

A G E N D A
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23188
June 9, 2021
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from May 12, 2021, Regular Meeting

D. PUBLIC HEARINGS

1. Case No. CBPA 21-0064 : 101 Abigail Lane
2. Case No. CBPA 21-0065 : 111 Cove Road
3. Case No. CBPA 21-0073 : 205 St. Cuthbert
4. Case No. CBPA 21-0072 : 1909 North Fowlers Close
5. Case No. CBPA 21-0067 : 1796 Cypress Isle

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 6/9/2021
TO: Chesapeake Bay Board
FROM: Michael Woolson, Chesapeake Bay Board Secretary
SUBJECT: Minutes from May 12, 2021, Regular Meeting

ATTACHMENTS:

	Description	Type
📎	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/8/2021 - 11:53 AM
Chesapeake Bay Group	Small, Toni	Approved	6/8/2021 - 12:34 PM
Publication Management	Daniel, Martha	Approved	6/8/2021 - 12:45 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/8/2021 - 4:15 PM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, Virginia 23185
May 12, 2021
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for May 12, 2021, 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:

Halle Dunn, Acting Chairperson
Charles Roadley
Larry Waltrip
David Gussman - Remote Access
Robert Lukens - Remote Access

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

Board Members Absent:

William Apperson

Other Staff Present:

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

C. MINUTES

1. Minutes from April 14, 2021, Regular Meeting

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

D. PUBLIC HEARINGS

1. Case No. CBPA-21-0060 : 4373 Landfall Drive

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Ricky Edgerton, Edgerton Contracting, Inc., on behalf of Mr. Jeff and Mrs. Elizabeth Hoer for encroachments into the (RPA) buffer for the construction of a single-family dwelling located at 4373 Landfall Drive, within the Landfall at Jamestown Subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4732400036. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the

approval.

The Board deliberated the pros and cons of this application.

Mr. Dunn opened the Public Hearing.

Mr. Dunn closed the Public Hearing, as there were no speakers.

Mr. Roadley inquired if additional measures were proposed to treat runoff.

Mr. Long replied that no additional measures to treat the runoff had been submitted.

Mr. Roadley explained the Board's goal is to protect water quality and further explained the methods used to obtain that goal. He inquired if any BMPs were proposed, perhaps adjacent to the patio that might encourage infiltration of the runoff.

Mr. Dunn re-opened the Public Hearing.

A. Mr. Ricky Edgerton, Edgerton Contracting, Inc., outlined the project for the Board.

Mr. Roadley expressed the concern for future erosion water quality issues that may develop and asked if the soils on this property would be suitable for some type of infiltration BMPs.

A. Mr. Edgerton affirmatively replied. He explained that an infiltration trench could be installed.

Mr. Roadley stated he would appreciate if Mr. Edgerton could add some infiltration adjacent to the patio.

A. Mr. Edgerton affirmatively replied.

Mr. Dunn closed the Public Hearing, as there were no speakers.

Mr. Waltrip stated Edgerton Contracting, Inc. could install a ditch there with stone to filter the water runoff.

Mr. Dunn stated to add that as condition on the Resolution.

Mr. Roadley made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA-21-0060 at 4373 Landfall Drive adding a provision requiring infiltration adjacent to the patio be approved by James City County staff.

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

AYES: 5 NAYS: 0 ABSENT: 1

AYES: Dunn, Roadley, Waltrip, Gussman, Lukens

NAYS: None

ABSENT: Apperson

2. Case No. CBPA 21-0061 : 1560 Harbor Road

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. William and Mrs. Diane Donohue, for encroachments into the (RPA) buffer for the construction of a patio addition located at 1560 Harbor Road within The Governor's Land subdivision and the James River watershed. The property is further identified as James City County Tax Map Parcel No. 4310200014. The presentation described the current and

proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

The Board deliberated the pros and cons of this application.

Mr. Roadley inquired if the existing patio was within the conservation easement.

Mr. Long replied that it is partially was under the conservation easement.

Mr. Roadley stated his concerns and noted the need for some type of infiltration.

Mr. Dunn inquired if there was an infiltration trench on the other side of the existing patio.

Mr. Long replied that there was neither one in the plan or one existing currently on-site.

Mr. Dunn opened the Public Hearing.

Mr. Dunn closed the Public Hearing, as there were no speakers.

Mr. Roadley inquired if some type of landscaping was planned on the other side of that patio.

Mr. Long replied that the mitigation plantings were intended to be planted along the patio. In general, staff prefers mitigation to be placed, if possible, seaward of the proposed construction. If infiltration was requested, those plantings could be placed towards the harbor.

Mr. Roadley made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA-21- 0061 at 1560 Harbor Road.

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

AYES: 5 NAYS: 0 ABSENT:

AYES: Dunn, Roadley, Waltrip, Gussman, Lukens

NAYS: None

ABSENT: Apperson

3. Case No. CBPA-21-0059 : 185 Southport

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Joe and Mrs. Lara Daas for encroachments into the (RPA) buffer for the construction of a single-family dwelling located at 185 Southport within the Ford's Colony Subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3811300034. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

The Board deliberated the pros and cons of this application.

Mr. Dunn opened the Public Hearing.

A. Mr. Chase Grogg, LandTech Resources, Inc., outlined the project for the Board.

Mr. Dunn closed the Public Hearing, as there were no additional speakers.

Mr. Waltrip made a motion to Adopt the resolution for Chesapeake Bay Board Case No.

CBPA- 21-0059 at 185 Southport.

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

AYES: 5 NAYS: 0 ABSENT: 1

AYES: Dunn, Roadley, Waltrip, Gussman, Lukens

NAYS: None

ABSENT: Apperson

E. BOARD CONSIDERATIONS

None

F. MATTERS OF SPECIAL PRIVILEGE

None

G. ADJOURNMENT

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

The meeting adjourned at 5:51 p.m.

ITEM SUMMARY

DATE: 6/9/2021
TO: Chesapeake Bay Board
FROM: Michael Woolson, Section Chief - Resource Protection
SUBJECT: Case No. CBPA 21-0064 : 101 Abigail Lane

Ms. Susan Maida has filed an exception request for encroachments into the resource protection area (RPA) buffer for the construction of a retaining wall at 101 Abigail Lane, JCC Parcel ID No. 5030400082.

ATTACHMENTS:

	Description	Type
☐	Memorandum	Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/4/2021 - 1:48 PM
Chesapeake Bay Group	Small, Toni	Approved	6/8/2021 - 8:24 AM
Publication Management	Daniel, Martha	Approved	6/8/2021 - 9:12 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/8/2021 - 11:55 AM

MEMORANDUM

DATE: June 9, 2021
TO: The Chesapeake Bay Board
FROM: Michael D. Woolson, Section Chief, Resource Protection
SUBJECT: Chesapeake Bay Exception No. CBPA 21-0064. 101 Abigail Lane

Ms. Susan Maida has requested a deferral of this application for exception to the Chesapeake Bay Preservation Ordinance while the site plan is finalized for the project.

Staff concurs with this request.

As this case has been public noticed, staff recommends that the public hearing be opened and stay open until the July 2021 meeting, at which time the case will be heard.

MDW/md
CBPA21-64Defer-mem

ITEM SUMMARY

DATE: 6/9/2021
TO: Chesapeake Bay Board
FROM: Michael Woolson, Section Chief - Resource Protection
SUBJECT: Case No. CBPA 21-0065 : 111 Cove Road

Mr. Joseph and Mrs. Katherine Dvorak have filed an exception request for encroachments into the RPA buffer for the installation of steps and a patio at 111 Cove Road, JCC Parcel ID No. 4910240009.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/7/2021 - 6:18 PM
Chesapeake Bay Group	Small, Toni	Approved	6/8/2021 - 8:24 AM
Publication Management	Daniel, Martha	Approved	6/8/2021 - 9:04 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/8/2021 - 11:55 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 21-0065. 111 Cove Road
Staff Report for the June 9, 2021, Chesapeake Bay Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicants: Mr. Joseph and Mrs. Katherine Dvorak
Agent: None
Location: 111 Cove Road
Parcel Identification No.: 4910240009
Parcel: Lot 9, Section 4, Kingspoint
Lot Size: 0.81 acres
Area of Lot in Resource Protection Area (RPA): 0.68 acres +/- (84%)
Watershed: College Creek (HUC JL 34)
Floodplain: None affecting this property
Proposed Activity: Construction of a patio and steps
Impervious Cover: 200 square feet
RPA Encroachment: 200 square feet, landward 50-foot RPA
Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Joseph and Mrs. Katherine Dvorak have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a patio with steps on property located at 111 Cove Road within the Kingspoint subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4910240009. The parcel was platted in 1967, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.81 acres, of which 84% is located within the RPA. The applicants are proposing to construct a patio and steps towards the rear of the existing house equaling approximately 200 square feet of impacts to the landward 50-foot RPA. The applicants' intent is to construct a seating area with a fire pit for personal use. CBPA 20-0097 appeared before the Chesapeake Bay Board for the construction of a carport. CBPA 19-0139 was granted an administrative approval for the construction of the house. Required mitigation of this amount of impervious impacts to the RPA equals the plantings of three shrubs. The applicants have verbally agreed to this amount of planting. This is in addition to the previously approved mitigation requirements.

STAFF EVALUATION

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

because the construction of a patio is considered accessory in nature. Furthermore, this is the third exception request in the past 18 months.

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 has reviewed the application and exception request and has determined the impacts associated with the proposal to be minor for the proposed development. Staff recommends approval for this exception request and if the Board wishes to approve this request, staff recommends 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, including a building permit if necessary; and
2. The submittal of a mitigation plan equaling one understory tree and three shrubs be submitted to the Stormwater and Resource Protection Division; and
3. A surety of \$250 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
4. This exception request approval shall become null and void if construction has not begun by June 9, 2022; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 28, 2022, six weeks prior to the expiration date.

TAL/md
CBPA21-65.111Cove Rd

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 21-0065. 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 June 9, 2021, 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 21-006 for the purpose of constructing a patio and steps; 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 as required for the project, including a building permit if necessary; and
 - b. The submittal of a mitigation plan equaling one understory tree and three shrubs be submitted to the Stormwater and Resource Protection Division; and
 - c. A surety of \$250 be submitted in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and

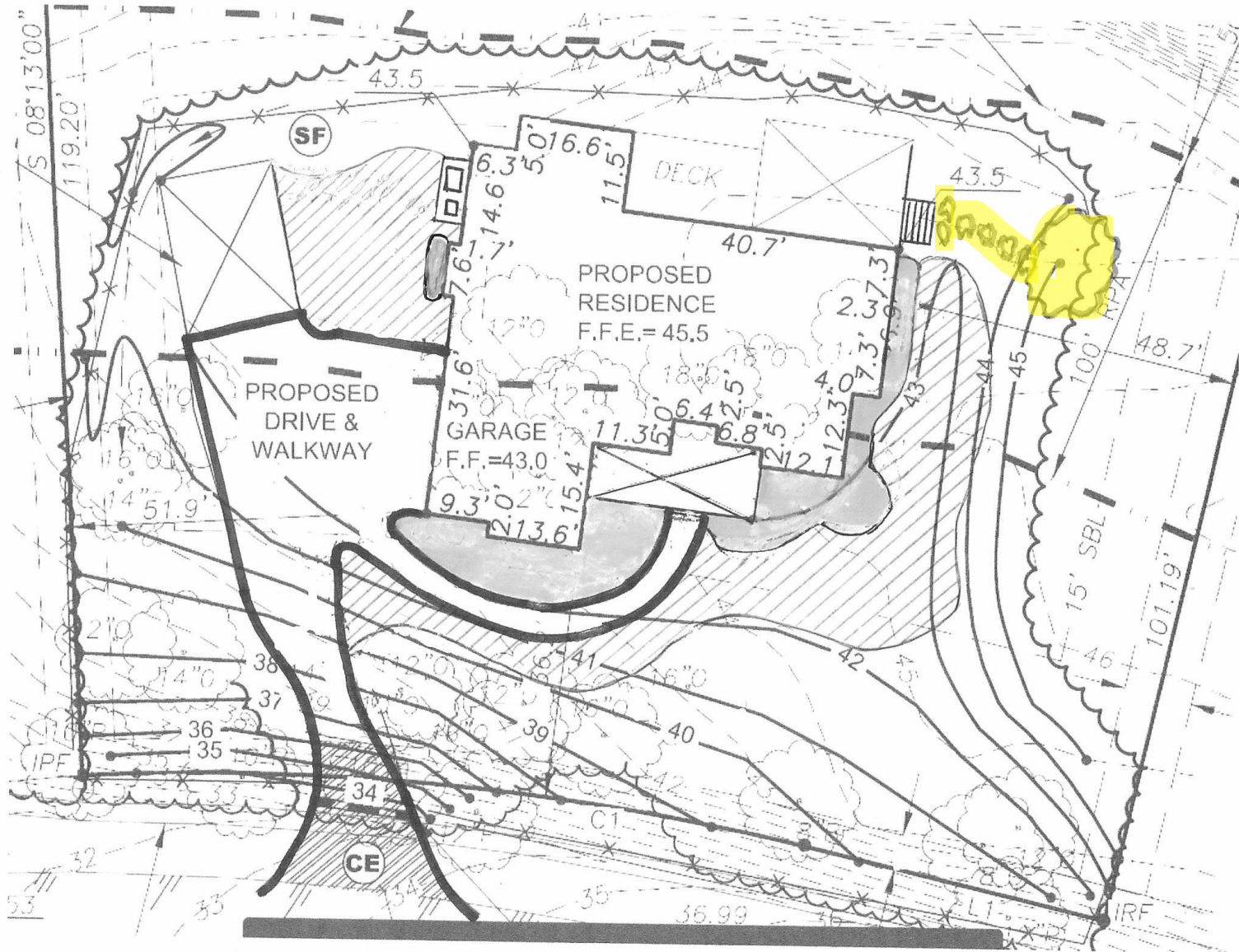
- d. This exception request approval shall become null and void if construction has not begun by June 9, 2022; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 28, 2022, six weeks prior to the expiration 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 9th day of June, 2021.

