official request for the one month deferral.

Please take the necessary measures to ensure that we can successfully achieve the goal of getting the permit.

Thank you for your help in the process to make sure the citizens (us) are done right by.

Emilio Pesante

-----Original Message-----

**From:** Michael Woolson [mailto:Michael.Woolson@jamescitycountyva.gov]  
**Sent:** Thursday, October 8, 2020 7:23 AM  
**To:** Emilio Pesante  
**Cc:** Trevor Long  
**Subject:** your application

External Email Advisory: This message originated outside the Newport News Public Schools network. Use caution when opening attachments, clicking links, or responding to requests for information.

Emilio,

In talking with the County Attorney's office yesterday, one of the conditions that we are going to require is to get written permission from the easement holder. In this case, it is James City County. This has to come from the County Administrator's office, specifically Mr. Jason Purse, Assistant County Administrator. The attorney's office strongly suggested that this approval actually come first. So, I'm asking/requesting that you request a one month deferral so that this can be worked through. I'm out of the office until Monday, but please let us know what you want to do. Thanks.

Mike

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## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY OCTOBER 14, 2020 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBPA 20-0088: Mr. John Blankinship has filed an exception request for encroachments into the RPA buffer for a patio and fire pit at 2509 Goodrich Durfey, JCC Parcel 4840200068.

CBPA 20-0090: Mr. Larry Waltrip, Short Neck, LLC has filed an exception request for encroachments into the RPA buffer for a retaining wall and revetments at 20 Marclay Road, JCC Parcel 4820100012.

CBPA 20-0091: Ms. Maria Gauvin, Heritage Community, LLC has filed an exception request for encroachments into the RPA buffer for a mobile home and attached deck at 8810-35B Pocahontas Trail, JCC Parcel 5920100003.

CBPA 20-0092: Mr. Emilio Pesante has filed an exception request for encroachments into the RPA buffer for a shed behind 4041 Bradshaw Ordinary, JCC Parcel 3841800001B.

CBPA 20-0094: Mr. Allen Parker, Allen Parker Builder has filed an exception request for encroachments into the RPA buffer for a dock house, patio and retaining walls at 2425 Manion Drive, JCC Parcel 4630100002.

CBPA 20-0096: Mr. Aaron Williams, Williams Landscape & Design, Inc. has filed an exception request for encroachments into the RPA buffer for a retaining walls, steps and a patio at 289 Mill Stream Way, JCC Parcel 4711800040.

CBPA 20-0097: Mr. Chase Grogg, Landtech Resources, Inc. has filed an exception request for encroachments into the RPA buffer for a carport at 111 Cove Road, JCC Parcel 4910240009.

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 – September 30 and October 7, 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](http://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

September 23, 2020

RE: CBPA-20-0092  
4041 Bradshaw Drive  
Shed

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Emilio D Pesante for encroachment into the Resource Protection Area (RPA) buffer for the approval of an existing shed. The project is located behind 4041 Bradshaw Drive and further identified as JCC Parcel No. 3841800001B.

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, October 14, 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  
757-253-6823  
michael.woolson@jamescitycountyva.gov

MDW: jep

Mailing List for: CBPA-20-0092-4041 Bradshaw Drive – Shed

Owner: 3841800026

Pesante, Emilio D & Tracey E  
4041 Bradshaw Drive  
Williamsburg, VA 23188-2502

3841800018:

MacDonald, Sean M & Stephanie A  
3005 Knott Place  
Williamsburg, VA 23188-2553

3841800025-4045 Bradshaw Drive

Federal National Mortgage Association  
5600 Granite Parkway, Building VIII  
Plano, TX 75024-4126

3841800021

Earnhardt, Susan L  
4044 Bradshaw Drive  
Williamsburg, VA 23188-2501

3841800001B – S-2 Bradshaw Ordinary

Bradshaw Ordinary Homeowners  
Association  
3612 Ironbound Road  
Williamsburg, VA 23188-2441

**ITEM SUMMARY**

DATE: 10/14/2020  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: Case No. CBPA 20-0091 : 8810 Pocahontas Trail

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Ms. Maria Gauvin, Heritage Community, LLC has filed an exception request for encroachments into the RPA buffer for a mobile home and attached deck at 8810-35B Pocahontas Trail, JCC Parcel 5920100003.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	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	10/7/2020 - 7:20 PM
Chesapeake Bay Group	Small, Toni	Approved	10/9/2020 - 9:29 AM
Publication Management	Burcham, Nan	Approved	10/9/2020 - 9:42 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	10/9/2020 - 1:37 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-20-0091. 8810-35B Pocahontas Trail  
Staff Report for the October 14, 2020, Chesapeake Bay Board Public Hearing**

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

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**EXISTING SITE DATA AND INFORMATION**

Applicant: Ms. Maria Gauvin, Gibson-Heritage Community LLC

Agent: None

Location: 8810-35B Pocahontas Trail

Parcel Identification No.: 5920100003

Parcel: Heritage Community LLC

Lot Size: 0.02 acres

Area of Lot in Resource Protection Area (RPA): 0.01 acres +/- (50%)

Watershed: Skiffes Creek (HUC JL 35)

Floodplain: None

Proposed Activity: Construction of a Mobile Home

Impervious Cover: 784 square feet (+/-)

RPA Encroachment: 784 square feet (+/-)

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Ms. Maria Gauvin, Gibson-Heritage Community LLC, has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a mobile home on property located at 8810-35B Pocahontas Trail within the Skiffes Creek watershed. The property is further identified as James City County Tax Map Parcel No. 5920100003. The parcel was platted prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

A recent fire demolished a mobile home previously located on the property. The applicant is proposing to place a new 14-foot x 56-foot mobile home in place of the previous mobile home equating to a total of 784 square feet of impervious surface to the RPA. Mitigation for this amount of impervious impact equates to two canopy trees, four understory trees, and six shrubs. If the applicant decides there is no room on the property to perform the required amounts of mitigation, the applicant may pay into the Chesapeake Bay Mitigation Fund in the amount of \$1,000.

**STAFF EVALUATION**

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

because the mobile home is not considered reconstruction, as the former structure was completely destroyed.

### **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 the request does meet all five of the conditions as presented above and is approvable. Should the Board 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 two canopy trees, four understory trees, and six shrubs be submitted to the James City County Stormwater and Resource Protection Division or the payment of \$1,500 be paid to the Chesapeake Bay Mitigation Fund; and
3. A surety of \$1,500 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office if the planting mitigation is chosen above; and
4. This exception request approval shall become null and void if construction has not begun by October 14, 2021; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than September 2, 2021, six weeks prior to the expiration date.

MDW/nb  
CBPA20-91-881035BPocT

#### Attachments:

1. Resolution
2. Site Plan

## RESOLUTION

CASE NO. CBPA-20-0091. 8810-35B POCAHONTAS TRAIL

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Maria Gauvin (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 14, 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. 5920100003 and further identified as 8810-35B Pocahontas Trail (the “Property”) as set forth in the application CBPA-20-0091 for the purpose of installing a mobile home; 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 two canopy trees, four understory trees, and six shrubs be submitted to the James City County Stormwater and Resource Protection Division or the payment of \$1,000 be paid to the Chesapeake Bay Mitigation Fund; and



- c. 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's Office if the planting mitigation is chosen above; and
- d. This exception request approval shall become null and void if construction has not begun by October 14, 2021; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than September 2, 2021, six weeks prior to the expiration date.

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David Gussman  
Chair, Chesapeake Bay Board

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Michael D. Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of October, 2020.

CBPA20-91-8810-35BPocT-res





## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY OCTOBER 14, 2020 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBPA 20-0088: Mr. John Blankinship has filed an exception request for encroachments into the RPA buffer for a patio and fire pit at 2509 Goodrich Durfey, JCC Parcel 4840200068.

CBPA 20-0090: Mr. Larry Waltrip, Short Neck, LLC has filed an exception request for encroachments into the RPA buffer for a retaining wall and revetments at 20 Marclay Road, JCC Parcel 4820100012.

CBPA 20-0091: Ms. Maria Gauvin, Heritage Community, LLC has filed an exception request for encroachments into the RPA buffer for a mobile home and attached deck at 8810-35B Pocahontas Trail, JCC Parcel 5920100003.

CBPA 20-0092: Mr. Emilio Pesante has filed an exception request for encroachments into the RPA buffer for a shed behind 4041 Bradshaw Ordinary, JCC Parcel 3841800001B.

CBPA 20-0094: Mr. Allen Parker, Allen Parker Builder has filed an exception request for encroachments into the RPA buffer for a dock house, patio and retaining walls at 2425 Manion Drive, JCC Parcel 4630100002.

CBPA 20-0096: Mr. Aaron Williams, Williams Landscape & Design, Inc. has filed an exception request for encroachments into the RPA buffer for a retaining walls, steps and a patio at 289 Mill Stream Way, JCC Parcel 4711800040.

CBPA 20-0097: Mr. Chase Grogg, Landtech Resources, Inc. has filed an exception request for encroachments into the RPA buffer for a carport at 111 Cove Road, JCC Parcel 4910240009.

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 – September 30 and October 7, 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](http://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

September 23, 2020

RE: CBPA-20-0091  
8810 – 35B Pocahontas Trail  
Mobile Home with attached Deck

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 Ms. Maria Gauvin on behalf of Heritage Community, LLC for encroachment into the Resource Protection Area (RPA) buffer for the installation of a mobile home with an attached deck. The project is located at 8810 – 35B Pocahontas Trail and further identified as JCC Parcel No.5920100003.

