

A G E N D A
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
March 8, 2023
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from the February 8, 2023 Chesapeake Bay Board Meeting

D. PUBLIC HEARINGS

1. CBPA-23-0005 : 247 William Barksdale
2. CBPA-23-0008 : 108 Oxford Circle
3. CBPA-23-0009 : 109 Murcar
4. CBPA-22-0150 : 112 Discovery Lane

E. BOARD CONSIDERATIONS

F. MATTERS OF SPECIAL PRIVILEGE

1. Colonial Soil and Water Conservation District - Annual Update

G. ADJOURNMENT

ITEM SUMMARY

DATE: 2/8/2023

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: Minutes from the February 8, 2023 Chesapeake Bay Board Meeting

ATTACHMENTS:

	Description	Type
	Minutes from the February 8, 2023 Chesapeake Bay Board Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	3/1/2023 - 4:41 PM
Chesapeake Bay Group	Small, Toni	Approved	3/1/2023 - 4:42 PM
Publication Management	Pobiak, Amanda	Approved	3/2/2023 - 9:23 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/2/2023 - 9:31 AM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
February 8, 2023
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for February 8, 2023 was called to order.

The responsibility of this Board is to carry out locally the Commonwealth policy to protect against and minimize pollution and deposition of sediment in wetlands, streams, and lakes in James City County, which are tributaries of the Chesapeake Bay.

B. ROLL CALL

Board Members Present:

Halle Dunn
Charles Roadley, Chair
Scott Maye, Vice Chair
Michael O'Brien

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
Joshua Everard, Assistant County Attorney, County Attorney's Office

C. MINUTES

1. Minutes from the January 5, 2023 Special Meeting
A motion to approve the minutes was made by Mr. Roadley. The minutes were approved on a voice vote.
2. Minutes for January 11, 2023 Chesapeake Bay Board Meeting
A motion to approve the minutes was made by Mr. Roadley. The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. CBPA-22-0159 : 9801 York River Park Road

A motion to Approve w/ Conditions was made by Scott Maye, the motion result was Passed.

AYES: 3 NAYS: 1 ABSTAIN: 0 ABSENT: 1

Ayes: Maye, O'Brien, Roadley

Nays: Dunn

Absent: Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Anthony Loubier and Mr. Vikrant Desai, VHB, on behalf of Commonwealth of Virginia Division of Parks, for encroachments into the Resource Protection Area (RPA) buffer for the construction of a new Americans with Disabilities Act (ADA) accessible parking space. The property is further identified as James City County Tax Map Parcel No. 0830100002. 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.

Staff confirmed that there are currently no existing ADA accessible parking space at the site.

Mr. Roadley opened the Public Hearing.

A. Mr. Chris Fry, Vanasse Hangen Brustlin, Inc., 351 McLaws Circle Suite 3, clarified details of the plan for the Board including an explanation that the precise location of the proposed parking space was chosen for its proximity to the existing pier. Mr. Fry also confirmed that the plan was initiated by the National Park Service.

Mr. Roadley closed the Public Hearing.

Mr. Roadley reopened the Public Hearing.

Staff accepted Mr. Fry's request that a performance bond that is expected to be required by the Virginia Department of Conservation and Recreation (DCR) for the same activities proposed in this plan be used in lieu of the mitigation surety required as a condition of this plan.

Mr. Roadley closed the Public Hearing.

Staff clarified for the Board that a motion to adopt the application would need to include recognition of the proposed change to the plan's conditions. Staff subsequently read the revised conditions verbatim.

2. CBPA-22-0150 : 112 Discovery Lane

A motion to Defer was made by Halle Dunn, the motion result was Passed. AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Dunn, Maye, O'Brien, Roadley

Absent: Waltrip

Mr. Trevor Long, Watershed Planner, presented the request for deferral of the exception request submitted by Ms. April Warren, citing the need for further revision of the site plan. The exception request is for encroachments into the RPA for the construction and approval of a walkway surrounding a raised garden bed, greenhouse, deck, pergola, and two sheds. The property is further identified as James City County

Tax Map Parcel No. 4730500020. Mr. Long also recommended that the Public Hearing should be opened and remain so as a matter of procedure.

Mr. Roadley opened the Public Hearing.

E. BOARD CONSIDERATIONS

None.

F. MATTERS OF SPECIAL PRIVILEGE

None.

G. ADJOURNMENT

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

The meeting adjourned at 5:33 p.m.

ITEM SUMMARY

DATE: 3/8/2023

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: CBPA-23-0005 : 247 William Barksdale

CBPA-23-0005: Mr. Matthew Roth, Roth Environmental, LLC, has applied for a Chesapeake Bay Exception on behalf of Mr. Bryan Schumacher for encroachments into the Resource Protection Area (RPA) buffer for the construction of a retaining wall on property located at 247 William Barksdale, JCC Parcel No. 4940300095.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution to Approve	Resolution
▣	Resolution to Deny	Resolution
▣	Site Plan	Exhibit
▣	APO List	Backup Material
▣	APO Letter	Backup Material
▣	Gazette Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	3/1/2023 - 4:40 PM
Chesapeake Bay Group	Small, Toni	Approved	3/1/2023 - 4:40 PM
Publication Management	Pobiak, Amanda	Approved	3/1/2023 - 4:48 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/1/2023 - 4:52 PM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0005. 247 William Barksdale
Staff Report for the March 8, 2023, 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. Bryan Schumacher

Agent: Mr. Matthew Roth, Roth Environmental, LLC

Location: 247 William Barksdale

Parcel Identification No.: 4940300095

Parcel: Lot 95, Phase 2 Fairfax Woods

Lot Size: 0.93 acres

Area of Lot in Resource Protection Area (RPA): 0.62 acres (67%)

Watershed: College Creek (JL34)

Floodplain: Zone AE - Base flood elevation 8 feet

Proposed Activity: Construction of a retaining wall and patio

Impervious Cover: 853 square feet

RPA Encroachment: 793 square feet, landward 50-foot RPA
60 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Matthew Roth, Roth Environmental, LLC, has applied for a Chesapeake Bay Exception on behalf of Mr. Bryan Schumacher for encroachments into the RPA buffer for the construction of a retaining wall located at 247 William Barksdale within the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4940300095. The parcel was platted in 1985, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.93 acres, of which 67% is located within the RPA. Existing conditions on this property include a stone wall across the backyard and a wood landscape wall. The applicant is proposing to remove the existing stone wall and replace it with a retaining wall to combat erosion on the property. Additionally, the applicant is proposing to replace the existing deck with a raised patio. Total impacts associated with this project equate to 793 square feet in the landward 50-foot RPA and 60 square feet in the seaward 50-foot RPA. Due to the placement of the proposed retaining wall and replacement of the deck, these impacts within the RPA are a decrease of impervious area by 20 square feet in the seaward 50-foot RPA but an increase of impervious area by 128 square feet in the landward 50-foot RPA for a net increase of 108 square feet. Required mitigation for this amount of impervious impacts equals four shrubs. The applicant has proposed to plant nine shrubs, therefore satisfying the mitigation requirements.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a retaining wall 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 retaining wall and patio is considered accessory in nature and because the structure is proposed closer to the resource than the original placement.