CBPA21-65.111CoveRd-res





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

Capital Projects 107 Tewning Road Williamsburg, VA 23188 757-259-4080	Fleet 103 Tewning Road Williamsburg, VA 23188 757-259-4122	Stormwater and Resource Protection 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	Facilities & Grounds 113 Tewning Road Williamsburg, VA 23188 757-259-4080	Solid Waste 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
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May 19, 2021

RE: CBPA 21-0065
111 Cove Road
Patio with steps from house

Dear Adjacent Property Owner:

In accordance with State and County Codes, this letter is to notify you that a request has been filed with the James City County Chesapeake Bay Board by Mr. Joseph and Mrs. Katherine Dvorak for encroachment into the Resource Protection Area (RPA) buffer for the construction of a patio with steps leading from house. 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, June 9, 2021 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-21-0065–111 Cove Road - Patio

Owner: 4910240009

Dvorak, Joseph N & Katherine G
111 Cove Road
Williamsburg, VA 23185-4413

4910240012:

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

4910240014

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

4910240010

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

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

4910240008

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

4910230019-104 Crestwood Drive
Chapman, Andrew J, III, Trustee & Mary
P.O. Box 711
Williamsburg, VA 23187-0711

4910230020

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



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, JUNE 9, 2021 AT 5 P.M.** IN THE COUNTY GOVERNMENT CENTER BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA 21-0019/VMRC-2021-0915: Mid-Atlantic Resource Consulting, on behalf of Mr. Christopher and Mrs. Heidi Cook, has applied for a wetlands permit for the installation of a pier, boathouse, 2 lifts and a catwalk at 1497 John Tyler Highway, JCC Parcel ID No. 3430300006.

WJPA 21-0024/VMRC-2019-1938: Waters Edge Construction, on behalf of Deric and Andrea Amason, has applied for a wetlands permit for a revetment, offshore sill, beach nourishment and a pier at 10010 Sycamore Landing Road, JCC Parcel No. 0720400001.

WJPA 21-0025/VMRC-2019-2163: Waters Edge Construction, on behalf of David Lambey has applied for a wetlands permit for a revetment, offshore sill and beach nourishment at 10006 Sycamore Landing Road, JCC Parcel No. 0720400002.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 21-0064: Ms. Susan Maida has filed an exception request for encroachments into the resource protection area (RPA) buffer for the construction of a retaining wall at 101 Abigail Lane, JCC Parcel ID No. 5030400082.

CBPA 21-0065: Mr. Joseph and Mrs. Katherine Dvorak have filed an exception request for encroachments into the RPA buffer for the installation of steps and a patio at 111 Cove Road, JCC Parcel ID No. 4910240009.

CBPA 21-0067: Williams Landscape and Design, Inc., on behalf of Ms. Brenda Snow, has filed an exception request for encroachments into the RPA buffer for the construction of a landing at 1796 Cypress Isle, JCC Parcel ID No. 4321400006.

CBPA 21-0072: Williams Landscape and Design, Inc., on behalf of Ms. Kristen Elder and Mr. Kent Saunders have filed an exception request for encroachments into the RPA buffer for the construction and installation of a pool, patio, seat wall, firepit and plantings at 1909 Fowler's Close, JCC Parcel ID No. 4320400015.

CBPA 21-0073: Williams Landscape and Design, Inc. on behalf of Mr. James Mullins, has filed an exception request for encroachments into the RPA buffer for the construction of a patio, walkway and plantings at 205 St Cuthbert, JCC Parcel ID No. 3721000053.

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

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – MAY 26, 2021 and JUNE 2, 2021.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x9941

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

ITEM SUMMARY

DATE: 6/9/2021
TO: Chesapeake Bay Board
FROM: Michael Woolson, Section Chief - Resource Protection
SUBJECT: Case No. CBPA 21-0073 : 205 St. Cuthbert

Williams Landscape and Design, Inc. on behalf of Mr. James Mullins, has filed an exception request for encroachments into the RPA buffer for the construction of a patio, walkway and plantings at 205 St Cuthbert, JCC Parcel ID No. 3721000053.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/8/2021 - 11:42 AM
Chesapeake Bay Group	Small, Toni	Approved	6/8/2021 - 12:35 PM
Publication Management	Daniel, Martha	Approved	6/8/2021 - 12:41 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/8/2021 - 4:15 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 21-0073. 205 St. Cuthbert
Staff Report for the June 9, 2021, Chesapeake Bay Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicant: Mr. James Mullins

Agent: Ms. Autumn Hauser, Williams Landscape and Design, Inc.

Location: 205 St. Cuthbert

Parcel Identification No.: 3721000053

Parcel: L-53, S-14B, Ford's Colony

Lot Size: 0.32 acres

Area of Lot in Resource Protection Area (RPA): 0.22 acres +/- (68%)

Watershed: Powhatan Creek (HUC JL 31)

Floodplain: None

Proposed Activity: Construction of patio and walkway

Impervious Cover: 1,163 square feet

RPA Encroachment: 1,163 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. Autumn Hauser, Williams Landscaping Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. James Mullins for encroachments into the RPA buffer for the construction of a patio and walkway on property located at 205 St. Cuthbert within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3721000053. The parcel was platted in 1998, prior the 2004 Ordinance revisions.

The total lot size of this property is 0.32 acres, of which 68% is located within the RPA. The applicant has proposed the construction of a patio and walkway of which 1,163 square feet impact the RPA. The applicant has proposed a patio equaling 698 square feet adjacent to the constructed dwelling with a 160 square foot walkway area. Additionally, the applicant has proposed a chipped gravel walkway equaling approximately 280 square feet leading to a 280 square foot seating area. Required mitigation for this amount of impervious impacts equals one planting unit (one canopy tree, two understory trees, and three shrubs). The applicant has proposed a mitigation plan equaling three canopy trees, six understory trees, and 34 shrubs, therefore exceeding County mitigation requirements. There is an existing 20-foot James City Service Authority sanitary sewer easement immediately adjacent to the lake which cannot have any mitigation trees planted within it.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a patio and walkway. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the patio is considered to be 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 has reviewed the application and exception request and has determined the impacts associated with the proposal to be moderate for the proposed development. Staff recommends approval for this exception request and if the Board wishes to approve this request, staff recommends the following conditions be incorporated into the approval:

1. The applicants must obtain all other necessary federal, state, and local permits as required for the project, including a building permit; and
2. A surety of \$2,000 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings (three canopy trees, six understory trees, and 34 shrubs); and
3. This exception request approval shall become null and void if construction has not begun by June 9, 2022; and
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 28, 2022, six weeks prior to the expiration date.

TAL/md
CBPA21-73.205StCuthbert

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 21-0073. 205 ST. CUTHBERT

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. James Mullins (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 9, 2021, 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. 3721000053 and further identified as 205 St. Cuthbert (the “Property”) as set forth in the application CBPA 21-0073 for the purpose of constructing a patio and walkway; 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 as required for the project, including a building permit; and
 - b. A surety of \$500 be submitted in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings (three canopy trees, six understory trees, and 34 shrubs); and
 - c. This exception request approval shall become null and void if construction has not begun by June 9, 2022; and

- d. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 28, 2022, 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 9th day of June, 2021.

