

A G E N D A
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
May 11, 2022
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from the April 13, 2022, Regular Meeting

D. PUBLIC HEARINGS

1. CBPA-22-0036 : 187 Waterton
2. CBPA-22-0038 : 1588 Harbor Road
3. CBPA-22-0042 : 5516 South Mallard Run
4. CBPA-22-0050 : 2405 Sarah Spence
5. CBPA-22-0051 : 141 Riverview Plantation Drive
6. CBPA-22-0021 : 8072 Fairmont Drive

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 5/11/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT:

ATTACHMENTS:

	Description	Type
📎	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	5/3/2022 - 5:02 PM
Chesapeake Bay Group	Small, Toni	Approved	5/3/2022 - 5:04 PM
Publication Management	Pobiak, Amanda	Approved	5/4/2022 - 10:13 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/4/2022 - 10:45 AM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
April 13, 2022
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for April 13, 2022, 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, Chairman
Halle Dunn, Vice Chairman
Robert Lukens
Charles Roadley
Michael O'Brien, Alternate

Board Members Absent

Larry Waltrip

Other Staff Present

Toni Small, Director, Stormwater and Resource Protection
Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection
Robin Benedict, Watershed Planner, Stormwater and Resource Protection
Trevor Long, Watershed Planner, Stormwater and Resource Protection
Liz Parman, Deputy County Attorney, County Attorney's Office

C. MINUTES

1. Minutes from the March 9, 2022, Regular Meeting

A motion to Approve the minutes was made by Mr. Lukens.

The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. CBPA-22-0030 : 100 Edgewood Lane

A motion to Approve w/ Conditions was made by Robert Lukens, the motion result was Passed.

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

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

Absent: Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. James Sizemore, Dogwood Contracting, LLC, on behalf of Mr. Daniel Grove, for encroachments into the Resource Protection Area (RPA) for the construction of a deck. The property is further identified as James City County Parcel No. 4810500025. 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.

Mr. Gussman opened the Public Hearing.

A. Mr. James Sizemore, denied knowledge pertaining to each question from the Board regarding a construction timeline outside of permitting guidelines and regarding the mitigation of water runoff during and after construction.

Mr. Gussman closed the Public Hearing.

Mr. Roadley emphasized the importance of staff communicating proper mitigation of construction runoff to applicants.

2. CBPA-22-0029 : 162 Indigo Dam Road

A motion to Approve w/ Conditions was made by Halle Dunn, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Dunn, Gussman, Lukens, O'Brien, Roadley
Absent: Waltrip

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Jonathan Beamer, Jonathan Beamer Builder Inc., on behalf of Mr. Jonathan and Mrs. Donna DeLaune for encroachments into the RPA for the installation of a sewer line. The property is further identified as James City County Parcel No. 3840100029. 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 and asked staff for clarification of some aspects of the plan.

Mr. Gussman opened the Public Hearing.

A. Mr. Jonathan Beamer, of 1001 Moyer Road, Newport News, VA, confirmed that it is necessary to cross the RPA to complete the project.

B. Mr. Jonathan DeLaune, of 1412 Jamestown Road, confirmed there is occasional runoff from Route 199, which is adjacent to the proposed construction site.

Mr. Gussman closed the Public Hearing.

3. CBPA-22-0028 : 20 Mile Course

A motion to Approve w/ Conditions was made by Charles Roadley, the motion result was Passed.
AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Dunn, Gussman, Lukens, O'Brien, Roadley
Absent: Waltrip

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Joseph Krallinger and Mr. Michael Matthews, The Structures Group, Inc., on behalf of Mr. Lawrence and Ms. Penny Pulley for encroachments into the Resource RPA for the installation of two retaining walls. The property is further identified as James City County Parcel No. 5040200020. 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 and asked staff for clarification of some aspects of the plan.

Mr. Gussman opened the Public Hearing.

A. Mr. Michael Matthews, of 104 Southpoint Drive, introduced the plan's engineer.

B. Mr. Joe Krallinger, confirmed specific aspects of the plan and further clarified plans to mitigate erosion at the site.

Mr. Gussman closed the Public Hearing.

4. CBPA-22-0021 : 8072 Fairmont Drive

A motion to Defer was made by the applicant.

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Jimmy Stringer, Home and Turf Landscapes, on behalf of Mr. Paulo and Mrs. Marcel Delgado, for encroachments into the RPA for the installation of an inground pool and patio. The property is further identified as James City County Parcel No. 1331100020. 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 and asked staff for detailed clarification of some aspects of the plan, especially regarding the encroachment into the RPA and the surface area of the proposed patio part of the installation.

Mr. Gussman opened the Public Hearing.

A. Mrs. Marcel Delgado, of 8072 Fairmont Drive, acknowledged Mr. Roadley's explanation of how he typically expects construction plans to mitigate erosion and RPA encroachment.

Mr. Gussman proposed the exception request be deferred to the next month's Regular Board Meeting in order for the plan's engineer to consider the Board's suggestions to reduce the patio's surface area and to implement more permeable materials in the patio's construction.

A. Mrs. Delgado requested an extension of the original exception request.

Mr. O'Brien suggested the engineer attend the Regular Board Meeting next month.

E. BOARD CONSIDERATIONS

1. CBPA-21-0060 : 4373 Landfall Drive

A motion to Approve w/ Conditions was made by Charles Roadley, the motion result was Passed.

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

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

Absent: Waltrip

Ms. Robin Benedict, Watershed Planner, presented the extension request for the exception originally approved by the Board on May 12, 2021. The request was originally submitted by Mr. Ricky Edgerton, Edgerton Contracting, Inc., on behalf of Mr. Jeff and Mrs. Elizabeth Hoer. The presentation described the conditions of the extension request. Staff proposed that the new expiration date of April 13, 2023 be approved.

2. CBPA-19-0037 : 499 Jolly Pond Road

A motion to Approve w/ Conditions was made by Halle Dunn, the motion result was Passed.

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

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

Absent: Waltrip

Mr. Trevor Long, Watershed Planner, presented the extension request for the exception originally approved by the Board on May 8, 2019. The exception was originally submitted by Mr. Ryan Stephenson, AES Consulting Engineers, on behalf of Colonial Heritage, LLC. Staff proposed that the new expiration date of April 13, 2023 be approved.

The Board deliberated the pros and cons of this application and asked staff for clarification of certain details of the original plan.

Mr. Gussman cited general issues surrounding COVID-19 in his suggestion for adopting the extension request despite the three-year time lapse since the original approval.

3. CBPA-21-0045 : 4055 South Riverside Drive

A motion to Approve w/ Conditions was made by Michael O'Brien, the motion result was Passed.

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

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

Absent: Waltrip

Ms. Robin Benedict, Watershed Planner, presented the extension request for the exception originally approved by the Board on April 14, 2021. The exception was originally submitted by Mw. Kathryn Wollum. Staff proposed that the new expiration date of April 13, 2023 be approved.

The Board deliberated the pros and cons of this application.

F. MATTERS OF SPECIAL PRIVILEGE

1. Resolution of Appreciation

1. Resolution of Appreciation - William Apperson

Mr. Gussman described the resolution for Mr. William Apperson, including his own expression of appreciation for Mr. Apperson's contribution to the Chesapeake Bay Board.

G. ADJOURNMENT

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

The meeting adjourned at 6:15 p.m.

ITEM SUMMARY

DATE: 5/11/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-22-0036 : 187 Waterton

CBPA-22-0036 : Ms. Autumn Hauser has applied for a Chesapeake Bay Exception on behalf of Walter F Trustee, & Virginia B Doran for encroachments into the RPA buffer for the extension of an existing porch on property located at 187 Waterton, JCC Parcel No. 3130900029.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	5/3/2022 - 5:01 PM
Chesapeake Bay Group	Small, Toni	Approved	5/3/2022 - 5:03 PM
Publication Management	Daniel, Martha	Approved	5/4/2022 - 8:46 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/4/2022 - 10:44 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0036. 187 Waterton
Staff Report for the May 11, 2022, 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. Doran and Mrs. Virginia Walter

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

Location: 187 Waterton

Parcel Identification No.: 3130900029

Parcel: L-29, S-17 Ford's Colony

Lot Size: 0.68 acres

Area of Lot in Resource Protection Area (RPA): 0.51 acres (75%)

Watershed: Powhatan Creek (JL31)

Floodplain: None

Proposed Activity: Extension of the existing porch

Impervious Cover: 60 square feet

RPA Encroachment: 60 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 Landscape & Design, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Doran and Mrs. Virginia Walter for encroachments into the RPA buffer for the extension of the existing porch located at 187 Waterton within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3130900029. The parcel was platted in 1997, prior to the changes in the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 0.68 acres, of which 75% is located within the RPA. The applicants are proposing to extend the existing patio located at the rear of the house to construct an outdoor kitchen. Total impacts to the RPA associated with this proposal equate to 60 square feet in the seaward 50-foot RPA. Required mitigation for this amount of impervious impacts equals three shrubs.

STAFF EVALUATION

Staff has evaluated the application and exception request for the extension of the existing porch. 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 porch is considered accessory in nature and the impacts encroach into the seaward 50-foot RPA buffer.

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 the 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 if necessary; and
2. The submittal of a mitigation plan equating to one canopy 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 May 11, 2023; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than March 30, 2023, six weeks prior to the expiration date.

TAL/ap
CBPA22-36_187Wtrtn

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-Error! Reference source not found.. 187 WATERTON

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, **Error! Reference source not found.**, on behalf of **Error! Reference source not found.**, (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on **Error! Reference source not found.**, 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. **Error! Reference source not found.** and further identified as **Error! Reference source not found.** (the “Property”) as set forth in the application CBPA-**Error! Reference source not found.** for the purpose of **Error! Reference source not found.**; 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:

Error! Reference source not found.

David Gussman
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of May, 2022.

CBPA22-36_187Wtrtn-res



Chesapeake Bay Board of James City County, Virginia

May 11, 2022

CBPA 22-0036

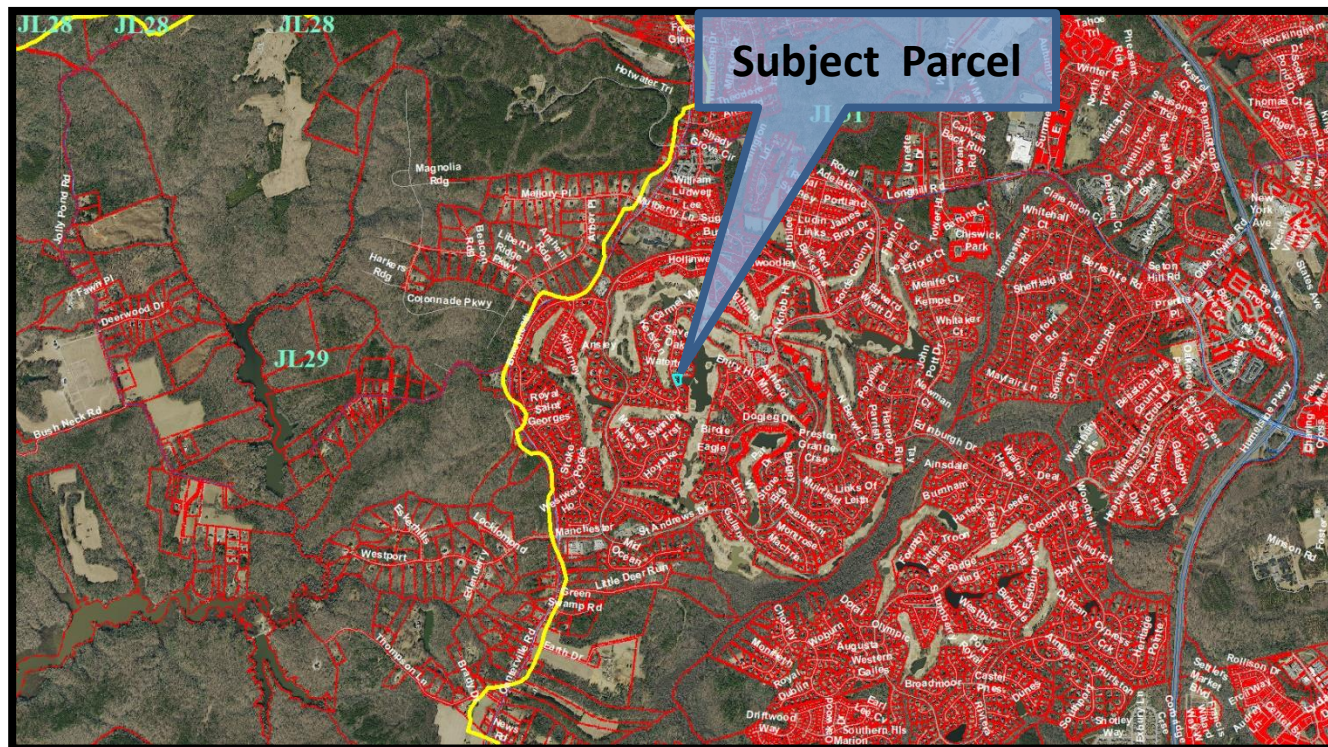
Walter and Virginia Doran

187 Waterton

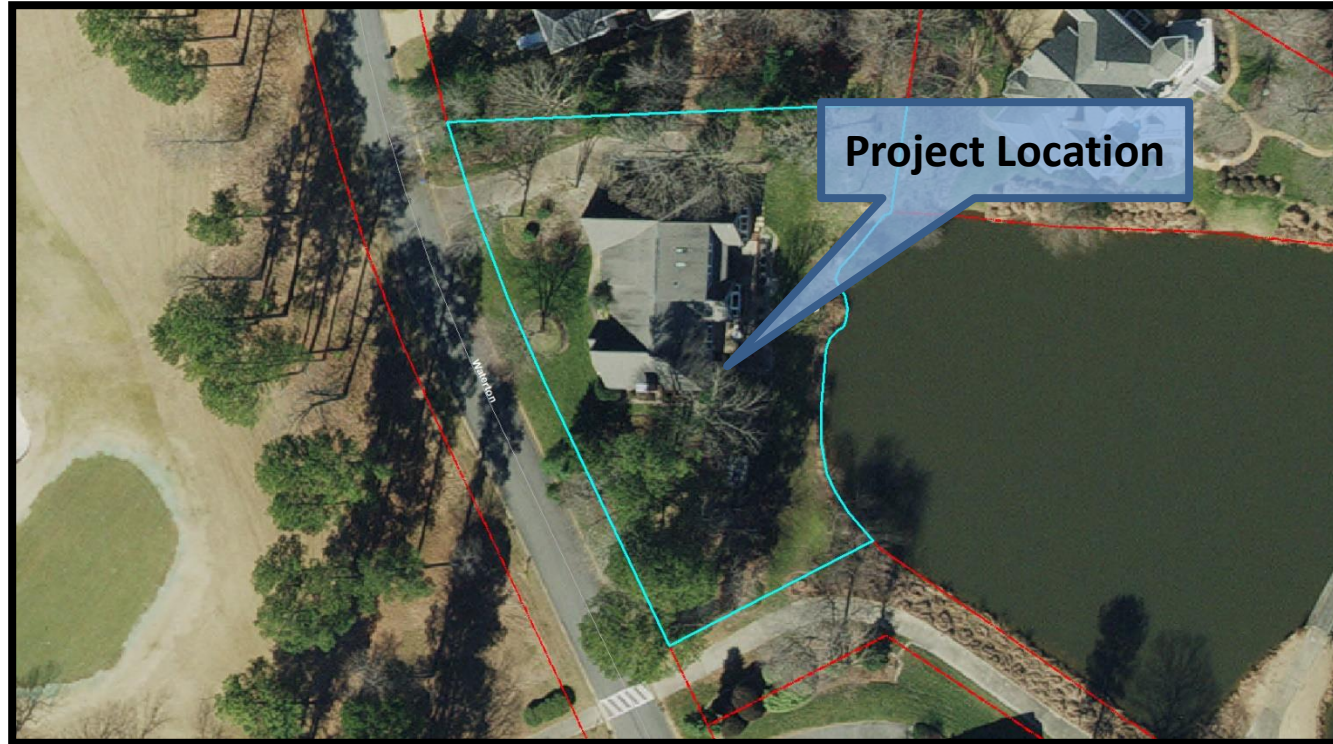


Applicant Request

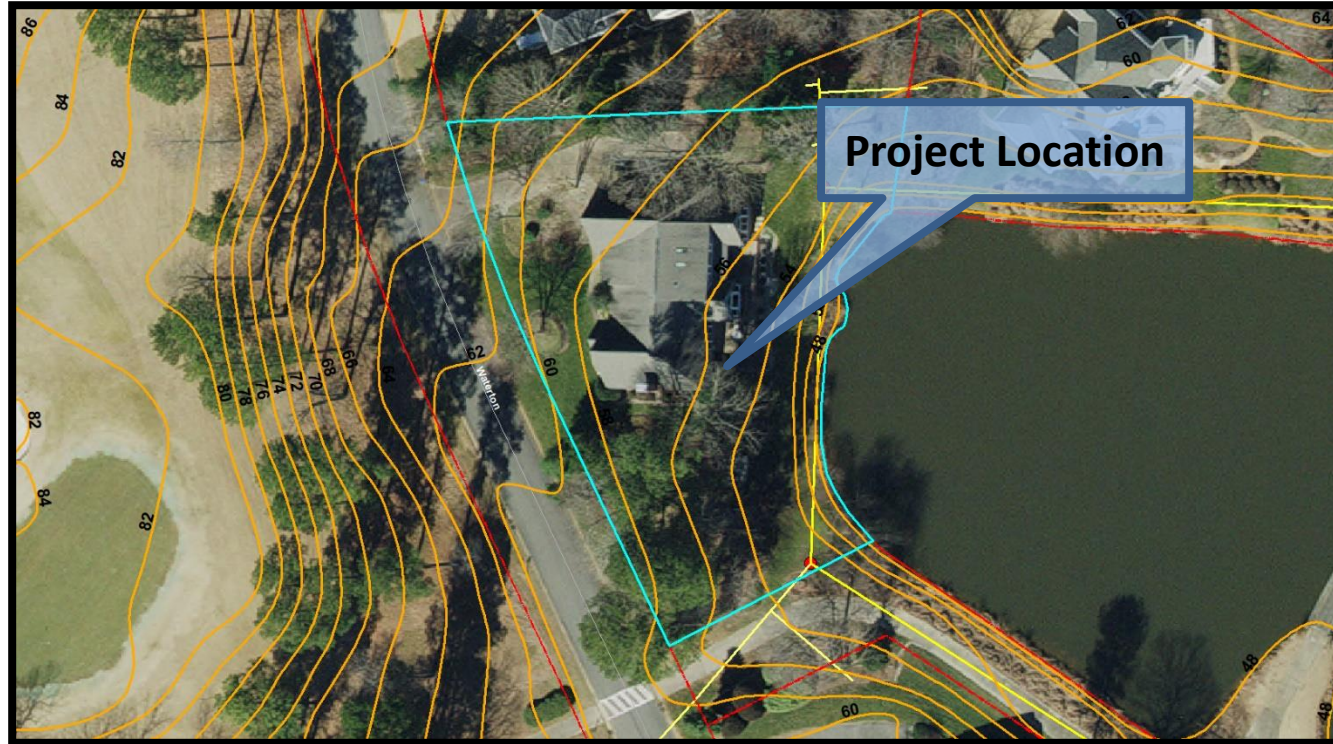
- ✓ Construction of a porch.