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, October 14, 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  
757-253-6823  
michael.woolson@jamescitycountyva.gov

MDW: jep

Mailing List for: CBPA-20-0091-8810 – 35B Pocahontas Trail – Mobile Home

Owner: 5920100003 – 8810 Pocahontas Trail

Heritage Community, LLC  
485 Seaport Court, Suite 101  
Redwood City, CA 94063-2730

Gibson – Heritage Communities  
Attn: Ms. Maria M. Gauvin  
8810 Pocahontas Trail  
Williamsburg, VA 23186-0001

5910400001A- 1900 Algonquin Trail

Pocahontas Square Townhouse Association,  
Inc.  
2310 Tower Place, Suite 105  
Hampton, VA 23666-2481

**ITEM SUMMARY**

DATE: 10/14/2020  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: Case No. CBPA 20-0088 : 2509 Goodrich Durfey

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Mr. John Blankinship has filed an exception request for encroachments into the RPA buffer for a patio and fire pit at 2509 Goodrich Durfey, JCC Parcel 4840200068.

**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	10/6/2020 - 1:39 PM
Chesapeake Bay Group	Small, Toni	Approved	10/9/2020 - 8:44 AM
Publication Management	Burcham, Nan	Approved	10/9/2020 - 8:47 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	10/9/2020 - 1:52 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-20-0088. 2509 Goodrich Durfey  
Staff Report for the October 14, 2020, Chesapeake Bay Board Public Hearing**

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

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**EXISTING SITE DATA AND INFORMATION**

Applicant: Mr. John Blankenship  
Agent: None  
Location: 2509 Goodrich Durfey  
Parcel Identification No.: 4840200068  
Parcel: Lot 68, Parcel 1, Vineyards at Jockeys Neck  
Lot Size: 1.21 acres  
Area of Lot in Resource Protection Area (RPA): 0.46 acres +/- (38%)  
Watershed: College Creek (HUC JL 34)  
Floodplain: None affecting this property  
Proposed Activity: Construction of a patio and firepit  
Impervious Cover: 480 square feet (+/-)  
RPA Encroachment: 480 square feet (+/-)  
Staff Contact: Michael D. Woolson, Senior Watershed Planner Phone: 253-6823

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. John Blankenship has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a patio and firepit on property located at 2509 Goodrich Durfey within the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4840200068. The parcel was platted in 1991, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990. The RPA was applied to this property in 2004 with the revisions to the Ordinance.

The total lot size of this property is 0.46 acres, of which 38% is located within the RPA. The applicant is proposing to construct a 20-foot x 24-foot patio and firepit 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 a patio and firepit. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the patio 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 the original request does meet all five of the conditions as presented above. Should the Board 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 equaling the planting 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 \$250 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. This exception request approval shall become null and void if construction has not begun by October 14, 2021; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than September 2, 2021, six weeks prior to the expiration date.

MDW/nb  
CBPA20-88-2509GDurfey

## RESOLUTION

CASE NO. CBPA-20-0088. 2509 GOODRICH DURFEY

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. John Blankenship (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 14, 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. 4840200068 and further identified as 2509 Goodrich Durfey (the “Property”) as set forth in the application CBPA 20-0088 for the purpose of constructing a patio and firepit; 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 equaling the planting 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 \$250 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney’s Office; and

- d. This exception request approval shall become null and void if construction has not begun by October 14, 2021; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than September 2, 2021, six weeks prior to the expiration date.

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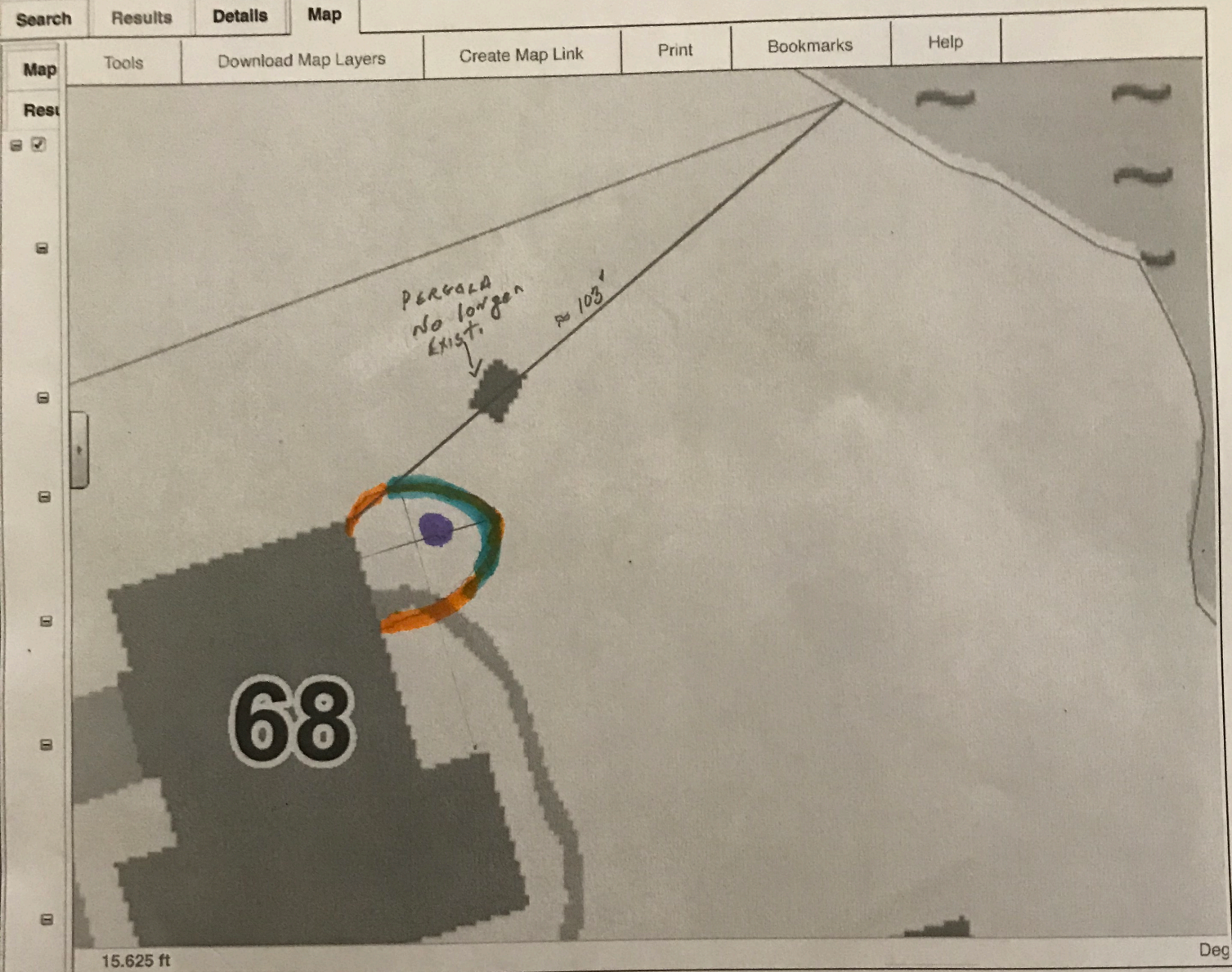
David Gussman  
Chair, Chesapeake Bay Board

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Michael D. Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of October, 2020.

CBPA20-88-2509GDurfey-res



JOHN BLANKINSHIP - 2509 Goodrich Durlay

PATIO WITH FIREPIT -

MATERIAL - PAVER STONES

OVAL - Approximately 24' x 20' at widest points.

● ROUND - FIREPIT (WOOD BURNING)

● WALL AROUND A PORTION OF THE PERIMETER AT SEATING HEIGHT

Will plant trees and shrubs AS REQUESTED



## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY OCTOBER 14, 2020 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBPA 20-0088: Mr. John Blankinship has filed an exception request for encroachments into the RPA buffer for a patio and fire pit at 2509 Goodrich Durfey, JCC Parcel 4840200068.

CBPA 20-0090: Mr. Larry Waltrip, Short Neck, LLC has filed an exception request for encroachments into the RPA buffer for a retaining wall and revetments at 20 Marclay Road, JCC Parcel 4820100012.

CBPA 20-0091: Ms. Maria Gauvin, Heritage Community, LLC has filed an exception request for encroachments into the RPA buffer for a mobile home and attached deck at 8810-35B Pocahontas Trail, JCC Parcel 5920100003.

CBPA 20-0092: Mr. Emilio Pesante has filed an exception request for encroachments into the RPA buffer for a shed behind 4041 Bradshaw Ordinary, JCC Parcel 3841800001B.

CBPA 20-0094: Mr. Allen Parker, Allen Parker Builder has filed an exception request for encroachments into the RPA buffer for a dock house, patio and retaining walls at 2425 Manion Drive, JCC Parcel 4630100002.

CBPA 20-0096: Mr. Aaron Williams, Williams Landscape & Design, Inc. has filed an exception request for encroachments into the RPA buffer for a retaining walls, steps and a patio at 289 Mill Stream Way, JCC Parcel 4711800040.

CBPA 20-0097: Mr. Chase Grogg, Landtech Resources, Inc. has filed an exception request for encroachments into the RPA buffer for a carport at 111 Cove Road, JCC Parcel 4910240009.