CBPA21-73.205StCuthbert-res



Chesapeake Bay Board of James City County, Virginia

June 9, 2021

CBPA 21-0073

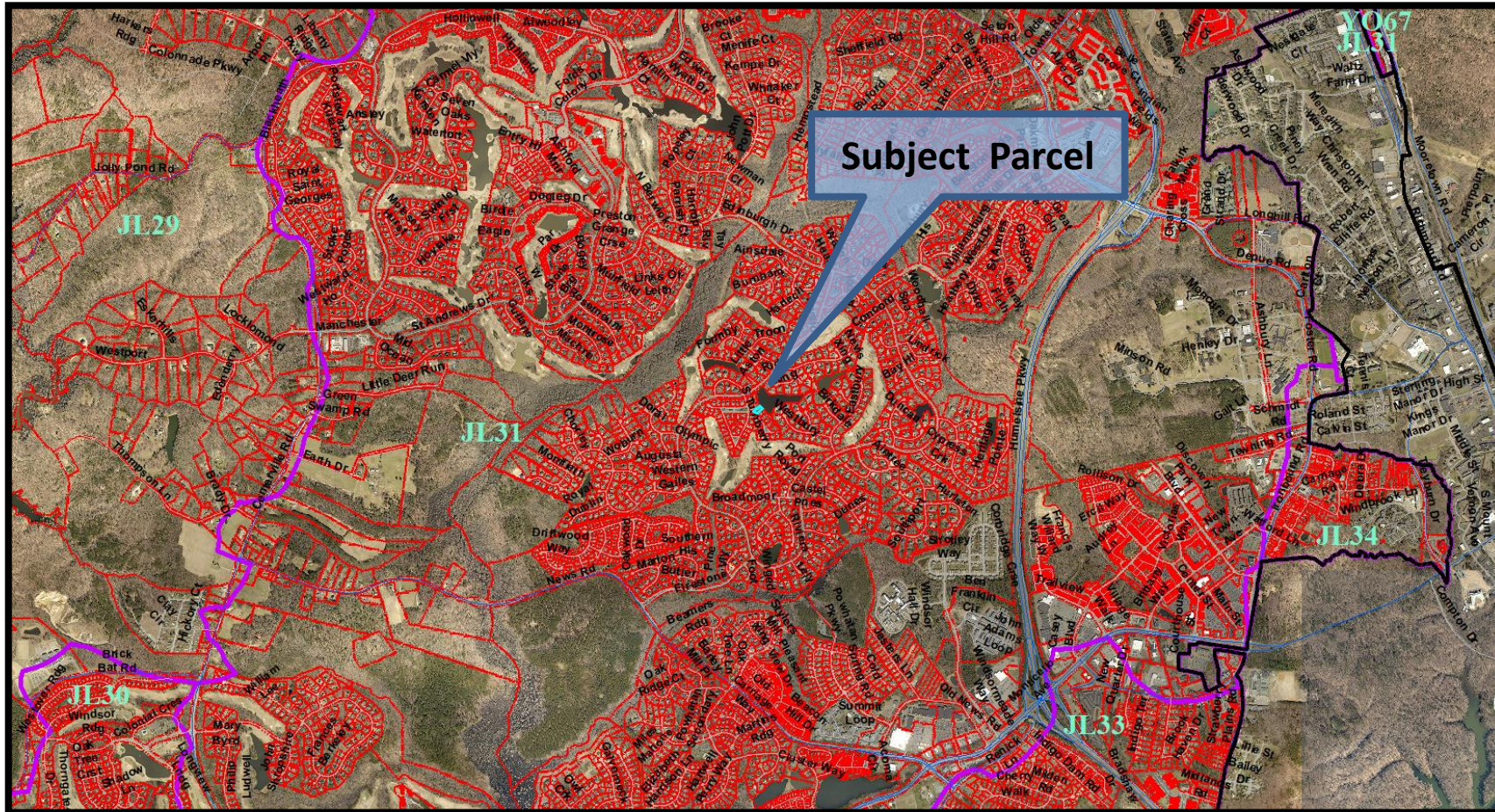
James Mullins

205 St. Cuthbert



Applicant Request

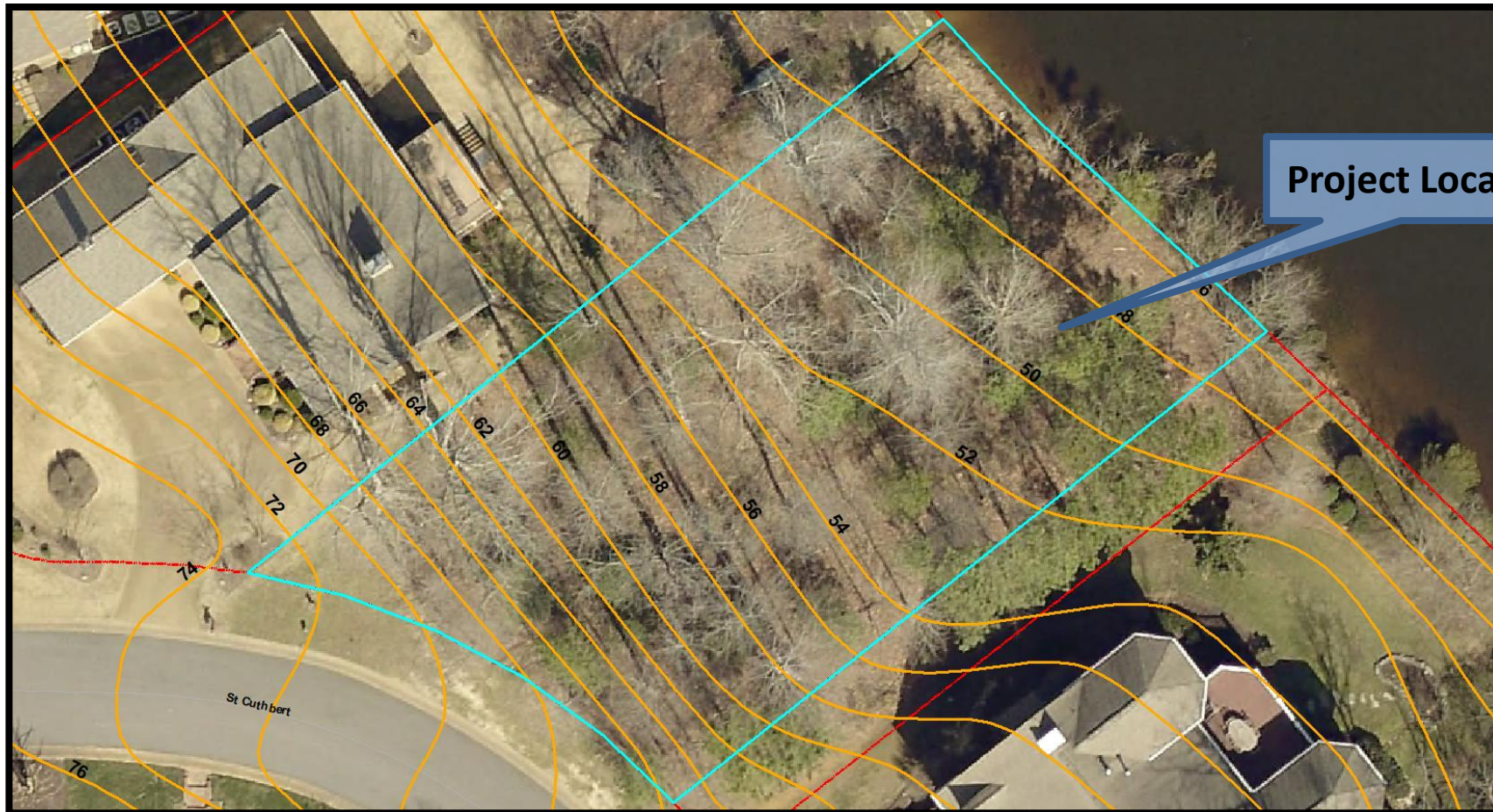
- ✓ Construct a patio and walkway.



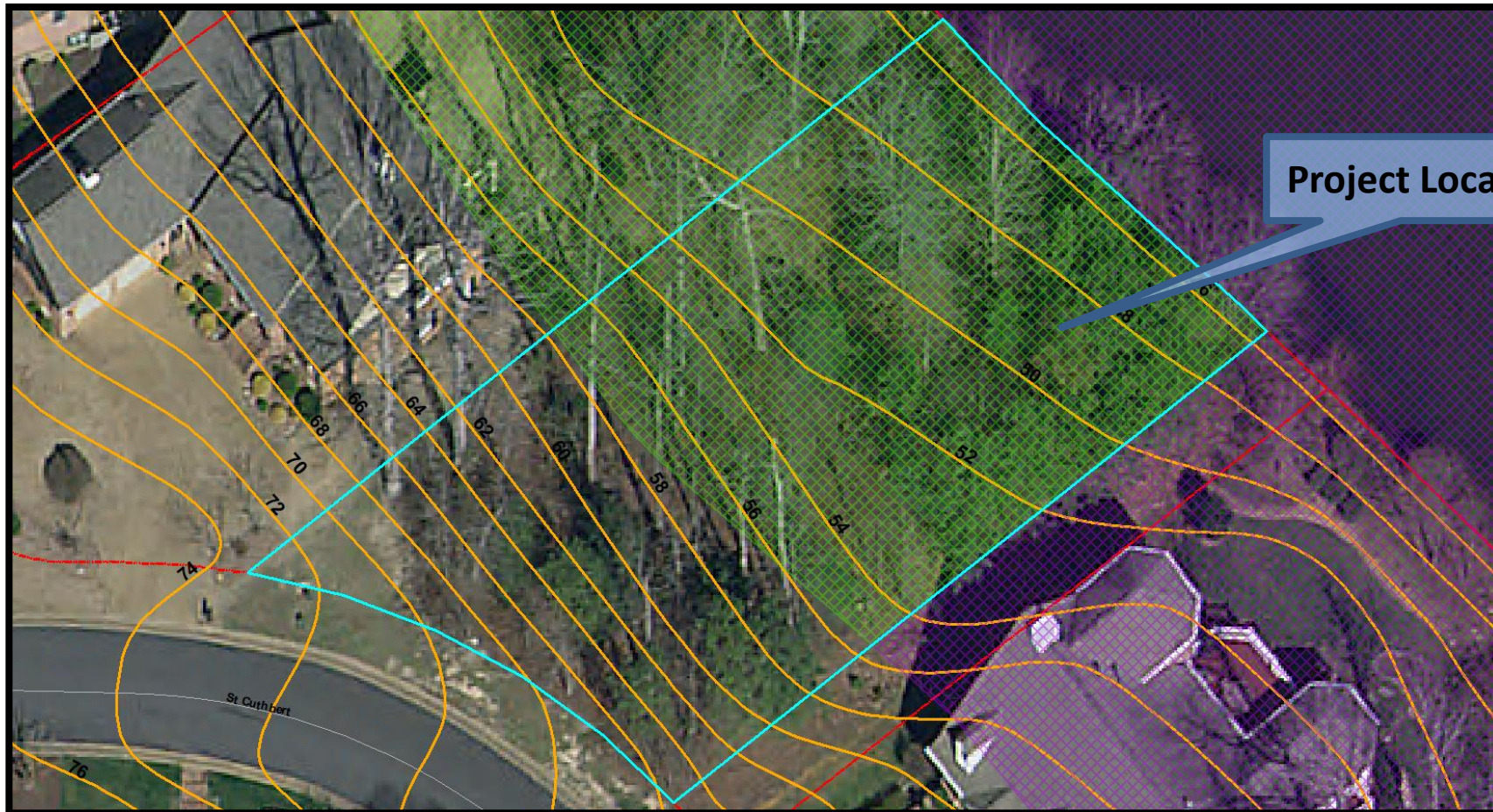
Vicinity Map
CBPA-21-0073
205 St. Cuthbert



Aerial Photograph
CBPA-21-0073
205 St. Cuthbert



Topography
CBPA-21-0073
205 St. Cuthbert



Resource Protection Area
CBPA-21-0073
205 St. Cuthbert

Proposed Patio

50 foot Resource Protection Area

100 foot Resource Protection Area

Site Plan - CBPA-21-0073
205 St. Cuthbert

Site Plan showing proposed improvements, submitted April 26, 2021. For representative use only for presentation of case #CBPA-21-0073





Site Photograph #1 - CBPA-21-0073
205 St. Cuthbert





**Site Photograph #2 - CBPA-21-0073
205 St. Cuthbert**





Site Photograph #3 - CBPA-21-0073
205 St. Cuthbert





**Site Photograph #4 - CBPA-21-0073
205 St. Cuthbert**





Site Photograph #5 - CBPA-21-0073
205 St. Cuthbert





Site Photograph #6 - CBPA-21-0073
205 St. Cuthbert



Permit Conditions



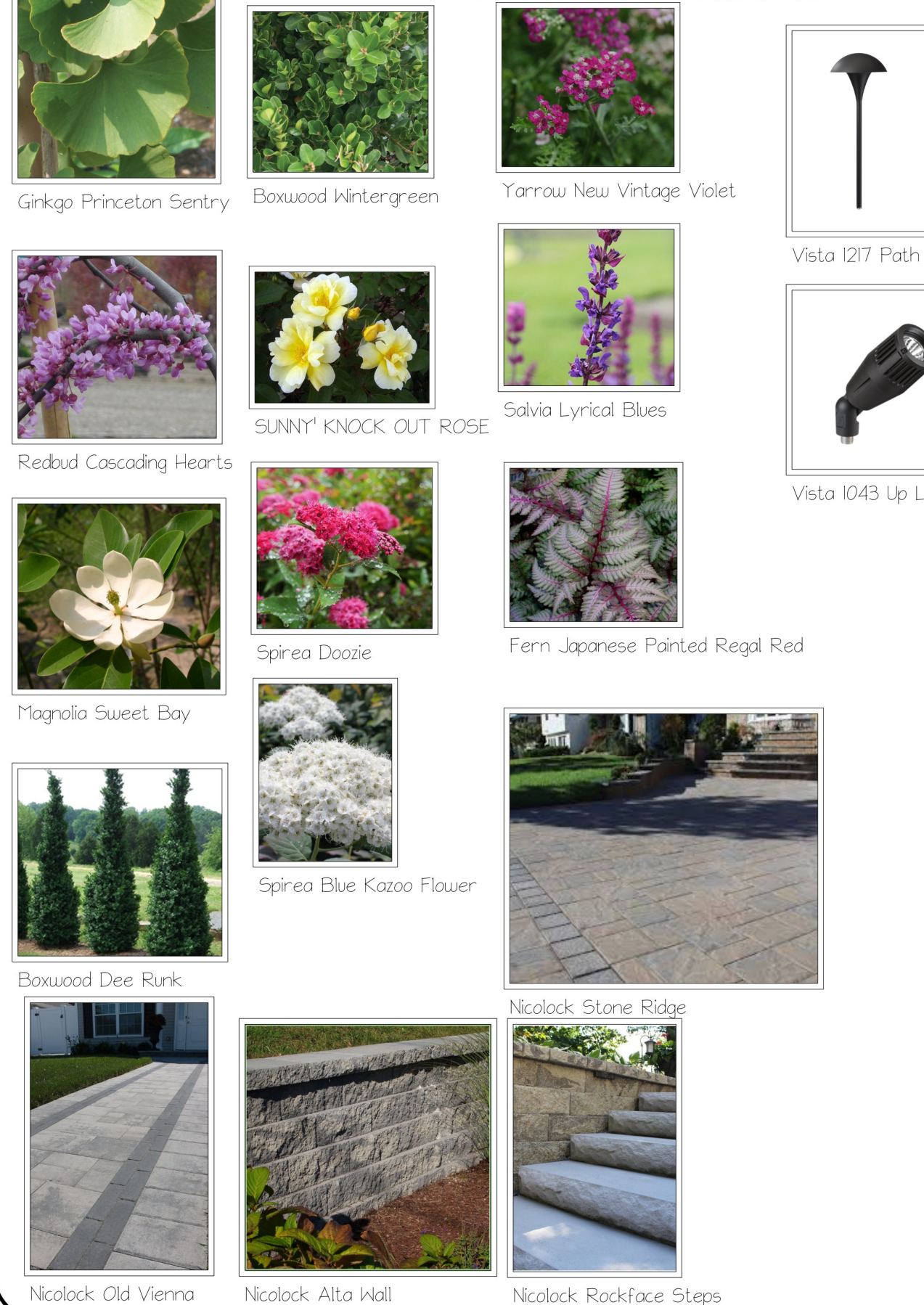
Staff Recommendation – Approval

- ✓ All other necessary local, state and federal permits
- ✓ A surety of \$2000 to guarantee plantings
- ✓ This exception request approval shall become null and void if construction has not begun by June 9, 2022
- ✓ Written requests for extension submitted no later than April 28, 2022