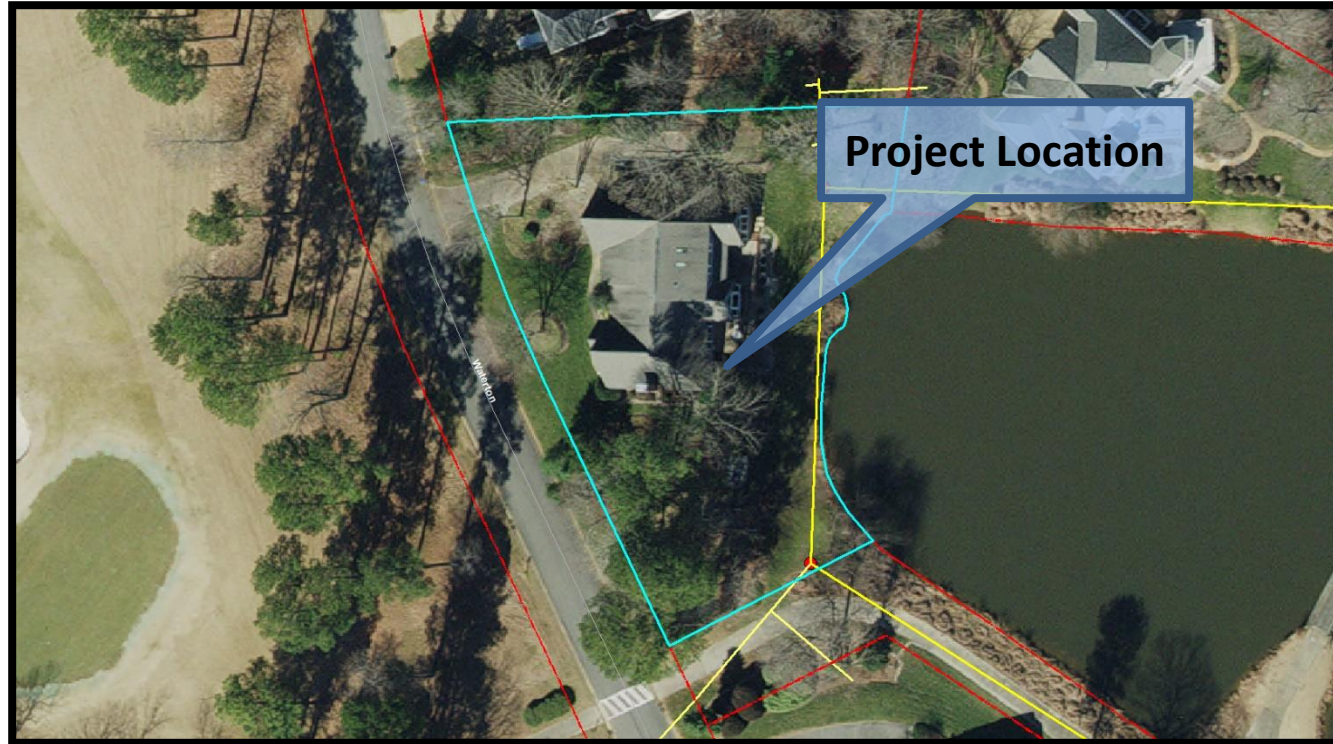
Vicinity Map
CBPA-22-0036
187 Waterton



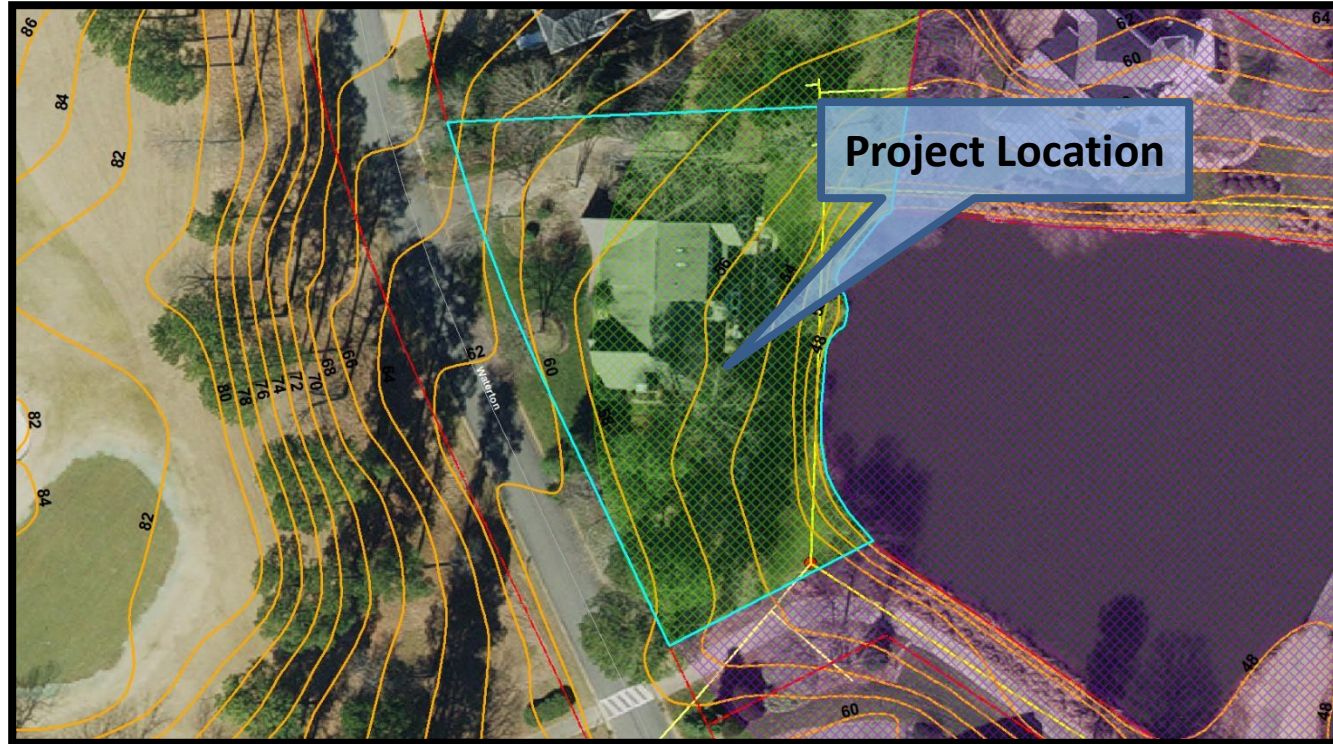
Aerial Photograph
CBPA-22-0036
187 Waterton



Topography
CBPA-22-0036
187 Waterton

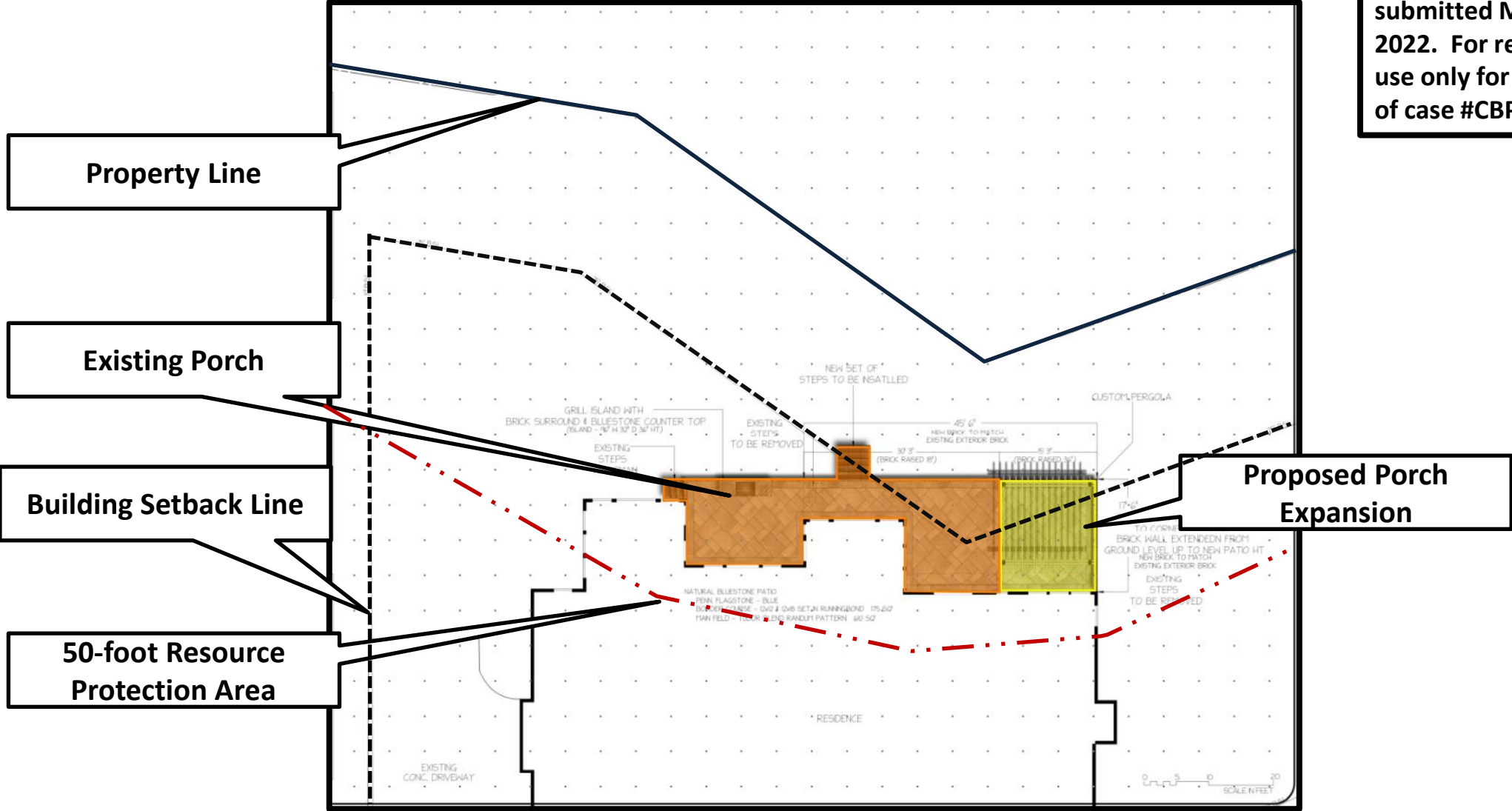


Sanitary Sewer
CBPA-22-0036
187 Waterton



Resource Protection Area
CBPA-22-0036
187 Waterton

Site Plan showing proposed improvements, submitted March 17, 2022. For representative use only for presentation of case #CBPA-22-0036



Property Line

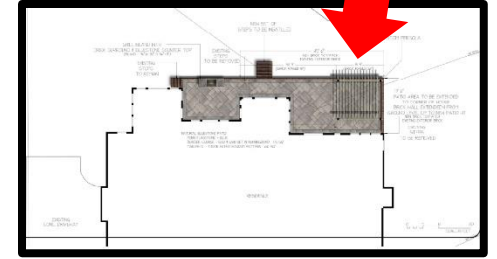
Existing Porch

Building Setback Line

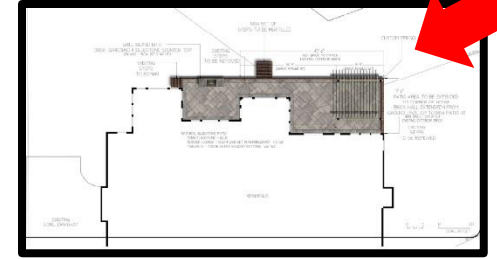
50-foot Resource Protection Area

Proposed Porch Expansion

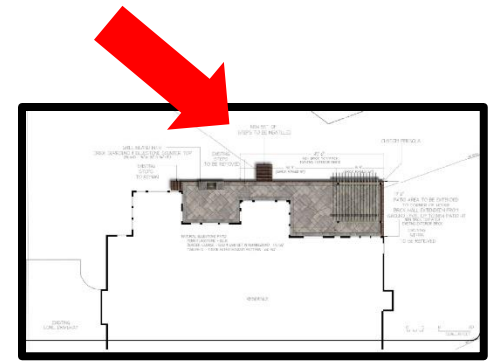
Site Plan - CBPA-22-0036
187 Waterton



**Site Photograph #1 - CBPA-22-0036
187 Waterton**



**Site Photograph #2 - CBPA-22-0036
187 Waterton**



**Site Photograph #3 - CBPA-22-0036
187 Waterton**

Considerations



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

- ✓ The exception request is the minimum necessary to afford relief; and
- ✓ Granting the exception will not confer upon the Applicants any special privileges denied by Chapter 23 to other property owners similarly situated in the vicinity; and
- ✓ The exception request will be in harmony with the purpose and intent of Chapter 23 and is not of substantial detriment to water quality; and
- ✓ 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
- ✓ Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

Permit Conditions

Staff Recommendation – Approval



- ✓ All other necessary local, state and federal permits
- ✓ A mitigation plan equating to 3 shrubs
- ✓ A surety of \$250 to guarantee plantings
- ✓ This exception request approval shall become null and void if construction has not begun by May 11, 2023
- ✓ Written requests for extension submitted no later than March 30, 2023



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
757-259-6670

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

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

CLUBCORP NV XV LLC
PO BOX 2539
SAN ANTONIO, TX 78299-2539

RE: CBPA-22-0036
187 Waterton
Porch extension

April 18, 2022

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 Walter F Trustee, & Virginia B Doran for encroachments into the Resource Protection Area (RPA) buffer for the extension of the existing porch on property located at 187 Waterton, JCC Parcel No. 3130900029.

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, May 11, 2022, 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,

Trevor Long

Trevor Long
Chesapeake Bay Board Secretary
757-253-6789
trevor.long@jamescitycountyva.gov

PIN	Last Name	Address Line 1	City	State	Zip Code
3040100002	CLUBCORP NV XV LLC	PO BOX 2539	SAN ANTONIO	TX	78299-2539
3130900031	CHAMBERS, JAMES E TRUSTEE & SANDRA L	104 LONGBOAT	WILLIAMSBURG	VA	23188-8406
3130900029	DORAN, WALTER F TRUSTEE &	187 WATERTON	WILLIAMSBURG	VA	23188-8400
3130900015	WAGNER, JACK L TRUSTEE &	191 WATERTON	WILLIAMSBURG	VA	23188-8400
3130900001B	FORDS COLONY AT WILLIAMSBURG	100 MANCHESTER	WILLIAMSBURG	VA	23188-7404
3130900001A	FORDS COLONY AT WILLIAMSBUR HOME	100 MANCHESTER	WILLIAMSBURG	VA	23188-7404
3130900016	MILLER, GREGORY NELSON & MARIE LISA	3405 LIBERTY RIDGE PKWY	WILLIAMSBURG	VA	23188-7605
3130900030	DONNELLY, PETER A & NINA B	183 WATERTON	WILLIAMSBURG	VA	23188-8400



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, Wednesday, May 11, 2022 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0036: Ms. Autumn Hauser has applied for a Chesapeake Bay Exception on behalf of Walter F Trustee, & Virginia B Doran for encroachments into the Resource Protection Area (RPA) buffer for the extension of an existing porch on property located at 187 Waterton, JCC Parcel No. 3130900029.

CBPA-22-0038: Mrs. Gayle and Mr. Richard Flynn have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of artificial turf on property located at 1588 Harbor Road, JCC Parcel No. 4310200021.

CBPA-22-0042: Mr. Lance Beuschel has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a patio on property located at 5516 South Mallard Run, JCC Parcel No. 3140600028.

CBPA-22-0050: Mr. Chase Grogg, LandTech Resources, Inc. has applied for a Chesapeake Bay Exception on behalf of Ms. Lisa Goodman for encroachments into the RPA buffer for the installation of a pool and patio on property located at 2405 Sarah Spence, JCC Parcel No. 4840200017.

CBPA-22-0051: Mr. Edward Jordan has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a deck and access path on property located at 141 Riverview Plantation Drive, JCC Parcel No. 1640500002.

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 – Wednesday, April 27, 2022 and Wednesday, May 4, 2022.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x6648

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

ITEM SUMMARY

DATE: 5/11/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-22-0038 : 1588 Harbor Road

Mrs. Gayle and Mr. Richard Flynn have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of artificial turf on property located at 1588 Harbor Road, JCC Parcel No. 4310200021.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	5/3/2022 - 5:01 PM
Chesapeake Bay Group	Small, Toni	Approved	5/3/2022 - 5:03 PM
Publication Management	Pobiak, Amanda	Approved	5/4/2022 - 8:58 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/4/2022 - 10:45 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0038. 1588 Harbor Road
Staff Report for the May 11, 2022, 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. Richard and Mrs. Gayle Flynn

Agent: None

Location: 1588 Harbor Road

Parcel Identification No.: 4310200021

Parcel: Lot 21, The Harbor, The Governor's Land

Lot Size: 0.30 acres

Area of Lot in Resource Protection Area (RPA): 0.18 acres (60%)

Watershed: Gordon Creek (JL29)

Floodplain: None

Proposed Activity: Installation of artificial turf

Impervious Cover: 400 square feet

RPA Encroachment: 400 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Richard and Mrs. Gayle Flynn have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of artificial turf located at 1588 Harbor Road within the Governor's Land subdivision and the Gordon Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4310200021. The parcel was platted in 1994, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990. The RPA, originally expanding 50 feet from the water, was expanded in 2004 to the current 100-foot buffer in 2004 after the Ordinance revisions.

The total lot size of this property is 0.30 acres, of which 60% is located within the RPA. In October of 2021, officials from the James City County Stormwater and Resource Protection Division received notice that artificial turf had been installed on this property without the submission of a Chesapeake Bay Preservation Exception Request. The applicants purchased this home in 2020 and the artificial turf had been installed by the previous owner. Total impacts to the RPA associated with this proposal equate to 400 square feet of impacts to the seaward 50-foot RPA. This project will also encroach on conservation easement located behind the house. Required mitigation for this amount of impervious impacts equals one planting unit (one canopy tree, two understory trees, and three shrubs).

STAFF EVALUATION

Staff has evaluated the application and exception request for the installation of artificial turf. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the installation of artificial turf is considered accessory in nature and the filter media constructed underneath the turf is a compacted gravel. This exception request is being heard by the Board after the initial construction of the project.

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 the 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; and
2. The submittal of a mitigation plan equating to one planting unit (one canopy tree, two understory trees, and three shrubs) be submitted to the Stormwater and Resource Protection Division; and
3. A surety of \$500 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 May 11, 2023; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than March 30, 2023, six weeks prior to the expiration date.

TAL/ap
CBPA22-38_1588HarborRd

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0038 JAMES CITY COUNTY

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Richard and Mrs. Gayle Flynn, (the “Applicants”), have applied to the Chesapeake Bay Board of James City County (the “Board”) on May 11, 2022, 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.4310200021 and further identified as 1588 Harbor Road (the “Property”) as set forth in the application CBPA-22-0038 for the purpose of installation of artificial turf; 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; and
 - b) The submittal of a mitigation plan equating to one planting unit (one canopy tree, two understory trees, and three shrubs) be submitted to the Stormwater and Resource Protection Division; and
 - c) A surety of \$500 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 May 11, 2023; and

- e) Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than March 30, 2023, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

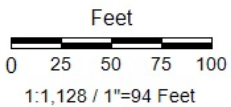
Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of May, 2022.

CBPA22-38_1588HarborRd-res



Legend

□ Parcels



Title:

Date: 4/22/2022

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



Chesapeake Bay Board of James City County, Virginia

May 11, 2022

CBPA 22-0038

Richard and Gayle Flynn

1588 Harbor Road

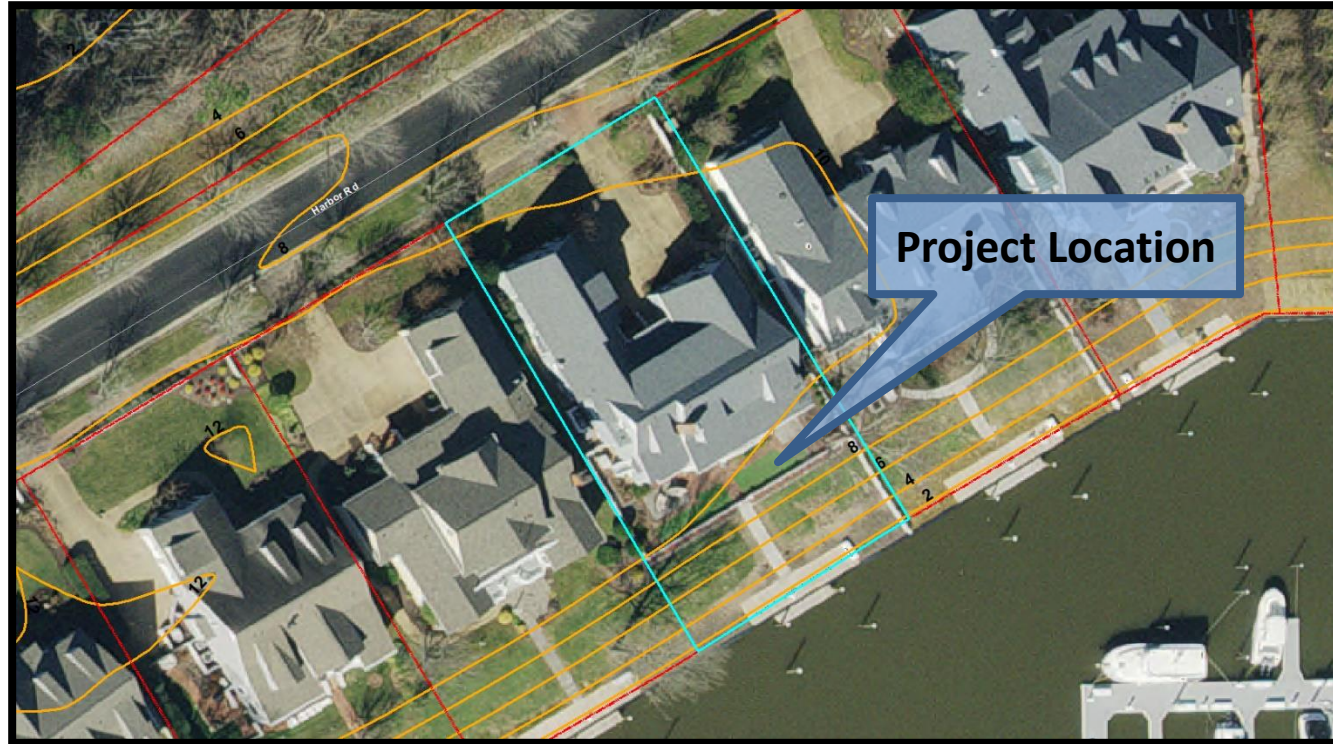


Applicant Request

- ✓ Installation of artificial turf.