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 – September 30 and October 7, 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](http://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

September 23, 2020

RE: CBPA-20-0088  
2509 Goodrich Durfey  
Patio with Fire Pit

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. John Blankinship for encroachment into the Resource Protection Area (RPA) buffer for the construction of a patio with a fire pit. The project is located at 2509 Goodrich Durfey and further identified as JCC Parcel No. 4840200068.

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, October 14, 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  
757-253-6823  
michael.woolson@jamescitycountyva.gov

MDW: jep

Mailing List for: CBPA-20-0088–2509 Goodrich Durfey – Patio with Fire Pit

Owner: 4840200068

Blankinship, Jennifer L, Trustee & John  
2509 Goodrich Durfey  
Williamsburg, VA 23185-8031

4840200067:

Coleman, Randolph A & April S  
2513 Goodrich Durfey  
Williamsburg, VA 23185-8031

4840100011-2630 Lake Powell Road

Vineyards Homeowners Association, Inc.  
907 Richmond Road  
Williamsburg, VA 23186-0001

4840300049

Slattery, Matthew D & Vicki L  
2508 Goodrich Durfey  
Williamsburg, VA 23185-8031

4840200069

Riddle, Marilyn M  
2505 Goodrich Durfey  
Williamsburg, VA 23185-8031

4840300050

Rosenberger, Ronald D, Jr., Trustee & Karen  
L, Trustee  
2512 Goodrich Durfey  
Williamsburg, VA 23185-8031

4840200008

Blevins, Clifton F & Kathryn R  
2711 Jockeys Neck Trail  
Williamsburg, VA 23185-8071



**ITEM SUMMARY**

DATE: 10/14/2020  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: Case No. CBPA 20-0094 : 2425 Manion Drive

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Mr. Allen Parker, Allen Parker Builder has filed an exception request for encroachments into the RPA buffer for a dock house, patio and retaining walls at 2425 Manion Drive, JCC Parcel 4630100002.

**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	10/9/2020 - 1:09 PM
Chesapeake Bay Group	Small, Toni	Approved	10/9/2020 - 1:25 PM
Publication Management	Burcham, Nan	Approved	10/9/2020 - 1:32 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	10/9/2020 - 1:40 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-20-0094. 2425 Manion Drive  
Staff Report for the October 14, 2020, Chesapeake Bay Board Public Hearing**

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

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Mr. Dennis and Mrs. Jennifer Organ

Agent: Mr. Allen Parker, Allen Parker Builder Inc.

Location: 2425 Manion Drive

Parcel Identification No.: 4630100002

Parcel: Parcel BC; Organ, Dennis & Jennifer

Lot Size: 10.28 acres

Area of Lot in Resource Protection Area (RPA): 1.67 acres +/- (16%)

Watershed: James River (HUC JL 30)

Floodplain: Zone VE - The Special Flood Hazard Area subject to 1% annual chance flood with wave hazard. Base flood elevation determined at elevation 14

Proposed Activity: Construction of a dock house and patio area

Impervious Cover: 336 square feet (+/-)

RPA Encroachment: 336 square feet (+/-)

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Allen Parker, Allen Parker Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Dennis and Mrs. Jennifer Organ for encroachments into the RPA buffer for the construction of a dock house and patio on property located at 2425 Manion Drive within the James River watershed. The property is further identified as James City County Tax Map Parcel No. 4630100002. The parcel was platted prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 10.28 acres, of which 16% is located within the RPA. The applicants are proposing to construct a dock house and patio equating to a total of 336 square feet of impervious area in the seaward 50-foot RPA. The previous house was removed from the property by 2015 with two foundation walls remaining. It is these two walls that are situated within the hillside of this property that the applicants propose to situate the dock house and patio in between. Required mitigation for this amount of impervious impact within the RPA equates to the plantings of two canopy trees, four understory trees, and six shrubs.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of a dock house and patio. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the dock house and patio are considered accessory in nature and are proposed to be located within the seaward 50-foot RPA.

## **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 the request does meet all five of the conditions as presented above and is approvable. Should the Board 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 two canopy trees, four understory trees, and six shrubs be submitted to the James City County Stormwater and Resource Protection Division; and
3. 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's Office; and
4. This exception request approval shall become null and void if construction has not begun by October 14, 2021; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than September 2, 2021, six weeks prior to the expiration date.

MDW/md  
CBPA20-94-2425ManionDr

### Attachments:

1. Resolution
2. Site Plan

## RESOLUTION

CASE NO. CBPA-20-0094. 2425 MANION DRIVE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Dennis and Mrs. Jennifer Organ (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on October 14, 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. 4630100002 and further identified as 2425 Manion Drive (the “Property”) as set forth in the application CBPA-20-0094 for the purpose of constructing a dock house and patio; 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 two canopy trees, four understory trees, and six shrubs be submitted to the James City County Stormwater and Resource Protection Division; and
  - c. 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’s Office; and

- d. This exception request approval shall become null and void if construction has not begun by October 14, 2021; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than September 2, 2021, six weeks prior to the expiration date.

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David Gussman  
Chair, Chesapeake Bay Board

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Michael D. Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of October, 2020.

CBPA20-94-2425ManionDr-res

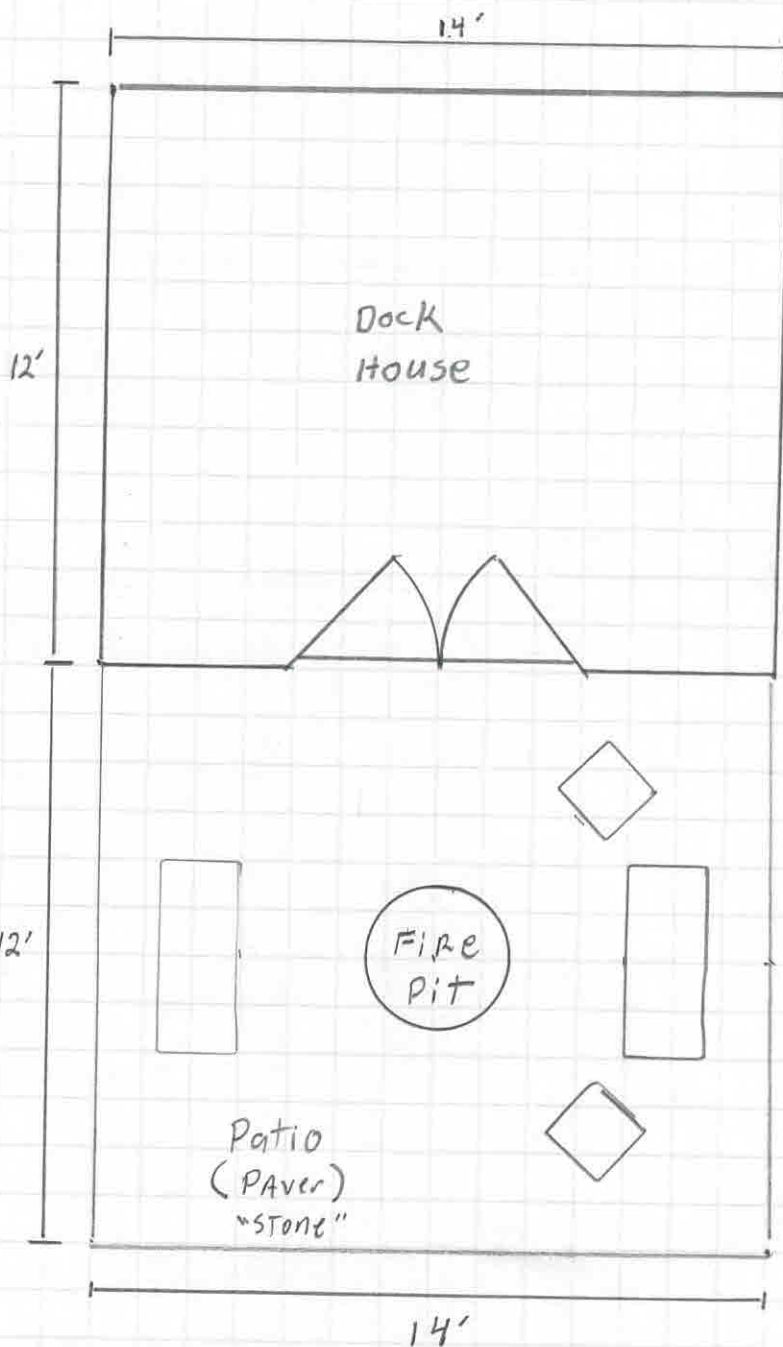
Dock House, 2425 Marion Rd.



existing Brick wall



River  
←



E.  
X  
I  
S  
T  
I  
N  
G  
B  
R  
I  
C  
K  
W  
A  
L  
L

River  
←

up slope  
To House (Natural Path)



## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY OCTOBER 14, 2020 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBPA 20-0088: Mr. John Blankinship has filed an exception request for encroachments into the RPA buffer for a patio and fire pit at 2509 Goodrich Durfey, JCC Parcel 4840200068.

CBPA 20-0090: Mr. Larry Waltrip, Short Neck, LLC has filed an exception request for encroachments into the RPA buffer for a retaining wall and revetments at 20 Marclay Road, JCC Parcel 4820100012.