Qty	Botanical Name	Common Name	Size/Condition	Remarks
Trees				
1	ACER PALMATUM 'BLOODGOOD'	MAPLE BLOODGOOD	#25 8'-10'	REQUIRED
2	GINKGO BOLOBA 'PRINCETON SENTRY'	GINKGO PRINCETON SENTRY	#25 4HT	REQUIRED
6	MAGNOLIA VIRGINIANA	MAGNOLIA SWEET BAY	#15 8'-10'	RPA PLANTING
3	METASEQUOIA GLYPTOSTROBODES	REDWOOD DAWN	#15 6'-8HT	RPA PLANTING
Shrubs				
3	ABELIA x GRANDIFLORA FRANSIS MASON	ABELIA FRANSIS MASON	#3 24"-30"HT	
6	BUXUS MICROPHYLLA VAR. KOREANA WINTERGREEN	BOXWOOD WINTERGREEN	#7 24"-30"HT	REQUIRED
24	BUXUS MICROPHYLLA VAR. KOREANA WINTERGREEN	BOXWOOD WINTERGREEN	#5 24"-30"HT	REQUIRED
5	BUXUS SEMPERVIRENS 'DEE RUNK'	BOXWOOD 'DEE RUNK'	#4B 4'-5'	REQUIRED
7	BUXUS X 'GREEN VELVET'	BOXWOOD GREEN VELVET	#6 24"-30"HT	REQUIRED
2	CAMELLIA 'HEI'ALUS 'SHISH-GASHIRA'	CAM. S. SHISH GASHIRA- DK PINK	#15 24"-30"HT	REQUIRED
12	CLETHRA ALNFOLIA 'HUMMINGBIRD'	CLETHRA HUMMINGBIRD	#3 18"-24"HT	RPA PLANTING
3	DEUTZIA x NCDX2	DEUTZIA YUKI CHERRY BLOSSOM	#3 18"-24"HT	
12	GARDENIA AUGUSTA 'VAREGATA'	GARDENIA VATEGATED	#3 24"-30"HT	REQUIRED
3	HYDRANGEA MICROPHYLLA 'SKZDAMA'	HYDRANGEA AKADAMA	#3 18"-24"HT	
9	HOLLY GLABRA 'DENSE'	HOLLY GLABRA DENSE INKBERRY	#7 24"-30"HT	RPA PLANTING
1	LEX VERTICILLATA 'APOLLO'	HOLLY APOLLO MALE	#3 18"-24"HT	RPA PLANTING
6	LEX VERTICILLATA 'WINTER RED'	HOLLY WINTER RED	#3 18"-24"HT	RPA PLANTING
7	MYRTICA CERFERA 'DONS DWARF'	WAX MYRTLE DONS DWARF	#3 24"-30"HT	RPA PLANTING
5	PRUNUS LAUROCARASUS OTTO LUYKEN	LAUREL OTTO LUYKEN	#6 18"-24"HT	REQUIRED
2	ROSA 'RADYOD'	ROSE THE SUNNY KNOCK OUT	#3 (PATIO TREE)	
5	ROSA 'RADYOD'	ROSE THE SUNNY KNOCK OUT	#3 18"-24"HT	
5	SPIRAEA X NCSX2	SPIREA DOOZIE	#3 18"-24"HT	
9	SPIREA 'MEDIA 'SIS'EBK'	SPIREA BLUE KAZOO	#3 18"-24"HT	
7	TERNSTROEMIA GYMNANTHERA	CLEYERA JAPANESE	#7 24"-30"HT	REQUIRED
Ornamental Grasses				
23	CAREX OSHIENSIS 'EVERILLO'	CAREX EVERCOLOR EVERILLO	#1 18"-24"HT	
3	MISCANTHUS SINENSIS 'ADAGO'	GRASS MADEN ADAGO	#3 18"-24"HT	
3	MISCANTHUS SINENSIS 'LITTLE ZEBRA'	GRASS MADEN LITTLE ZEBRA	#3 24"-30"HT	REQUIRED
Perennials and Annuals				
25	ACHILLEA MILLEFOLIUM 'BALVINIOLET'	YARROW NEW VENTAGE VIOLET	#1	
30	ATHYRUM FLIX-FEMINA 'LADY N RED'	FERN LADY N RED	#1	
30	ATHYRUM NIPONICUM 'REGAL RED'	FERN REGAL RED	#1	
30	CYRTOMIUM FORTUNEI	FERN HOLLY FORTUNE'S	#1	
17	SALVIA NEMEROSA 'BALYRCLU'	SALVIA LYRICAL BLUES	#1	
Groundcovers				
5	OPHIOPOGON JAPONICUS NANA	MONDO GRASS DWARF	18"/FLAT	

PATIO AREA - 698 SQ'
 MODULAR PAVER AREA - 542 SQ'
 NICOLock - STONE RIDGE GRANITE BLEND
 BORDER COURSE - 237 L' (DOUBLE)
 NICOLock - OLD VIENNA RAVEN
 RETAINING WALL - 76 L' STEPS - 35 L'
 SEATING WALL - 22 L'
 NICOLock - ALTA PRO WALL GRANITE CITY BLEND
 NICOLock - THERMAL FULLNOSE TREADS
 (NOTE DRIVEWAY PAVER TO BE THE SAME)
 (NOTE WALKWAY PAVER TO BE THE SAME)

WALKWAY AREA - APX 160 SQ'
 MODULAR PAVER AREA - 154 SQ'
 BORDER COURSE - 142 L' (SINGLE)
 STEPPERS - 12
 CHIPPED GRAVEL PATH AREA - 280 SQ'
 EDGE STONE BORDER - 124 L'
 BACK YARD RETAINING WALL - 25 L'
 CHIPPED GRAVEL SEATING AREA - 25 SQ'
 EDGESTONE - 16 L'
 STEPPING STONES - 12"x24" PCS - 5-6
 DRIVEWAY CHANNEL DRAINS - NDS PRO 5" TOTAL OF 36L'
 WITH 90 ELBOW - ALL 4" SCH40 PVC



- RPA PLANTINGS**
 SHADE TREES - DAWN RED WOODS - 3
 UNDERSTORY TREES - SWEETBAY MAGNOLIA
 SHRUBS - INKBERRY HOLLY - 9
 - WINTER RED HOLLY - 6
 - DONS DWARF WAX MYRTLE - 7
 - HUMMINGBIRD CLETHRA - 12
- 7 WAX MYRTLE DONS DWARF
 UP LIGHTS
 SET @ DAWN REDWOODS
 # 3 OTHER TREES
- 1 REDWOOD DAWN
 3 MAGNOLIA SWEET BAY
 6 CLETHRA HUMMINGBIRD
 15 FERN LADY N RED
 15 FERN HOLLY FORTUNE'S
 15 FERN REGAL RED
 1 REDWOOD DAWN
 7 BOXWOOD GREEN VELVET
 3 HYDRANGEA AKADAMA
 1 HOLLY APOLLO MALE
 1 CAM. S. SHISH GASHIRA- DK PINK
 3 GRASS MADEN LITTLE ZEBRA
 7 CLEYERA JAPANESE
 5 MONDO GRASS DWARF
 6 HOLLY WINTER RED
 5 LAUREL OTTO LUYKEN
 9 YARROW NEW VENTAGE VIOLET
 3 DEUTZIA YUKI CHERRY BLOSSOM
 11 SALVIA LYRICAL BLUES
 1 MAPLE BLOODGOOD
 9 YARROW NEW VENTAGE VIOLET
 5 ROSE THE SUNNY KNOCK OUT
 3 GRASS MADEN ADAGO
 19 BOXWOOD WINTERGREEN
 1 GINKGO PRINCETON SENTRY



MULLINS RESIDENCE
 205 ST. CUTHBERT
 WILLIAMSBURG, VA.
 DATE 3.8.21
 SCALE 1" = 10'
 DRAWING # 42021
 LANDSCAPE PLAN : PHASE I
 PRJ # -01
 RV5N : 4.20.21

WILLIAMS
 LANDSCAPE & DESIGN, INC.

Powered by DynaCAP®



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

Capital Projects 107 Tewning Road Williamsburg, VA 23188 757-259-4080	Fleet 103 Tewning Road Williamsburg, VA 23188 757-259-4122	Stormwater and Resource Protection 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	Facilities & Grounds 113 Tewning Road Williamsburg, VA 23188 757-259-4080	Solid Waste 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
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May 19, 2021

RE: CBPA 21-0073
205 St Cuthbert
Patio & Walkway

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. Autumn Hauser, Williams Landscape and Design, Inc., on behalf of Mr. James Mullins for encroachment into the Resource Protection Area (RPA) buffer for the construction of a patio and a walkway. The project is located at 205 St Cuthbert and further identified as JCC Parcel No. 3721000053.

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

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, June 9, 2021 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 and Design, Inc.
Attn: Mr. Aaron Williams

MDW: jep

Mailing List for: CBPA-21-0073–205 St Cuthbert – Patio & Walkway

Owner: 3721000053-205 St Cuthbert

Mullins, James L, Trustee

106 Berrow

Williamsburg, VA 23188-9155

3721000054

Sallwasser, George K, Trustee & Susan M,
Trustee

201 St Cuthbert

Williamsburg, VA 23188-8925

3721000052

Hill, J Nathan & Laura V

209 St Cuthbert

Williamsburg, VA 23188-8925

Contractor:

Williams Landscape and Design, Inc.

Attn: Mr. Aaron Williams

1554 Penniman Road

Williamsburg, VA 23185-3187

3721000039

Smith, Forrest P, Trustee & Pamela L

109 S Turnberry

Williamsburg, VA 23188-8924



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, JUNE 9, 2021 AT 5 P.M.** IN THE COUNTY GOVERNMENT CENTER BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA 21-0019/VMRC-2021-0915: Mid-Atlantic Resource Consulting, on behalf of Mr. Christopher and Mrs. Heidi Cook, has applied for a wetlands permit for the installation of a pier, boathouse, 2 lifts and a catwalk at 1497 John Tyler Highway, JCC Parcel ID No. 3430300006.

WJPA 21-0024/VMRC-2019-1938: Waters Edge Construction, on behalf of Deric and Andrea Amason, has applied for a wetlands permit for a revetment, offshore sill, beach nourishment and a pier at 10010 Sycamore Landing Road, JCC Parcel No. 0720400001.

WJPA 21-0025/VMRC-2019-2163: Waters Edge Construction, on behalf of David Lambey has applied for a wetlands permit for a revetment, offshore sill and beach nourishment at 10006 Sycamore Landing Road, JCC Parcel No. 0720400002.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 21-0064: Ms. Susan Maida has filed an exception request for encroachments into the resource protection area (RPA) buffer for the construction of a retaining wall at 101 Abigail Lane, JCC Parcel ID No. 5030400082.

CBPA 21-0065: Mr. Joseph and Mrs. Katherine Dvorak have filed an exception request for encroachments into the RPA buffer for the installation of steps and a patio at 111 Cove Road, JCC Parcel ID No. 4910240009.

CBPA 21-0067: Williams Landscape and Design, Inc., on behalf of Ms. Brenda Snow, has filed an exception request for encroachments into the RPA buffer for the construction of a landing at 1796 Cypress Isle, JCC Parcel ID No. 4321400006.

CBPA 21-0072: Williams Landscape and Design, Inc., on behalf of Ms. Kristen Elder and Mr. Kent Saunders have filed an exception request for encroachments into the RPA buffer for the construction and installation of a pool, patio, seat wall, firepit and plantings at 1909 Fowler's Close, JCC Parcel ID No. 4320400015.

CBPA 21-0073: Williams Landscape and Design, Inc. on behalf of Mr. James Mullins, has filed an exception request for encroachments into the RPA buffer for the construction of a patio, walkway and plantings at 205 St Cuthbert, JCC Parcel ID No. 3721000053.

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

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – MAY 26, 2021 and JUNE 2, 2021.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x9941

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

ITEM SUMMARY

DATE: 6/9/2021

TO: Chesapeake Bay Board

FROM: Michael Woolson, Section Chief - Resource Protection

SUBJECT: Case No. CBPA 21-0072 : 1909 North Fowlers Close

Williams Landscape and Design, Inc., on behalf of Ms. Kristen Elder and Mr. Kent Saunders have filed an exception request for encroachments into the RPA buffer for the construction and installation of a pool, patio, seat wall, firepit and plantings at 1909 Fowler's Close, JCC Parcel ID No. 4320400015.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/8/2021 - 11:39 AM
Chesapeake Bay Group	Small, Toni	Approved	6/8/2021 - 12:34 PM
Publication Management	Daniel, Martha	Approved	6/8/2021 - 12:42 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/8/2021 - 4:15 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 21-0072. 1909 North Fowlers Close
Staff Report for the June 9, 2021, Chesapeake Bay Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicant: Ms. Kristen Elder

Agent Ms. Autumn Hauser, Williams Landscaping and Design, Inc.

Location: 1909 North Fowlers Close

Parcel Identification No.: 4320400015

Parcel: Lot 15, Fowler’s Lake at The Governors Land

Lot Size: 0.87 acres

Area of Lot in Resource Protection Area (RPA): 0.28 acres +/- (32%)

Watershed: Gordon Creek (HUC JL 29)

Floodplain: None affecting this property

Proposed Activity: Construction of a pool and patio

Impervious Cover: 1,146 square feet

RPA Encroachment: 1,146 square feet, landward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. Autumn Hauser, Williams Landscaping and Design, Inc., has applied for a Chesapeake Bay Exception on behalf of Ms. Kristen Elder for encroachments the RPA buffer for the construction of a pool and patio on property located at 1909 North Fowlers Close within The Governors Land subdivision and the Gordon Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4320400015. The parcel was platted in 1992, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.87 acres, of which 32% is located within the RPA. The applicant is proposing to construct a pool and patio equaling approximately 1,146 square feet of impacts to the landward 50-foot RPA. Required mitigation of this amount of impervious impacts to the RPA equals the planting of three planting units (three canopy trees, six understory trees, and nine shrubs).The applicant has verbally agreed to this amount of plantings.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a pool and patio. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction of a pool and patio are considered 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 has reviewed the application and exception request and has determined the impacts associated with the proposal to be moderate for the proposed development. Staff recommends approval for this exception request and if the Board wishes to approve this request, staff recommends 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, including a building permit, erosion and sediment control plan, and a land disturbing permit if necessary; and
2. A surety of \$2,000 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings (three canopy trees, six understory trees, and nine shrubs); and
3. This exception request approval shall become null and void if construction has not begun by June 9, 2022; and
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 28, 2022, six weeks prior to the expiration date.