Aerial Photograph
CBPA-22-0038
1588 Harbor Road



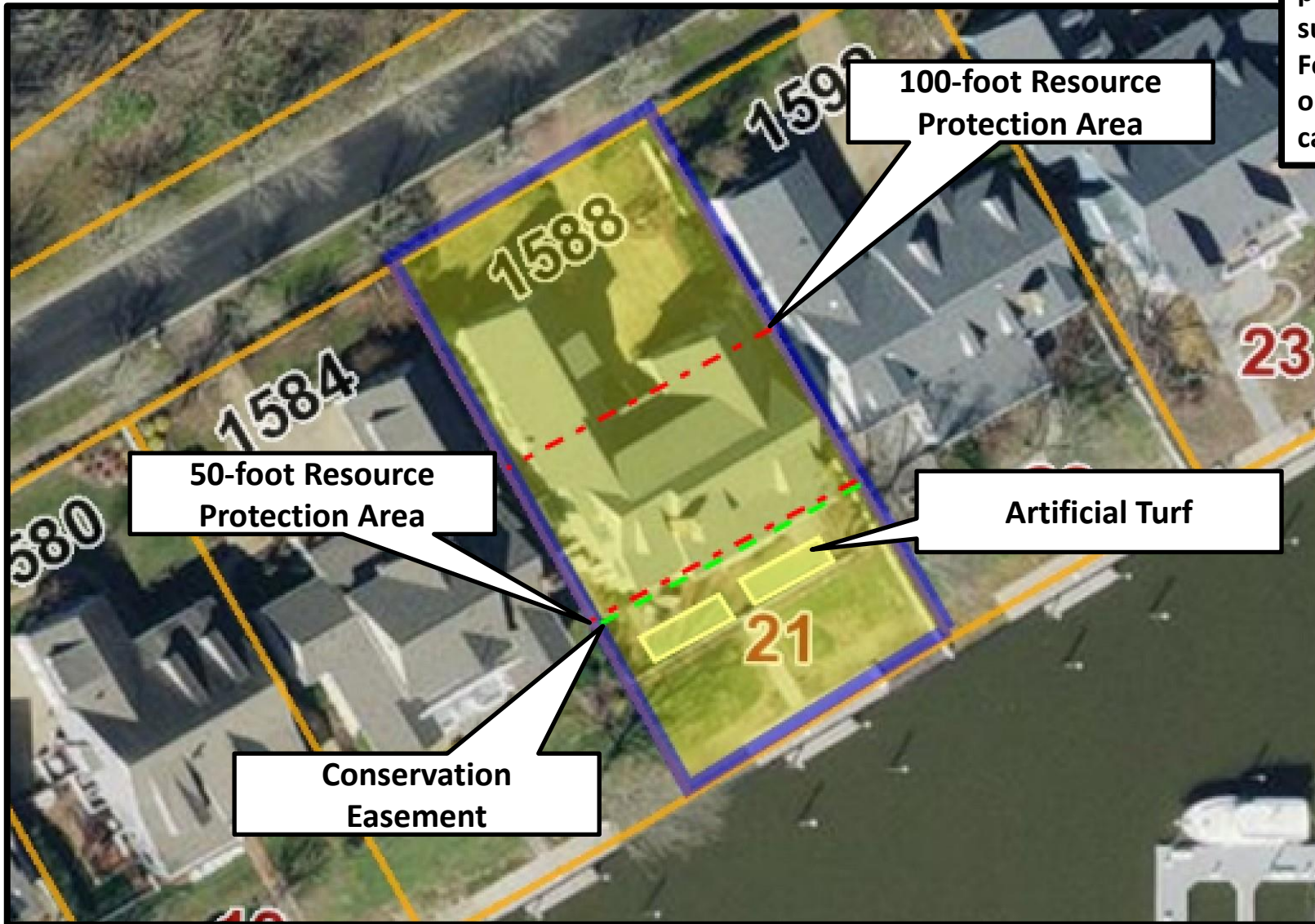
Topography
CBPA-22-0038
1588 Harbor Road



Resource Protection Area
CBPA-22-0038
1588 Harbor Road



Conservation Easement
CBPA-22-0038
1588 Harbor Road



Site Plan showing proposed improvements, submitted March 4, 2022. For representative use only for presentation of case #CBPA-22-0038

100-foot Resource Protection Area

50-foot Resource Protection Area

Artificial Turf

Conservation Easement

Site Plan - CBPA-22-0038
1588 Harbor Road



Site Photograph #1 - CBPA-22-0038
1588 Harbor Road



Site Photograph #2 - CBPA-22-0038
1588 Harbor Road



April 21, 2022



Site Photograph #3 - CBPA-22-0038
1588 Harbor Road

Considerations



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

- ✓ The exception request is the minimum necessary to afford relief; and
- ✓ Granting the exception will not confer upon the Applicants any special privileges denied by Chapter 23 to other property owners similarly situated in the vicinity; and
- ✓ The exception request will be in harmony with the purpose and intent of Chapter 23 and is not of substantial detriment to water quality; and
- ✓ 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
- ✓ Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

Permit Conditions

Staff Recommendation – Approval



- ✓ All other necessary local, state and federal permits
- ✓ A mitigation plan equating to 1 planting units
- ✓ A surety of \$500 to guarantee plantings
- ✓ This exception request approval shall become null and void if construction has not begun by May 11, 2023
- ✓ Written requests for extension submitted no later than March 30, 2023



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
757-259-6670

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

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

GOVERNOR'S LAND FOUNDATION
2700 TWO RIVERS RD
WILLIAMSBURG, VA 23185-7600

RE: CBPA-22-0038
1588 Harbor Road
Turf installation

April 18, 2022

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. Richard and Mrs. Gayle Flynn for encroachments into the Resource Protection Area (RPA) buffer for the installation of artificial turf on property located at 1588 Harbor Road, JCC Parcel No. 4310200021.

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, May 11, 2022, 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,

Trevor Long

Trevor Long
Chesapeake Bay Board Secretary
757-253-6789
trevor.long@jamescitycountyva.gov

PIN	Last Name	Address Line 1	City	State	Zip Code
431020001B	GOVERNOR'S LAND FOUNDATION	2700 TWO RIVERS RD	WILLIAMSBURG	VA	23185-7600
432070001A	GOVERNOR'S LAND FOUNDATION	1400 TWO RIVERS RD	WILLIAMSBURG	VA	23185-7685
4310200020	CARROLL, RANDALL WILLIAM & ELLEN	1584 HARBOR RD	WILLIAMSBURG	VA	23185-7630
4310200022	CSO REVOCABLE LIVING TRUST	1592 HARBOR RD	WILLIAMSBURG	VA	23185-7630
4310200021	FLYNN, RICHARD J & GAYLE M	1588 HARBOR RD	WILLIAMSBURG	VA	23185-7630
432070001B	GOVERNOR'S LAND FOUNDATION	2700 TWO RIVERS RD	WILLIAMSBURG	VA	23185-7600



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, Wednesday, May 11, 2022 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0036: Ms. Autumn Hauser has applied for a Chesapeake Bay Exception on behalf of Walter F Trustee, & Virginia B Doran for encroachments into the Resource Protection Area (RPA) buffer for the extension of an existing porch on property located at 187 Waterton, JCC Parcel No. 3130900029.

CBPA-22-0038: Mrs. Gayle and Mr. Richard Flynn have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of artificial turf on property located at 1588 Harbor Road, JCC Parcel No. 4310200021.

CBPA-22-0042: Mr. Lance Beuschel has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a patio on property located at 5516 South Mallard Run, JCC Parcel No. 3140600028.

CBPA-22-0050: Mr. Chase Grogg, LandTech Resources, Inc. has applied for a Chesapeake Bay Exception on behalf of Ms. Lisa Goodman for encroachments into the RPA buffer for the installation of a pool and patio on property located at 2405 Sarah Spence, JCC Parcel No. 4840200017.

CBPA-22-0051: Mr. Edward Jordan has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a deck and access path on property located at 141 Riverview Plantation Drive, JCC Parcel No. 1640500002.

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 – Wednesday, April 27, 2022 and Wednesday, May 4, 2022.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x6648

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

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0038. 1588 Harbor Road
Staff Report for the May 11, 2022, 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. Richard and Mrs. Gayle Flynn
Agent: None
Location: 1588 Harbor Road
Parcel Identification No.: 4310200021
Parcel: Lot 21, The Harbor, The Governor’s Land
Lot Size: 0.30 acres
Area of Lot in Resource Protection Area (RPA): 0.18 acres (60%)
Watershed: Gordon Creek (JL29)
Floodplain: None
Proposed Activity: Installation of artificial turf Impervious Cover: 400 square feet
RPA Encroachment: 400 square feet, seaward 50-foot RPA
Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Richard and Mrs. Gayle Flynn have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of artificial turf located at 1588 Harbor Road within the Governor’s Land subdivision and the Gordon Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4310200021. The parcel was platted in 1994, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990. The RPA, originally expanding 50 feet from the water, was expanded in 2004 to the current 100-foot buffer in 2004 after the Ordinance revisions.

The total lot size of this property is 0.30 acres, of which 60% is located within the RPA. In October of 2021, officials from the James City County Stormwater and Resource Protection Division received notice that artificial turf had been installed on this property without the submission of a Chesapeake Bay Preservation Exception Request. The applicants purchased this home in 2020 and the artificial turf had been installed by the previous owner. Total impacts to the RPA associated with this proposal equate to 400 square feet of impacts to the seaward 50-foot RPA. This project will also encroach on conservation easement located behind the house. Required mitigation for this amount of impervious impacts equals one planting unit (one canopy tree, two understory trees, and three shrubs).

STAFF EVALUATION

Staff has evaluated the application and exception request for the installation of artificial turf. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the installation of artificial turf is considered accessory in nature and the filter media constructed underneath the turf is a compacted gravel. This exception request is being heard by the Board after the initial construction of the project.

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 the 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; and
2. The submittal of a mitigation plan equating to one planting unit (one canopy tree, two understory trees, and three shrubs) be submitted to the Stormwater and Resource Protection Division; and
3. A surety of \$500 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 May 11, 2023; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than March 30, 2023, six weeks prior to the expiration date.

TAL/ap
CBPA22-38_1588HarborRd

Attachments:

1. Resolution
2. Site Plan

ITEM SUMMARY

DATE: 5/11/2022

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: CBPA-22-0042 : 5516 South Mallard Run

Mr. Lance Beuschel has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a patio on property located at 5516 South Mallard Run, JCC Parcel No. 3140600028.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	5/3/2022 - 5:02 PM
Chesapeake Bay Group	Small, Toni	Approved	5/3/2022 - 5:04 PM
Publication Management	Pobiak, Amanda	Approved	5/4/2022 - 9:26 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/4/2022 - 10:45 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA- 22-0042. 5516 South Mallard Run
Staff Report for the May 11, 2022, 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. Lance Beuschel
Agent: None
Location: 5516 South Mallard Run
Parcel Identification No.: 3140600028
Parcel: Lot 27, Section 1, Warhill
Lot Size: 0.52 acres
Area of Lot in Resource Protection Area (RPA): 0.14 acres (27%)
Watershed: Powhatan Creek (JL31)
Floodplain: None
Proposed Activity: Construction of a patio
Impervious Cover: 300 square feet
RPA Encroachment: 300 square feet, landward 50-foot RPA
Staff Contact: Trevor A. Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Lance Beuschel has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a patio located at 5516 South Mallard Run within the Mallard Hill subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3140600028. The parcel was platted in 1991, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.52 acres, of which 27% is located within the RPA. The applicant is proposing to build a patio to the rear of the existing home. Total impacts to the RPA associated with this proposal equate to 300 square feet to the landward 50-foot RPA. Required mitigation for this amount of impervious impacts equals one canopy tree and three shrubs.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a patio. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because a patio is 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 Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity; and
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality; and
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances, either permitted or non-conforming that are related to adjacent parcels; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

STAFF RECOMMENDATIONS

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 the 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; and
2. The submittal of a mitigation plan equating to one canopy tree and three shrubs be submitted to the Stormwater and Resource Protection Division; and
3. A surety of \$500 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 May 11, 2023; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than March 30, 2023, six weeks prior to the expiration date.

TAL/ap
CBPA22-42_5516SMallRn

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0042. 5516 SOUTH MALLARD RUN

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Lance Beuschel, (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 11, 2022, 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. 3140600028 and further identified as 5516 South Mallard Run (the “Property”) as set forth in the application CBPA-22-0042 for the purpose of construction of 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 Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a) The applicant must obtain all other necessary federal, state, and local permits as required for the project; and
 - b) The submittal of a mitigation plan equating to one canopy tree and three shrubs be submitted to the Stormwater and Resource Protection Division; and
 - c) A surety of \$500 be submitted in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and

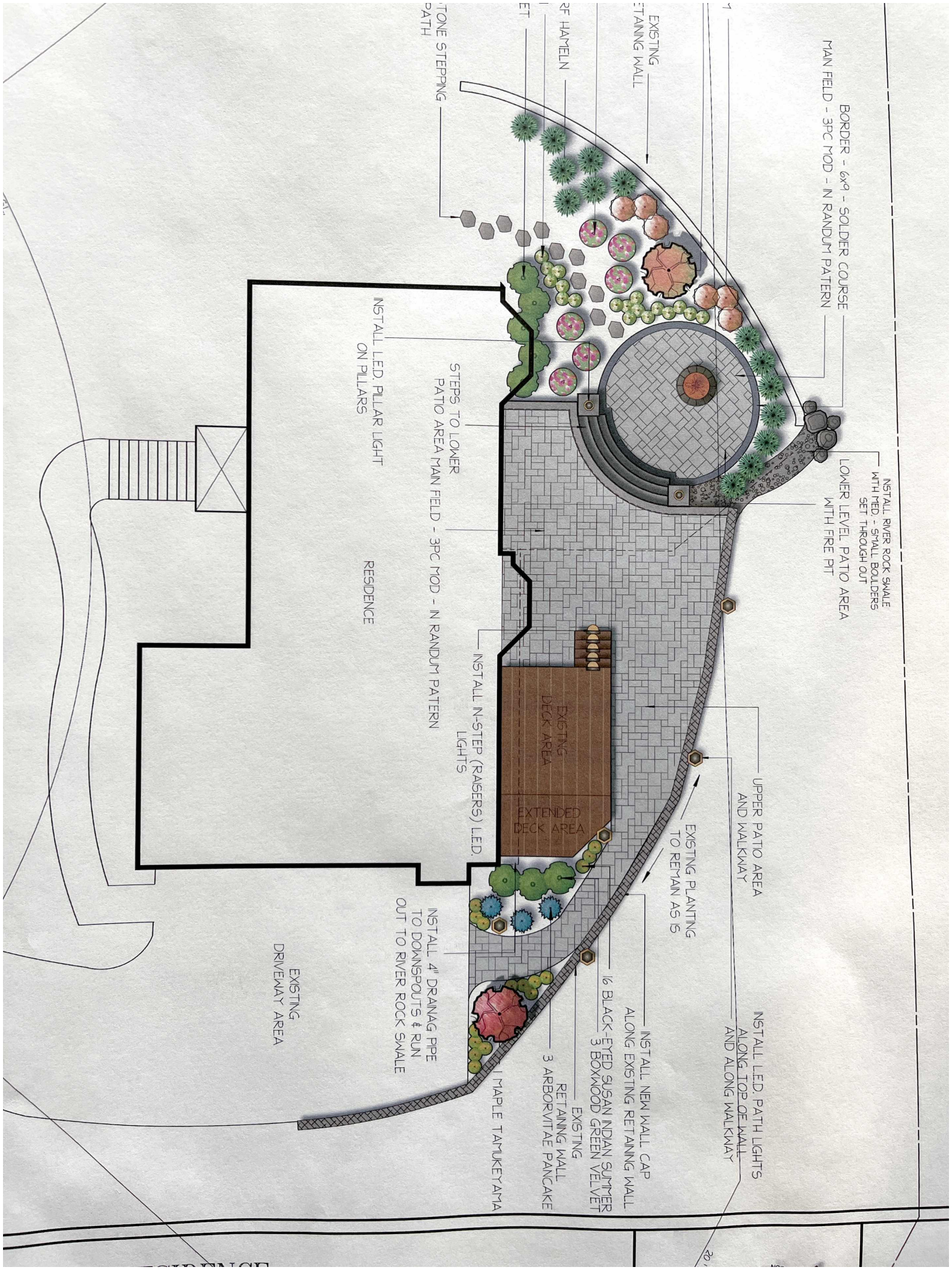
- d) This exception request approval shall become null and void if construction has not begun by May 11, 2023; and
- e) Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than March 30, 2023, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of May, 2022.