CBPA 20-0091: Ms. Maria Gauvin, Heritage Community, LLC has filed an exception request for encroachments into the RPA buffer for a mobile home and attached deck at 8810-35B Pocahontas Trail, JCC Parcel 5920100003.

CBPA 20-0092: Mr. Emilio Pesante has filed an exception request for encroachments into the RPA buffer for a shed behind 4041 Bradshaw Ordinary, JCC Parcel 3841800001B.

CBPA 20-0094: Mr. Allen Parker, Allen Parker Builder has filed an exception request for encroachments into the RPA buffer for a dock house, patio and retaining walls at 2425 Manion Drive, JCC Parcel 4630100002.

CBPA 20-0096: Mr. Aaron Williams, Williams Landscape & Design, Inc. has filed an exception request for encroachments into the RPA buffer for a retaining walls, steps and a patio at 289 Mill Stream Way, JCC Parcel 4711800040.

CBPA 20-0097: Mr. Chase Grogg, Landtech Resources, Inc. has filed an exception request for encroachments into the RPA buffer for a carport at 111 Cove Road, JCC Parcel 4910240009.

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 – September 30 and October 7, 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](http://jamescitycountyva.gov)

<b>Capital Projects</b> 107 Tewning Road Williamsburg, VA 23188 757-259-4080	<b>Fleet</b> 103 Tewning Road Williamsburg, VA 23188 757-259-4122	<b>Stormwater and Resource Protection</b> 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	<b>Facilities &amp; Grounds</b> 113 Tewning Road Williamsburg, VA 23188 757-259-4080	<b>Solid Waste</b> 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
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September 23, 2020

RE: CBPA-20-0094  
2425 Manion Drive  
Dock House, Retaining Walls and Patio

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. Allen Parker of Allen Parker Builder on behalf of Mr. Dennis P. Organ and Mrs. Jennifer J. Organ for encroachment into the Resource Protection Area (RPA) buffer for the construction of a dock house, retaining walls and patio. The project is located at 2524 Manion Drive and further identified as JCC Parcel No.4630100002.

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, October 14, 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  
757-253-6823  
michael.woolson@jamescitycountyva.gov

cc: Allen Parker Builder  
Attn: Mr. Allen Parker

MDW: jep

Mailing List for: CBPA-20-0094– 2425 Manion Drive – Dock House Replacement, Retaining Walls, Patio

Owner: 4630100002 – 2425 Manion Drive

Organ, Dennis P & Jennifer J  
1384 Mercer Road  
Gloucester Point, VA 23062-2605

4630100001E

Olver, James & Olver, Judith  
2492 Manion Drive  
Williamsburg, VA 23185-1496

4630100001B – 2589 Greensprings Road

Brady, Jeanette B, Trustee  
3356 Ironbound Road  
Williamsburg, VA 23188-2412

Contractor:

Allen Parker Builder, Inc.  
Attn: Mr. Allen Parker  
15 Crescent Point  
Poquoson, VA 23662-1653

4630100001D

Williams, John D & Maxine M  
2497 Manion Drive  
Williamsburg, VA 23185-1496

4630100003 – 3751 4H Club Road

Jamestown 4-H  
3751 4H Club Road  
Williamsburg, VA 23185-7904

**ITEM SUMMARY**

DATE: 10/14/2020  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: Case No. CBPA 20-0096 : 289 Mill Stream Way

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Mr. Aaron Williams, Williams Landscape & Design, Inc. has filed an exception request for encroachments into the RPA buffer for a retaining walls, steps and a patio at 289 Mill Stream Way, JCC Parcel 4711800040.

**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	10/7/2020 - 7:29 PM
Chesapeake Bay Group	Small, Toni	Approved	10/9/2020 - 9:30 AM
Publication Management	Burcham, Nan	Approved	10/9/2020 - 9:42 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	10/9/2020 - 1:45 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-20-0096. 289 Mill Stream Way  
Staff Report for the October 14, 2020, Chesapeake Bay Board Public Hearing**

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

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Mr. Kevin and Mrs. Tami Potter

Agent: Mr. Aaron Williams, Williams Landscaping & Design, Inc.

Location: 289 Mill Stream Way

Parcel Identification No.: 4711800040

Parcel: Lot 40, Section 5, Settlers Mill

Lot Size: 0.40 acres

Area of Lot in Resource Protection Area (RPA): 0.33 acres +/- (83%)

Watershed: Mill Creek (HUC JL 33)

Floodplain: None affecting this property

Proposed Activity: Construction of a patio, three retaining walls, and steps with paver landings

Impervious Cover: 1,104 square feet (+/-)

RPA Encroachment: 1,104 square feet (+/-)

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Aaron Williams, Williams Landscaping & Design, Inc. has applied for a Chesapeake Bay Exception on behalf of Mr. Kevin and Mrs. Tami Potter for encroachments into the RPA buffer for the construction of a patio, three retaining walls, and steps with paver landings on property located at 289 Mill Stream Way within the Mill Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4711800040. The parcel was platted in 1995, prior to the 2004 changes in the Ordinance.

The total lot size of this property is 0.40 acres, of which 83% is located within the RPA. In June of 2020, the applicants obtained an administrative exception to convert a deck into a house addition. The applicants are now proposing to construct a patio area adjacent to the addition. The patio area will be bordered by two retaining walls due to the natural slope of the property. In addition to the patio, the applicants have also proposed a series of steps including paver landing areas connecting the patio, driveway, and decking area. Adjacent to the patio, is a 530-square-foot paver area. There is also an additional 85-linear-foot retaining wall proposed to the rear of the house addition. The total area of the patio, two retaining walls, paver area, and step structures equate to approximate 1,014 square feet of impervious surface.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the proposed construction of a patio with steps and landings, and three retaining walls. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the additions are considered accessory in nature and occur within the seaward 50-foot RPA.

## **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 not 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 three canopy trees, six understory trees, and eight shrubs be submitted to the James City County Stormwater and Resource Protection Division; and
3. A surety of \$1,500 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. This exception request approval shall become null and void if construction has not begun by October 14, 2021; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than September 2, 2021, six weeks prior to the expiration date.

MDW/md  
CBPA20-96-289MillStrWay

### Attachments:

1. Resolution
2. Site Plan

## RESOLUTION

CASE NO. CBPA-20-0096. 289 MILL STREAM WAY

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Kevin and Mrs. Tami Potter (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on October 14, 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. 4711800040 and further identified as 289 Mill Stream Way (the “Property”) as set forth in the application CBPA-20-0096 for the purpose of constructing a patio, three retaining walls, and steps with landings; 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 applicants must obtain all other necessary federal, state, and local permits required for the project; and
  - b. A mitigation plan equating to the plantings of three canopy trees, six understory trees, and eight shrubs be submitted to the James City County Stormwater and Resource Protection Division; and
  - c. A surety of \$1,500 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney’s Office; and

- d. This exception request approval shall become null and void if construction has not begun by October 14, 2021; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than September 2, 2021, six weeks prior to the expiration date.

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David Gussman  
Chair, Chesapeake Bay Board

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Michael D. Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of October, 2020.

CBPA20-96-289MillStrWy-res



## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY OCTOBER 14, 2020 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBPA 20-0088: Mr. John Blankinship has filed an exception request for encroachments into the RPA buffer for a patio and fire pit at 2509 Goodrich Durfey, JCC Parcel 4840200068.

CBPA 20-0090: Mr. Larry Waltrip, Short Neck, LLC has filed an exception request for encroachments into the RPA buffer for a retaining wall and revetments at 20 Marclay Road, JCC Parcel 4820100012.

CBPA 20-0091: Ms. Maria Gauvin, Heritage Community, LLC has filed an exception request for encroachments into the RPA buffer for a mobile home and attached deck at 8810-35B Pocahontas Trail, JCC Parcel 5920100003.

CBPA 20-0092: Mr. Emilio Pesante has filed an exception request for encroachments into the RPA buffer for a shed behind 4041 Bradshaw Ordinary, JCC Parcel 3841800001B.

CBPA 20-0094: Mr. Allen Parker, Allen Parker Builder has filed an exception request for encroachments into the RPA buffer for a dock house, patio and retaining walls at 2425 Manion Drive, JCC Parcel 4630100002.

CBPA 20-0096: Mr. Aaron Williams, Williams Landscape & Design, Inc. has filed an exception request for encroachments into the RPA buffer for a retaining walls, steps and a patio at 289 Mill Stream Way, JCC Parcel 4711800040.

CBPA 20-0097: Mr. Chase Grogg, Landtech Resources, Inc. has filed an exception request for encroachments into the RPA buffer for a carport at 111 Cove Road, JCC Parcel 4910240009.

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 – September 30 and October 7, 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](http://jamescitycountyva.gov)

<b>Capital Projects</b> 107 Tewning Road Williamsburg, VA 23188 757-259-4080	<b>Fleet</b> 103 Tewning Road Williamsburg, VA 23188 757-259-4122	<b>Stormwater and Resource Protection</b> 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	<b>Facilities &amp; Grounds</b> 113 Tewning Road Williamsburg, VA 23188 757-259-4080	<b>Solid Waste</b> 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
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September 23, 2020

RE: CBPA-20-0096  
289 Mill Stream Way  
Three Retaining Walls and Patio with Steps

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. Aaron Williams of Williams Landscape & Design, Inc. on behalf of Mr. Kevin B Potter and Mrs. Tami Potter for encroachment into the Resource Protection Area (RPA) buffer for the construction of three retaining walls and a patio with steps. The project is located at 289 Mill Stream Way and further identified as JCC Parcel No.4711800040.