TAL/md
CBPA21-72.1909NFowlers

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 21-0072. 1909 NORTH FOLWERS CLOSE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Kristen Elder (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 9, 2021, 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. 4320400015 and further identified as 1909 North Fowlers Close (the “Property”) as set forth in the application CBPA 21-0072 for the purpose of constructing a pool and a 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 as required for the project, including a building permit, erosion and sediment control plan, and a land disturbing permit if necessary; and
 - b. A surety of \$2,000 be submitted in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings (three canopy trees, six understory trees, and nine shrubs); and

- c. This exception request approval shall become null and void if construction has not begun by June 9, 2022; and
- d. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 28, 2022, 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 9th day of June, 2021.

CBPA21-72.1909NFowlers-res



Chesapeake Bay Board of James City County, Virginia

June 9, 2021

CBPA 21-0072

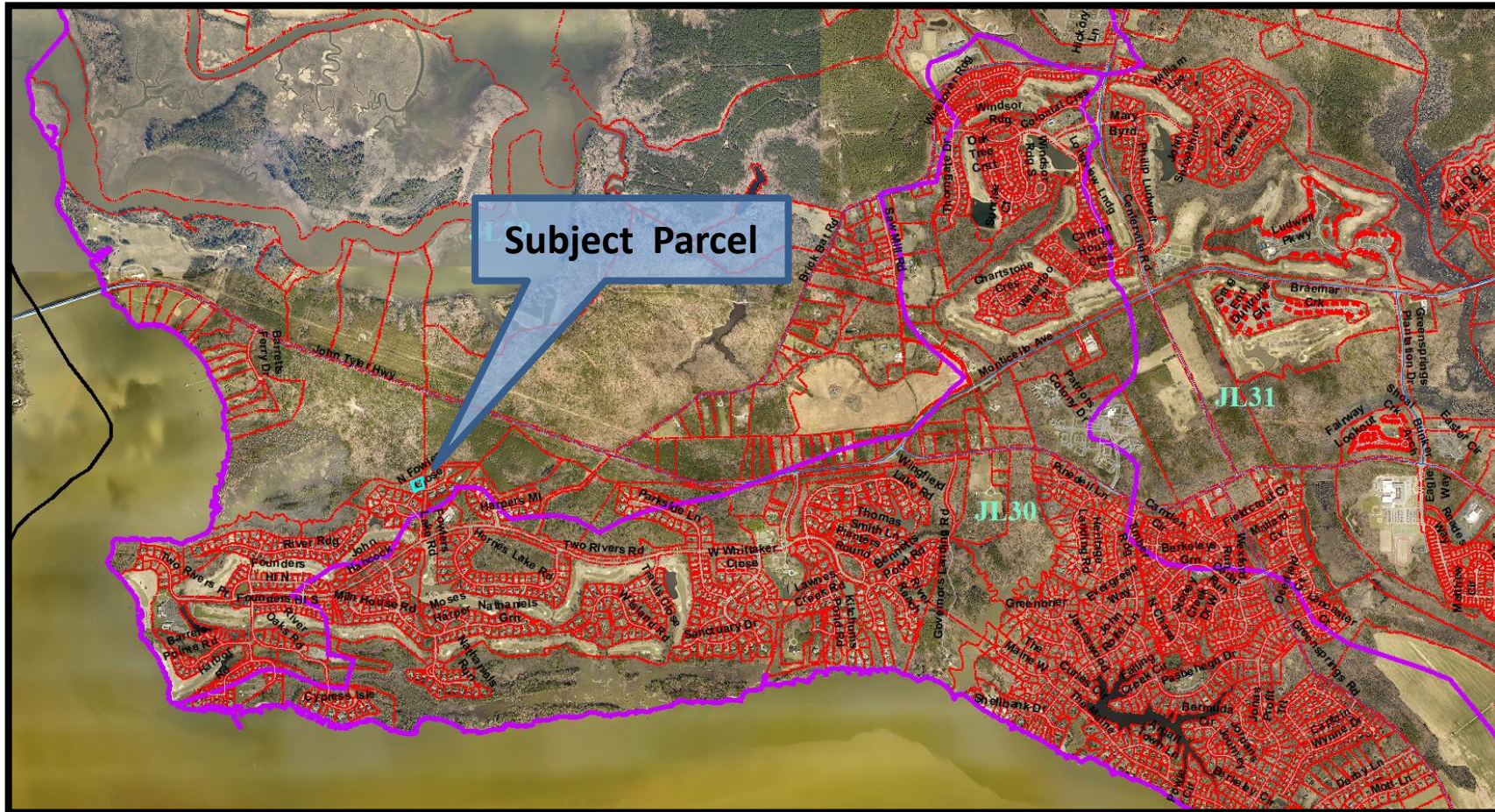
Kristen Elder

1909 North Fowlers Close

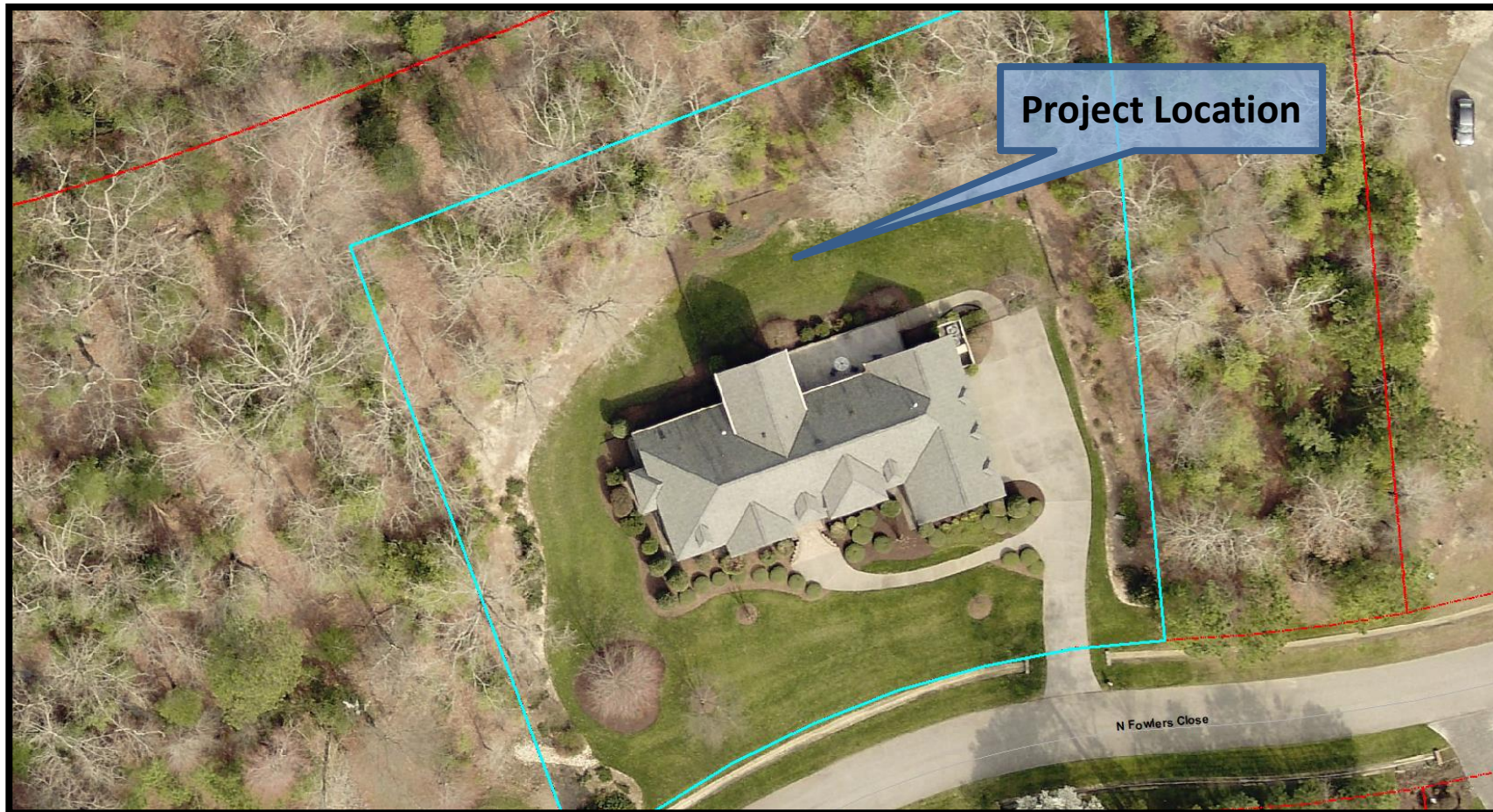


Applicant Request

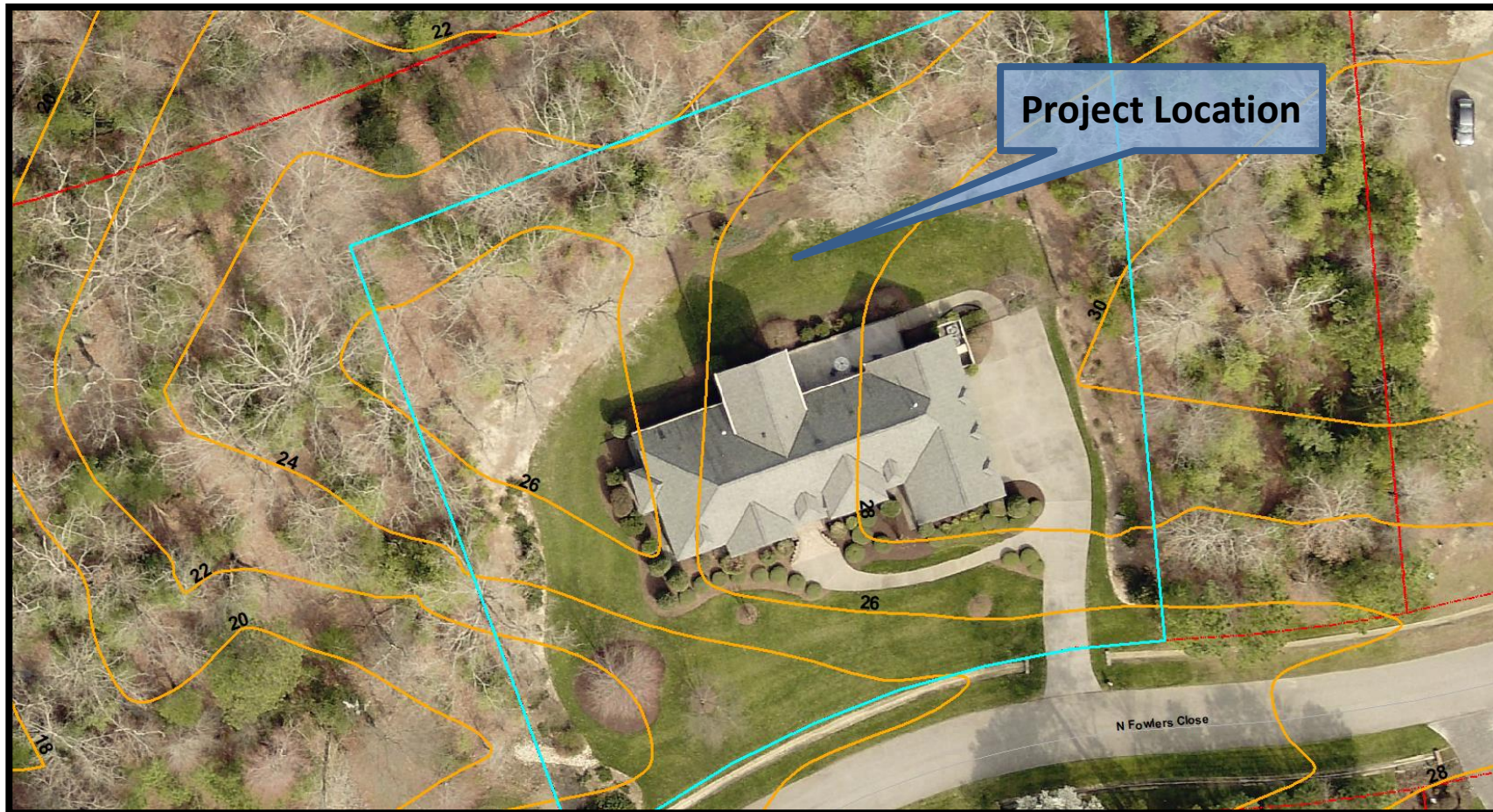
- ✓ Construct a pool and patio.