CBPA22-42_5516SMallRn-res



BORDER - 6x9 - SOLDER COURSE
MAN FIELD - 3PC MOD - N RANDUM PATERN

INSTALL RIVER ROCK SWALE
WITH MED - STALL BOLDERS
SET THROUGH OUT
LOWER LEVEL PATIO AREA
WITH FIRE PIT

UPPER PATIO AREA
AND WALKWAY

INSTALL LED. PATH LIGHTS
ALONG TOP OF WALL
AND ALONG WALKWAY

EXISTING
STAINING WALL

EXISTING PLANTING
TO REMAIN AS IS

INSTALL NEW WALL CAP
ALONG EXISTING RETAINING WALL
1/6 BLACK-EYED SUSAN NDAN SUMMER
3 BOXWOOD GREEN VELVET

EXISTING
RETAINING WALL
3 ARBORVITAE PANCAKE

1 MAPLE TAMUKETAMA

EXISTING
DECK AREA
EXTENDED
DECK AREA

INSTALL N-STEP (RAISERS) LED.
LIGHTS

STEPS TO LOWER
PATIO AREA MAN FIELD - 3PC MOD - N RANDUM PATERN

INSTALL LED. PILLAR LIGHT
ON PILLARS

RESIDENCE

EXISTING
DRIVEWAY AREA

INSTALL 4" DRAINAG PIPE
TO DOWNSPOUTS & RUN
OUT TO RIVER ROCK SWALE

STONE STEPPING
PATH

RF HAMELN



Chesapeake Bay Board of James City County, Virginia

May 11, 2022

CBPA 22-0042

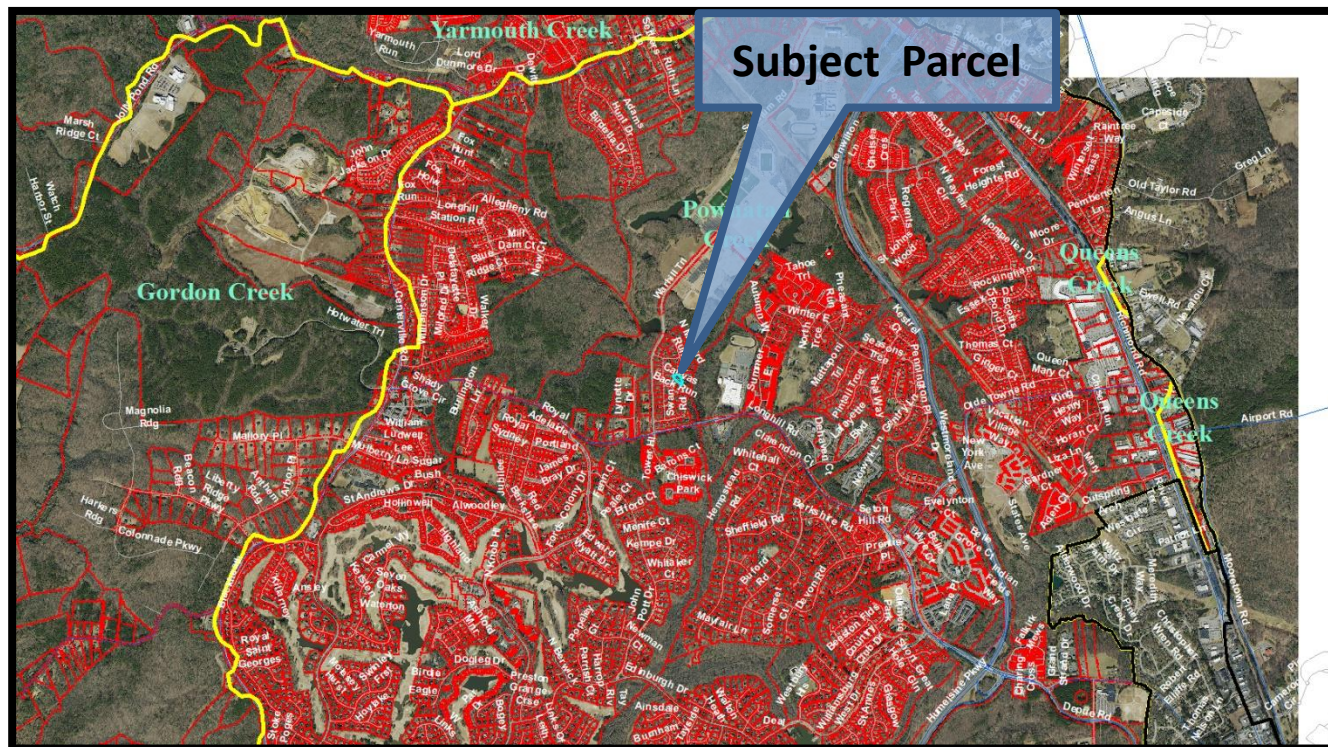
Lance Beuschel

5516 South Mallard Run



Applicant Request

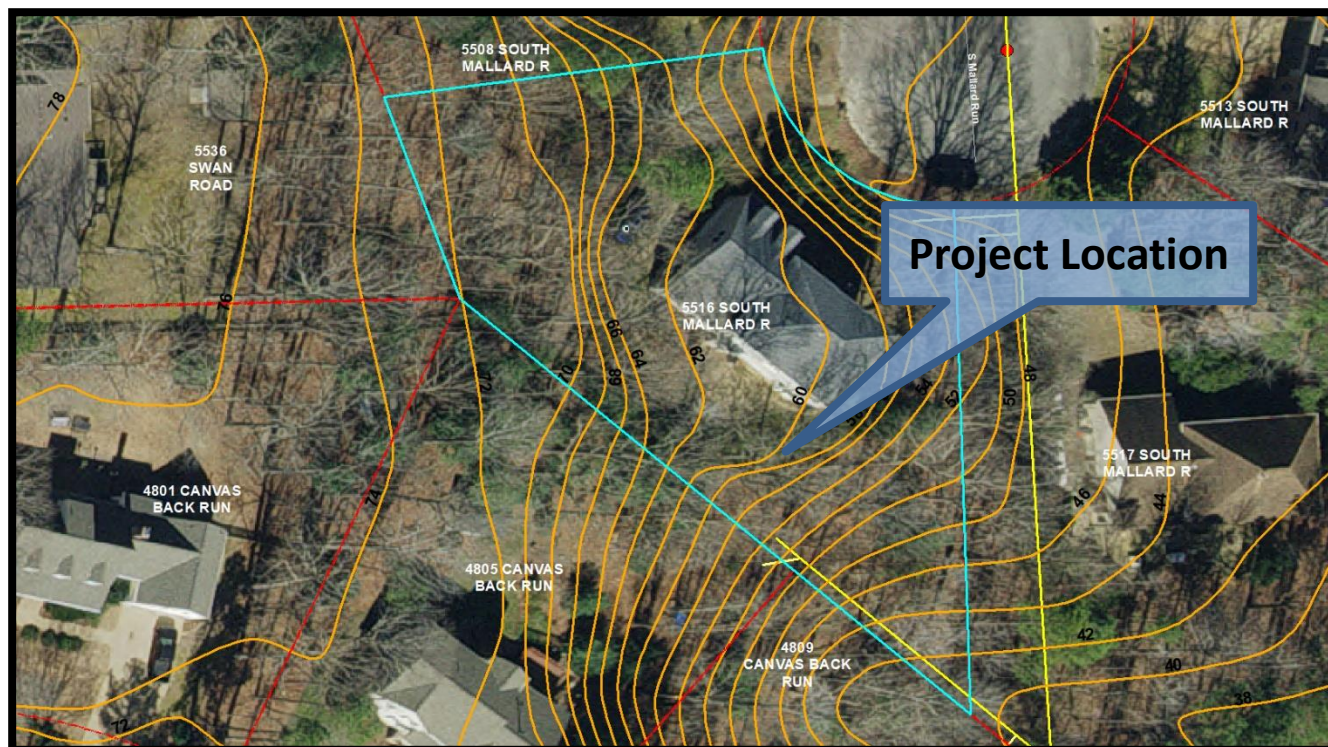
- ✓ Construction of a patio.



Vicinity Map
CBPA-22-0042
5516 South Mallard Run



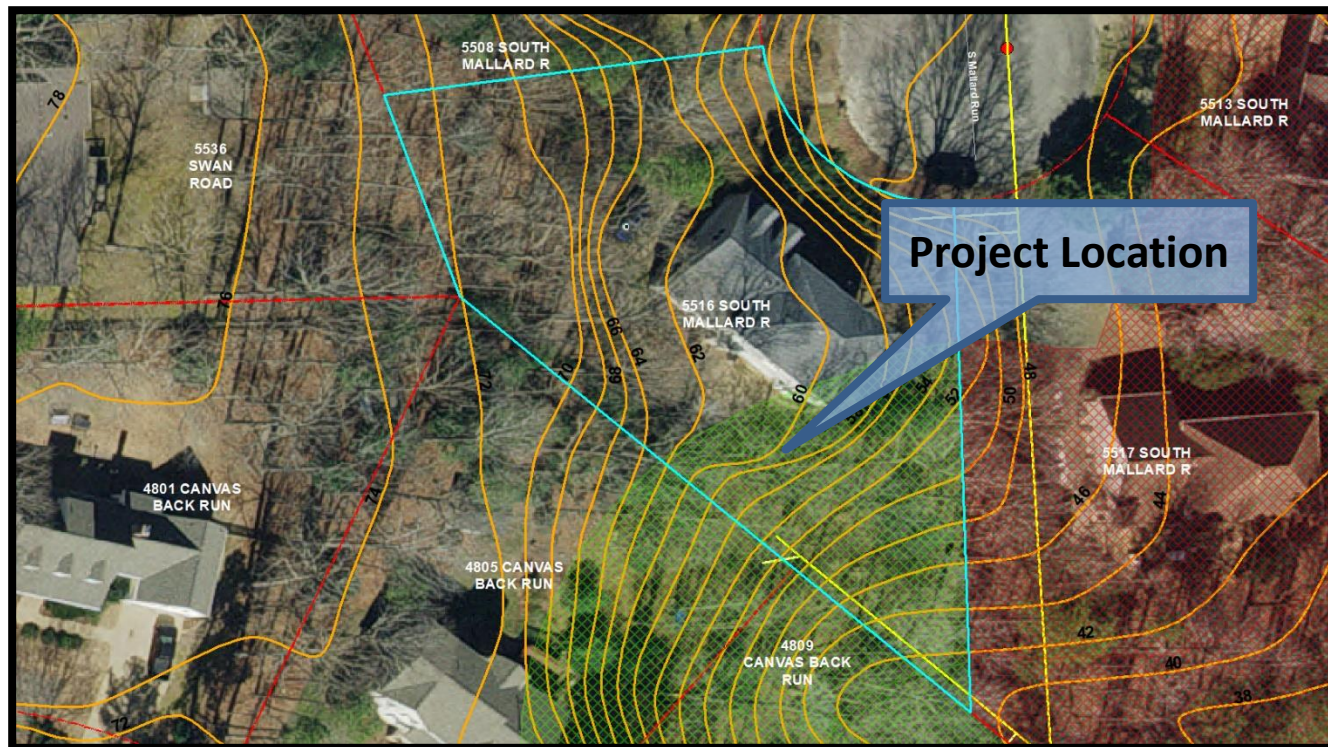
Aerial Photograph
CBPA-22-0042
5516 South Mallard Run



Topography
CBPA-22-0042
5516 South Mallard Run

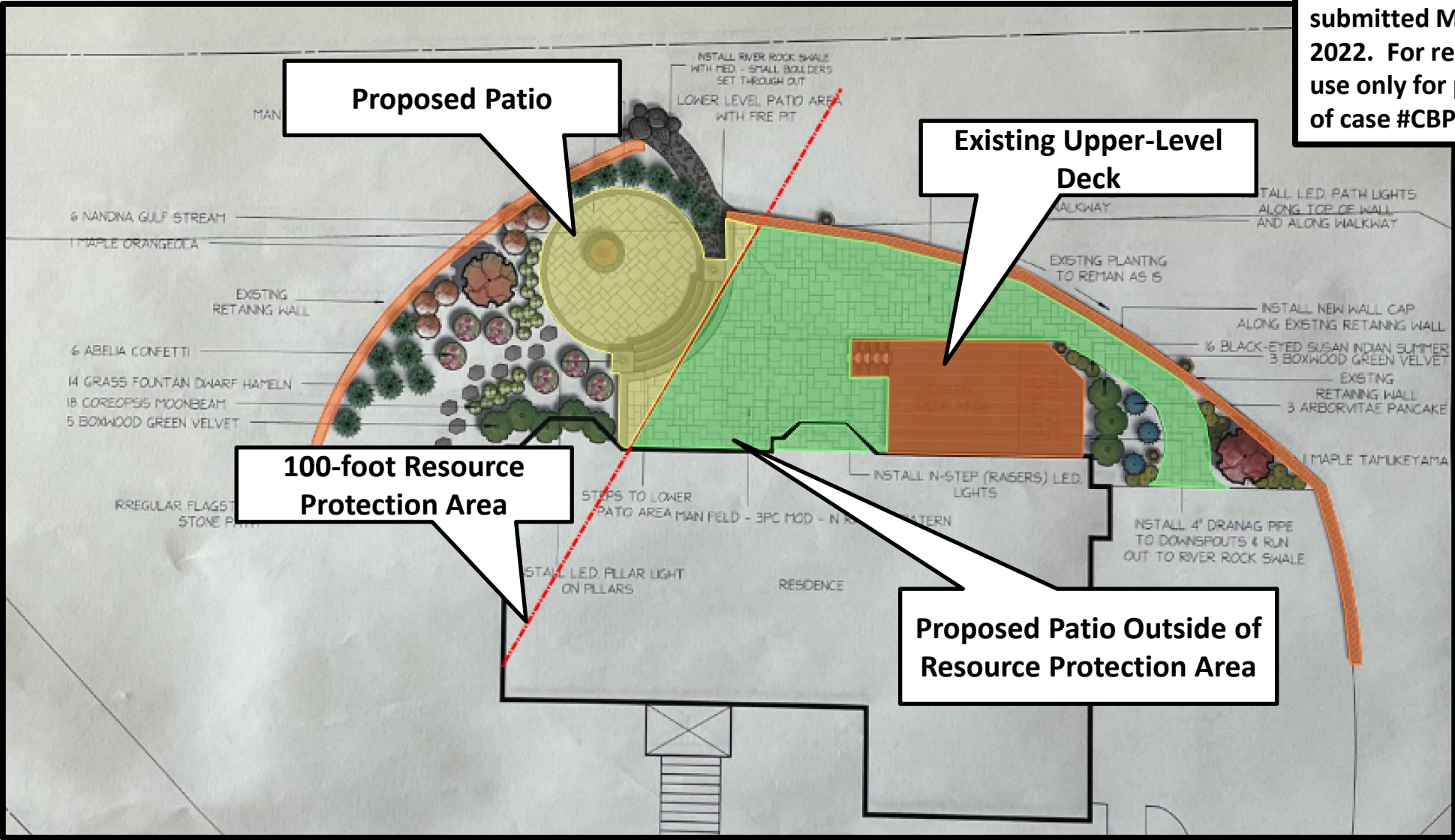


Sanitary Sewer
CBPA-22-0042
5516 South Mallard Run



Resource Protection Area
CBPA-22-0042
5516 South Mallard Run

Site Plan showing proposed improvements, submitted March 24, 2022. For representative use only for presentation of case #CBPA-22-0042



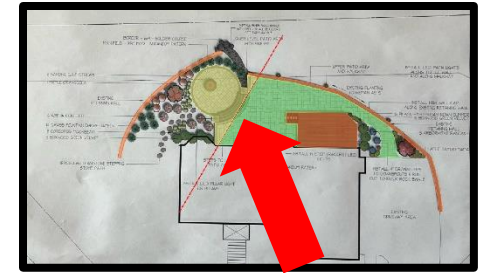
100-foot Resource Protection Area

Proposed Patio

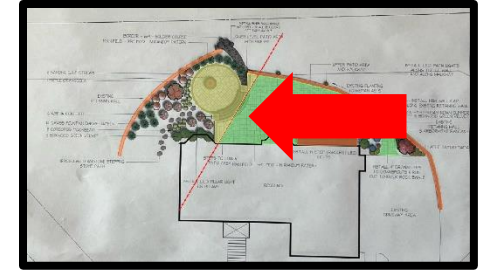
Existing Upper-Level Deck

Proposed Patio Outside of Resource Protection Area

Site Plan - CBPA-22-0042
5516 South Mallard Run



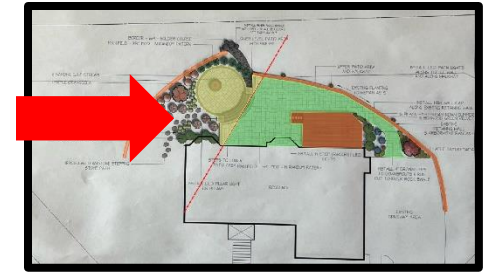
Site Photograph #1 - CBPA-22-0042
5516 South Mallard Run



Site Photograph #2 - CBPA-22-0042
5516 South Mallard Run



**Site Photograph #3 - CBPA-22-0042
5516 South Mallard Run**



Site Photograph #4 - CBPA-22-0042
5516 South Mallard Run

Considerations



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

- ✓ The exception request is the minimum necessary to afford relief; and
- ✓ Granting the exception will not confer upon the Applicants any special privileges denied by Chapter 23 to other property owners similarly situated in the vicinity; and
- ✓ The exception request will be in harmony with the purpose and intent of Chapter 23 and is not of substantial detriment to water quality; and
- ✓ 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
- ✓ Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

Permit Conditions

Staff Recommendation – Approval



- ✓ All other necessary local, state and federal permits
- ✓ A mitigation plan equating to 1 canopy tree and 3 shrubs
- ✓ A surety of \$500 to guarantee plantings
- ✓ This exception request approval shall become null and void if construction has not begun by May 11, 2023
- ✓ Written requests for extension submitted no later than March 30, 2023



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

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**Stormwater and
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757-259-6670

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

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

YELICH, JOHN M
4813 CANVAS BACK RUN
WILLIAMSBURG, VA 23188-9409

RE: CBPA-22-0042
5516 South Mallard Run
Patio construction

April 18, 2022

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. Lance Beuschel, for encroachments into the Resource Protection Area (RPA) buffer for the construction of a patio on property located at 5516 South Mallard Run, JCC Parcel No. 3140600028.

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, May 11, 2022, 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,

Trevor Long

Trevor Long
Chesapeake Bay Board Secretary
757-253-6789
trevor.long@jamescitycountyva.gov

PIN	Last Name	Address Line 1	City	State	Zip Code
3140600017	YELICH, JOHN M	4813 CANVAS BACK RUN	WILLIAMSBURG	VA	23188-9409
3140600018	SMITH ERIC T & DINA K	4809 CANVAS BACK RUN	WILLIAMSBURG	VA	23188-9409
3140600019	HEILMAN, PAUL A & ANN C	4805 CANVAS BACK RUN	WILLIAMSBURG	VA	23188-9409
3140600020	MARSHALL, JOHN B & CHRISIE A	4801 CANVAS BACK RUN	WILLIAMSBURG	VA	23188-9409
3140600030	HAMIC, MYKESHA A & WYNN RYAN	576 TIERRA BELLA DR	ALAMOGORDO	NM	88310-9630
3140600027	LANEHART, JESSE I TRUSTEE JR & GLEND	5508 S MALLARD RUN	WILLIAMSBURG	VA	23188-9416
3140600028	BEUSCHEL, LANCE TRUSTEE &	5516 S MALLARD RUN	WILLIAMSBURG	VA	23188-9416
3140600029	KENNEDY, DAVID & MADELINE RENEE	PO BOX 260	LIGHTFOOT	VA	23090-0260
3140600021	STURM, JAMES O TRUSTEE	5536 SWAN RD	WILLIAMSBURG	VA	23188-9407
3140600022	QUESENBERRY, GUY H TRUSTEE	635 SUNNYVALE ROAD	DUGSPUR	VA	24325-3765



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, Wednesday, May 11, 2022 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0036: Ms. Autumn Hauser has applied for a Chesapeake Bay Exception on behalf of Walter F Trustee, & Virginia B Doran for encroachments into the Resource Protection Area (RPA) buffer for the extension of an existing porch on property located at 187 Waterton, JCC Parcel No. 3130900029.

CBPA-22-0038: Mrs. Gayle and Mr. Richard Flynn have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of artificial turf on property located at 1588 Harbor Road, JCC Parcel No. 4310200021.

CBPA-22-0042: Mr. Lance Beuschel has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a patio on property located at 5516 South Mallard Run, JCC Parcel No. 3140600028.

CBPA-22-0050: Mr. Chase Grogg, LandTech Resources, Inc. has applied for a Chesapeake Bay Exception on behalf of Ms. Lisa Goodman for encroachments into the RPA buffer for the installation of a pool and patio on property located at 2405 Sarah Spence, JCC Parcel No. 4840200017.

CBPA-22-0051: Mr. Edward Jordan has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a deck and access path on property located at 141 Riverview Plantation Drive, JCC Parcel No. 1640500002.

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 – Wednesday, April 27, 2022 and Wednesday, May 4, 2022.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x6648

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

ITEM SUMMARY

DATE: 5/11/2022

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: CBPA-22-0050 : 2405 Sarah Spence

Mr. Chase Grogg, LandTech Resources, Inc. has applied for a Chesapeake Bay Exception on behalf of Ms. Lisa Goodman for encroachments into the RPA buffer for the installation of a pool and patio on property located at 2405 Sarah Spence, JCC Parcel No. 4840200017.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	5/3/2022 - 5:02 PM
Chesapeake Bay Group	Small, Toni	Approved	5/3/2022 - 5:04 PM
Publication Management	Daniel, Martha	Approved	5/4/2022 - 8:33 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/4/2022 - 10:45 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA- 22-0050. 2405 Sarah Spence Court
Staff Report for the May 11, 2022, 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. Lisa Goodman

Agent: Mr. Chase Grogg, LandTech Resources, Inc.

Location: 2405 Sarah Spence Court

Parcel Identification No.: 4840200017

Parcel: Lot 17, Phase 2, Vineyards at Jockey's Neck

Lot Size: 0.78 acres

Area of Lot in Resource Protection Area (RPA): 0.4 acres (51%)

Watershed: College Creek (JL34)

Floodplain: None

Proposed Activity: Installation of a pool and patio

Impervious Cover: 516 square feet

RPA Encroachment: 516 square feet, landward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Ms. Lisa Goodman for encroachments into the RPA buffer for the installation of a pool and patio located at 2405 Sarah Spence Court within the Vineyards at Jockey's Neck subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4840200017. The parcel was platted in 1990, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.78 acres, of which 51% is located within the RPA. The applicant is proposing to install a pool and patio to the rear of the existing home. The applicant came before the Board on February 14, 2018 and received approval for the construction of a pool, patio, driveway extension, and detached garage. The applicant is now proposing an approximate 923 square foot pool and surrounding patio in a different location than the approved 112 square foot pool. Additionally, there is a 132 square foot impervious patio area that the newly proposed pool will cover and 80 square feet of previously approved driveway area that was not constructed. Therefore, total new impact to the RPA associated with this proposal equates to 482 square feet of impacts to the landward 50-foot RPA. There is an existing bio-Retention filter that will treat the newly proposed impervious cover. Required mitigation for this amount

of impervious impacts equates to one planting unit (one canopy tree, two understory trees, and three shrubs). The applicant has proposed to plant one planting unit, therefore satisfying County mitigation requirements.

STAFF EVALUATION

Staff has evaluated the application and exception request for the installation 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 is 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 Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity; and
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality; and
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances, either permitted or non-conforming that are related to adjacent parcels; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined the impacts associated with this proposal and previous approvals to be major for the proposed development. Staff recommends approval for this exception request and if the Board wishes to approve the 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. The planting of one planting unit (one canopy tree, two understory trees, and three shrubs); and
3. A surety of \$500 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 May 11, 2023; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than March 30, 2023, six weeks prior to the expiration date.

TAL/ap
CBPA22-50_2405SarahSpnc

- Attachments:
1. Resolution
 2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0050. 2405 SARAH SPENCE COURT

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Lisa Goodman, (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 11, 2022, 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. 4840200017 and further identified as 2405 Sarah Spence Court (the “Property”) as set forth in the application CBPA-22-0050 for the purpose of installation of a pool 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 Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a) The applicant must obtain all other necessary federal, state, and local permits as required for the project; and
 - b) The planting of one planting unit (one canopy tree, two understory trees, and three shrubs); and
 - c) A surety of \$500 be submitted in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and

- d) The exception request approval shall become null and void if construction has not begun by May 11, 2023; and
- e) Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than March 30, 2023, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of May, 2022.