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, October 14, 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  
757-253-6823  
michael.woolson@jamescitycountyva.gov

cc: Williams Landscape & Design, Inc.  
Attn: Mr. Aaron Williams

MDW: jep

Mailing List for: CBPA-20-0096– 289 Mill Stream Way – Patio with Steps, 3 Retaining Walls

Owner: 4711800040 – 289 Mill Stream Way

Potter, Kevin B & Tami  
289 Mill Stream Way  
Williamsburg, VA 23185-3187

4711800039

Treacy, Jonathan T & Debra J  
285 Mill Stream Way  
Williamsburg, VA 23185-3187

4711900001 –

Larkin, Wilbur D, Trustee & Madelyn B  
293 Mill Stream Way  
Williamsburg, VA 23185-3187

4711800001A –2.52 A Common Area S-5  
4711900001A – 7.81 A CA/Cons Ease S-6

Settlers Mill Association  
P.O. Box 1295  
Williamsburg, VA 23187-1295

Contractor:

Williams Landscape & Design, Inc.  
Attn: Mr. Aaron Williams  
1554 Penniman Road  
Williamsburg, VA 23185-5821

4711800016

Nett, John O, Trustee & Kathie J, Trustee  
211 Lakewood Drive  
Williamsburg, VA 23185-3189

4711800041

Clarke, Christopher V, Trustee & Annette D,  
Trustee  
208 Lakewood Drive  
Williamsburg, VA 23185-3189

**ITEM SUMMARY**

DATE: 10/14/2020  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: Case No. CBPA 20-0097 : 111 Cove Road

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Mr. Chase Grogg, Landtech Resources, Inc. has filed an exception request for encroachments into the RPA buffer for a carport at 111 Cove Road, JCC Parcel 4910240009.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	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	10/7/2020 - 7:34 PM
Chesapeake Bay Group	Small, Toni	Approved	10/9/2020 - 9:29 AM
Publication Management	Burcham, Nan	Approved	10/9/2020 - 9:43 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	10/9/2020 - 1:51 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-20-0097. 111 Cove Road  
Staff Report for the October 14, 2020, Chesapeake Bay Board Public Hearing**

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

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Mr. Joseph and Mrs. Katherine Dvorak

Agent: Mr. Chase Grogg, Landtech Resources Inc.

Location: 111 Cove Road

Parcel Identification No.: 4910240009

Parcel: Lot 9, Section 4, Kingspoint

Lot Size: 0.81

Area of Lot in Resource Protection Area (RPA): 0.65 acres +/- (80%)

Watershed: College Creek (HUC JL 34)

Floodplain: None affecting this property

Proposed Activity: Construction of a carport

Impervious Cover: 352 square feet (+/-)

RPA Encroachment: 352 square feet (+/-)

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

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Chase Grogg, Landtech Resources Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Joseph and Mrs. Katherine Dvorak for encroachments into the RPA buffer for the construction of a carport on property located at 111 Cove Road within the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4910240009. The parcel was platted in 1967, prior to the adoption of the Chesapeake Bay Preservation Ordinance.

The total lot size of this property is 0.81 acres, of which 80% is located within the RPA. The applicants are proposing to construct a 16-foot x 22-foot carport. The house construction met the requirements for an administrative approval, which was granted. Mitigation requirements for the proposed request equate to the plantings of one canopy tree, two understory trees, and three shrubs in addition to the mitigation requirements from the administrative approval.

**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; 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 \$250 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. This exception request approval shall become null and void if construction has not begun by October 14, 2021; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than September 2, 2021, six weeks prior to the expiration date.

MDW/md  
CBPA20-97-111CoveRd

### Attachments:

1. Resolution
2. Site Plan

## RESOLUTION

CASE NO. CBPA-20-0097. 111 COVE ROAD

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Joseph and Mrs. Katherine Dvorak (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on October 14, 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. 4910240009 and further identified as 111 Cove Road (the “Property”) as set forth in the application CBPA-20-0088 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. 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 \$250 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney’s Office; and

- d. This exception request approval shall become null and void if construction has not begun by October 14, 2021; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than September 2, 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 14th day of October, 2020.

CBPA20-97-111CoveRd-res



**GENERAL NOTES**

1. A TITLE REPORT HAS NOT BEEN FURNISHED TO THIS FIRM.
2. ELEVATION SHOWN HEREON ARE IN FEET AND GPS DERIVED (NAVD83).
3. WETLANDS, IF ANY, WERE NOT RESEARCHED OR LOCATED FOR THIS PLAT.
4. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
5. PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0202D, DATED DECEMBER 16, 2015.
6. LOT SERVED BY PUBLIC WATER AND SEWER. SEWER CLEANOUT NOT FOUND AT TIME OF SURVEY. CONTRACTOR TO COORDINATE WITH JCSA ON LOCATION/INSTALLATION.
7. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
8. TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
9. CONTRACTOR SHALL DETERMINE EXACT FINISHED FLOOR ELEVATION AFTER EXCAVATION.
10. ALL DIMENSIONS SHOWN HEREON ARE TO THE FRAMELINE OF THE BUILDING.
11. BENCHMARK ELEVATION OF 36.09.
12. ROOF LEADERS TO BE DIRECTED TOWARDS SWALE TO ENSURE DRAINAGE TO FRONT OF LOT.

**EROSION & SEDIMENT CONTROL NOTES**

ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE "VIRGINIA EROSIONS AND SEDIMENT CONTROL HANDBOOK 1992 THIRD EDITION." THE CONTRACTOR SHALL BE THOROUGHLY FAMILIAR WITH ALL APPLICABLE MEASURES CONTAINED THEREIN WHICH MAY BE PERTINENT TO THIS PROJECT.

**BUILDING INFORMATION**

PROPOSED BUILDING IS 2-STORY FRAME  
PROPOSED GARAGE IS SIDE LOADING

**SITE INFORMATION**

LOT NUMBER 9, SECTION 4,  
KINGSPONT  
TOTAL AREA: 35,159 S.F. / 0.807 AC.  
IMPERVIOUS AREA: 5,379 S.F. / 0.124 AC.  
IMPERVIOUS AREA: 3,033 S.F. / 0.070 AC.  
WITHIN 100 RPA  
DISTURBED AREA: 13,873 S.F. / 0.3185 AC.  
PARCEL ID: 4910240009  
ZONING DISTRICT: R1  
PROPERTY IS LOCATED IN AN RMA & RPA  
EXISTING SITE IS WOODED AS SHOWN

**BUILDING SETBACK (SBL)**

FRONT: 35' SBL  
SIDE: 15' SBL

**IMPERVIOUS AREA WITHIN RPA LIMITS:**

100' RPA LIMIT: 2,585 S.F. / 0.058 AC.

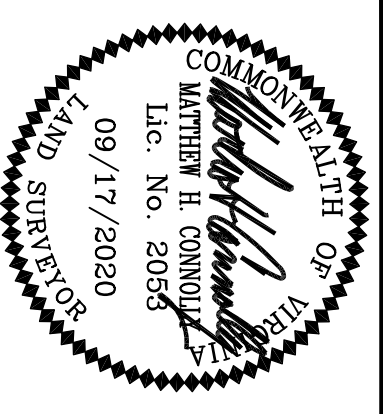
**EXISTING ADDRESS:**

111 COVE ROAD  
JAMES CITY COUNTY, VIRGINIA

MITIGATION TABLE: 3,033 S.F. / 400 S.F. = 7.5 CREDITS

MITIGATION MEASURE	QTY.(NEEDED)
NATIVE CANOPY TREES	8
NATIVE UNDERSTORY TREES	16
NATIVE SHRUBS	24

\* CONTRACTOR/OWNER TO COORDINATE WITH JAMES CITY COUNTY FOR REQUIREMENTS ON MITIGATION PLANTING.