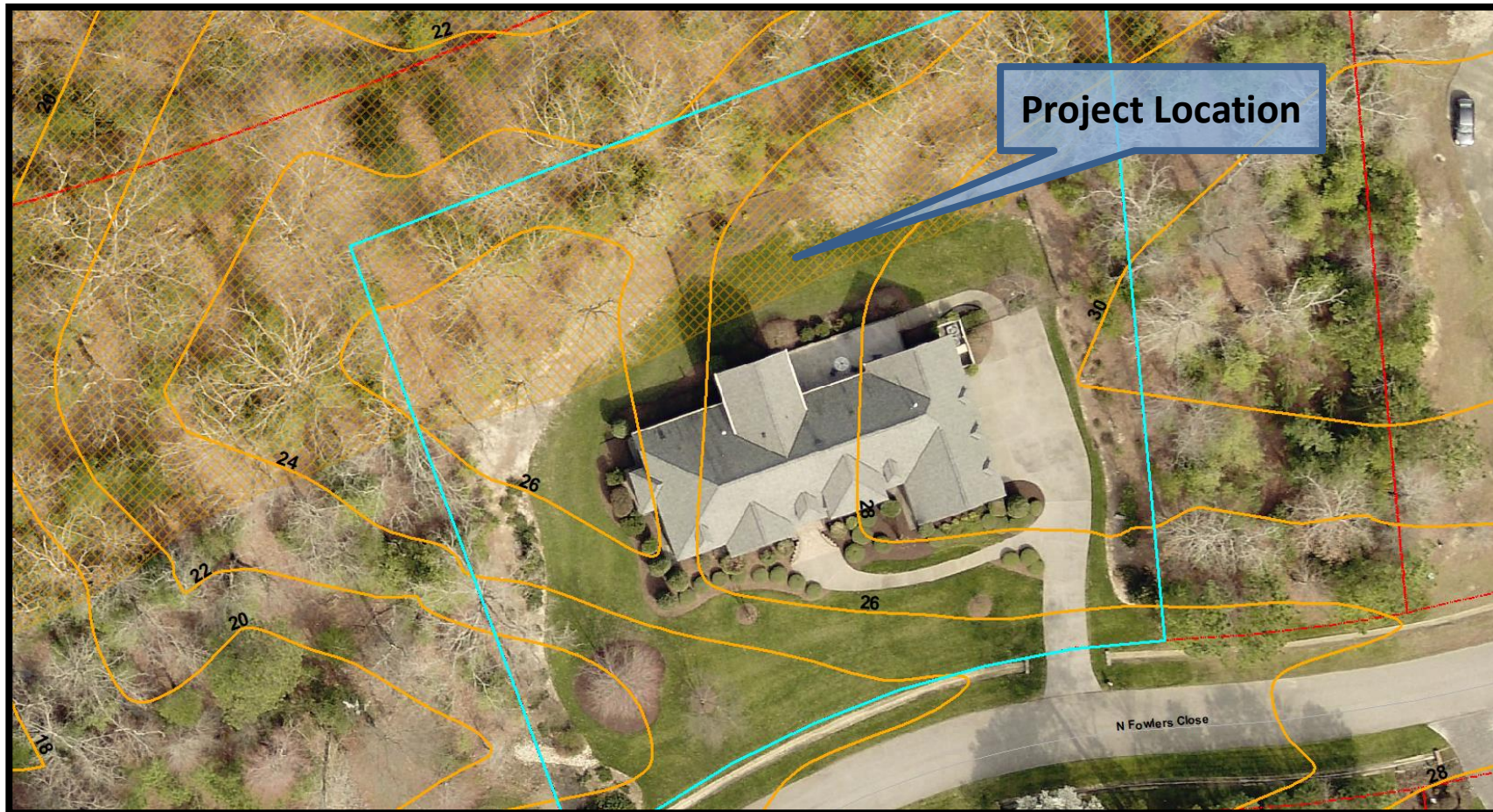
Vicinity Map
CBPA-21-0072
1909 North Fowler's Close



Aerial Photograph
CBPA-21-0072
1909 North Fowlers Close

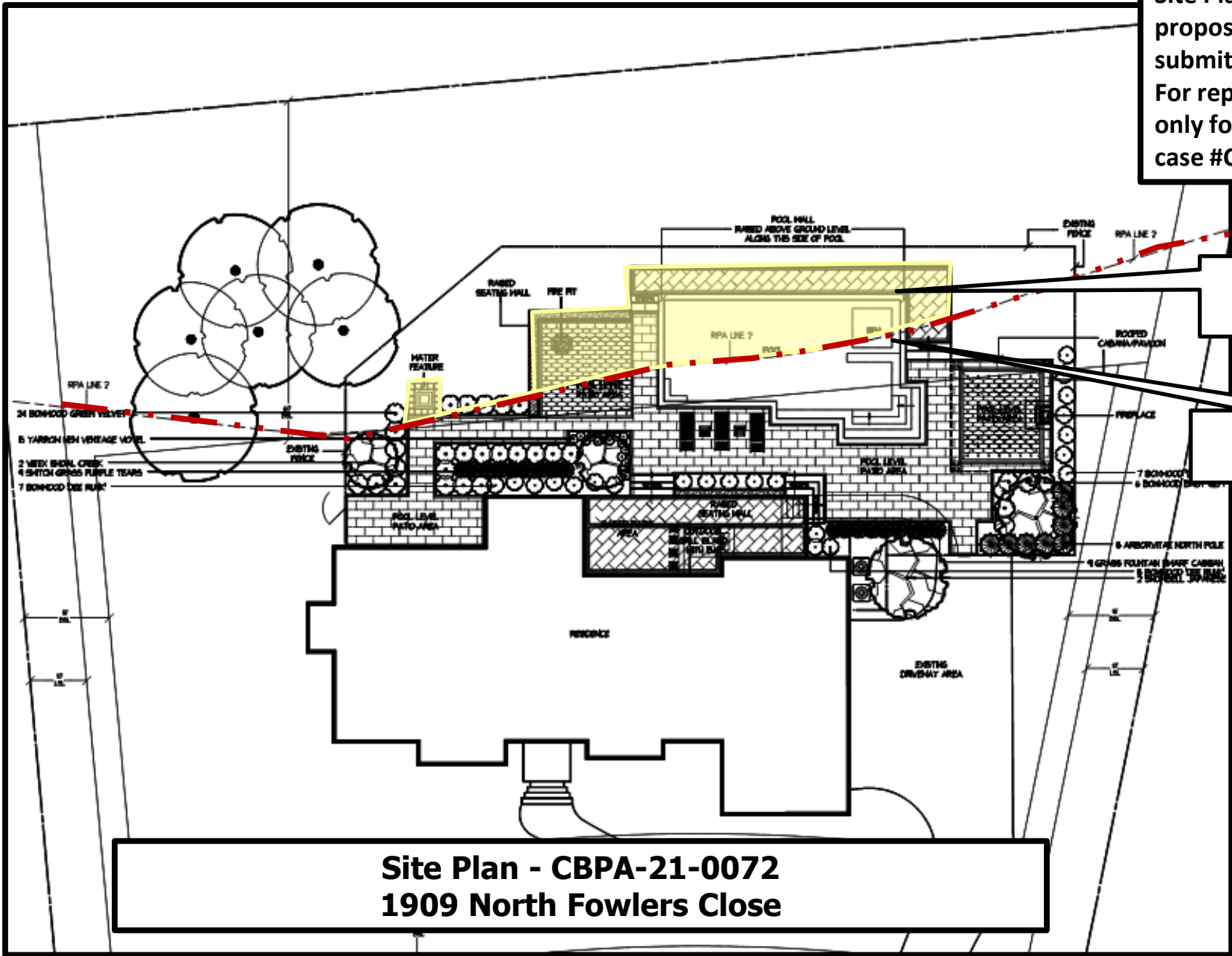


Topography
CBPA-21-0072
1909 North Fowlers Close



Resource Protection Area
CBPA-21-0072
1909 North Fowlers Close

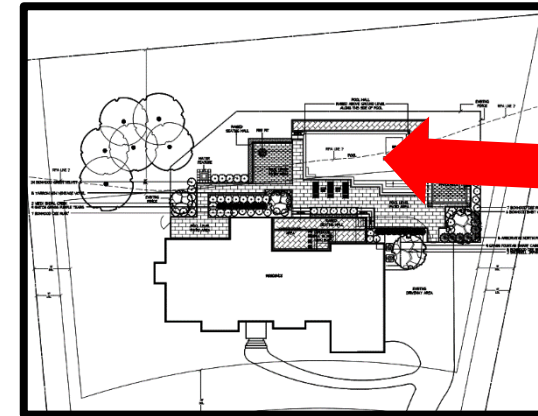
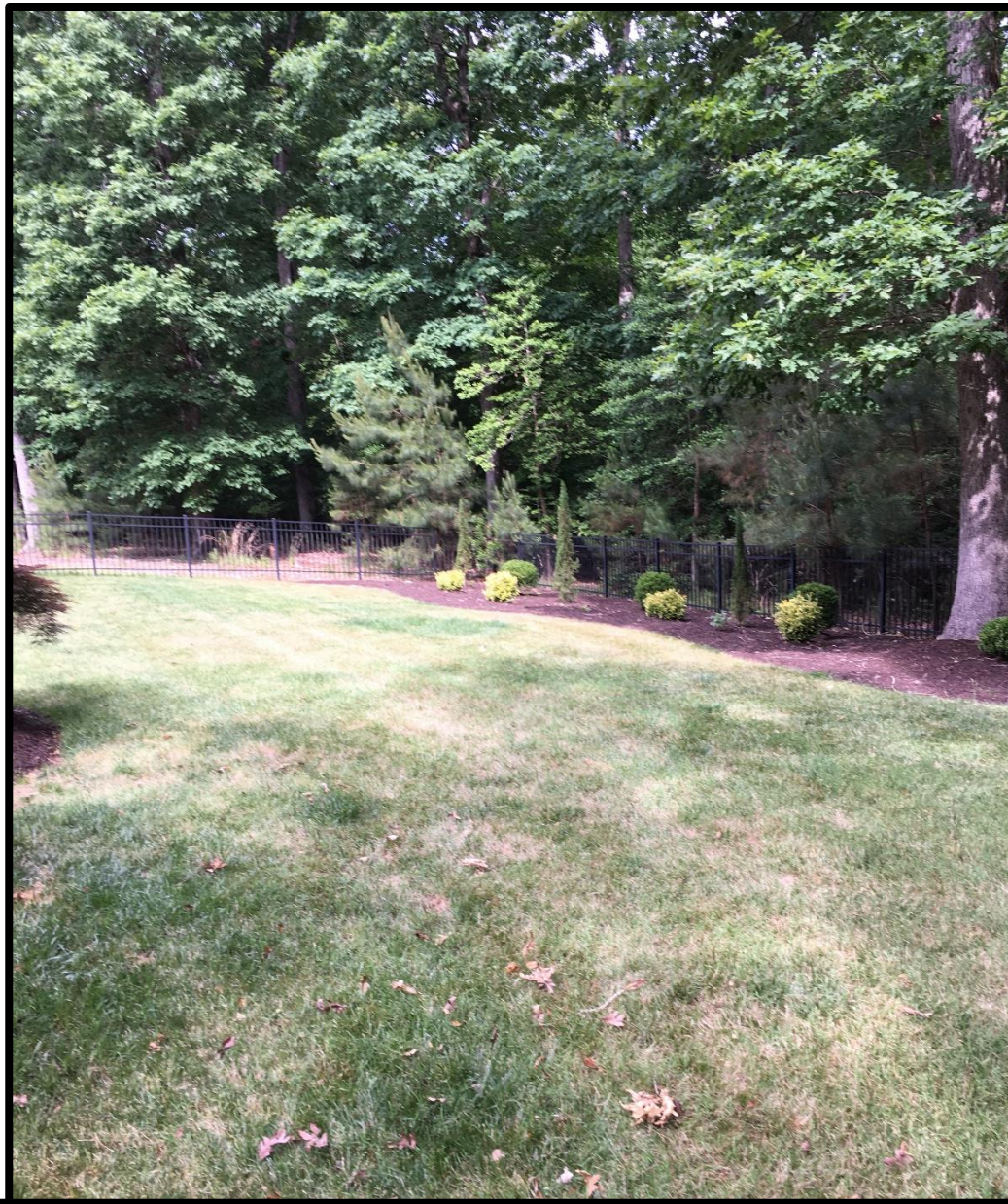
Site Plan showing proposed improvements, submitted April 6, 2021. For representative use only for presentation of case #CBPA-21-0072



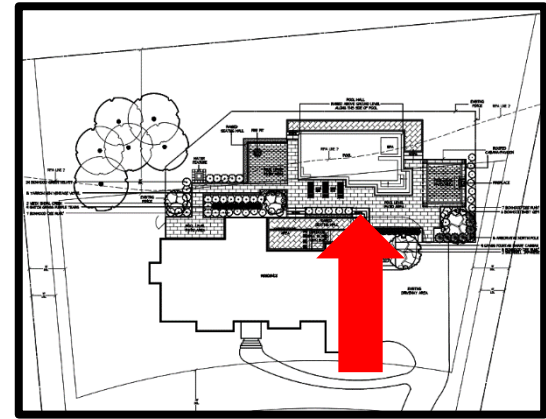
Proposed Addition

100 foot Resource Protection Area

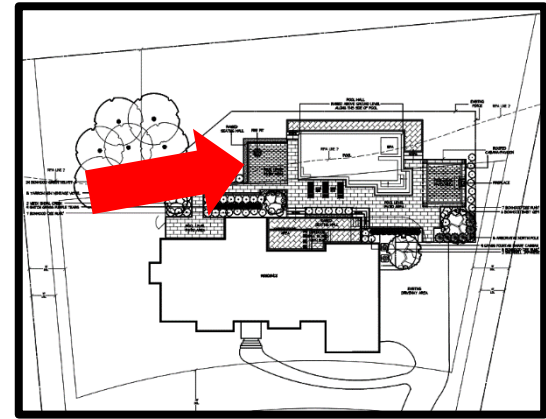
Site Plan - CBPA-21-0072
1909 North Fowlers Close