CBPA22-50_2405SarahSpnc-res



Chesapeake Bay Board of James City County, Virginia

May 11, 2022

CBPA 22-0050

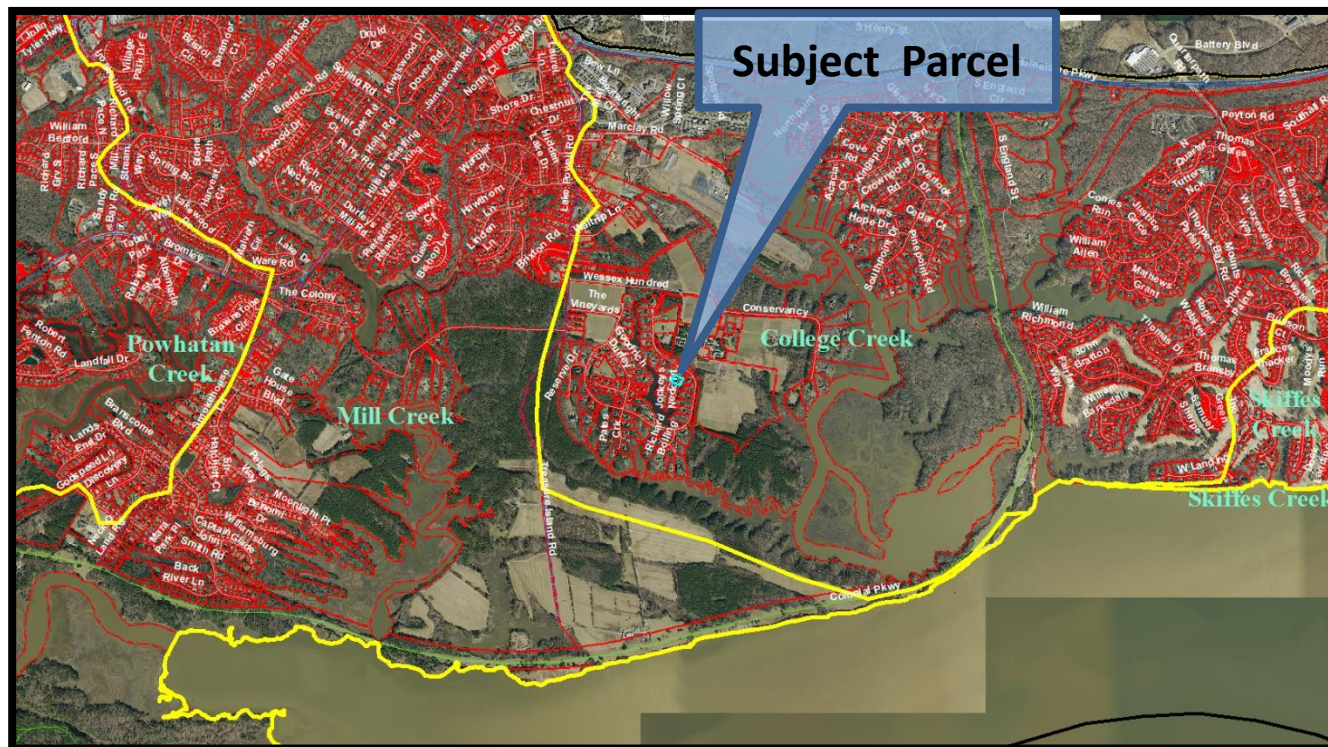
Lisa Goodman

2405 Sarah Spence



Applicant Request

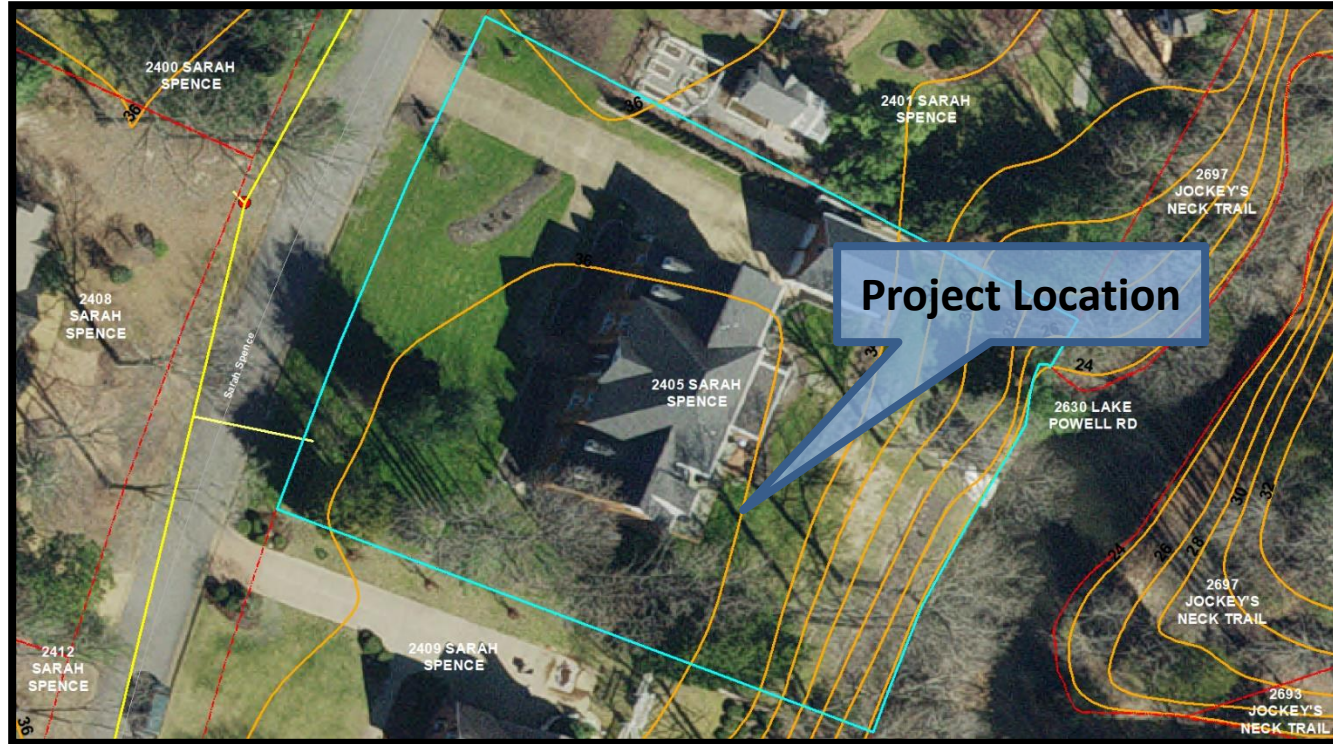
- ✓ Construction of a pool.



Vicinity Map
CBPA-22-0050
2405 Sarah Spence



Aerial Photograph
CBPA-22-0050
2405 Sarah Spence



Topography
CBPA-22-0050
2405 Sarah Spence



Sanitary Sewer
CBPA-22-0050
2405 Sarah Spence

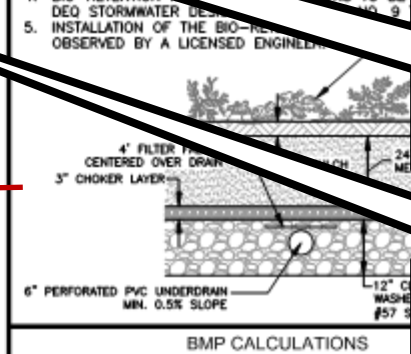


Resource Protection Area
CBPA-22-0050
2405 Sarah Spence

Site Plan showing proposed improvements, submitted April 1, 2022. For representative use only for presentation of case #CBPA-22-0050

BMP #1-BIO-RETENTION FILTER
IMPERVIOUS AREA = 4,831 S.F.
TREATMENT VOLUME -
 $T_v = 5,288 \text{ S.F.} \times 0.04'$
 $T_v = 212 \text{ cf}$
MEDIA DEPTH -
SOIL MEDIA ($\psi=0.25$): DEPTH=24"
GRAVEL ($\psi=0.40$): DEPTH=12"
CHOKER ($\psi=0.20$): DEPTH=3"
SURFACE PONDING ($\psi=1.00$): DEPTH=6"
BIO FILTER EQUIVALENT STORAGE DEPTH -
 $D_{eq} = (2.00' \times 0.25) + (1.00' \times 0.40)$
 $+ (0.25 \times 0.20) + (0.50' \times 1.00)$
 $D_{eq} = 1.45'$
BIO FILTER SURFACE AREA (SA) =
 $SA = 212 \text{ cf} / 1.45'$
 $SA = 146 \text{ S.F.}^*$
* THE MINIMUM REQUIRED SURFACE AREA FOR A BIO FILTER IS 150 S.F.

NOTES:
1. A 6" UNDERDRAIN IS REQUIRED WITHOUT PROPER INFILTRATION TESTING.
2. EXCAVATION IS NOT TO BE VERTICAL.
3. SOIL SAMPLES TO BE TAKEN FROM VA DEQ STORMWATER DESIGNATION NO. 9 TABLE 9.4.
4. BIO-RETENTION CALCULATIONS TO BE SWORN FROM VA DEQ STORMWATER DESIGNATION NO. 9.
5. INSTALLATION OF THE BIO-RETENTION TO BE OBSERVED BY A LICENSED ENGINEER.

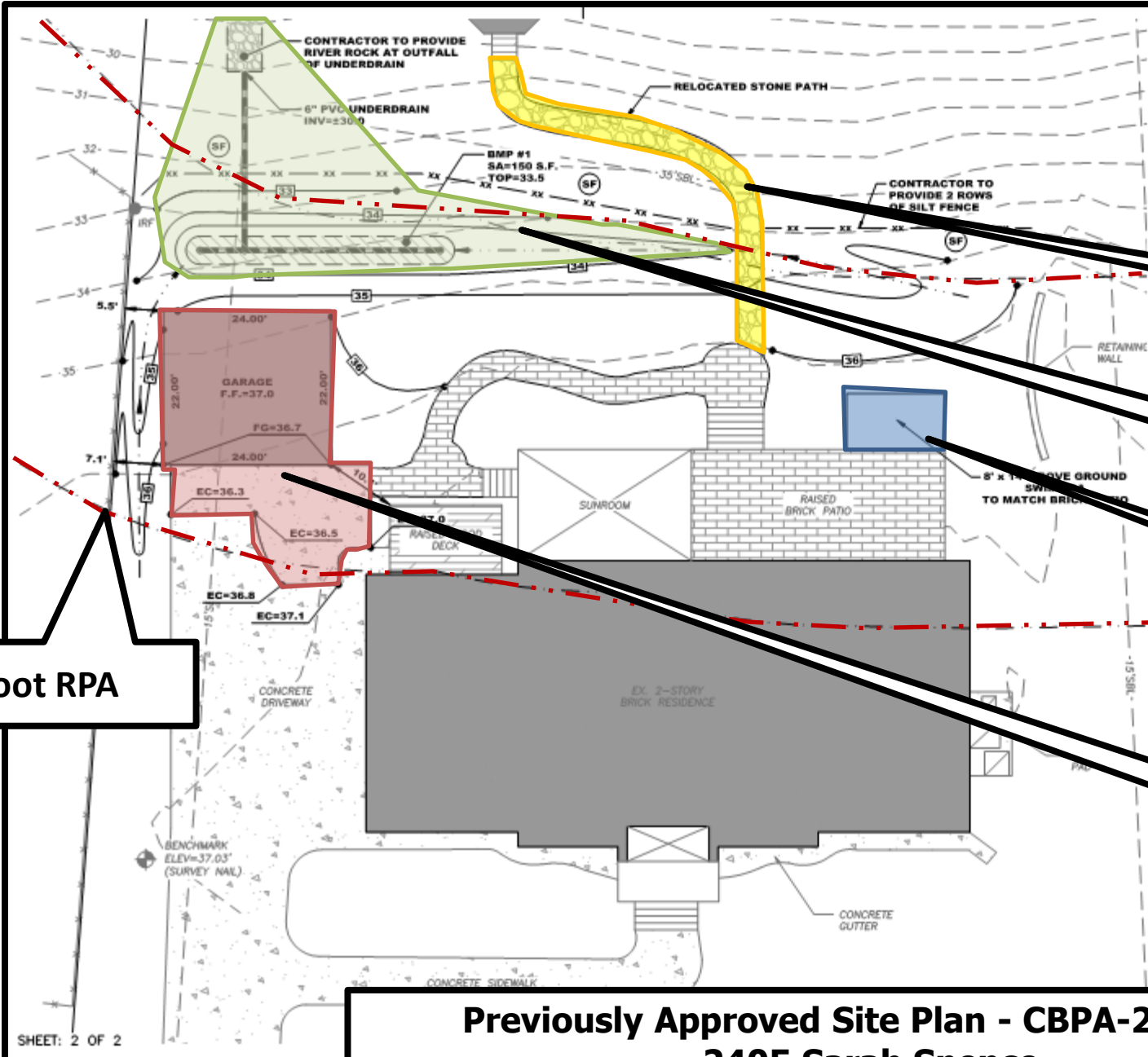


Relocated Path

Proposed Rain Garden (bio-retention area)

Lap Pool (Now Swim Spa)

Proposed Detached Garage and Driveway Extension



100-foot RPA

Previously Approved Site Plan - CBPA-22-0050
2405 Sarah Spence

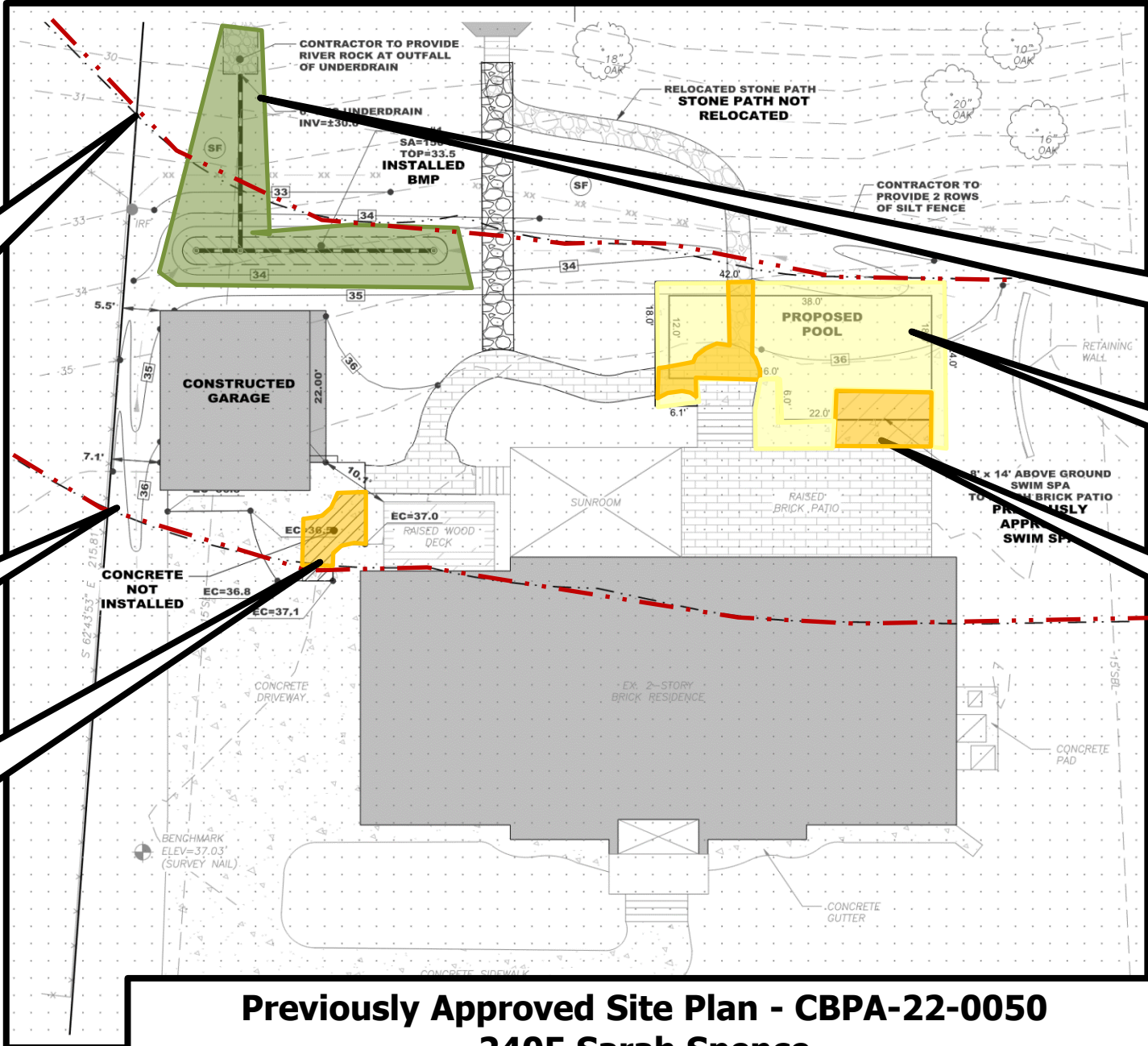
Site Plan showing proposed improvements, submitted April 1, 2022. For representative use only for presentation of case #CBPA-22-0050

Proposed Rain Garden (bio-retention area)

Proposed Pool

Previously approved swimming spa

**Previously Approved Site Plan - CBPA-22-0050
2405 Sarah Spence**



50-foot RPA

100-foot RPA

Previously Approved Impacts not Installed

EXISTING BMP #1 – BIO – RETENTION FILTER

PREVIOUS IMPERVIOUS AREA TO BMP –
4,831 S.F.

PROPOSED IMPERVIOUS AREA TO BMP –
5,313 S.F.

TREATMENT VOLUME –
 $T_v = 5,313 \text{ S.F.} \times 0.04'$
 $T_v = 212 \text{ cf}$

MEDIA DEPTH –
SOIL MEDIA ($V_r=0.25$): DEPTH=24"
GRAVEL ($V_r=0.40$): DEPTH=12"
CHOKER ($V_r=0.20$): DEPTH=3"
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BIO FILTER EQUIVALENT STORAGE DEPTH –
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BIO FILTER SURFACE AREA –
SURFACE AREA (SA) = TREATMENT VOLUME (T_v) / D_{eq}
 $SA = 212 \text{ cf} / 1.45'$
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* THE MINIMUM REQUIRED SURFACE AREA FOR A BIO – RETENTION FILTER IS 150 S.F.

**EXISTING BMP AS INSTALLED MEETS
REQUIREMENT TO TREAT NEWLY PROPOSED
IMPERVIOUS**

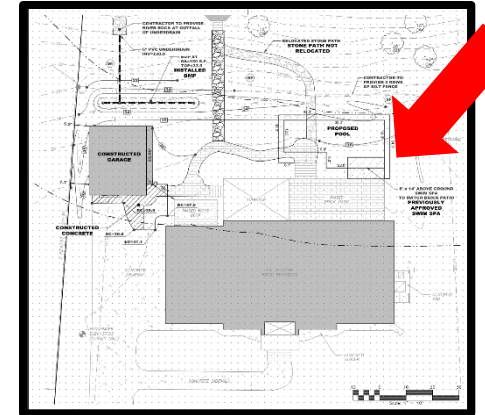
Calculations for the
existing BMP, submitted
April 1, 2022. For
representative use only
for presentation of case
#CBPA-22-0050

**Best Management Practice Calculations - CBPA-22-0050
2405 Sarah Spence**

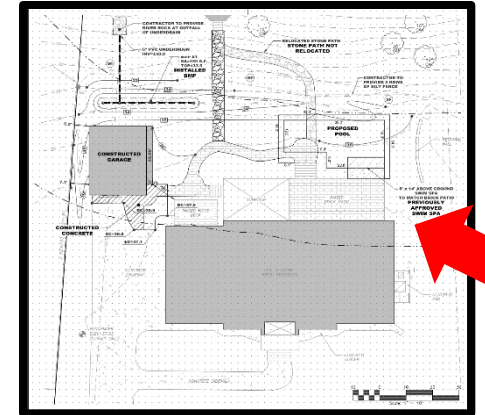
Calculations for the total new impervious area. For representative use only for presentation of case #CBPA-22-0050

	Previously Approved Impervious	Newly Proposed Pool and Patio	New Total Impacts
Patio	132		
Pool	112		
Driveway	80		
Total	324	923	599