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 Applicant must submit a mitigation plan equating to nine shrubs to the Stormwater and Resource Protection Division; and
3. The Applicant must submit a surety of \$500 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
4. This exception request approval will become null and void if construction has not begun by March 8, 2024; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than January 25, 2024, six weeks prior to the expiration date.

TAL/ap
CBPA23-5_247WmBrksdle

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0005. 247 WILLIAM BARKSDALE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Matthew Roth, Roth Environmental, LLC, on behalf of Mr. Bryan Schumacher (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 8, 2023, to request an exception to use the Resource Protection Area on a parcel of property located at 247 William Barksdale and further identified as James City County Real Estate Tax Map Parcel No. 4940300095, as set forth in the application CBPA-23-0005, for the purpose of constructing a retaining wall and patio; and

WHEREAS, the Board has heard the arguments presented and 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, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0005, subject to the following conditions:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicant must submit a mitigation plan equating to nine shrubs to the Stormwater and Resource Protection Division; and
3. The Applicant must submit a surety of \$500 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
4. This exception request approval will become null and void if construction has not begun by March 8, 2024; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than January 25, 2024, six weeks prior to the expiration date.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of March, 2023.

CBPA23-5_247WmBrksdleApp-res

RESOLUTION

CASE NO. CBPA-23-0005. 247 WILLIAM BARKSDALE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Matthew Roth, Roth Environmental, LLC, on behalf of Mr. Bryan Schumacher, has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 8, 2023, to request an exception to use the Resource Protection Area on a parcel of property located at 247 William Barksdale and further identified as James City County Real Estate Tax Map Parcel No. 4940300095, as set forth in the application CBPA-23-0005, for the purpose of constructing a retaining wall and patio; and

WHEREAS, the Board has heard the arguments presented and 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, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0005.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of March, 2023.

CBPA23-5_247WmBrksdleDny-res

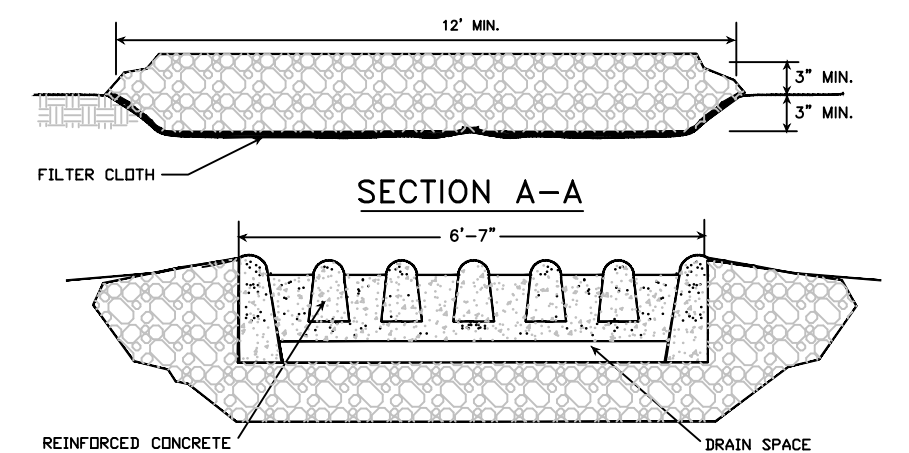
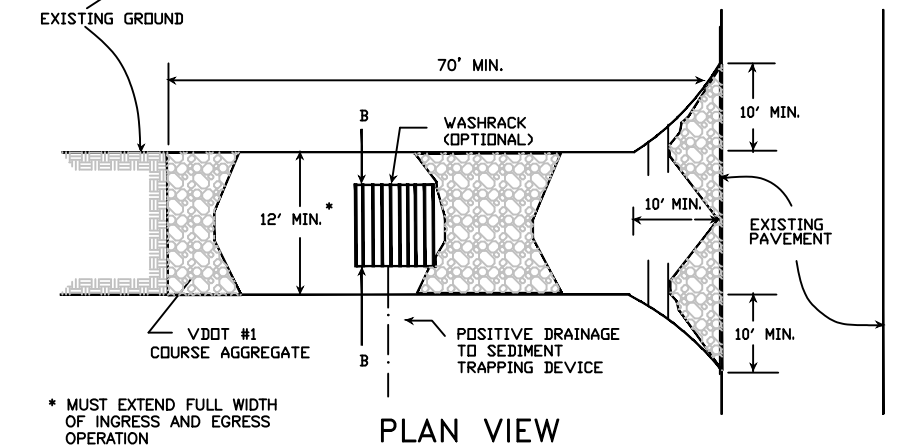
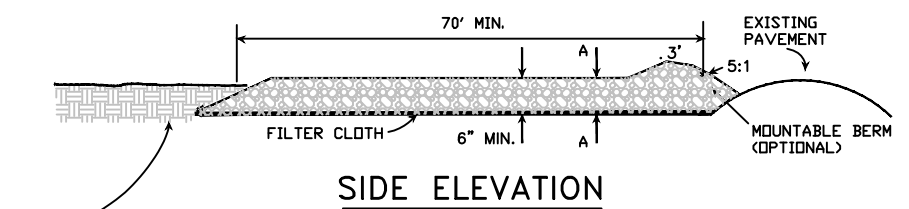
RECORD MERIDIAN
P.B. 41, PG. 91

N/F
ESCALANTE KINGSMILL RESORT,
LLC
PIN:5030100001
INST.#170009894 (DEED)
INST.#100014978 (PLAT)

N/F
ESCALANTE KINGSMILL RESORT,
LLC
PIN:5030100001
INST.#170009894 (DEED)
INST.#100014978 (PLAT)

UNITED STATES OF
AMERICA
(SCENIC EASEMENT)
P.B. 40 PG. 51 (PLAT)
D.B. 159 PG. 316 (DEED)