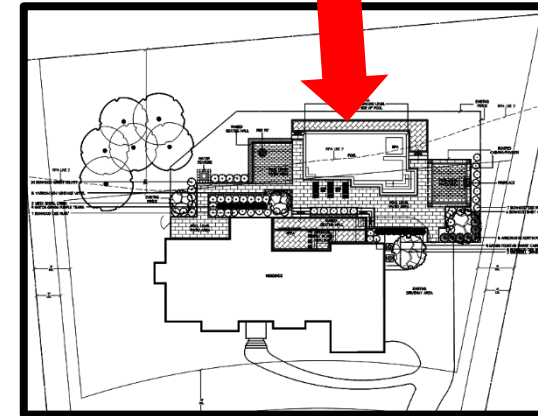
**Site Photograph #1 - CBPA-21-0072
1909 North Fowlers Close**



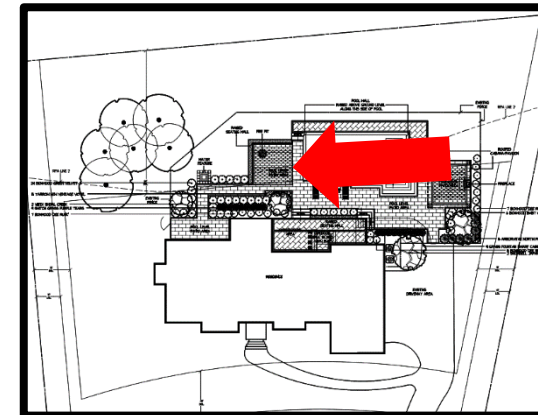
**Site Photograph #2 - CBPA-21-0072
1909 North Fowlers Close**



**Site Photograph #3 - CBPA-21-0072
1909 North Fowlers Close**



**Site Photograph #4 - CBPA-21-0072
1909 North Fowlers Close**



**Site Photograph #5 - CBPA-21-0072
1909 North Fowlers Close**

Permit Conditions



Staff Recommendation – Approval

- ✓ All other necessary local, state and federal permits
- ✓ A surety of \$2,000 to guarantee plantings
- ✓ This exception request approval shall become null and void if construction has not begun by June 9, 2022
- ✓ Written requests for extension submitted no later than April 28, 2022

Qty	Botanical Name	Common Name	Size/Condition
Trees			
2	STYRAX JAPONICUS	SNOWBELL JAPANESE	#15
8	THUJA OCCIDENTALIS ART BOE	ARBORVITAE NORTH POLE	#10
2	VITEX AGNUS-CASTUS 'SHOAL CREEK'	VITEX SHOAL CREEK	#15
Shrubs			
6	BUXUS MICROPHYLLA VAR JAPONICA 'GREGEM'	BOXWOOD BABY GEM	#3
22	BUXUS SEMPERVIRENS 'DEE RUNK'	BOXWOOD 'DEE RUNK'	B&B 4-5'
24	BUXUS X 'GREEN VELVET'	BOXWOOD GREEN VELVET	#3
Ornamental Grasses			
9	PANICUM VIRGATUM 'PURPLE TEARS'	SWITCH GRASS PURPLE TEARS	#3
9	PENNISETUM ALOPECUROIDES 'CASSIAN'	GRASS FOUNTAIN DWARF CASSIAN	#3
Perennials and Annuals			
15	ACHILLEA MILLEFOLIUM 'BALDINOLET'	YARROW NEW VENTAGE VIOTEL	#1



Styran Japanese Snowbell



Vitex Shoal Creek



Yarrow New Vintage Violet



Arborvitae North Pole



Boxwood Dee Runk



Boxwood Baby Gem



Switch Grass Purple Tears



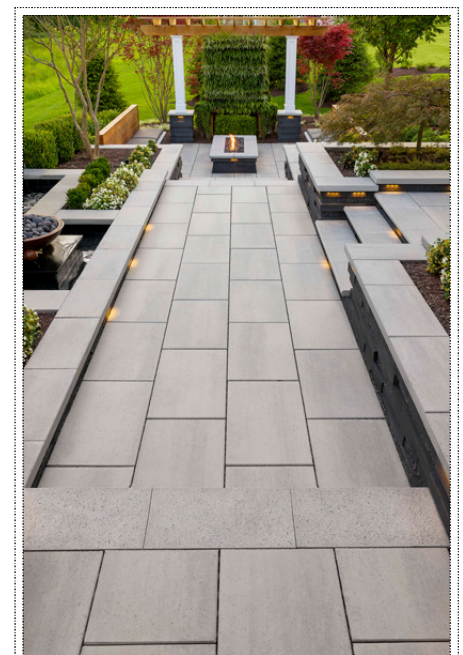
Boxwood Green Velvet



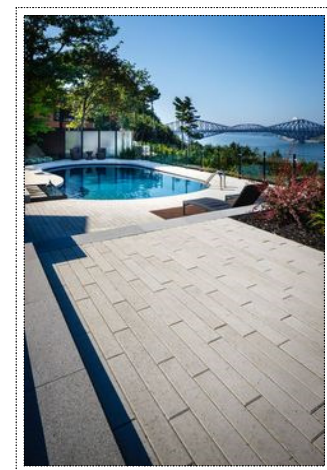
Fountain Grass Dwarf Cassian



3 Voice Fountain idea 3



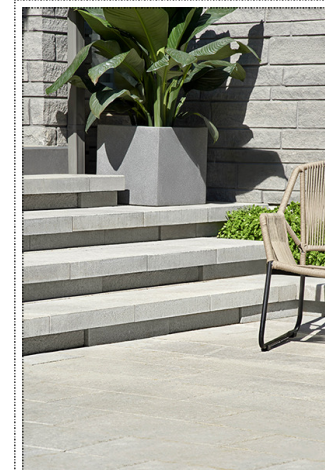
TechoBloc Blu Grande Smooth



TechoBloc Industria Smooth



TechoBloc Hexa60



TechoBloc Raffinato Smooth Steps



TechoBloc Raffinato Polished

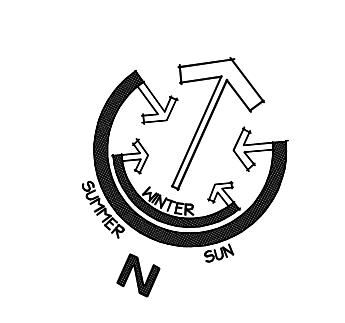
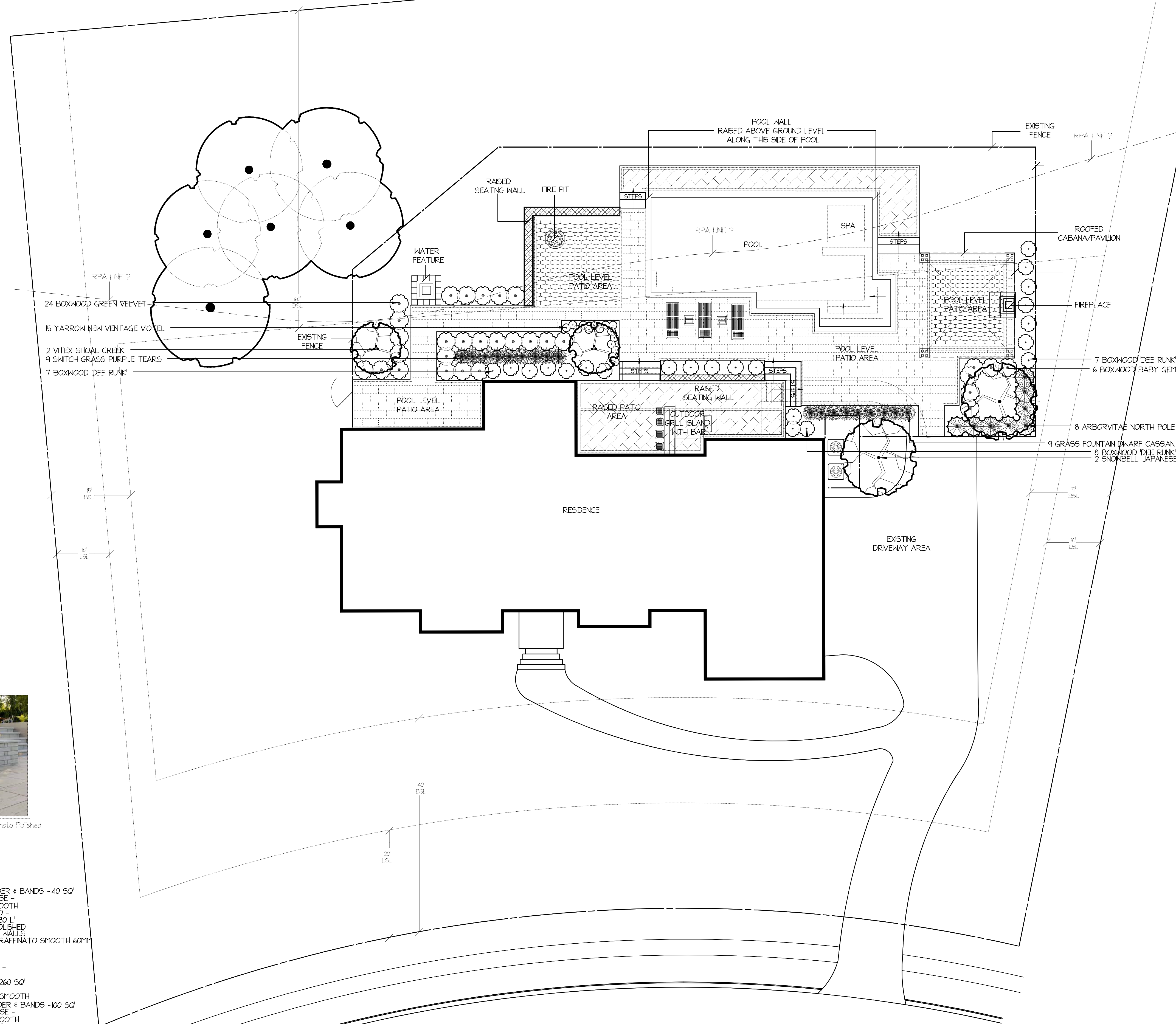
UPPER PATIO AREA -
 TOTAL AREA - 505 SQ'
 SLAB STYLE PAVER AREA - 415 SQ'
 - SET ON 45
 TECO BLOC - BLU GRANDE SMOOTH
 PLANK STYLE PAVER - BORDER & BANDS - 100 SQ'
 - MIXED 3PC - SALOR COURSE
 TECO BLOC - INDUSTRIA SMOOTH
 - 300x100 - 450x100 - 600x100 -
 RETAINING WALL - @ 24" HT - 51 L'
 SEATING WALL - @ 18" HT - 20 L'
 TECO BLOC - RAFFINATO POLISHED
 - 180x111 - 67 - 90x111 - 33 - WALLS
 WALL CAPS - TECO BLOC RAFFINATO SMOOTH 60x111
 STEPS - @ 6" HT - 65 L'
 RAISERS - RAFFINATO POLISHED 90x111
 TREADS - RAFFINATO SMOOTH 90x111

POOL LEVEL PATIO AREA
 TOTAL AREA - 2,262 SQ'
 SLAB STYLE PAVER AREA - 1,378 SQ'
 - SET IN RUNNING BOND PAT -
 TECO BLOC - BLU GRANDE SMOOTH
 PLANK STYLE PAVER - BORDER & BANDS - 145 SQ'
 - MIXED 3PC - SALOR COURSE
 TECO BLOC - INDUSTRIA SMOOTH
 - 300x100 - 450x100 - 600x100 -
 STEPS - @ 6" HT - 26 L'
 RAISERS - RAFFINATO POLISHED 90x111
 TREADS - RAFFINATO SMOOTH 90x111

FIRE PIT AREA -
 INLAY PAVER AREA - 264 SQ'
 TECO BLOC - HEXA 60
 PLANK STYLE PAVER - BORDER & BANDS - 24 SQ'
 - MIXED 3PC - SALOR COURSE
 TECO BLOC - INDUSTRIA SMOOTH
 - 300x100 - 450x100 - 600x100 -
 SEATING WALL - @ 18" HT - 34 L'
 TECO BLOC - RAFFINATO POLISHED
 - 180x111 - 67 - 90x111 - 33 - WALLS
 WALL CAPS - TECO BLOC RAFFINATO SMOOTH 60x111