DATE: 12/11/2019  
DRAWN BY: JON  
PROJECT No. 19-342  
FILE NAME: 19-342.DWG  
REFERENCES:  
P.B. 25, PG. 11

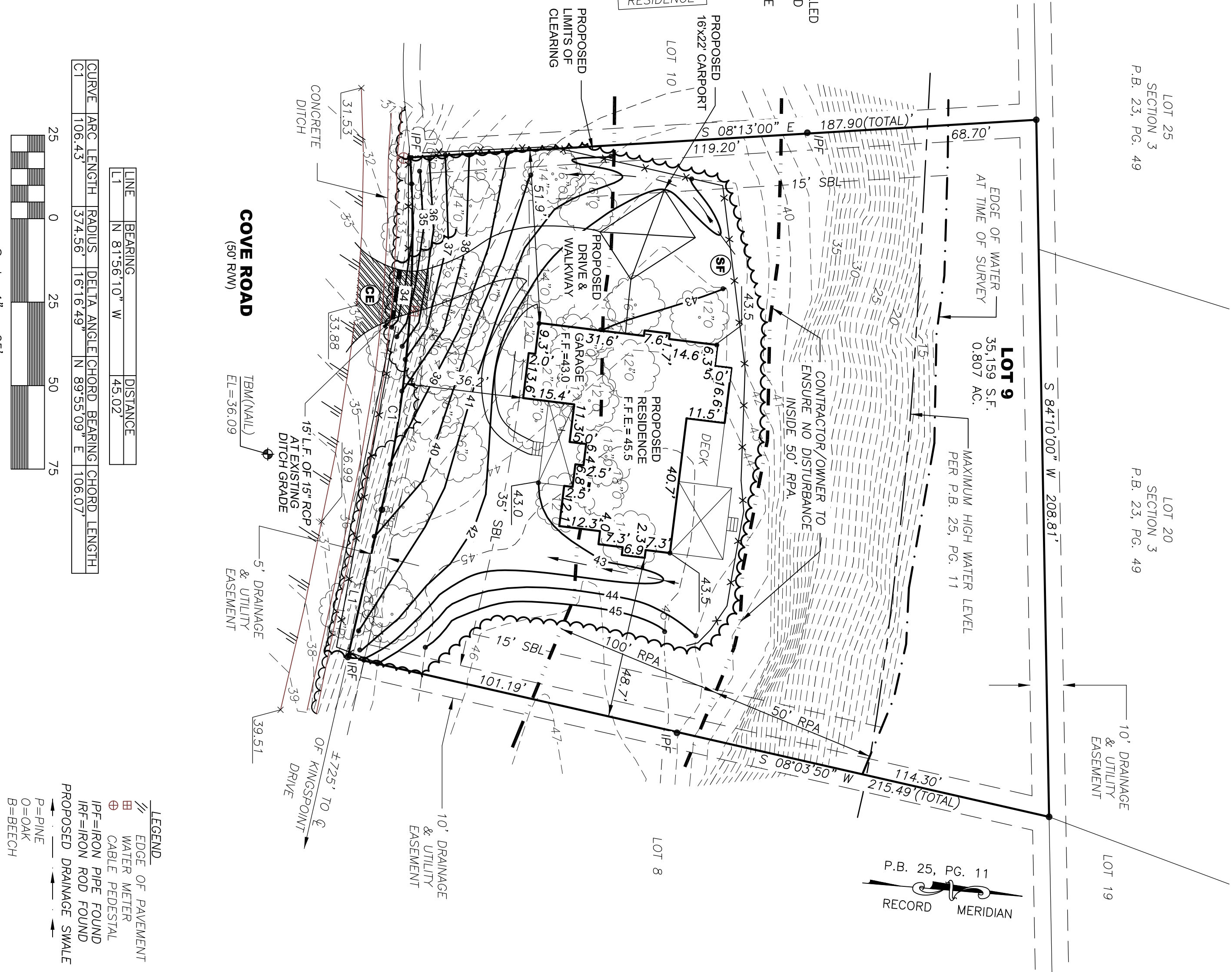
JAMES CITY COUNTY

LOT 9, SECTION 4  
KINGSPONT  
FOR  
KATHERINE DVORAK

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	2/6/20	DRIVEWAY MOVED PER CLIENT REQUEST
2	9/17/20	ADDED CARPORT PER CLIENT REQUEST

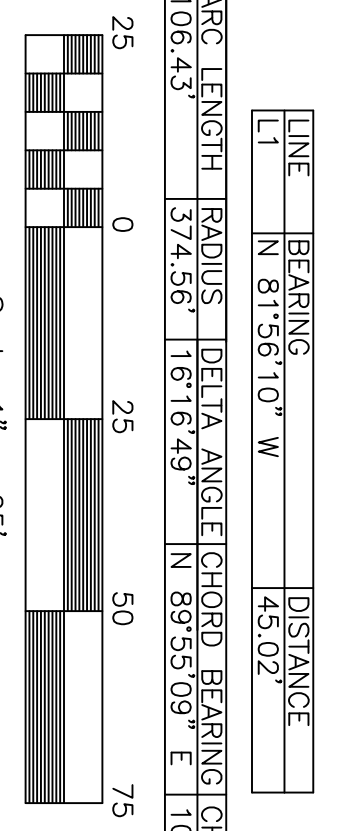
**LANDTECH RESOURCES, INC.**  
ENGINEERING • SURVEYING • GPS  
3925 Midroads Road, Williamsburg, VA 23188  
Ph: (757) 837-1111  
www.landtechresources.com



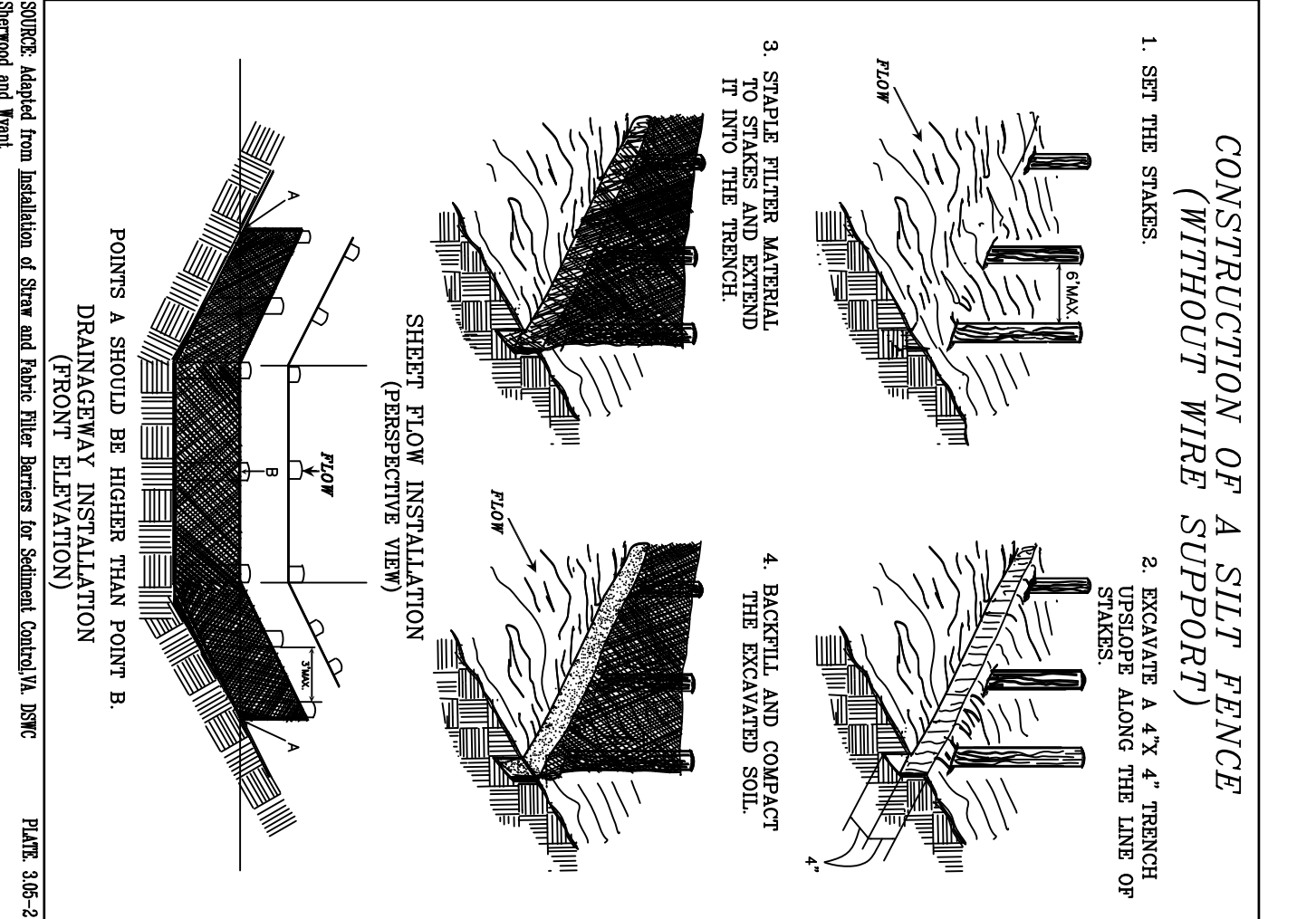
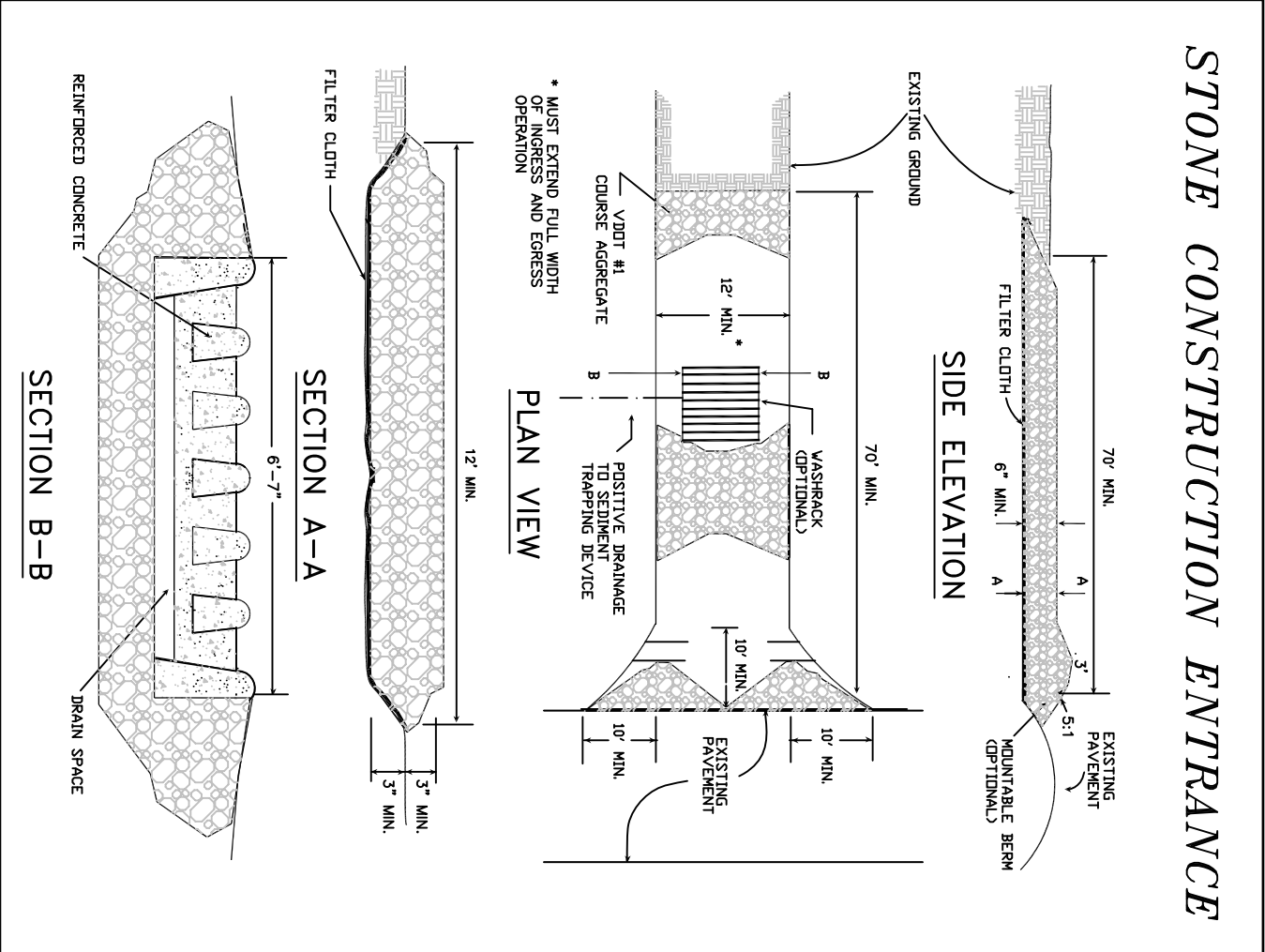
LINE	BEARING	DISTANCE
L1	N 81°56'10" W	45.02