STONE CONSTRUCTION ENTRANCE

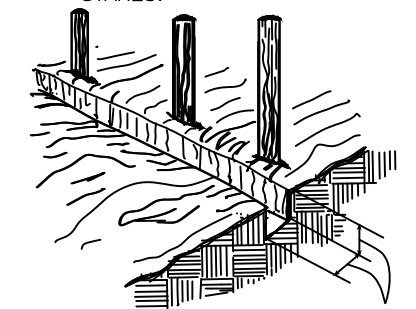
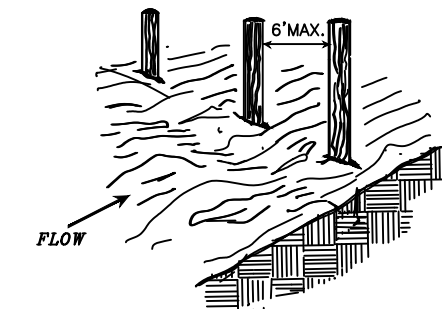


SOURCE: ADAPTED from 1983 Maryland Standards for Soil erosion and Sediment Control, and Va. DSWC

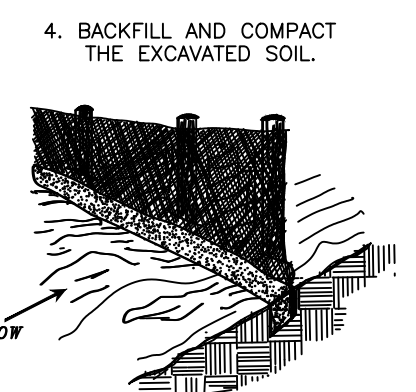
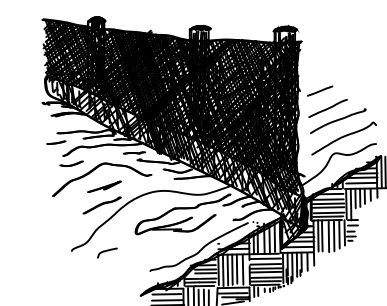
Plate 3.02-1

CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)

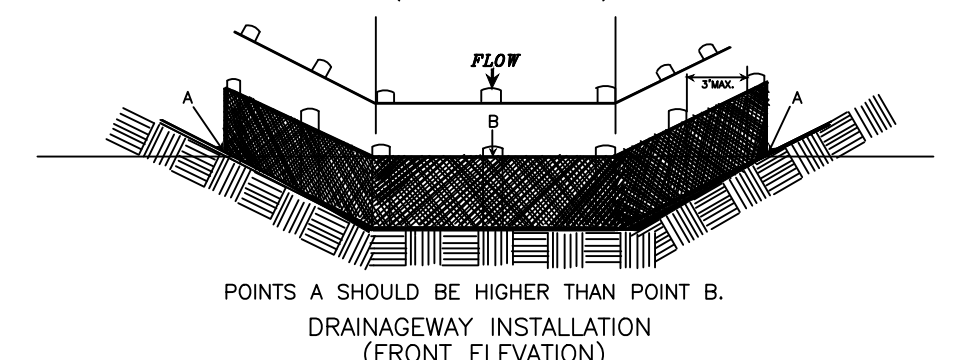
1. SET THE STAKES.
2. EXCAVATE A 4"X 4" TRENCH UPSLOPE ALONG THE LINE OF STAKES.



3. STAPLE FILTER MATERIAL TO STAKES AND EXTEND IT INTO THE TRENCH.



SHEET FLOW INSTALLATION
(PERSPECTIVE VIEW)



SOURCE: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, VA DSWC Sherwood and Wyant

PLATE: 3.05-2

PAGE 1 OF 3 - DEMO PLAN

SITE INFORMATION

PARCEL ID: 4940300095

TOTAL AREA: 40,711 S.F. / 0.93 AC.

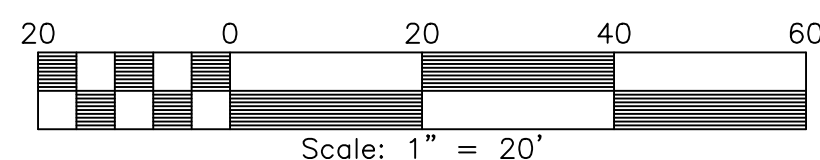
ZONING DISTRICT: R4

EXISTING SITE IS PARTLY WOODED AS SHOWN

SETBACK LINES ARE NOT SHOWN AND ARE TO BE VERIFIED BY KINGSMILL

EXISTING ADDRESS:

247 WILLIAM BARKSDALE
JAMES CITY COUNTY, VIRGINIA

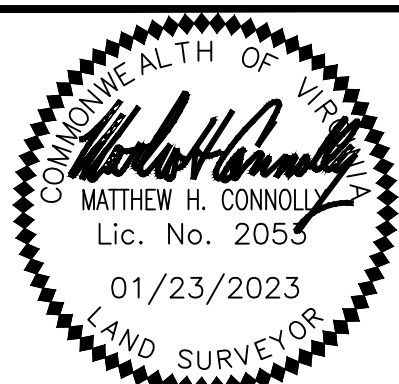


LOT 95
40,711 S.F.
0.93 AC.

LEGEND

- AREA TO BE DEMOLISHED
- GENERATOR
- IRF = IRON ROD FOUND
- TREE TO BE REMOVED

CURVE	ARC LEN.	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LEN.
C1	55.55'	50.00'	63°39'24"	S 27°36'00" W	52.74'