CABANA AREA -
 INLAY PAVER AREA - 215 SQ'
 TECO BLOC - HEXA 60
 PLANK STYLE PAVER - BORDER & BANDS - 40 SQ'
 - MIXED 3PC - SALOR COURSE
 TECO BLOC - INDUSTRIA SMOOTH
 - 300x100 - 450x100 - 600x100 -
 RETAINING WALL - @ 12" HT - 30 L'
 TECO BLOC - RAFFINATO POLISHED
 - 180x111 - 67 - 90x111 - 33 - WALLS
 WALL CAPS - TECO BLOC RAFFINATO SMOOTH 60x111

LOWER PATIO/WALKWAY AREA -
 TOTAL AREA - 356 SQ'
 SLAB STYLE PAVER AREA - 260 SQ'
 - SET ON 45
 TECO BLOC - BLU GRANDE SMOOTH
 PLANK STYLE PAVER - BORDER & BANDS - 100 SQ'
 - MIXED 3PC - SALOR COURSE
 TECO BLOC - INDUSTRIA SMOOTH
 - 300x100 - 450x100 - 600x100 -
 SEATING WALL - @ 18" HT - 34 L'
 TECO BLOC - RAFFINATO POLISHED
 - 180x111 - 67 - 90x111 - 33 - WALLS
 WALL CAPS - TECO BLOC RAFFINATO SMOOTH 60x111



NORTH

ELDER RESIDENCE
 WILLIAMSBURG, VA.
 SCALE: 1" = 10'
 DATE: 2/24/21
 DRAWING #: LANDSCAPE PLAN - POOL AREA
 REV/SN: 4/25/21
 PRJ #: -01



Powered by DynaSCAPE



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

Capital Projects 107 Tewning Road Williamsburg, VA 23188 757-259-4080	Fleet 103 Tewning Road Williamsburg, VA 23188 757-259-4122	Stormwater and Resource Protection 101-E Mounts Bay Road Williamsburg, VA 23185 757-253-6670	Facilities & Grounds 113 Tewning Road Williamsburg, VA 23188 757-259-4080	Solid Waste 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
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May 19, 2021

RE: CBPA 21-0072
1909 North Fowler's Close
Pool, Patio, Seat Wall and Firepit

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. Autumn Hauser, Williams Landscape and Design, Inc., on behalf of Ms. Kristen Elder and Mr. Kent Saunders for encroachment into the Resource Protection Area (RPA) buffer for the construction of a pool, patio, seat wall and firepit. The project is located at 1909 North Fowler's Close and further identified as JCC Parcel No. 4320400015.

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

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, June 9, 2021 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 and Design, Inc.
Attn: Mr. Aaron Williams

MDW: jep

Mailing List for: CBPA-21-0072–1909 North Fowler’s Close – Pool, Patio, Seat Wall, & Firepit

Owner: 4320400015

Elder, Kristen & Saunders, Kent
1909 North Fowler’s Close
Williamsburg, VA 23185-7509

Contractor:

Williams Landscape and Design, Inc.
Attn: Mr. Aaron Williams
1554 Penniman Road
Williamsburg, VA 23185-3187

4320400001B-1905 N Fowler’s Close

4321500001A-1914 North Fowler’s Close

4320400001A-3211 Fowler’s Lake Road

Governor’s Land Foundation

2700 Two Rivers Road

Williamsburg, VA 23185-7600

4320400016

Hoytink, Remco Josef & Michele L

1908 North Fowler’s Close

Williamsburg, VA 23188-7569



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, JUNE 9, 2021 AT 5 P.M.** IN THE COUNTY GOVERNMENT CENTER BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA 21-0019/VMRC-2021-0915: Mid-Atlantic Resource Consulting, on behalf of Mr. Christopher and Mrs. Heidi Cook, has applied for a wetlands permit for the installation of a pier, boathouse, 2 lifts and a catwalk at 1497 John Tyler Highway, JCC Parcel ID No. 3430300006.

WJPA 21-0024/VMRC-2019-1938: Waters Edge Construction, on behalf of Deric and Andrea Amason, has applied for a wetlands permit for a revetment, offshore sill, beach nourishment and a pier at 10010 Sycamore Landing Road, JCC Parcel No. 0720400001.

WJPA 21-0025/VMRC-2019-2163: Waters Edge Construction, on behalf of David Lambey has applied for a wetlands permit for a revetment, offshore sill and beach nourishment at 10006 Sycamore Landing Road, JCC Parcel No. 0720400002.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 21-0064: Ms. Susan Maida has filed an exception request for encroachments into the resource protection area (RPA) buffer for the construction of a retaining wall at 101 Abigail Lane, JCC Parcel ID No. 5030400082.

CBPA 21-0065: Mr. Joseph and Mrs. Katherine Dvorak have filed an exception request for encroachments into the RPA buffer for the installation of steps and a patio at 111 Cove Road, JCC Parcel ID No. 4910240009.

CBPA 21-0067: Williams Landscape and Design, Inc., on behalf of Ms. Brenda Snow, has filed an exception request for encroachments into the RPA buffer for the construction of a landing at 1796 Cypress Isle, JCC Parcel ID No. 4321400006.

CBPA 21-0072: Williams Landscape and Design, Inc., on behalf of Ms. Kristen Elder and Mr. Kent Saunders have filed an exception request for encroachments into the RPA buffer for the construction and installation of a pool, patio, seat wall, firepit and plantings at 1909 Fowler's Close, JCC Parcel ID No. 4320400015.

CBPA 21-0073: Williams Landscape and Design, Inc. on behalf of Mr. James Mullins, has filed an exception request for encroachments into the RPA buffer for the construction of a patio, walkway and plantings at 205 St Cuthbert, JCC Parcel ID No. 3721000053.

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

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – MAY 26, 2021 and JUNE 2, 2021.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x9941

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

ITEM SUMMARY

DATE: 6/9/2021
TO: Chesapeake Bay Board
FROM: Michael Woolson, Section Chief - Resource Protection
SUBJECT: Case No. CBPA 21-0067 : 1796 Cypress Isle

Williams Landscape and Design, Inc., on behalf of Ms. Brenda Snow, has filed an exception request for encroachments into the RPA buffer for the construction of a landing at 1796 Cypress Isle, JCC Parcel ID No. 4321400006.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	6/8/2021 - 11:14 AM
Chesapeake Bay Group	Small, Toni	Approved	6/8/2021 - 12:34 PM
Publication Management	Daniel, Martha	Approved	6/8/2021 - 12:47 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	6/8/2021 - 4:14 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 21-0067. 1796 Cypress Isle
Staff Report for the June 9, 2021, Chesapeake Bay Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicant: Ms. Brenda Snow

Agent Ms. Autumn Hauser, Williams Landscaping and Design, Inc.

Location: 1796 Cypress Isle

Parcel Identification No.: 4321400006

Parcel: Lot 6, Cypress Isle, Governors Land

Lot Size: 1.22 acres

Area of Lot in Resource Protection Area (RPA): 0.58 acres +/- (48%)

Watershed: James River (HUC JL 30)

Floodplain: Zone AE - Base Elevation determined at Elevation 8

Proposed Activity: Construction of a landing

Impervious Cover: 500 square feet

RPA Encroachment: 500 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. Autumn Hauser, Williams Landscaping and Design, Inc., has applied for a Chesapeake Bay Exception on behalf of Ms. Brenda Snow for encroachments into the RPA buffer for the construction of a landing on property located at 1796 Cypress Isle within the Governors Land subdivision and the James River watershed. The property is further identified as James City County Tax Map Parcel No. 4321400006. The parcel was platted in 2001, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 1.22 acres, of which 48% is located within the RPA. The applicant is proposing to construct a landing at the edge of an existing path equaling approximately 500 square feet of impacts to the seaward 50-foot RPA. The applicant's intent is to construct a seating area near the water adjacent to an existing path to allow the homeowner's parents a level and stable place to sit and enjoy the outdoors and water. Required mitigation of this amount of impervious impacts to the RPA equals the plantings of one planting unit (one canopy tree, two understory trees, and six shrubs). The applicant has submitted a mitigation plan exceeding the required mitigation plantings.

STAFF EVALUATION

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

construction of a landing is considered accessory in nature and because the proposed construction will impact 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 has reviewed the application and exception request and has determined the impacts associated with the proposal to be minor for the proposed development. Staff recommends approval for this exception request and if the Board wishes to approve this request, staff recommends 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, including a building permit if necessary; and
2. A surety of \$1,000 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
3. This exception request approval shall become null and void if construction has not begun by June 9, 2022; and
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 28, 2022, six weeks prior to the expiration date.

TAL/md
CBPA21-67-1796CypresIsle

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 21-0067. 1796 CYPRESS ISLE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Brenda Snow (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on June 9, 2021, 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. 4321400006 and further identified as 1796 Cypress Isle (the “Property”) as set forth in the application CBPA 21-0067 for the purpose of constructing a landing; 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 as required for the project, including a building permit if necessary; and
 - b. A surety of \$1,000 be submitted in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
 - c. This exception request approval shall become null and void if construction has not begun by June 9, 2022; and

- d. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than April 28, 2022, 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 9th day of June, 2021.

CBPA21-67-1796CyprsIsle-res



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

Capital Projects
107 Tewning Road
Williamsburg, VA 23188
757-259-4080

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-253-6670

Facilities & Grounds
113 Tewning Road
Williamsburg, VA 23188
757-259-4080

Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

May 19, 2021

RE: CBPA 21-0067
1796 Cypress Isle
Landing

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. Autumn Hauser, Williams Landscape and Design, Inc., on behalf of Ms. Brenda Snow for encroachment into the Resource Protection Area (RPA) buffer for the construction of a landing. The project is located at 1796 Cypress Isle and further identified as JCC Parcel No. 4321400006.

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

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, June 9, 2021 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 and Design, Inc.
Attn: Mr. Aaron Williams

MDW: jep

Mailing List for: CBPA-21-0067-1796 Cypress Isle - Landing

Owner: 4321400006

Snow, Brenda L, Trustee
1796 Cypress Isle
Williamsburg, VA 23185-7554

4321400004

Wismer, John G & Vikki L
1788 Cypress Isle
Williamsburg, VA 23185-7698

4321400002

Thompson, Robert E, III Trustee & Nancy L,
Trustee
1793 Cypress Isle
Williamsburg, VA 23185-7698

4321400001

Henderson, Stuart Douglas, Trustee & Soltys,
Jacqueline Rebecca, Trustee
1797 Cypress Isle
Williamsburg, VA 23185-7698

Contractor:

Williams Landscape and Design, Inc.
Attn: Mr. Aaron Williams
1554 Penniman Road
Williamsburg, VA 23185-3187

4321400007 – 1800 Cypress Isle

Portmann, Oliver, Trustee
1796 Cypress Isle
Williamsburg, VA 23185-7554

4321400020-1801 Cypress Isle

Brodie, Glenn T & Jan L
7002 View Park Drive
Burke, VA 22015-4300



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, JUNE 9, 2021 AT 5 P.M.** IN THE COUNTY GOVERNMENT CENTER BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA 21-0019/VMRC-2021-0915: Mid-Atlantic Resource Consulting, on behalf of Mr. Christopher and Mrs. Heidi Cook, has applied for a wetlands permit for the installation of a pier, boathouse, 2 lifts and a catwalk at 1497 John Tyler Highway, JCC Parcel ID No. 3430300006.

WJPA 21-0024/VMRC-2019-1938: Waters Edge Construction, on behalf of Deric and Andrea Amason, has applied for a wetlands permit for a revetment, offshore sill, beach nourishment and a pier at 10010 Sycamore Landing Road, JCC Parcel No. 0720400001.

WJPA 21-0025/VMRC-2019-2163: Waters Edge Construction, on behalf of David Lambey has applied for a wetlands permit for a revetment, offshore sill and beach nourishment at 10006 Sycamore Landing Road, JCC Parcel No. 0720400002.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA 21-0064: Ms. Susan Maida has filed an exception request for encroachments into the resource protection area (RPA) buffer for the construction of a retaining wall at 101 Abigail Lane, JCC Parcel ID No. 5030400082.

CBPA 21-0065: Mr. Joseph and Mrs. Katherine Dvorak have filed an exception request for encroachments into the RPA buffer for the installation of steps and a patio at 111 Cove Road, JCC Parcel ID No. 4910240009.

CBPA 21-0067: Williams Landscape and Design, Inc., on behalf of Ms. Brenda Snow, has filed an exception request for encroachments into the RPA buffer for the construction of a landing at 1796 Cypress Isle, JCC Parcel ID No. 4321400006.

CBPA 21-0072: Williams Landscape and Design, Inc., on behalf of Ms. Kristen Elder and Mr. Kent Saunders have filed an exception request for encroachments into the RPA buffer for the construction and installation of a pool, patio, seat wall, firepit and plantings at 1909 Fowler's Close, JCC Parcel ID No. 4320400015.

CBPA 21-0073: Williams Landscape and Design, Inc. on behalf of Mr. James Mullins, has filed an exception request for encroachments into the RPA buffer for the construction of a patio, walkway and plantings at 205 St Cuthbert, JCC Parcel ID No. 3721000053.

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

The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – MAY 26, 2021 and JUNE 2, 2021.

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

CARD # x9941

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 ASSISTANT COUNTY ATTORNEY
 WETLANDS/CHESAPEAKE BAY BOARD MEMBERS