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	106.43°	374.56'	16°16'49"	N 89°55'09" E	106.07'



- LEGEND:**
- EDGE OF PAVEMENT
  - WATER METER
  - CABLE PEDESTAL
  - IPF=IRON PIPE FOUND
  - IRF=IRON ROD FOUND
  - PROPOSED DRAINAGE SWALE
  - P=PINE
  - O=OAK
  - B=BEECH





## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY OCTOBER 14, 2020 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBPA 20-0088: Mr. John Blankinship has filed an exception request for encroachments into the RPA buffer for a patio and fire pit at 2509 Goodrich Durfey, JCC Parcel 4840200068.

CBPA 20-0090: Mr. Larry Waltrip, Short Neck, LLC has filed an exception request for encroachments into the RPA buffer for a retaining wall and revetments at 20 Marclay Road, JCC Parcel 4820100012.

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CBPA 20-0097: Mr. Chase Grogg, Landtech Resources, Inc. has filed an exception request for encroachments into the RPA buffer for a carport at 111 Cove Road, JCC Parcel 4910240009.

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 – September 30 and October 7, 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](http://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

September 23, 2020

RE: CBPA-20-0097  
111 Cove Road  
Carport

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. Chase Grogg of Landtech Resources, Inc. on behalf of Mr. Joseph N. Dvorak and Mrs. Katherine G. Dvorak for encroachment into the Resource Protection Area (RPA) buffer for the construction of a carport. The project is located at 111 Cove Road and further identified as JCC Parcel No.4910240009.

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, October 14, 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  
757-253-6823  
michael.woolson@jamescitycountyva.gov

cc: Landtech Resources, Inc.  
Attn: Mr. Chase Grogg

MDW: jep

Mailing List for: CBPA-20-0097– 111 Cove Road– Carport

Owner: 4910240009 – 111 Cove Road

Dvorak, Joseph N & Katherine G  
299 Herman Melville Avenue  
Newport News, VA 23606-1379

Contractor:

Jonathan Beamer Builder, Inc.  
Attn: Mr. Jonathan Lowry Beamer  
1001 Mover Road  
Newport News, VA 23608

4910240010

Baxter, Donald J & Judith G  
113 Cove Road  
Williamsburg, VA 23185-4413

Contractor:

LandTech Resources, Inc.  
Attn: Mr. Chase Grogg  
205-E Bulifants Boulevard  
Williamsburg, VA 23188-2575

4910240008

Shubert, Judith E  
109 Cove Road  
Williamsburg, VA 23185-4413

4910240012

Houff, Stephen J & Joyce A  
110 Cove Road  
Williamsburg, VA 23185-4414

4910240013

Flora, Bruce W & Dena L  
108 Cove Road  
Williamsburg, VA 23185-4414

4910230025- 106 Black Oak Drive

106 Black Oak Drive Holdings, LLC  
P.O. Box 32  
Ware Neck, VA 23178-0032

4910240014

Sohoni, Deenesh S & Peters, Tracy W  
106 Cove Road  
Williamsburg, VA 23185-4414

4910230020

Matlick, Thomas L & Susan J  
105 Crestwood Drive  
Williamsburg, VA 23185-4415

4910230020-104 Crestwood Drive

Chapman, Andrew J, Trustee, III & Mary  
P.O. Box 711  
Williamsburg, VA 23187-0711

**ITEM SUMMARY**

DATE: 10/14/2020  
TO: Chesapeake Bay Board  
FROM: Michael Woolson, Senior Watershed Planner  
SUBJECT: Case No. CBPA 20-0090 : 20 Marclay Road

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Mr. Larry Waltrip, Short Neck, LLC has filed an exception request for encroachments into the RPA buffer for a retaining wall and revetments at 20 Marclay Road, JCC Parcel 4820100012.

**ATTACHMENTS:**

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	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	10/7/2020 - 7:12 PM
Chesapeake Bay Group	Small, Toni	Approved	10/9/2020 - 9:28 AM
Publication Management	Burcham, Nan	Approved	10/9/2020 - 9:41 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	10/9/2020 - 1:23 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-20-0090. 20 Marclay Road  
Staff Report for the October 14, 2020, Chesapeake Bay Board Public Hearing**

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

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**EXISTING SITE DATA AND INFORMATION**

Applicant: Mr. Larry Waltrip  
Agent: Mr. Daniel Winall, Waters Edge Construction  
Location: 20 Marclay Road  
Parcel Identification No.: 4820100012  
Parcel: Short Neck  
Lot Size: 29.59 acres  
Area of Lot in Resource Protection Area (RPA): 9.36 acres +/- (32%)  
Watershed: College Creek (HUC JL 34)  
Floodplain: Zone AE - The Special Flood Hazard Area subject to 1% annual chance flood. Base flood elevations determined at elevation 8  
Proposed Activity: Construction of two revetments and a retaining wall  
Impervious Cover: 1,425 square feet (+/-)  
RPA Encroachment: 1,425 square feet (+/-)  
Staff Contact: Michael D. Woolson, Senior Watershed Planner Phone: 253-6823

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Daniel Winall, Waters Edge Construction, has applied for a Chesapeake Bay Exception on behalf of Mr. Larry Waltrip for encroachments into the RPA buffer for the construction of a retaining wall and two revetments on property located at 20 Marclay Road within the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4820100012. The parcel was platted in 1971, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

This Chesapeake Bay exception is associated with Wetlands Permit WJPA 20-0023 for a wharf and retaining wall. The total lot size of this property is 29.36 acres, of which 32% is located within the RPA. The applicant is proposing to construct one 200-linear-foot south revetment and add to an existing 200-linear-foot north revetment as a form of shoreline protection and stabilization. Additionally there is a 25-linear-foot retaining wall also proposed adjacent to the existing boat ramp. Required amount of mitigation for this amount of impervious impacts equates to the plantings of three canopy trees, six understory trees, and nine shrubs.

**STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of two revetments and a retaining wall. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be

heard by the Board because the proposed construction activities are located within the seaward 50-foot RPA.

### **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 the request does meet all five of the conditions as presented above and is approvable. Should the Board 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. 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. A mitigation plan equating to the plantings of three canopy trees, six understory trees, and nine shrubs be submitted to the James City County Stormwater and Resource Protection Division OR a payment into the Chesapeake Bay Mitigation Fund of \$2,250; and
4. A surety of \$2,250 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office if the planting mitigation is chosen above; and
5. This exception request approval shall become null and void if construction has not begun by October 14, 2021; and
6. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than September 2, 2021, six weeks prior to the expiration date.