DATE: 1/3/2023
DRAWN BY: AEQ
PROJECT No. 22-364
FILE NAME: 22-364.DWG
REFERENCES:
P.B. 41 PG. 91

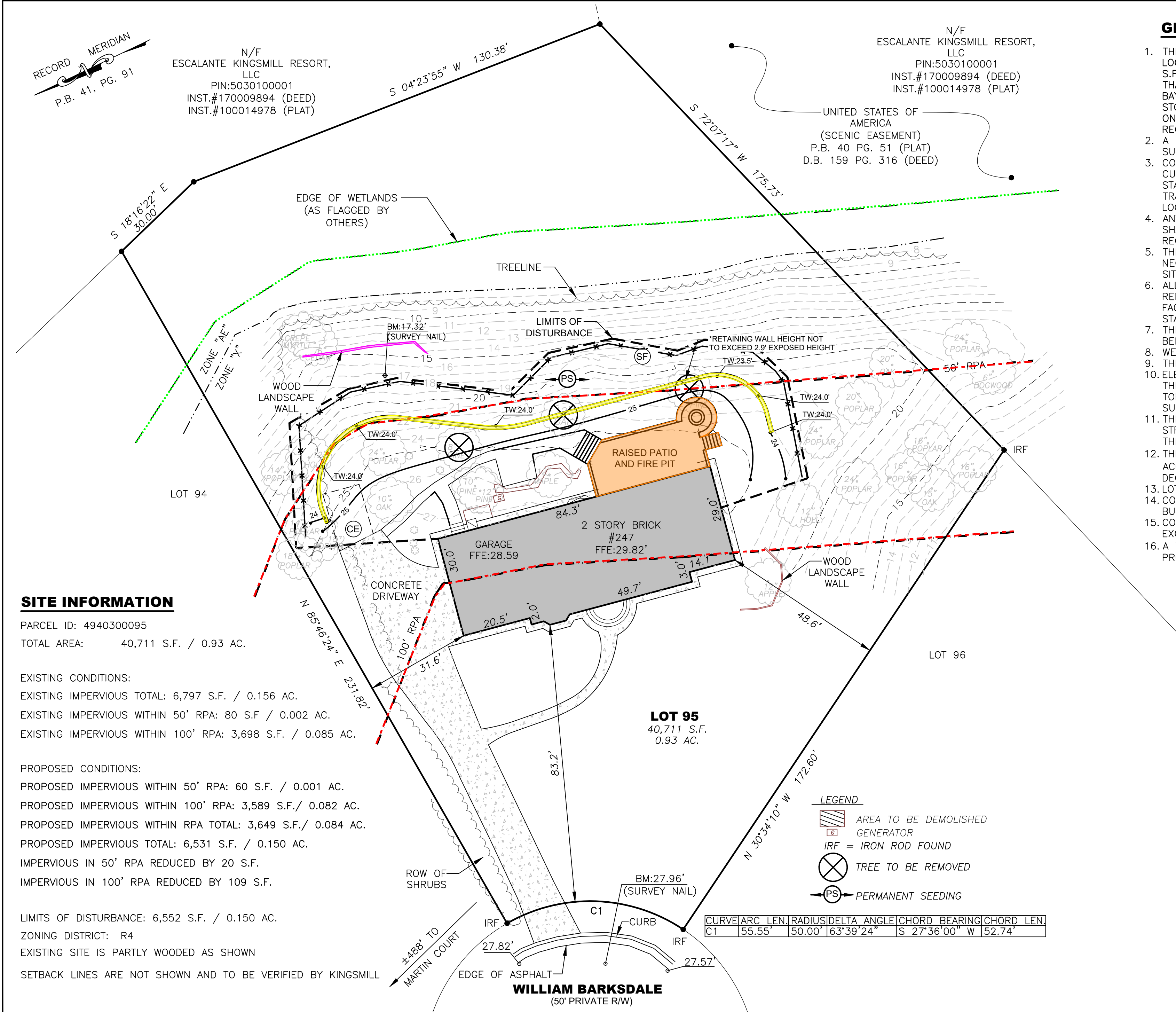
EROSION AND SEDIMENT CONTROL PLAN OF
LOT 95 PHASE II FAIRFAX WOODS
KINGSMILL
FOR
ULTIMATE HARDSCAPES

JAMES CITY COUNTY

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	1/23/2023	REVISED LIMITS OF DISTURBANCE





SITE INFORMATION

PARCEL ID: 4940300095
TOTAL AREA: 40,711 S.F. / 0.93 AC.

EXISTING CONDITIONS:
EXISTING IMPERVIOUS TOTAL: 6,797 S.F. / 0.156 AC.
EXISTING IMPERVIOUS WITHIN 50' RPA: 80 S.F. / 0.002 AC.
EXISTING IMPERVIOUS WITHIN 100' RPA: 3,698 S.F. / 0.085 AC.

PROPOSED CONDITIONS:
PROPOSED IMPERVIOUS WITHIN 50' RPA: 60 S.F. / 0.001 AC.
PROPOSED IMPERVIOUS WITHIN 100' RPA: 3,589 S.F./ 0.082 AC.
PROPOSED IMPERVIOUS WITHIN RPA TOTAL: 3,649 S.F./ 0.084 AC.
PROPOSED IMPERVIOUS TOTAL: 6,531 S.F. / 0.150 AC.
IMPERVIOUS IN 50' RPA REDUCED BY 20 S.F.
IMPERVIOUS IN 100' RPA REDUCED BY 109 S.F.

LIMITS OF DISTURBANCE: 6,552 S.F. / 0.150 AC.
ZONING DISTRICT: R4
EXISTING SITE IS PARTLY WOODED AS SHOWN
SETBACK LINES ARE NOT SHOWN AND TO BE VERIFIED BY KINGSMILL

GENERAL NOTES

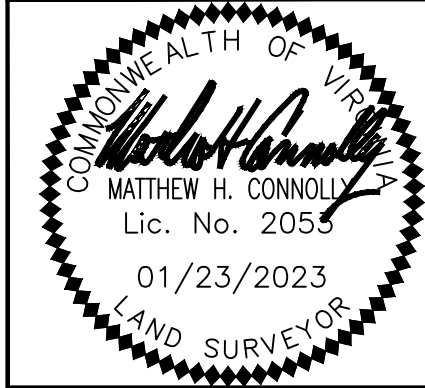
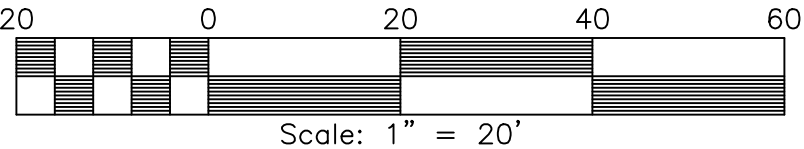
- 1. THE OWNER WILL BE REQUIRED TO OBTAIN A VSMP PERMIT FROM LOCALITY DUE TO THE DISTURBED AREA BEING GREATER THAN 2,500 S.F. WITHIN A CHESAPEAKE BAY PRESERVATION AREA, OR GREATER THAN 1 ACRE OF LAND DISTURBANCE OUTSIDE OF A CHESAPEAKE BAY PRESERVATION AREA. THIS PERMIT WILL REQUIRE A STORMWATER POLLUTION PREVENTION PLAN BE PREPARED AND KEEP ON SITE DURING CONSTRUCTION IN ACCORDANCE WITH VSMP REGULATIONS.
- 2. A LAND DISTURBING PERMIT AND SILTATION AGREEMENT, WITH SURETY ARE REQUIRED FOR THIS PROJECT.
- 3. CONSTRUCTION ON THIS SITE SHALL ADHERE TO THE MOST CURRENT VERSION OF THE HRPDC REGIONAL CONSTRUCTION STANDARDS AND SPECIFICATION, VIRGINIA DEPARTMENT OF TRANSPORTATION CONSTRUCTION SPECIFICATIONS, AS WELL AS ALL LOCALITY CONSTRUCTION STANDARDS AND SPECIFICATIONS.
- 4. ANY EXISTING UNUSED WELLS DISCOVERED DURING CONSTRUCTION SHALL BE ABANDONED IN ACCORDANCE WITH STATE PRIVATE WELL REGULATIONS AND LOCALITY CODE.
- 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS PRIOR TO THE COMMENCEMENT OF WORK ON SITE.
- 6. ALL OBJECTIONABLE AND DELETERIOUS MATERIALS ARE TO BE REMOVED FROM THE SITE AND DISPOSED OF IN A STATE APPROVED FACILITY MEETING THE REQUIREMENTS OF ALL APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS.
- 7. THIS SURVEY AND SITE PLAN WERE PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT.
- 8. WETLANDS, AS SHOWN, WERE LOCATED BY OTHERS.
- 9. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
- 10. ELEVATIONS AS SHOWN HEREON ARE IN FEET AND ARE RELATIVE TO THE NAVD 1988 VERTICAL DATUM BASED ON GPS OBSERVATIONS. TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
- 11. THIS FIRM IS NOT RESPONSIBLE FOR THE LOCATION OF ANY STRUCTURE, MANHOLE, VALVE, ETC., HIDDEN OR OBSTRUCTED AT THE TIME THE FIELD SURVEY WAS PERFORMED.
- 12. THIS LOT LIES IN F.I.R.M. ZONE "X" & ZONE "AE" (ELEV 7) ACCORDING TO FLOOD INSURANCE RATE MAP #51095C0202D, DATED DECEMBER 16, 2015.
- 13. LOT SERVED BY PUBLIC WATER AND SEWER
- 14. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDING SHOWN HEREON.
- 15. CONTRACTOR SHALL DETERMINE EXACT PATIO ELEVATION AFTER EXCAVATION.
- 16. A 7.5' DRAINAGE EASEMENT IS PARALLEL TO AND ALONG ALL PROPERTY LINES DEDICATED TO BUSCH PROPERTIES, INC.