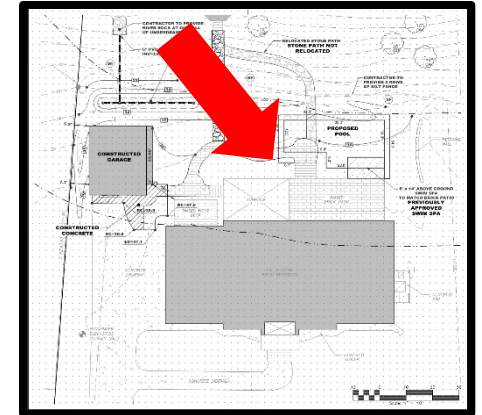
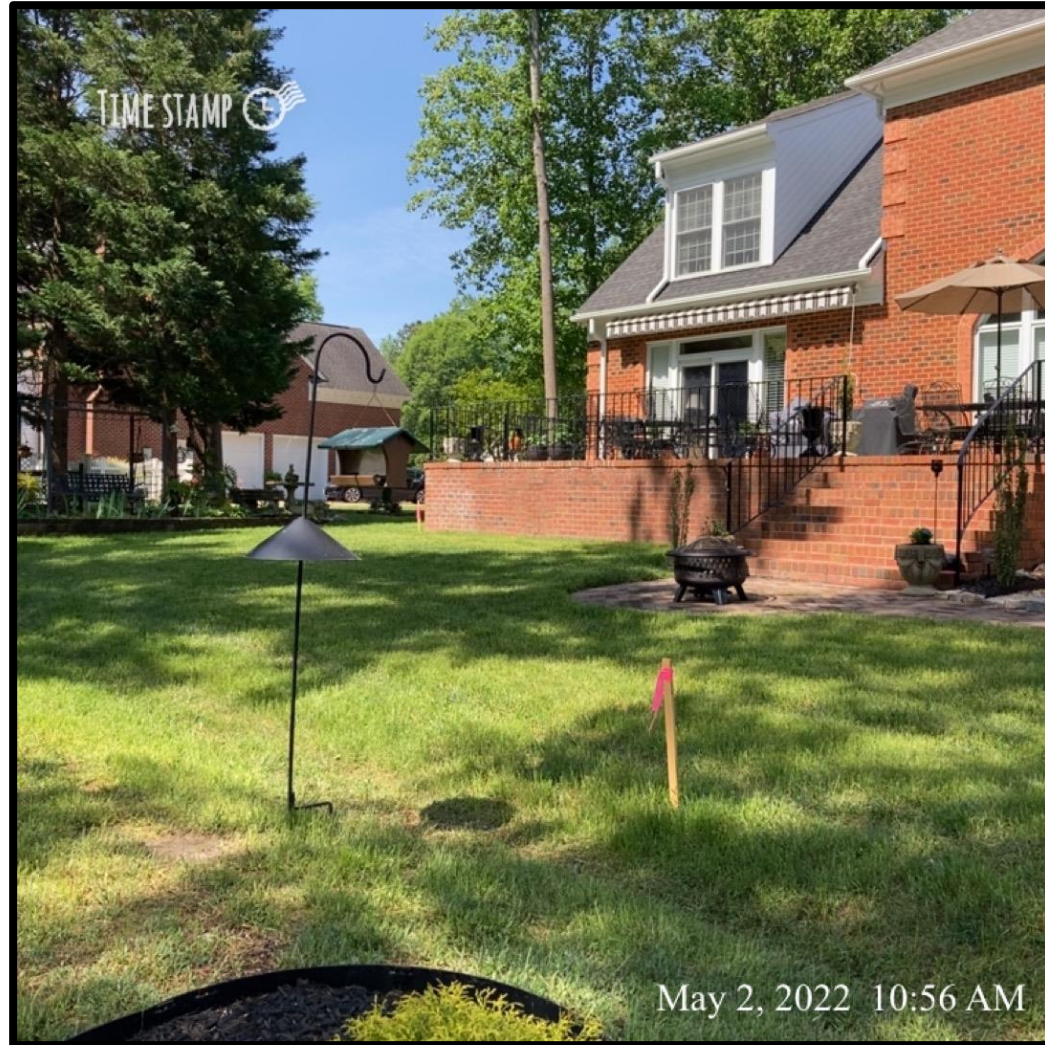
**Total Impervious Cover Calculations - CBPA-22-0050
2405 Sarah Spence**



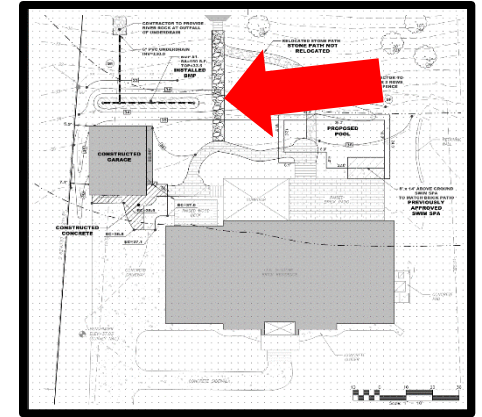
Site Photograph #1 - CBPA-22-0050
2405 Sarah Spence



**Site Photograph #2 - CBPA-22-0050
2405 Sarah Spence**



Site Photograph #3 - CBPA-22-0050
2405 Sarah Spence



Site Photograph #4 - CBPA-22-0050
2405 Sarah Spence

Considerations



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

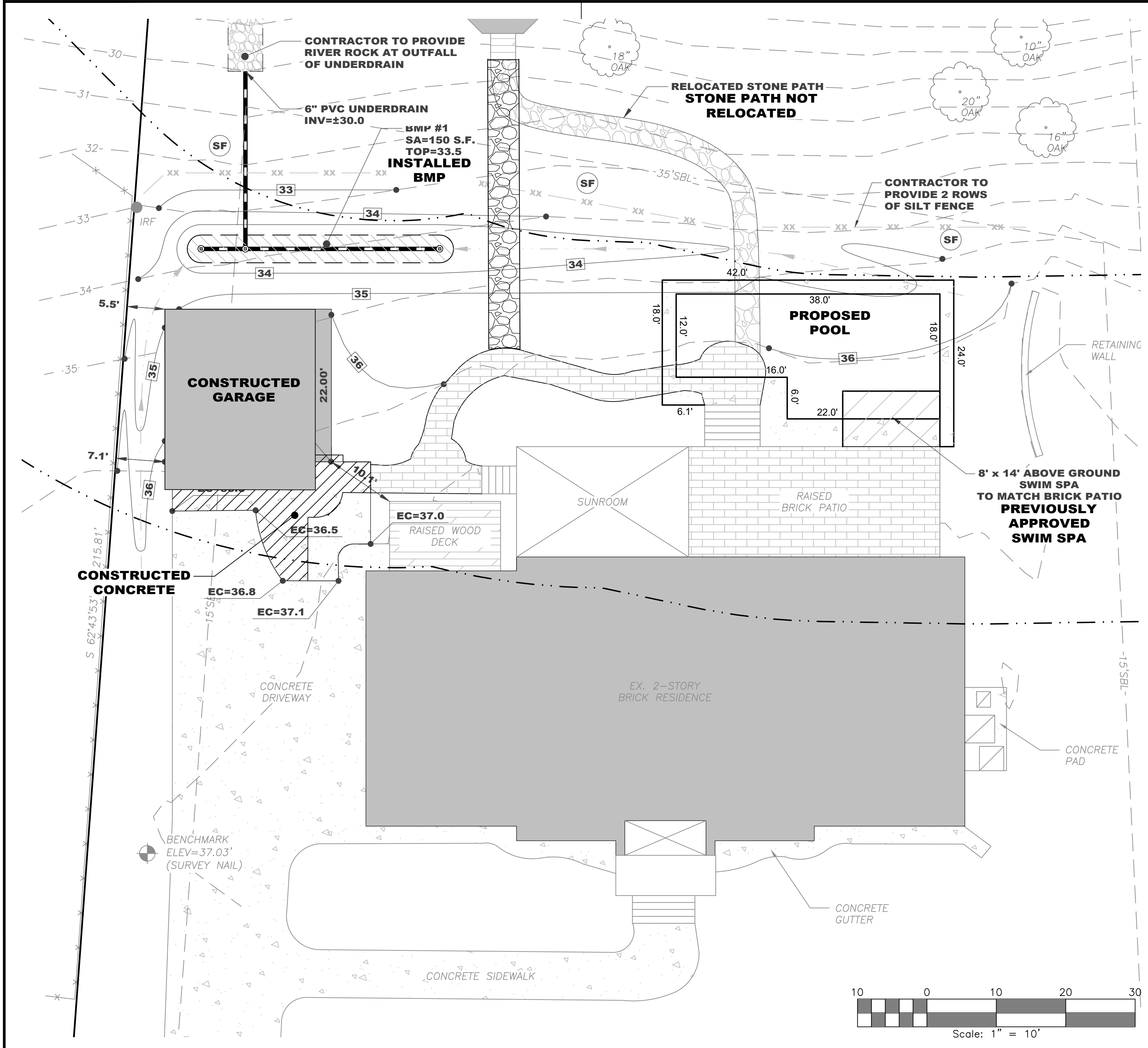
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Permit Conditions

Staff Recommendation – Approval



- ✓ All other necessary local, state and federal permits
- ✓ A mitigation plan equating to 1 planting unit
- ✓ A surety of \$500 to guarantee plantings
- ✓ This exception request approval shall become null and void if construction has not begun by May 11, 2023
- ✓ Written requests for extension submitted no later than March 30, 2023



PREVIOUSLY APPROVED IMPERVIOUS WITHIN RPA: 3,542 S.F.
 ADDITIONAL IMPERVIOUS PROPOSED: 482 S.F.
 NEW PROPOSED TOTAL IMPERVIOUS IN RPA: 4,024 S.F.

PROPOSED MITIGATION:
 1 PLANTING UNIT
 EXISTING BIO-RETENTION FILTER

EXISTING BMP #1-BIO-RETENTION FILTER

PREVIOUS IMPERVIOUS AREA TO BMP - 4,831 S.F.

PROPOSED IMPERVIOUS AREA TO BMP - 5,313 S.F.

TREATMENT VOLUME -
 $T_v = 5,313 \text{ S.F.} \times 0.04'$
 $T_v = 212 \text{ cf}$

MEDIA DEPTH -
 SOIL MEDIA ($V_r=0.25$): DEPTH=24"
 GRAVEL ($V_r=0.40$): DEPTH=12"
 CHOKER ($V_r=0.20$): DEPTH=3"
 SURFACE PONDING ($V_r=1.00$): DEPTH=6"

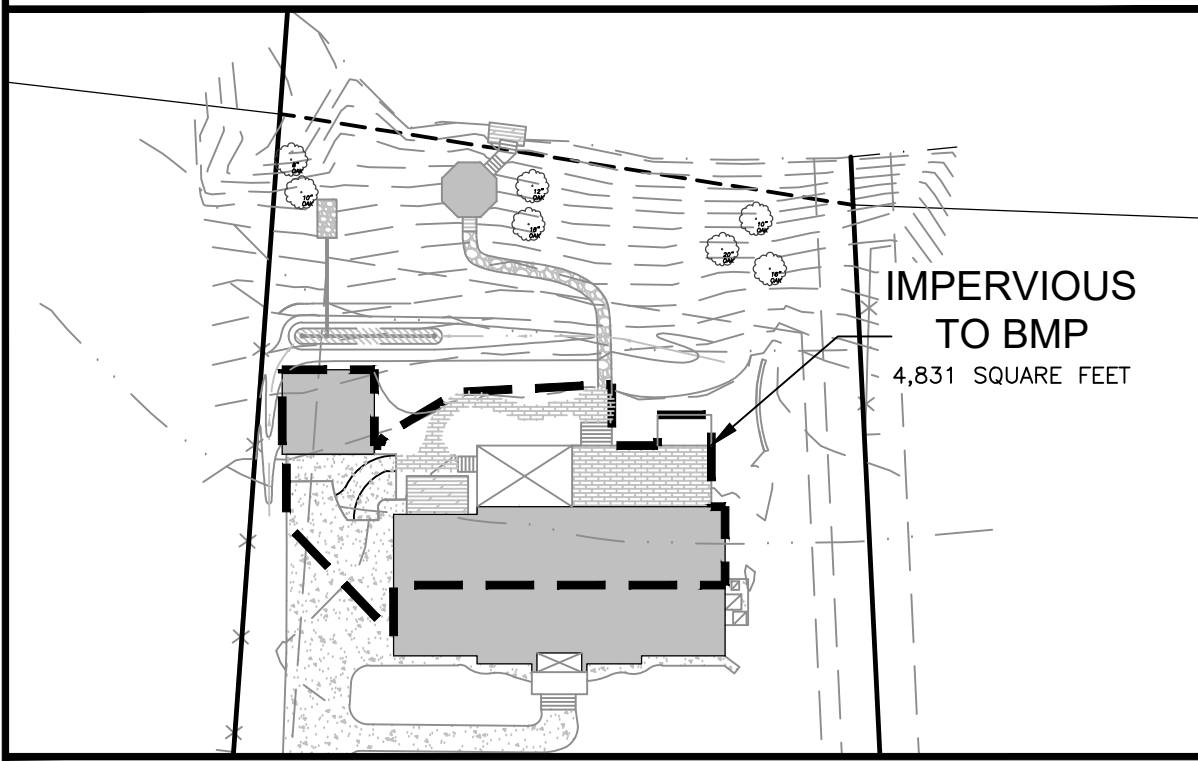
BIO FILTER EQUIVALENT STORAGE DEPTH -
 $D_{eq} = (2.00' \times 0.25) + (1.00' \times 0.40) + (0.25 \times 0.20) + (0.50' \times 1.00)$
 $D_{eq} = 1.45'$

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 SURFACE AREA (SA) = TREATMENT VOLUME (T_v) / D_{eq}
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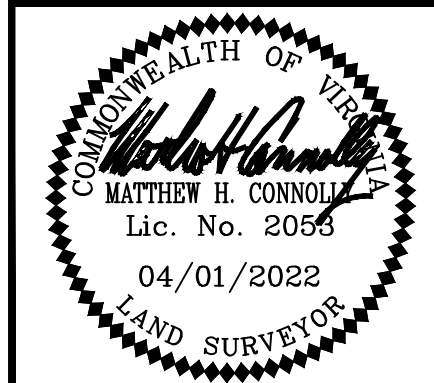
* THE MINIMUM REQUIRED SURFACE AREA FOR A BIO-RETENTION FILTER IS 150 S.F.

EXISTING BMP AS INSTALLED MEETS REQUIREMENT TO TREAT NEWLY PROPOSED IMPERVIOUS

BMP CALCULATIONS



DRAINAGE MAP - PREVIOUSLY APPROVED



DATE: 03-30-2022
 DRAWN BY: CMH
 PROJECT No. 17-371
 FILE NAME: 17-371 - Design.dwg
 REFERENCES:
 P.B. 55, PG. 23

PROPOSED POOL EXHIBIT
 LOT 17, PHASE II,
 THE VINEYARD AT JOCKEY'S NECK
 FOR
 LISA GOODMAN
 JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	4-1-2022	CORRECTED POOL DIMENSION

LRI LANDTECH RESOURCES, INC.
 ENGINEERING • SURVEYING • GPS
 3925 Midlands Road Williamsburg, VA 23188
 Ph: (757) 565-1677 Fax: (757) 565-0782
 web: landtechresources.com



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

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

SHERLOCK, DANIEL C & JACQUELINE C
2693 JOCKEYS NECK TRL
WILLIAMSBURG, VA 23185-8058

RE: CBPA-22-0050
2405 Sarah Spence
Pool and patio installation

April 18, 2022

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, LandTech Resources, Inc., on behalf of Ms. Lisa Goodman for encroachments into the Resource Protection Area (RPA) buffer for the installation of a pool and patio on property located at 2405 Sarah Spence, JCC Parcel No. 4840200017.

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, May 11, 2022, 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,

Trevor Long

Trevor Long
Chesapeake Bay Board Secretary
757-253-6789
trevor.long@jamescitycountyva.gov

PIN	Last Name	Address Line 1	City	State	Zip Code
4840200020	SHERLOCK, DANIEL C & JACQUELINE C	2693 JOCKEYS NECK TRL	WILLIAMSBURG	VA	23185-8058
4840200019	SWITZER, DANIEL F TRUSTEE & DIANA H	2697 JOCKEYS NECK TRL	WILLIAMSBURG	VA	23185-8058
4840100011	VINEYARDS HOMEOWNERS ASSOCIATION INC	907 RICHMOND RD	WILLIAMSBURG	VA	23186-0001
4840200011	COFFIELD, DAVID ROBERT JR TRUSTEE &	2400 SARAH SPENCE	WILLIAMSBURG	VA	23185-8060
4840200018	CLEMENS, DAVID R TRUSTEE & HEATHER D	2401 SARAH SPENCE	WILLIAMSBURG	VA	23185-8060
4840200012	ATALAY, MICHAEL & JANIE E	2408 SARAH SPENCE	WILLIAMSBURG	VA	23185-8060
4840200017	KIDD, VALRIE B & NANCY D &	2405 SARAH SPENCE	WILLIAMSBURG	VA	23185-8060
4840200016	ESHelman, CAROLYN B TRUSTEE	2409 SARAH SPENCE	WILLIAMSBURG	VA	23185-8060



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, Wednesday, May 11, 2022 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0036: Ms. Autumn Hauser has applied for a Chesapeake Bay Exception on behalf of Walter F Trustee, & Virginia B Doran for encroachments into the Resource Protection Area (RPA) buffer for the extension of an existing porch on property located at 187 Waterton, JCC Parcel No. 3130900029.

CBPA-22-0038: Mrs. Gayle and Mr. Richard Flynn have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of artificial turf on property located at 1588 Harbor Road, JCC Parcel No. 4310200021.

CBPA-22-0042: Mr. Lance Beuschel has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a patio on property located at 5516 South Mallard Run, JCC Parcel No. 3140600028.

CBPA-22-0050: Mr. Chase Grogg, LandTech Resources, Inc. has applied for a Chesapeake Bay Exception on behalf of Ms. Lisa Goodman for encroachments into the RPA buffer for the installation of a pool and patio on property located at 2405 Sarah Spence, JCC Parcel No. 4840200017.

CBPA-22-0051: Mr. Edward Jordan has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a deck and access path on property located at 141 Riverview Plantation Drive, JCC Parcel No. 1640500002.

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 – Wednesday, April 27, 2022 and Wednesday, May 4, 2022.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x6648

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

ITEM SUMMARY

DATE: 5/11/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-22-0051 : 141 Riverview Plantation Drive

Mr. Edward Jordan has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a deck and access path on property located at 141 Riverview Plantation Drive, JCC Parcel No. 1640500002.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Presentation	Presentation
☐	APO Letter	Backup Material
☐	APO List	Backup Material
☐	Gazette Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	5/3/2022 - 5:02 PM
Chesapeake Bay Group	Small, Toni	Approved	5/3/2022 - 5:04 PM
Publication Management	Pobiak, Amanda	Approved	5/4/2022 - 9:21 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	5/4/2022 - 10:45 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA- 22-0051. 141 Riverview Plantation Drive
Staff Report for the May 11, 2022, 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. Edward Jordan

Agent: None

Location: 141 Riverview Plantation Drive

Parcel Identification No.: 1640500002

Parcel: Lot 2, Section 1, Blk-A Riverview Plantation

Lot Size: 1.65 acres

Area of Lot in Resource Protection Area (RPA): 0.98 acres (59%)

Watershed: Skimino Creek (YO65)

Floodplain: Zone VE - elevation 15 and Zone VE elevation 12

Proposed Activity: Installation of a deck and access path

Impervious Cover: 1,118 square feet

RPA Encroachment: 881 square feet, landward 50-foot RPA
237 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Edward Jordan has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the installation of a deck and access path located at 141 Riverview Plantation Drive within the Riverview Plantation subdivision and the Skimino Creek watershed. The property is further identified as James City County Tax Map Parcel No. 1640500002. The parcel was platted in 1962, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 1.65 acres, of which 59% is located within the RPA. The applicant is proposing to construct a 16-foot by 32-foot covered deck to the rear of the existing house. Additionally, the applicant has proposed to install two 4-foot wide paver access paths, one from the house to the proposed deck and one from the house to the existing pier. Total impacts to the RPA associated with this proposal equates to 881 square feet of impacts to the landward 50-foot RPA and 237 square feet of impacts to the seaward 50-foot RPA equating to a total of 1,118 square feet of impacts. Required mitigation for this amount of impervious impact equals four canopy trees, eight understory trees, and 12 shrubs.

STAFF EVALUATION

Staff has evaluated the application and exception request for the installation of a deck and access paths. 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 deck is considered accessory in nature and staff will only approve one access path administratively.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity; and
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality; and
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances, either permitted or non-conforming that are related to adjacent parcels; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined the impacts associated with the proposal to be major for the proposed development. Staff recommends approval for this exception request and if the Board wishes to approve the 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 equating to four canopy trees, eight understory trees, and 12 shrubs be submitted to the Stormwater and Resource Protection Division; and
3. A surety of \$2,000 be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
4. All construction (including the deck, fence, and pathway) must be of flood resistant materials and anchored to withstand flood waters in the Coastal AE/VE Zones; and
5. No adverse effects to any existing structures or adjacent properties will occur by this proposal; and
6. 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
7. This exception request approval shall become null and void if construction has not begun by May 11, 2023; and

8. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than March 30, 2023, six weeks prior to the expiration date.

TAL/ap
CBPA22-51_141RvrvwPIDr

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0051. 141 RIVERVIEW PLANTATION DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Edward Jordan, (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 11, 2022, 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. 1640500002 and further identified as 141 Riverview Plantation Drive (the “Property”) as set forth in the application CBPA-22-0051 for the purpose of installation of a deck and access path; and

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

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

1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a) The applicant must obtain all other necessary federal, state, and local permits as required for the project; and
 - b) The submittal of a mitigation plan equating to four canopy trees, eight understory trees, and 12 shrubs be submitted to the Stormwater and Resource Protection Division; and
 - c) A surety of \$2,000 be submitted in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and

- d) All construction (including the deck, fence, and pathway) must be of flood resistant materials and anchored to withstand flood waters in the Coastal AE/VE Zones; and
- e) No adverse effects to any existing structures or adjacent properties will occur by this proposal; and
- f) 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
- g) This exception request approval shall become null and void if construction has not begun by May 11, 2023; and
- h) Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than March 30, 2023, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of May, 2022.