MDW/md  
CBPA20-90-20Marclay Rd

#### Attachments:

1. Resolution
2. Site Plan



## RESOLUTION

CASE NO. CBPA-20-0090. 20 MARCLAY ROAD

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Larry Waltrip (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 14, 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. 4820100012 and further identified as 20 Marclay Road (the “Property”) as set forth in the application CBPA-20-0090 for the purpose of constructing a retaining wall and two revetments; 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. A mitigation plan equating to the plantings of three canopy trees, six understory trees, and nine shrubs be submitted to the James City County Stormwater and

Resource Protection Division OR a payment into the Chesapeake Bay Mitigation Fund of \$2,250; and

- d. A surety of \$2,250 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office if the planting mitigation is chosen above; and
- e. This exception request approval shall become null and void if construction has not begun by October 14, 2021; and
- f. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than September 2, 2021, six weeks prior to the expiration date.

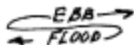
\_\_\_\_\_  
David Gussman  
Chair, Chesapeake Bay Board

\_\_\_\_\_  
Michael D. Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of October, 2020.

CBPA20-90-20MarclayRd-res

COLLEGE CREEK 140' WIDE



PROPOSED DOUBLE OPEN SIDED  
BOATHOUSE WITH (8) 4" WIDE  
WALKWAY A-ROOF 6/12 PITCH

PROPOSED 136'-0" LONG X 8'-0" WIDE FLOATING PIER  
(5) 5" x 10" CATWALKS OUTBOARD SIDE

33' x 40'

FLOAT ANCHORED WITH 2 CLASS B TIMBER PILE TOP EL. +15.0

33'

AL GANWAY

5'

33'

33'

33'

33'

33'

33'

33'

33'

33'

33'

33'

136'

20'

20'

20'

20'

20'

20'

20'

20'

20'

20'

20'

20'

20' OPEN PILE WHARF

20' RETAINING WALL WITH WALKWAY

EX RAMP

75'

UPLAND RETAINING WALL

200'

PROPOSED UPLAND REVETMENT NORTH

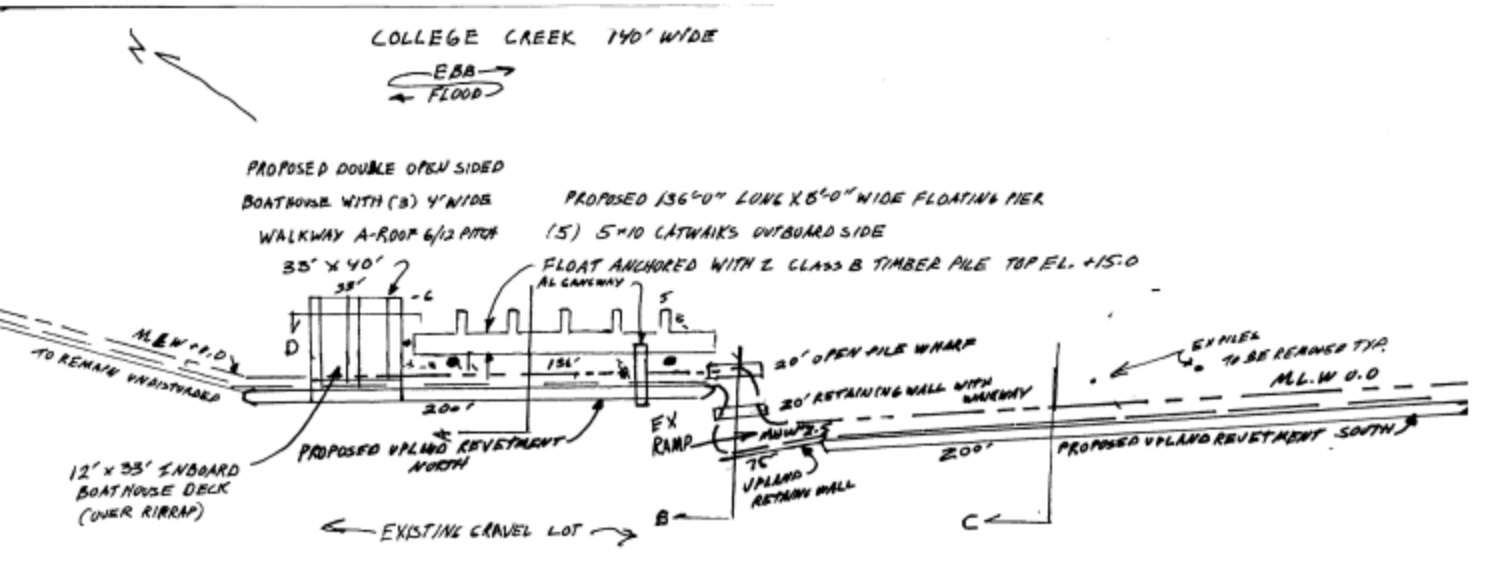
PROPOSED UPLAND REVETMENT SOUTH

EXISTING GRAVEL LOT

EXISTING TO BE REMOVED TYP. ALL W 0.0

NEW P.D. TO REMAIN UNDISTURBED

12' x 33' INBOARD BOATHOUSE DECK (OVER RAMP)





## **PUBLIC HEARING NOTICE**

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY OCTOBER 14, 2020 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBPA 20-0088: Mr. John Blankinship has filed an exception request for encroachments into the RPA buffer for a patio and fire pit at 2509 Goodrich Durfey, JCC Parcel 4840200068.

CBPA 20-0090: Mr. Larry Waltrip, Short Neck, LLC has filed an exception request for encroachments into the RPA buffer for a retaining wall and revetments at 20 Marclay Road, JCC Parcel 4820100012.

CBPA 20-0091: Ms. Maria Gauvin, Heritage Community, LLC has filed an exception request for encroachments into the RPA buffer for a mobile home and attached deck at 8810-35B Pocahontas Trail, JCC Parcel 5920100003.

CBPA 20-0092: Mr. Emilio Pesante has filed an exception request for encroachments into the RPA buffer for a shed behind 4041 Bradshaw Ordinary, JCC Parcel 3841800001B.

CBPA 20-0094: Mr. Allen Parker, Allen Parker Builder has filed an exception request for encroachments into the RPA buffer for a dock house, patio and retaining walls at 2425 Manion Drive, JCC Parcel 4630100002.

CBPA 20-0096: Mr. Aaron Williams, Williams Landscape & Design, Inc. has filed an exception request for encroachments into the RPA buffer for a retaining walls, steps and a patio at 289 Mill Stream Way, JCC Parcel 4711800040.

CBPA 20-0097: Mr. Chase Grogg, Landtech Resources, Inc. has filed an exception request for encroachments into the RPA buffer for a carport at 111 Cove Road, JCC Parcel 4910240009.

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 – September 30 and October 7, 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](http://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

September 23, 2020

RE: CBPA-20-0090  
20 Marclay Road  
Retaining Wall and Revetments

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. Larry Waltrip, Short Neck, LLC for encroachment into the Resource Protection Area (RPA) buffer for the construction of a retaining wall and revetments. The project is located at 20 Marclay Road and further identified as JCC Parcel No. 4820100012.

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, October 14, 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  
757-253-6823  
michael.woolson@jamescitycountyva.gov

MDW: jep

Mailing List for: CBPA-20-0090 – 20 Marclay Road – Waters Edge Construction/Short Neck, LLC/Larry Waltrip– Retaining Wall and Revetments

Applicant: 4820100012-20 Marclay Road  
Short Neck LLC  
Attn: Mr. Larry Waltrip  
100 Marclay Road  
Williamsburg, VA 23185-3723

Contractors:  
Water's Edge Construction  
Attn: Mr. Daniel Winall  
P.O. Box 352  
Toano, VA 23168-0352

Short Neck, LLC  
3 Marclay Road  
Williamsburg, VA 23185-3713

4910230034  
Bradley, Kenneth R, Trustee & Susan M,  
Trustee  
127 Northpoint Drive  
Williamsburg, VA 23185-4449

4820100005A  
Williamsburg-Jamestown Airport, Inc.  
100 Marclay Road  
Williamsburg, VA 23185-3723

4820100012A - 99 Marclay Road  
4810100063 –5550 Williamsburg Landing Dr  
4820100002  
Williamsburg Landing, Inc.  
5700 Williamsburg Landing Drive  
Williamsburg, VA 23185-3779

4820100004 – 3 Marclay Road:  
Marclay, LLC  
100 Lands End Drive  
Williamsburg, VA 23185-3126

4910240024 .  
4910240023 – 139 Kingspoint Drive  
Williamson, Forrest W, Trustee & Christine  
L, Trustee  
142 Kingspoint Drive  
Williamsburg, VA 23185-4453

4910240022  
Galke, Benjamin R & Mary Kate  
137 Kingspoint Drive  
Williamsburg, VA 23185-4453

4910240021  
Schneider, William J, Trustee  
135 Kingspoint Drive  
Williamsburg, VA 23185-4453

4910240011  
Allen, Kenneth L & Allen, Anne B, Trustee  
112 Cove Road  
Williamsburg, VA 23185-4414

4910240010  
Baxter, Donald J & Judith G  
113 Cove Road  
Williamsburg, VA 23185-4413

4910230026 – 105 Black Oak Drive  
Riley, Kevin J & Riley, Mark P  
211 McLaws Circle, Suite 1  
Williamsburg, VA 23185-5871

4910230031  
Elton, William N & Rebecca N  
122 Northpoint Drive  
Williamsburg, VA 23188-4450

4910230032  
Milliman, John D & Ann B  
124 Northpoint Drive  
Williamsburg, VA 23185-4450

4910230033  
Miller, David K & Wendy C  
126 Northpoint Drive  
Williamsburg, VA 23185-4450