MITIGATION MEASURE	QTY.(NEEDED)
NATIVE CANOPY TREES	0
NATIVE UNDERSTORY TREES	0
NATIVE SHRUBS	6

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

EXISTING ADDRESS:

247 WILLIAM BARKSDALE
JAMES CITY COUNTY, VIRGINIA



DATE: 1/3/2023
DRAWN BY: AEQ
PROJECT No. 22-364
FILE NAME: 22-364.DWG
REFERENCES:
P.B. 41 PG. 91

EROSION AND SEDIMENT CONTROL PLAN OF
LOT 95 PHASE II FAIRFAX WOODS
KINGSMILL
FOR
ULTIMATE HARDSCAPES

JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	1/23/2023	REVISED LIMITS OF DISTURBANCE



Case Number: CBPA-23-0005

PIN	Last Name	Address Line 1	City	State	Zip Code
4.94E+09	BROOKS, BRIAN C & REBECCA C	245 WILLIAM BARKSDALE	WILLIAMSBURG	VA	23185-8210
4.94E+09	ERICKSON, ALICE M TRUSTEE &	241 WILLIAM BARKSDALE	WILLIAMSBURG	VA	23185-8210
5.03E+09	ESCALANTE KINGSMILL RESORT LLC	2930 BLEDSOE ST STE 124	FORT WORTH	TX	76107-2942
5.03E+09	ESCALANTE KINGSMILL RESORT LLC	2930 BLEDSOE ST STE 124	FORT WORTH	TX	76107-2942
5.03E+09	ESCALANTE KINGSMILL RESORT LLC	2930 BLEDSOE ST STE 124	FORT WORTH	TX	76107-2942
4.94E+09	HOYT, MICHAEL J TRUSTEE &	244 WILLIAM BARKSDALE	WILLIAMSBURG	VA	23185-8208
4.94E+09	MAGEE, KIMBERLY K	248 WILLIAM BARKSDALE	WILLIAMSBURG	VA	23185-8208
	Mr. Matthew Roth, Roth Environmental, LLC	700 Prescott	Newport News	VA	23602-7019
4.94E+09	SCHUMACHER, BRYAN P TRUSTEE &	247 WILLIAM BARKSDALE	WILLIAMSBURG	VA	23185-8210



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

«Last_Name»
«Address_Line_1»
«City», «State» «Zip_Code»

RE: CBPA-23-0005
247 William Barksdale
Construction of a retaining wall

February 10, 2023

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. Matthew Roth, Roth Environmental, LLC, on behalf of Mr. Bryan Schumacher for encroachments into the Resource Protection Area (RPA) buffer for the construction of a retaining wall on property located at 247 William Barksdale, JCC Tax Map Parcel No. 4940300095.

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, March 8, 2023, 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



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY MARCH 8, 2023, 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-23-0005: Mr. Matthew Roth, Roth Environmental, LLC, has applied for a Chesapeake Bay Exception on behalf of Mr. Bryan Schumacher for encroachments into the Resource Protection Area (RPA) buffer for the construction of a retaining wall on property located at 247 William Barksdale, JCC Parcel No. 4940300095.

CBPA-23-0008: Mr. Keith Taylor has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a deck on property located at 108 Oxford Circle, JCC Parcel No. 4720700016.

CBPA-23-0009: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Geno Godwin and Ms. Judith Alicea for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 109 Murcar, JCC Parcel No. 3710800078.

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 Feb 22, 2023 and Mar 1, 2023.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x6648

ITEM SUMMARY

DATE: 3/8/2023

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: CBPA-23-0008 : 108 Oxford Circle

CBPA-23-0008: Mr. Keith Taylor has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a deck on property located at 108 Oxford Circle, JCC Parcel No. 4720700016.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution to Approve	Resolution
▣	Resolution to Deny	Resolution
▣	Site Plan	Exhibit
▣	APO List	Backup Material
▣	APO Letter	Backup Material
▣	Gazette Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	3/1/2023 - 4:40 PM
Chesapeake Bay Group	Small, Toni	Approved	3/1/2023 - 4:41 PM
Publication Management	Daniel, Martha	Approved	3/2/2023 - 8:12 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/2/2023 - 8:48 AM

CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0008. 108 Oxford Circle
Staff Report for the March 8, 2023, 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. Keith Taylor

Agent: None

Location: 108 Oxford Circle

Parcel Identification No.: 4720700016

Parcel: Lot 16, Section A, Druid Hills

Lot Size: 0.74 acres

Area of Lot in Resource Protection Area (RPA): 0.50 acres (68%)

Watershed: Mill Creek (JL33)

Floodplain: None

Proposed Activity: Construction of a deck

Impervious Cover: 336 square feet

RPA Encroachment: 336 square feet, landward 50-foot RPA

Staff Contact: Robin Benedict, Watershed Planner Phone: 253-6781

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Keith Taylor has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a deck located at 108 Oxford Circle within the Druid Hills subdivision and the Mill Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4720700016. The parcel was platted in 1964, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990. The RPA affected this property in 2004, when the Ordinance changed.