CBPA22-51_141RvrwPIDr-res



Chesapeake Bay Board of James City County, Virginia

May 11, 2022

CBPA 22-0051

Edward Jordan

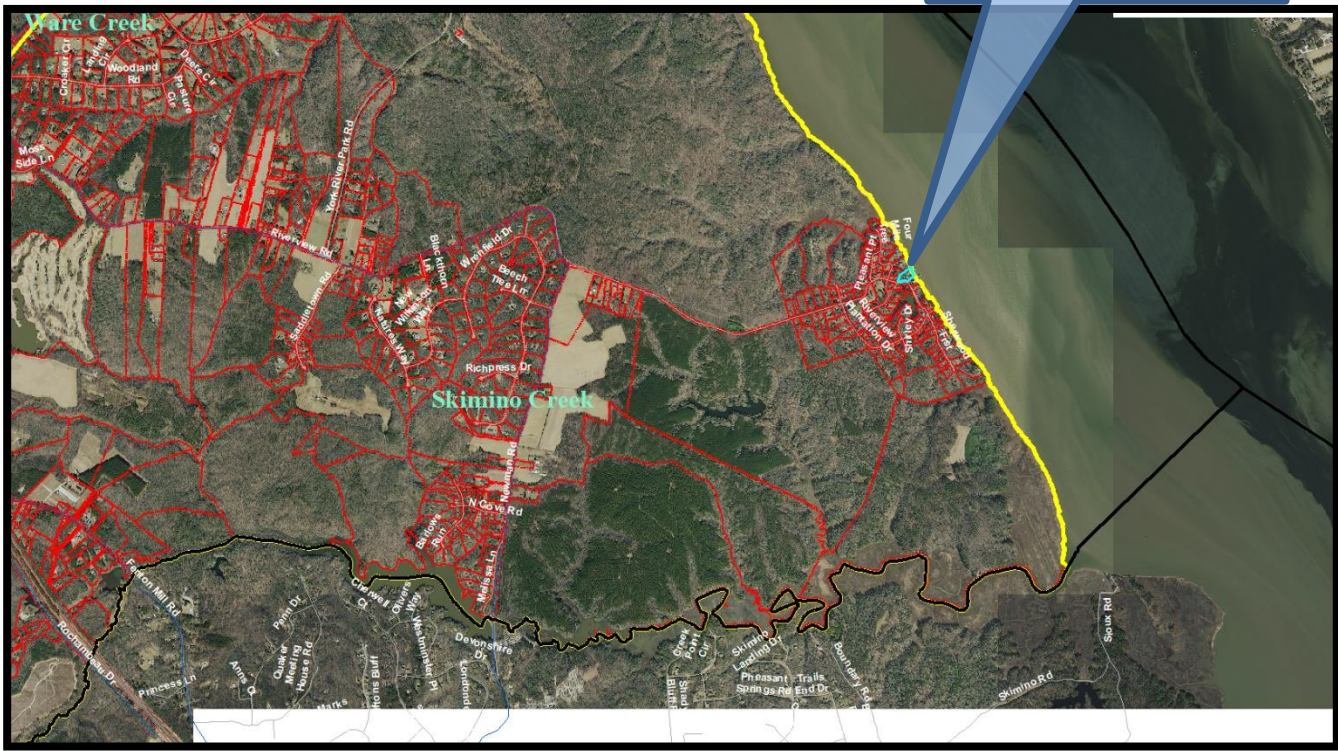
141 Riverview Plantation Drive



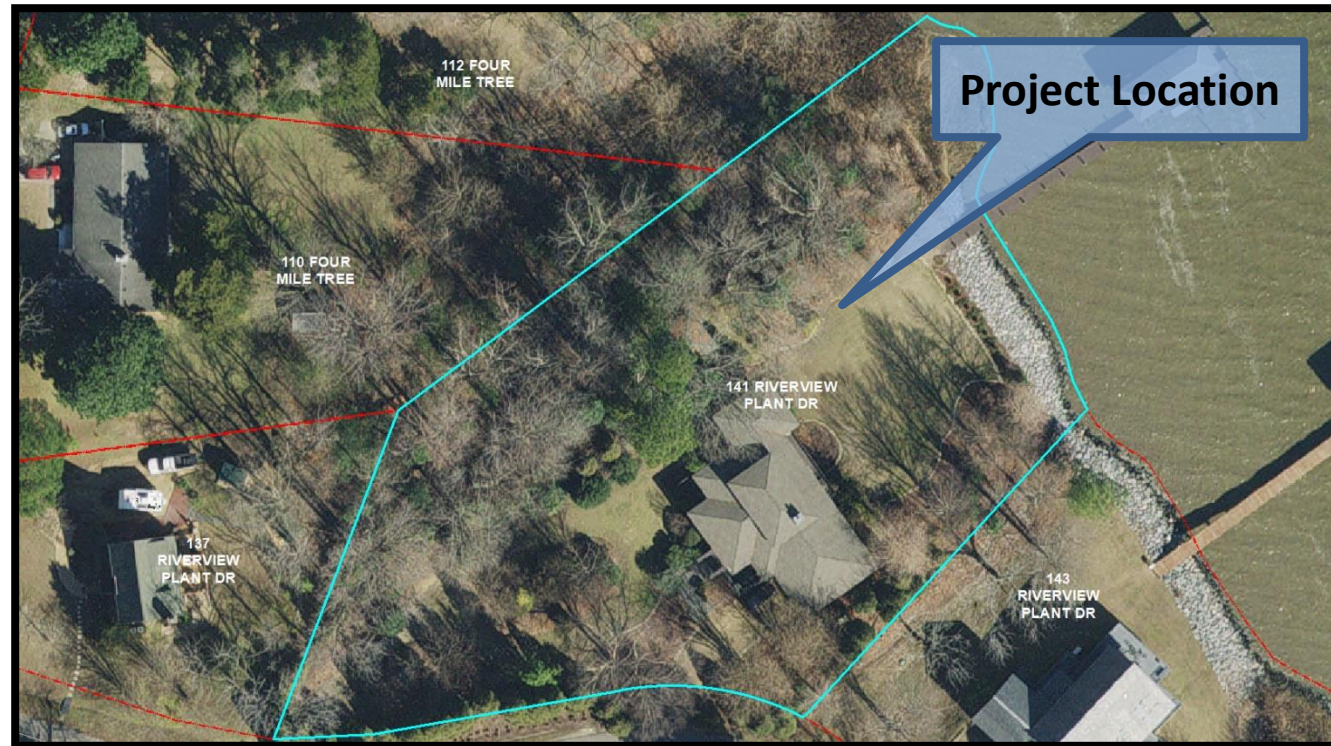
Applicant Request

- ✓ Construction of a deck and access path.

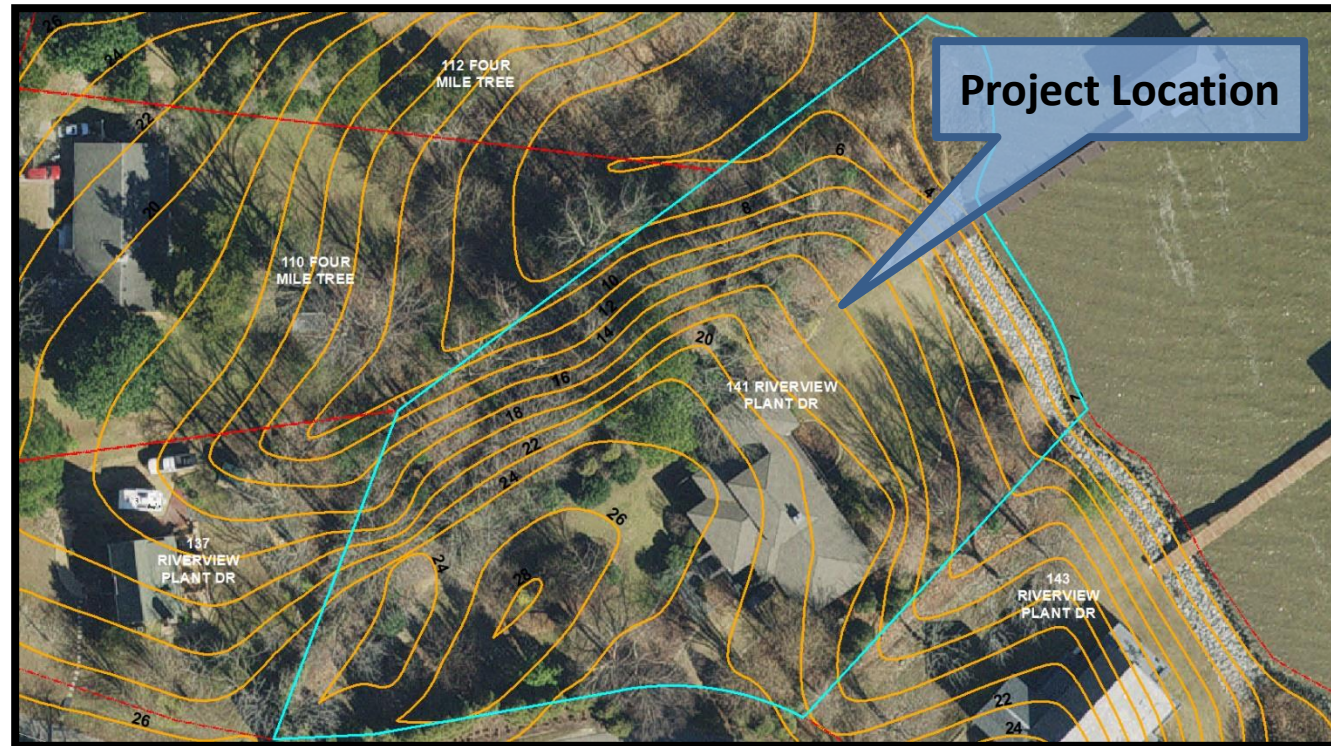
Subject Parcel



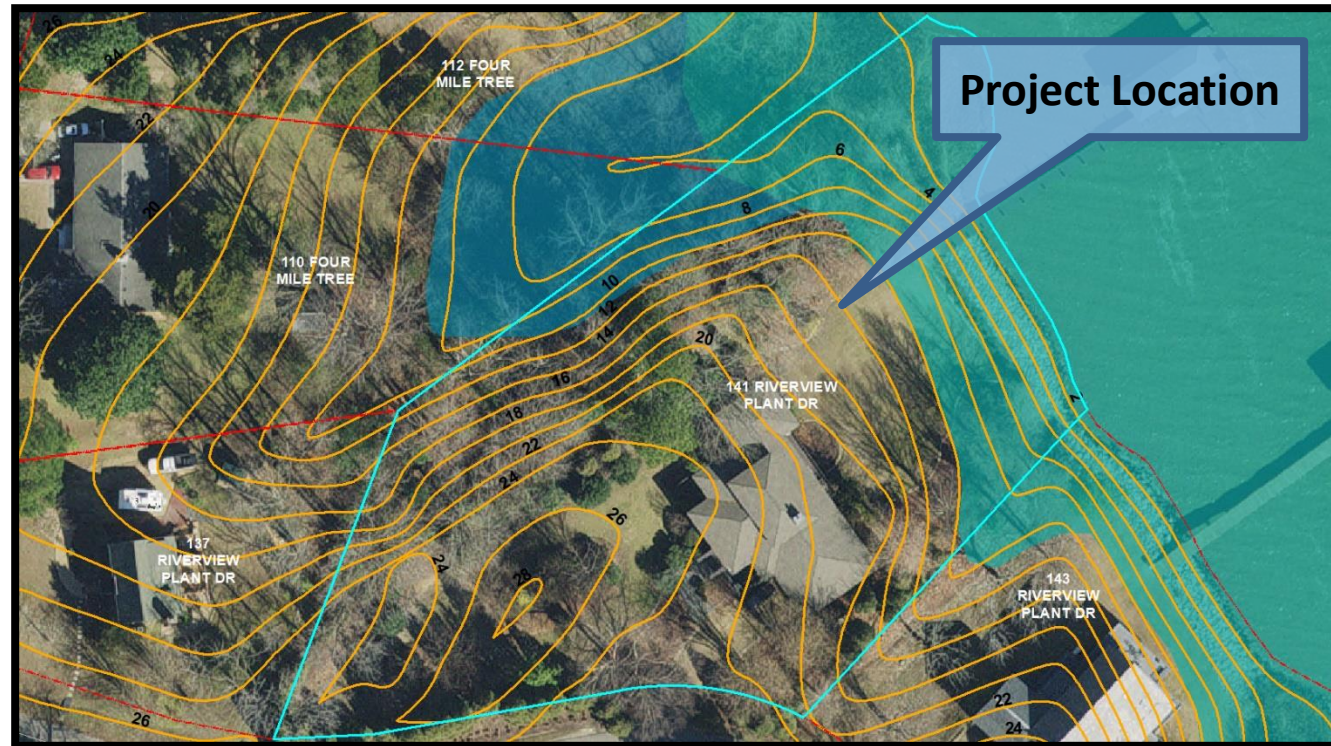
Vicinity Map
CBPA-22-0051
141 Riverview Plantation Drive



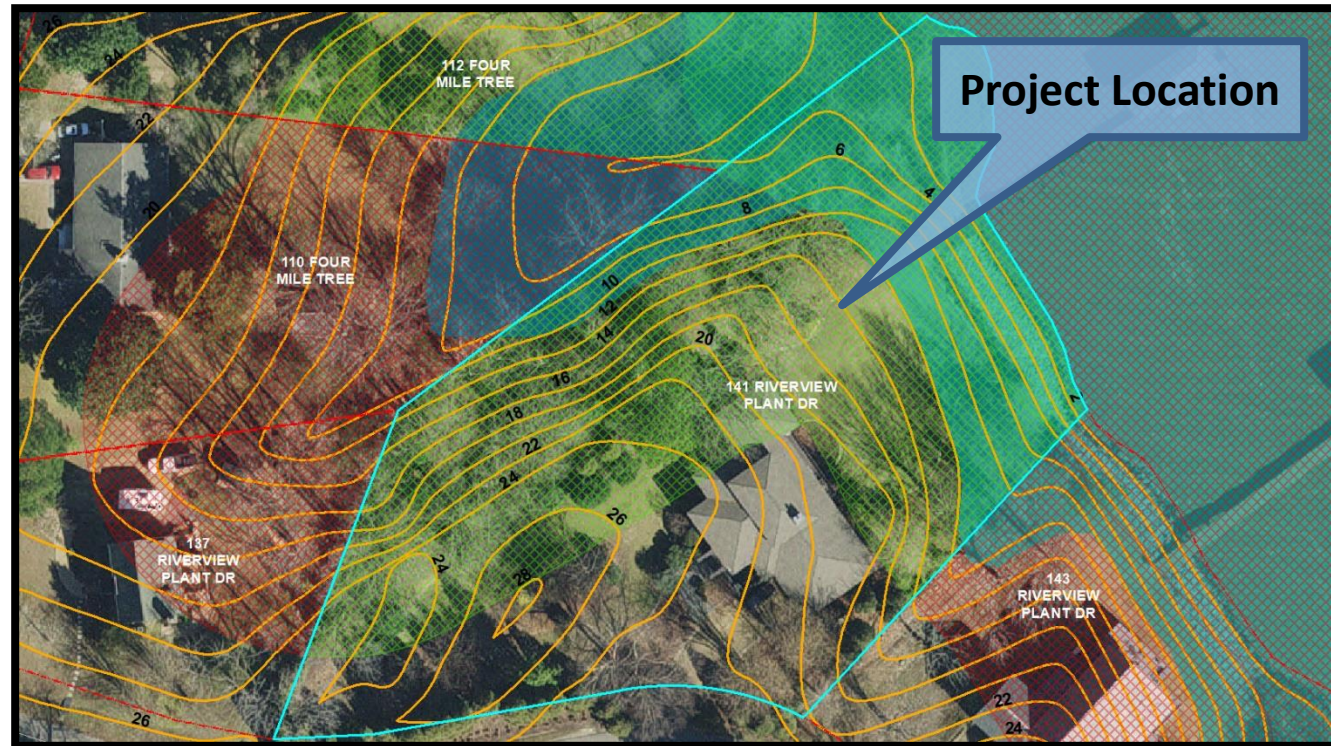
Aerial Photograph
CBPA-22-0051
141 Riverview Plantation Drive



Topography
CBPA-22-0051
141 Riverview Plantation Drive

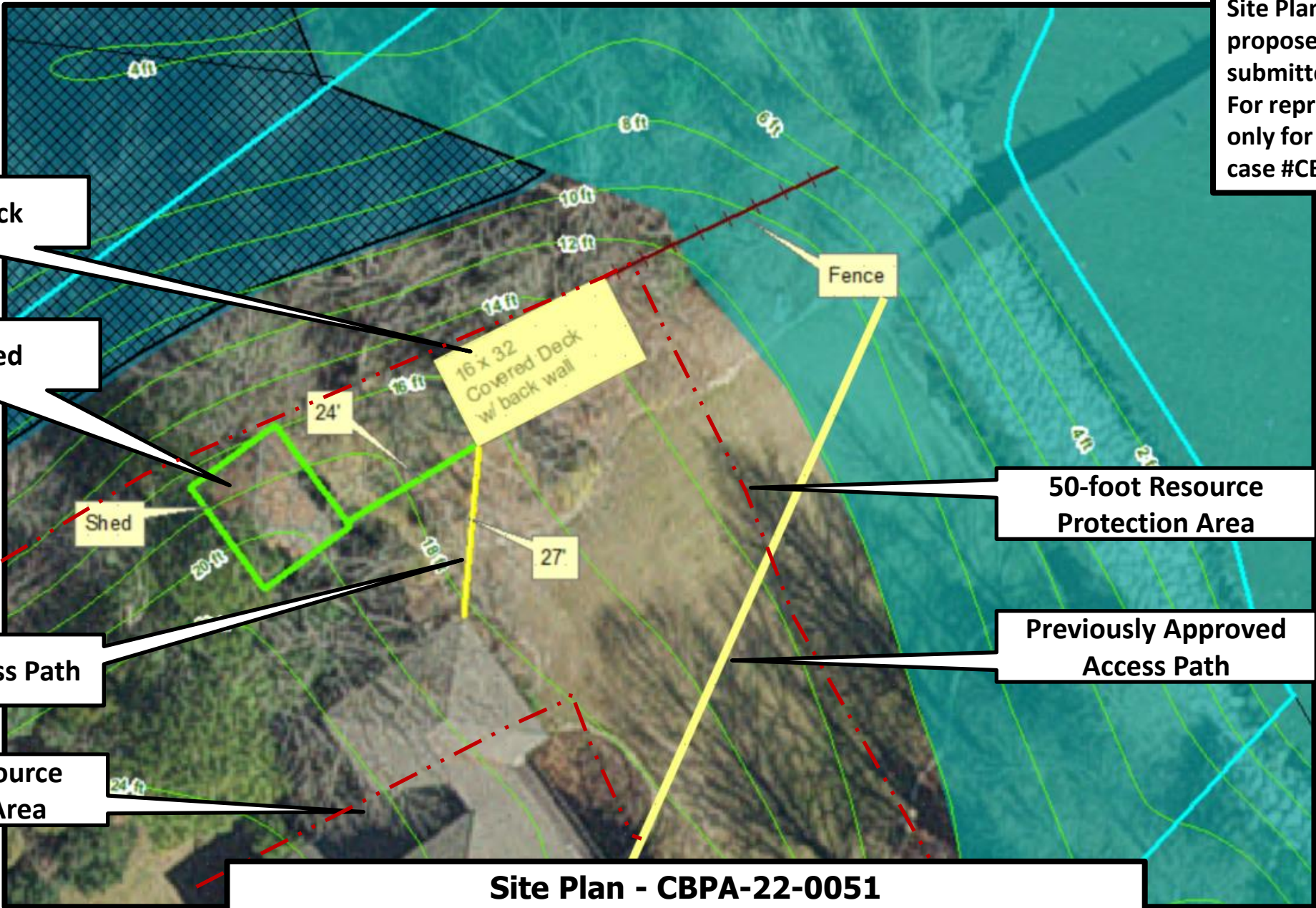


Floodplain
CBPA-22-0051
141 Riverview Plantation Drive



Resource Protection Area
CBPA-22-0051
141 Riverview Plantation Drive

Site Plan showing proposed improvements, submitted March 4, 2022. For representative use only for presentation of case #CBPA-22-0051



Proposed Deck

Existing Shed

Proposed Access Path

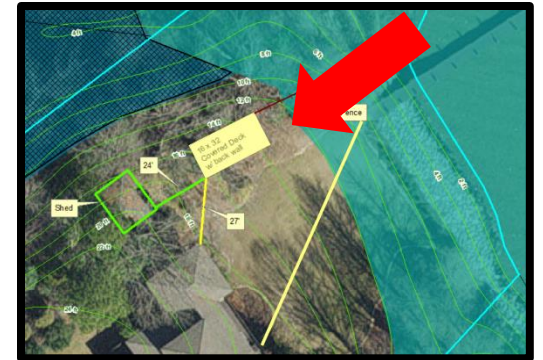
100-foot Resource Protection Area

Fence

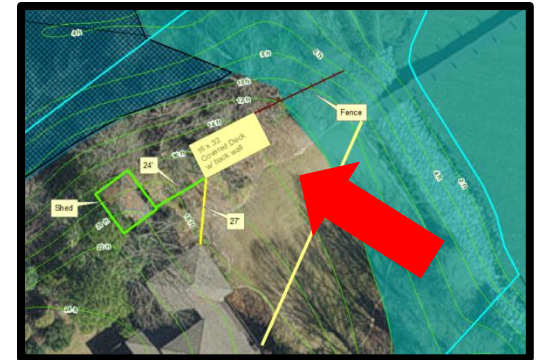
50-foot Resource Protection Area

Previously Approved Access Path

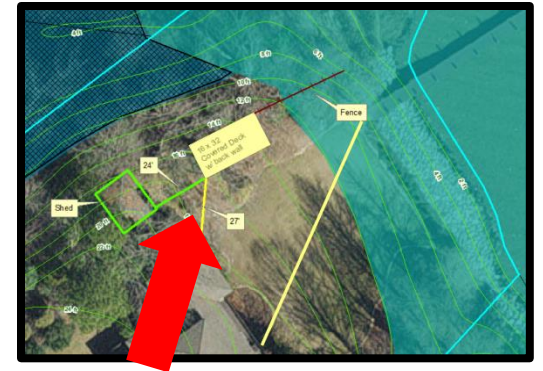
Site Plan - CBPA-22-0051
141 Riverview Plantation Drive



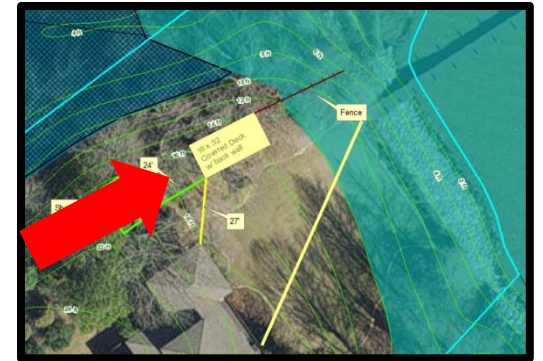
Site Photograph #1 - CBPA-22-0051
141 Riverview Plantation Drive



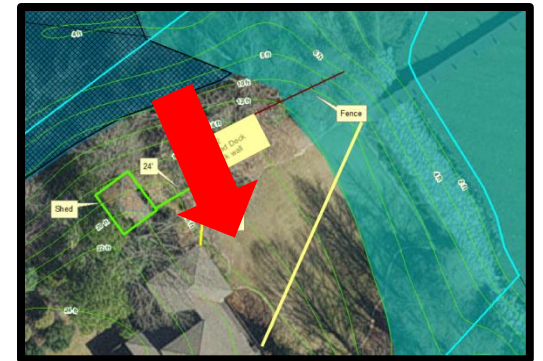
**Site Photograph #2 - CBPA-22-0051
141 Riverview Plantation Drive**



Site Photograph #3 - CBPA-22-0051
141 Riverview Plantation Drive



Site Photograph #4 - CBPA-22-0051
141 Riverview Plantation Drive



**Site Photograph #5 - CBPA-22-0051
141 Riverview Plantation Drive**

Considerations



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

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

Permit Conditions

Staff Recommendation – Approval



- ✓ All other necessary local, state and federal permits
- ✓ A mitigation plan equating to 4 planting units
- ✓ A surety of \$2,000 to guarantee plantings
- ✓ All construction must be of flood resistant materials and anchored to withstand flood waters in the Coastal AE/VE Zones

Permit Conditions

Staff Recommendation Cont.