The total lot size of this property is 0.74 acres, of which 68% is located within the RPA. The applicant is proposing to construct a 16-foot by 21-foot deck at the rear of the existing home. Total impacts to the RPA associated with this proposal equate to 336 square feet in the landward 50-foot RPA. There is an existing patio adjacent to the proposed deck. 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 construction of a deck. 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.

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 Applicant must place three inches of gravel underneath the footprint of the deck; and
3. The Applicant must submit a mitigation plan equating to one planting unit (one canopy tree, two understory trees, and three shrubs) to the Stormwater and Resource Protection Division prior to project start; and
4. The Applicant must submit a surety of \$500 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
5. This exception request approval will become null and void if construction has not begun by March 8, 2024; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than January 25, 2024, six weeks prior to the expiration date.

RB/md
CBPA23-8_108OxfdBir

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0008. 108 OXFORD CIRCLE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Keith Taylor, (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 8, 2023, to request an exception to use the Resource Protection Area on a parcel of property located at 108 Oxford Circle and further identified as James City County Real Estate Tax Map Parcel No. 4720700016, as set forth in the application CBPA-23-0008 for the purpose of construction of a deck; and

WHEREAS, the Board has heard the arguments presented and 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, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0008, subject to the following conditions:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicant must place three inches of gravel underneath the footprint of the deck; and
3. The Applicant must submit a mitigation plan equating to one planting unit (one canopy tree, two understory trees, and three shrubs) to the Stormwater and Resource Protection Division prior to project start; and
4. The Applicant must submit a surety of \$500 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
5. This exception request approval will become null and void if construction has not begun by March 8, 2024; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than January 25, 2024, six weeks prior to the expiration date.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of March 2023.

RESOLUTION

CASE NO. CBPA-23-0008. 108 OXFORD CIRCLE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Keith Taylor has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 8, 2023, to request an exception to use the Resource Protection Area on a parcel of property located at 108 Oxford Circle and further identified as James City County Real Estate Tax Map Parcel No. 4720700016, as set forth in the application CBPA-23-0008, for the purpose of constructing a deck; and

WHEREAS, the Board has heard the arguments presented and 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, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0008.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of March 2023.

CBPA23-8_108OxfCirDeny-res

THIS IS TO DECLARE THAT I, ON JUNE 20, 2001, SURVEYED THE PROPERTY SHOWN HEREON, AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS.

THE PROPERTY EMBRACED WITHIN THE LIMITS OF THIS SURVEY APPEARS TO LIE WITHIN FLOOD ZONE X ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY - NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY PANEL NUMBER 510201-0045-B DATED: 2/6/91.

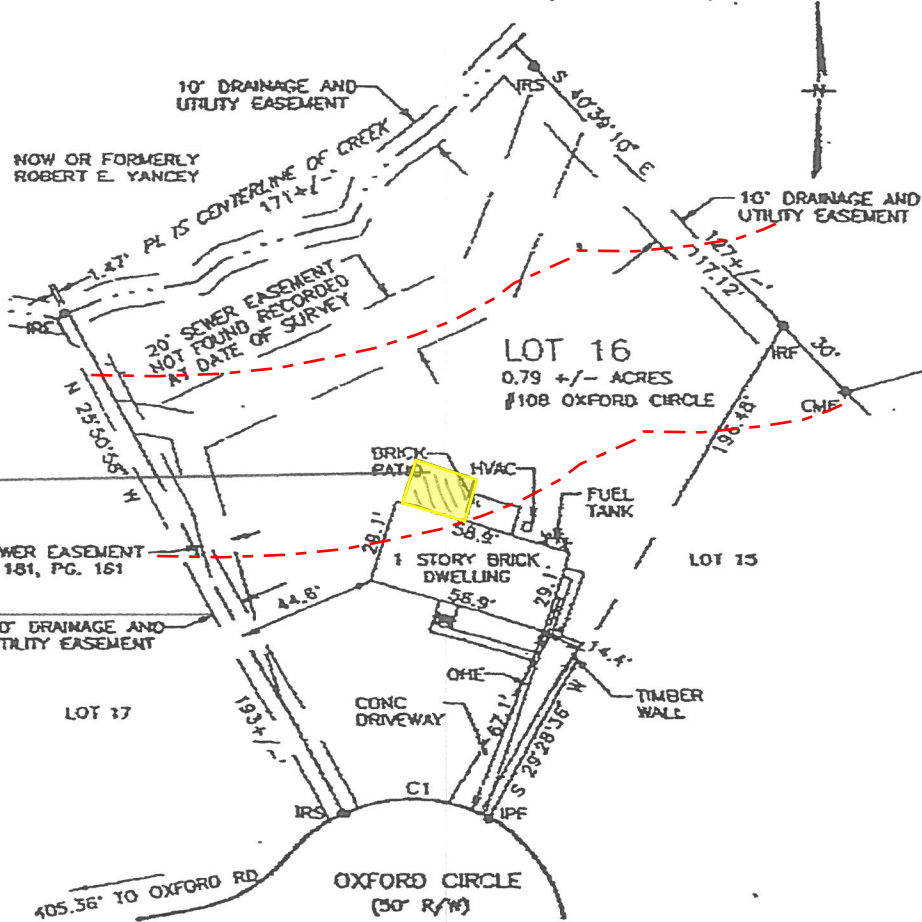
THE EXISTENCE OF: VEGETATED, AND/OR TIDAL WETLANDS, AND/OR HAZARDOUS WASTES WAS NEITHER INVESTIGATED NOR CONFIRMED DURING THE PERFORMANCE OF THIS SURVEY.

NOTES:

1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT.

2) DRUID HILLS, RESUBDIVISION OF A PORTION OF SECTION A, RECORDED IN PG. 21 PG. 49

CURVE	ARC	RADIUS	TANGENT	CHORD BEARING	CHORD	DELTA
C1	48.28ft	50.00ft	26.21ft	N88°11'11"W	46.43ft	55°19'34"



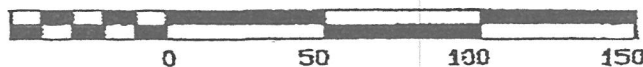
PHYSICAL SURVEY OF LOT 16
 DRUID HILLS
 RE-SUBDIVISION OF
 A PORTION OF SECTION A
 STANDING IN THE NAME OF
 RIVERSIDE HEALTHCARE
 ASSOCIATION, INC.

BERKELEY DISTRICT
 6/25/00

JAMES CITY COUNTY
 SCALE 1"=50'

GRAPHIC SCALE

1"=50'

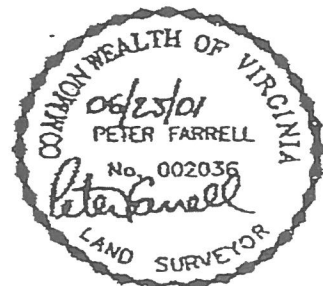


LANDMARK

DESIGN GROUP

Engineers • Planners • Surveyors
 Landscapes/Architects • Environmental Consultants
 4029 IRONBOUND ROAD SUITE 100
 WILLIAMSBURG, VIRGINIA

(757) 253-2975 FAX: (757) 229-0049



Case Number: CBPA-23-0008

PIN	Last Name	Address Line 1	City	State	Zip Code
4720700013	BUSBIN, DAINNYA & STEVEN	107 OXFORD CIR	WILLIAMSBURG	VA	23185-3226
4720700017	GILBERT, AMANDA K	106 OXFORD CIR	WILLIAMSBURG	VA	23185-3226
4720700015	KING, MONA	110 OXFORD CIR	WILLIAMSBURG	VA	23185-3226
4720700014	LEE, JON D & FLAVIN-LEE, PAMELA H	109 OXFORD CIR	WILLIAMSBURG	VA	23185-3226
4720700012	LINSALATA, DANIEL	105 OXFORD CIR	WILLIAMSBURG	VA	23185-3226
4722600001D	MARYWOOD PROPERTY OWNERS ASSOCIATION INC	500 VIKING AVE ~STE 202	VIRGINIA BEACH	VA	23452-7487
4720700016	TAYLOR, KEITH ROBERT	108 OXFORD CIR	WILLIAMSBURG	VA	23185-3226
4812200022	WILLIAMSBURG RIVERSIDE MEDICAL COMPL	839 NORTH JEFFERSON STREET 6TH FL	MILWAUKEE	WI	53202-3761



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

«Last_Name»
«Address_Line_1»
«City», «State» «Zip_Code»

RE: CBPA-23-0008
108 Oxford Circle
Construction of a deck

February 10, 2023

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. Keith Taylor for encroachments into the Resource Protection Area (RPA) buffer for the construction of a deck on property located at 108 Oxford Circle, JCC Tax Map Parcel No. 4720700016.

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, March 8, 2023, 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



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY MARCH 8, 2023, 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-23-0005: Mr. Matthew Roth, Roth Environmental, LLC, has applied for a Chesapeake Bay Exception on behalf of Mr. Bryan Schumacher for encroachments into the Resource Protection Area (RPA) buffer for the construction of a retaining wall on property located at 247 William Barksdale, JCC Parcel No. 4940300095.

CBPA-23-0008: Mr. Keith Taylor has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a deck on property located at 108 Oxford Circle, JCC Parcel No. 4720700016.

CBPA-23-0009: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Geno Godwin and Ms. Judith Alicea for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 109 Murcar, JCC Parcel No. 3710800078.

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 Feb 22, 2023 and Mar 1, 2023.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x6648

ITEM SUMMARY

DATE: 3/8/2023

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: CBPA-23-0009 : 109 Murcar

CBPA-23-0009: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Geno Godwin and Ms. Judith Alicea for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 109 Murcar, JCC Parcel No. 3710800078.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Staff Report
▣	Resolution to Approve	Resolution
▣	Resolution to Deny	Resolution
▣	Site Plan	Backup Material
▣	APO List	Backup Material
▣	APO Letter	Backup Material
▣	Gazette Ad	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	3/1/2023 - 4:40 PM
Chesapeake Bay Group	Small, Toni	Approved	3/1/2023 - 4:41 PM
Publication Management	Pobiak, Amanda	Approved	3/2/2023 - 8:07 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/2/2023 - 8:09 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0009. 109 Murcar
Staff Report for the March 8, 2023, 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. Geno Godwin and Ms. Judith Alicea

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

Location: 109 Murcar

Parcel Identification No.: 3710800078

Parcel: Lot 78, Section 31, Ford's Colony

Lot Size: 0.46 acres

Area of Lot in Resource Protection Area (RPA): 0.46 acres (100%)

Watershed: Powhatan Creek (JL31)

Floodplain: Zone AE, approximate elevation 28 feet mean sea level

Proposed Activity: Construction of a single-family dwelling, deck, and retaining wall

Impervious Cover: 4,282 square feet

RPA Encroachment: 1,754 square feet, landward 50-foot RPA
2,528 square feet, seaward 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 Mr. Geno Godwin and Ms. Judith Alicea for encroachments into the RPA buffer for the construction of a single-family dwelling, deck, and retaining wall located at 109 Murcar within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3710800078. The parcel was platted in 2000, prior to the changes in the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 0.46 acres, of which 100% is located within the RPA. Existing conditions of the property include a wooded lot with a wetland system that runs through the middle of the parcel. Additionally, there is a timber wall Best Management Practice located on a portion of this property that the wetlands drain towards. The applicants are proposing to construct a new single-family dwelling, deck, and retaining wall. Total impacts to the RPA associated with this proposal equate to 1,754 square feet in the landward 50-foot RPA and 2,528 square feet of impacts in the seaward 50-foot RPA for a total of 4,282 square feet of impacts. Required mitigation for this amount of impervious impacts equals 11 planting units (11 canopy trees, 22 understory trees, and 33 shrubs). Staff is requesting that an affidavit be recorded in the Williamsburg/James City County Courthouse because of the environmental sensitivity of this lot.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a single-family dwelling, deck, and retaining wall. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because construction of the single-family dwelling extends into the seaward 50-foot RPA and the construction of a retaining wall 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 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 Applicants must obtain all other necessary federal, state, and local permits as required for the project; and
2. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
3. The Applicants must submit a surety of \$5,500 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings of 11 canopy trees, 22 understory trees, and 33 shrubs; and
4. This exception request approval will become null and void if construction has not begun by March 8, 2024; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than January 25, 2024, six weeks prior to the expiration date.