- ✓ All development activities located in the special flood hazard area shall comply with Article VI Division 3 Floodplain Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities

- ✓ This exception request approval shall become null and void if construction has not begun by May 11, 2023

- ✓ Written requests for extension submitted no later than March 30, 2023



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
757-259-6670

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

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

MILLER, EDWARD F TRUSTEE &
112 FOUR MILE TREE
WILLIAMSBURG, VA 23188-6833

RE: CBPA-22-0051
141 Riverview Plantation Drive
Deck installation

April 18, 2022

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. Edward Jordan for encroachments into the Resource Protection Area (RPA) buffer for the construction of a deck and access path on property located at 141 Riverview Plantation Drive, JCC Parcel No. 1640500002.

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, May 11, 2022, 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,

Trevor Long

Trevor Long
Chesapeake Bay Board Secretary
757-253-6789
trevor.long@jamescitycountyva.gov

PIN	Last Name	Address Line 1	City	State	Zip Code
1640500005	MILLER, EDWARD F TRUSTEE &	112 FOUR MILE TREE	WILLIAMSBURG	VA	23188-6833
1640500004	PONTON, ROBERT & MARIAN A	PSC 103 BOX 844	APO	AE	09603-0009
1640500003	CARPENTER, MARK E & VIVIAN E	137 RIVERVIEW PLANTATION DR	WILLIAMSBURG	VA	23188-6819
1640600001	CASTO, WILLIAM G	142 RIVERVIEW PLANTATION DR	WILLIAMSBURG	VA	23188-6816
1640500001	JESSEMAN, GREGORY H & MARIA L	143 RIVERVIEW PLANTATION DR	WILLIAMSBURG	VA	23188-6819
1640500002	JORDAN, EDWARD T & KALISHA R	141 RIVERVIEW PLANTATION DR	WILLIAMSBURG	VA	23188-6819
1640600002	MULHARE, MARY LOUISE TRUSTEE	PO BOX 308	LIGHTFOOT	VA	23090-0308
1640600003	RODRIGUEZ, ROBERT T JR & PAMELA J	138 RIVERVIEW PLANTATION DR	WILLIAMSBURG	VA	23188-6816
1640600004	SAUNDERS, JAMES W & ELIZABETH M	136 RIVERVIEW PLANTATION DR	WILLIAMSBURG	VA	23188-6816



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, Wednesday, May 11, 2022 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

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CBPA-22-0042: Mr. Lance Beuschel has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a patio on property located at 5516 South Mallard Run, JCC Parcel No. 3140600028.

CBPA-22-0050: Mr. Chase Grogg, LandTech Resources, Inc. has applied for a Chesapeake Bay Exception on behalf of Ms. Lisa Goodman for encroachments into the RPA buffer for the installation of a pool and patio on property located at 2405 Sarah Spence, JCC Parcel No. 4840200017.

CBPA-22-0051: Mr. Edward Jordan has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a deck and access path on property located at 141 Riverview Plantation Drive, JCC Parcel No. 1640500002.

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

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ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x6648

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

ITEM SUMMARY

DATE: 5/11/2022
TO: Chesapeake Bay Board
FROM: Trevor Long, Chesapeake Bay Board Secretary
SUBJECT: CBPA-22-0021 : 8072 Fairmont Drive

CBPA-22-0021: Mr. Jimmy Stringer, Home and Turf, has applied for a Chesapeake Bay Exception on behalf of Mr. Paulo and Mrs. Marcela Delgado for encroachments into the RPA buffer for the installation of an inground pool and patio on property located at 8072 Fairmont Drive, JCC Parcel No. 1331100020.

ATTACHMENTS:

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

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	4/7/2022 - 8:17 AM
Chesapeake Bay Group	Small, Toni	Approved	4/7/2022 - 9:55 AM
Publication Management	Daniel, Martha	Approved	4/7/2022 - 9:58 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	4/7/2022 - 10:18 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 22-0021. 8072 Fairmont Drive
Staff Report for the May 11, 2022, 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. Paulo and Ms. Marcela Delgado

Agent: Mr. Robbie Shackelford, Home Turf Landscapes

Location: 8072 Fairmont Drive

Parcel Identification No.: 1331100020

Parcel: Lot 20, Section 2A, Windsor Ridge

Lot Size: 0.43 acres

Area of Lot in Resource Protection Area (RPA): 0.25 acres +/- (58%)

Watershed: Ware Creek (HUC YO 62)

Floodplain: None

Proposed Activity: Installation of inground pool and patio.

Impervious Cover: 580 square feet

RPA Encroachment: 509 square feet, landward 50-foot RPA
71 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Robbie Shackelford, Home and Turf Landscapes, has applied for a Chesapeake Bay Exception on behalf of Mr. Paulo and Mrs. Marcela Delgado for encroachments into the RPA buffer for the installation of an inground pool and patio on property located at 8072 Fairmont Drive within the Windsor Ridge subdivision and the Ware Creek watershed. The property is further identified as James City County Tax Map Parcel No. 1331100020. The parcel was platted in 2014, after the changes in the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 0.43 acres, of which 58% is located within the RPA. The applicants are proposing to install an inground pool with a permeable paver patio to the rear of the existing house. In April of 2022, this exception request came before the Chesapeake Bay Board and was deferred to amend the site plan. The original site plan included 223 square feet of impacts to the landward 50-foot RPA and 615 square feet of impacts to the seaward 50-foot RPA equating to a total of 838 square feet of impacts. Since then, staff has worked with the applicant to decrease the footprint of the proposal and incorporate stormwater management. Total impacts to the RPA associated with this new proposal equate to 509 square feet of impacts to the landward 50-foot RPA and 71 square feet of impacts to the seaward 50-foot RPA. In addition, the applicants have incorporated permeable pavers into the design of the patio. Required mitigation for this

amount of impervious impacts equals the planting of 2 planting units (2 canopy trees, 4 understory trees, and 6 shrubs). The applicant has already submitted a mitigation plan equating to 4 canopy trees, 8 understory trees, and 18 shrubs, therefore exceeding County mitigation requirements.

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 is 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. The planting of 4 canopy trees, 8 understory trees, and 18 shrubs; and
3. A surety of \$2,000 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 May 11, 2023; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than March 30, 2023, six weeks prior to the expiration date.

Attachments:

1. Resolution

2. Site Plan

RESOLUTION

CASE NO. CBPA 22-0021. 8072 FAIRMONT DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Robbie Shackelford, Home Turf Landscapes, on behalf of Mr. Paulo and Mrs. Marcela Delgado, (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on May 11, 2022, 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. 1331100020 and further identified as 8072 Fairmont Drive (the “Property”) as set forth in the application CBPA 22-0021 for the purpose of the installation of an inground pool, patio, and two retaining walls; and

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

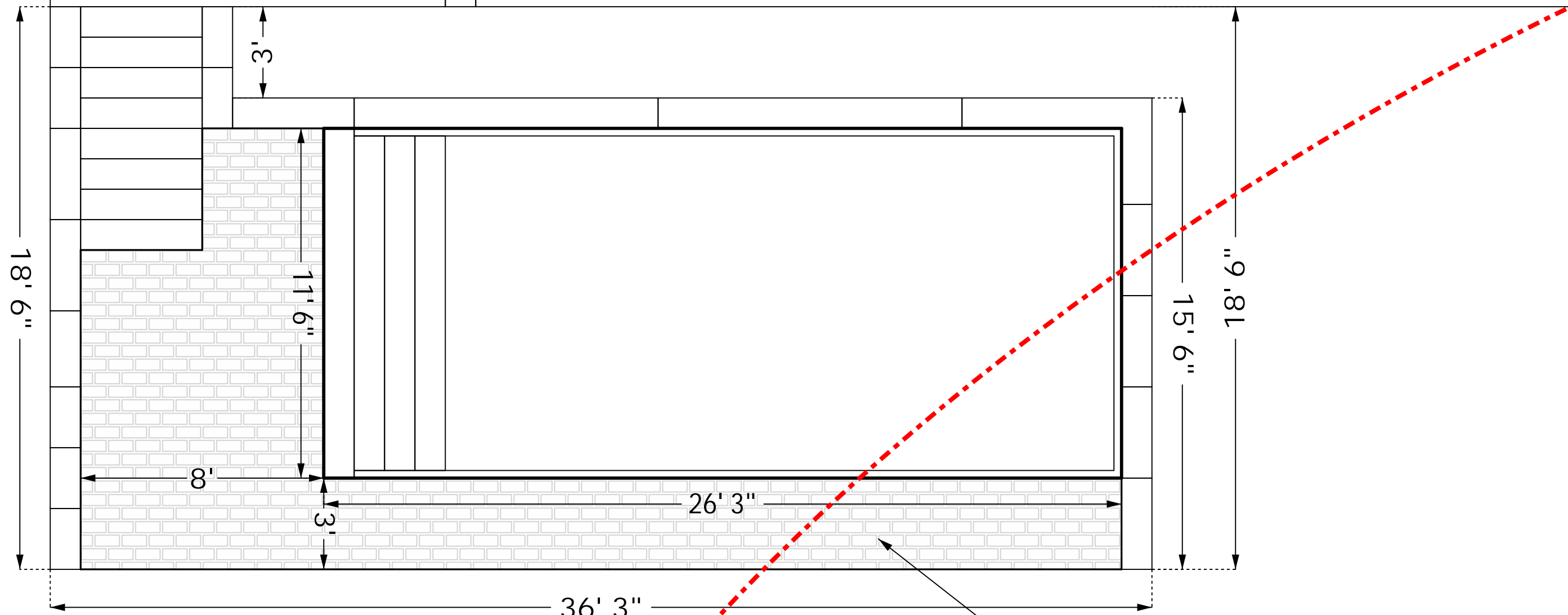
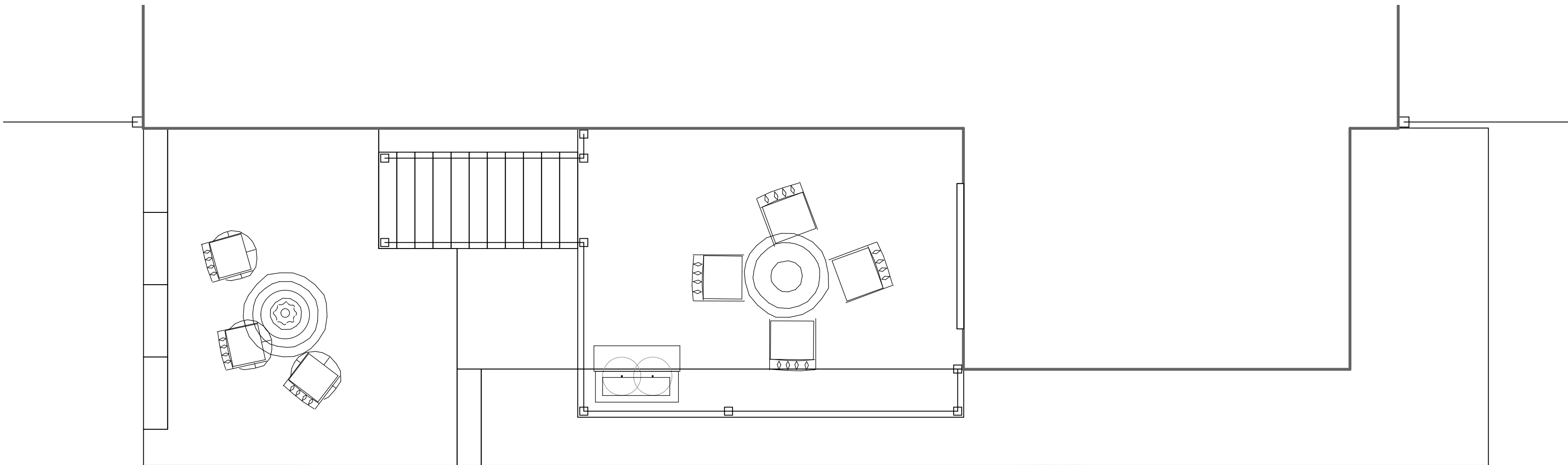
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, following a public hearing, by a majority vote of its members FINDS that:

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, Erosion and Sediment Control Plan, and a Land Disturbing Permit if necessary; and
 - b) The planting of four canopy trees, eight understory trees, and 18 shrubs; and
 - c) A surety of \$2,000 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 May 11, 2023; and
- e) Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than March 30, 2023, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board



Permeable Paver Patio 175 sf



General Services
107 Tewning Road
Williamsburg, VA 23188
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jamescitycountyva.gov

Capital Projects
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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

Delgado, Paulo J & Marcela
8072 Fairmont Drive
Williamsburg, VA` 23188

RE: CBPA-22-0021
8072 Fairmont Drive
Pool and patio installation

March 16, 2022

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. Jimmy Stringer, Home and Turf on behalf of Mr. Paulo and Mrs. Marcela Delgado for encroachments into the Resource Protection Area (RPA) buffer for the installation of an inground pool and patio on property located at 8072 Fairmont Drive, JCC Parcel No. 1331100020.

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, April 13, 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,

Trevor Long

Trevor Long
Chesapeake Bay Board Secretary
757-253-6789
trevor.long@jamescitycountyva.gov



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Home and Turf
Attn: Mr. Jimmy Stringer
PO Box 1711
Tappahannock, VA 22560

RE: CBPA-22-0021
8072 Fairmont Drive
Pool and patio installation

March 16, 2022

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. Jimmy Stringer, Home and Turf on behalf of Mr. Paulo and Mrs. Marcela Delgado for encroachments into the Resource Protection Area (RPA) buffer for the installation of an inground pool and patio on property located at 8072 Fairmont Drive, JCC Parcel No. 1331100020.

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

Dorough, Andre K & Melynda D
8076 Fairmont Drive
Williamsburg, VA 23188

RE: CBPA-22-0021
8072 Fairmont Drive
Pool and patio installation

March 16, 2022

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Williamsburg, VA 23188
757-565-0971

Collins, Patrick S & Ann L
8068 Fairmont Drive
Williamsburg, VA 23188

RE: CBPA-22-0021
8072 Fairmont Drive
Pool and patio installation

March 16, 2022

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

Wellington Estates, Homeowners Assoc.
C/O Chesapeake Bay Mgmt, Inc.
Newport News, VA 23606

RE: CBPA-22-0021
8072 Fairmont Drive
Pool and patio installation

March 16, 2022

Dear Adjacent Property Owner:

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Chesapeake Bay Board Secretary
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trevor.long@jamescitycountyva.gov



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

Bissette, Phillip J & Tina
8073 Fairmont Drive
Williamsburg, VA 23188

RE: CBPA-22-0021
8072 Fairmont Drive
Pool and patio installation

March 16, 2022

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. Jimmy Stringer, Home and Turf on behalf of Mr. Paulo and Mrs. Marcela Delgado for encroachments into the Resource Protection Area (RPA) buffer for the installation of an inground pool and patio on property located at 8072 Fairmont Drive, JCC Parcel No. 1331100020.

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Trevor Long
Chesapeake Bay Board Secretary
757-253-6789
trevor.long@jamescitycountyva.gov



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Marsh-Mathis, Marily & Mathis,
Christopher
8081 Fairmont Drive
Williamsburg, VA 23188

RE: CBPA-22-0021
8072 Fairmont Drive
Pool and patio installation

March 16, 2022

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. Jimmy Stringer, Home and Turf on behalf of Mr. Paulo and Mrs. Marcela Delgado for encroachments into the Resource Protection Area (RPA) buffer for the installation of an inground pool and patio on property located at 8072 Fairmont Drive, JCC Parcel No. 1331100020.

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Trevor Long

Trevor Long
Chesapeake Bay Board Secretary
757-253-6789
trevor.long@jamescitycountyva.gov

Mailing list for: CBPA-22-0021 – 8072 Fairmont Drive: Pool and patio installation

Owner: 1331100020
Delgado, Paulo J & Marcela
8072 Fairmont Drive
Williamsburg VA, 23188

Contractor: Home and Turf
Attn. Jimmy Stringer
PO Box 1711
Tappahannock, VA 22560

1331100021
Dorough, Andre K & Melynda D
8076 Fairmont Drive
Williamsburg, VA, 23188

1331100019
Collins, Patrick S & Ann L
8068 Fairmont Drive
Williamsburg, VA 23188

1331100002A
Wellington Estates Homeowners Assoc
C/O Chesapeake Bay Mgmt, Inc.
603 Pilot House Drive, Suite 300
Newport News, VA 23606

1331100027
Bissette, Phillip J & Tina
8073 Fairmont Drive
Williamsburg, VA 23188

1331100026
Marsh-Mathis, Marily & Mathis, Christopher
8081 Fairmont Drive
Williamsburg, VA 23188



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, APRIL 20, 2022 AT 5 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-22-0014: Mr. Mark Buckley and Mr. Randal Wicks, Promark Custom Homes, Inc., have applied for a Chesapeake Bay Exception on behalf of Mr. Stanley Bolding and Ms. Virginia Wertman for encroachments into the Resource Protection Area (RPA) buffer for the conversion and expansion of a screened porch to a conditioned porch on property located at 112 Southern Hills, JCC Parcel No. 3720400129.

CBPA-22-0021: Mr. Jimmy Stringer, Home and Turf, has applied for a Chesapeake Bay Exception on behalf of Mr. Paulo and Mrs. Marcela Delgado for encroachments into the RPA buffer for the installation of an inground pool and patio on property located at 8072 Fairmont Drive, JCC Parcel No. 1331100020.

CBPA-22-0028: Mr. Joseph Krallinger and Mr. Michael Matthews, The Structures Group, have applied for a Chesapeake Bay Exception on behalf of Mr. Lawrence and Ms. Penny Pulley for encroachments into the RPA buffer for the installation of two retaining walls on property located at 20 Mile Course, JCC Parcel No. 5040200020.

CBPA-22-0029: Mr. Jonathan Beamer, Jonathan Beamer Builder Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Jonathan and Ms. Donna Delaune for encroachments into the RPA buffer for the installation of a sewer line on property located at 162 Indigo Dam Road, JCC Parcel No. 3840100029.

CBPA-22-0030: Mr. James Sizemore, Dogwood Contracting, LLC, has applied for a Chesapeake Bay Exception on behalf of Mr. Daniel Grove for encroachments into the RPA buffer for the construction of a deck on property located at 100 Edgewood Lane, JCC Parcel No. 481050025.

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 –APRIL 6, 2022 AND APRIL 13, 2022
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # 6648

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