TAL/md
CBPA23-9_109Murcar

Attachments:

1. Resolution

2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0009. 109 MURCAR

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Geno Godwin and Ms. Judith Alicea (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 8, 2023, to request an exception to use the Resource Protection Area on a parcel of property located at 109 Murcar and further identified as James City County Real Estate Tax Map Parcel No. 3710800078, as set forth in the application CBPA-23-0009, for the purpose of constructing of a single-family dwelling, deck, and retaining wall; and

WHEREAS, the Board has heard the arguments presented and 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, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0009, subject to the following conditions:

1. The Applicants must obtain all other necessary federal, state, and local permits as required for the project; and
2. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
3. The Applicants must submit a surety of \$5,500 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings of 11 canopy trees, 22 understory trees, and 33 shrubs; and
4. This exception request approval will become null and void if construction has not begun by March 8, 2024; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than January 25, 2024, six weeks prior to the expiration date.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of March, 2023.

RESOLUTION

CASE NO. CBPA-23-0009. 109 MURCAR

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Geno Godwin and Ms. Judith Alicea (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 8, 2023, to request an exception to use the Resource Protection Area on a parcel of property located at 109 Murcar and further identified as James City County Real Estate Tax Map Parcel No. 3710800078, as set forth in the application CBPA-23-0009, for the purpose of constructing of a single-family dwelling, deck, and retaining wall; and

WHEREAS, the Board has heard the arguments presented and 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, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0009.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of March, 2023.

CBPA23-9_109MurcarDeny-res

Case Number: CBPA-23-0009

PIN	Last Name	Address Line 1	City	State	Zip Code
3710800078	DULIN, STANLEY L & JUDY D	514 WHITE OAK DR	ELIZABETHTOWN	KY	42701-5491
3721100001A	FORD'S COLONY AT WILLIAMSBURG	100 MANCHESTER	WILLIAMSBURG	VA	23188-7404
3721100001B	FORD'S COLONY AT WILLIAMSBURG	100 MANCHESTER	WILLIAMSBURG	VA	23188-7404
3710800076	LOCKARD, JAMES P & FRANCES R	104 MURCAR	WILLIAMSBURG	VA	23188-8951
3710800077	MCCORMICK, DANIEL J	4280 BIRDELLA DR	WILLIAMSBURG	VA	23188-7366
	Mr. Chase Grogg LandTech Resources, LLC	205-E Bulifants Blvd	Williamsburg	VA	2318--5740
3710800085	OMEGA DEVELOPMENT LLC	25 YEARDLEYS GRANT	WILLIAMSBURG	VA	23185-6529
3710800079	SEU, MATTHEW JOHN TRUSTEE &	20727 SPICEBERRY CT	ASHBURN	VA	20147-4484
3710800075	TOCHOROSUN, INC.	34 ISLAND VIEW DRIVE	NEWPORT NEWS	VA	23602-7474
3710800086	WALKER, BRADY J & CORTNEY E	212 MONIFIETH	WILLIAMSBURG	VA	23188-8947
3710800080	WEBSTER, JAMES M & MARY S	205 CHORLEY	WILLIAMSBURG	VA	23188-8933



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

«Last_Name»
«Address_Line_1»
«City», «State» «Zip_Code»

RE: CBPA-23-0009
109 Murcar
Construction of a single-family
dwelling

February 10, 2023
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 Mr. Geno Godwin and Ms. Judith Alicea for encroachments into the Resource Protection Area (RPA) buffer for the construction of a single-family dwelling on property located at 109 Murcar, JCC Tax Map Parcel No. 3710800078.

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, March 8, 2023, 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



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY MARCH 8, 2023, 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-23-0005: Mr. Matthew Roth, Roth Environmental, LLC, has applied for a Chesapeake Bay Exception on behalf of Mr. Bryan Schumacher for encroachments into the Resource Protection Area (RPA) buffer for the construction of a retaining wall on property located at 247 William Barksdale, JCC Parcel No. 4940300095.

CBPA-23-0008: Mr. Keith Taylor has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a deck on property located at 108 Oxford Circle, JCC Parcel No. 4720700016.

CBPA-23-0009: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Geno Godwin and Ms. Judith Alicea for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 109 Murcar, JCC Parcel No. 3710800078.

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 Feb 22, 2023 and Mar 1, 2023.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x6648

ITEM SUMMARY

DATE: 2/8/2023

TO: Chesapeake Bay Board

FROM: Trevor Long, Chesapeake Bay Board Secretary

SUBJECT: CBPA-22-0150 : 112 Discovery Lane

The property owner has applied for a Chesapeake Bay Exception for encroachments into the Resource Protection Area (RPA) buffer for the construction and approval of a walkway surrounding a raised garden bed, a greenhouse, deck, pergola, and two sheds on property located at 112 Discover Ln, JCC Parcel No. 4730500020.

ATTACHMENTS:

	Description	Type
▣	Staff Report	Backup Material
▣	Resolution to Approve	Resolution
▣	Resolution to Deny	Resolution
▣	Site Plan	Exhibit
▣	Media Submissions	Exhibit
▣	Submitted Totals	Exhibit
▣	Letter of Opposition	Exhibit
▣	Letter of Support	Exhibit
▣	Letter of Support	Exhibit
▣	APO List	Exhibit
▣	APO Letter	Exhibit
▣	Gazette Ad	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	3/1/2023 - 5:00 PM
Chesapeake Bay Group	Small, Toni	Approved	3/1/2023 - 5:01 PM
Publication Management	Pobiak, Amanda	Approved	3/2/2023 - 9:21 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/2/2023 - 9:31 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-22-0150. 112 Discovery Lane
Staff Report for the March 8, 2023, 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. April Warren
Agent:	None
Location:	112 Discovery Lane
Parcel Identification No.:	4730500020
Parcel:	Lot 20, Section 1, Powhatan Shores
Lot Size:	0.41 acres
Area of Lot in Resource Protection Area (RPA):	0.24 acres (59%)
Watershed:	Powhatan Creek (JL31)
Floodplain:	Zone AE - Base flood elevation determined at 7 feet
Proposed Activity:	After-the-fact approval of a walkway surrounding a raised garden bed, a greenhouse, pergola, and two sheds
Impervious Cover:	After-the-fact: 1,405 square feet Newly proposed: 132 square feet
RPA Encroachment:	After-the-fact: 423 square feet, landward 50-foot RPA After-the-fact: 982 square feet, seaward 50-foot RPA Newly proposed: 132 square feet, landward 50-foot RPA Newly proposed: 0 square feet, seaward 50-foot RPA
Staff Contact:	Trevor A. Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. April Warren has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction and approval of a walkway surrounding a raised garden bed, a greenhouse, deck, pergola, and two sheds located at 112 Discovery Lane within the Powhatan Shores subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4730500020. The parcel was platted in 1975, prior to the enactment of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.41 acres, of which 59% is located within the RPA. Existing conditions of the property as of the 2017 aerial include a single-family dwelling, a driveway, and a level yard leading to a timber bulkhead adjacent to the canal. This property appeared before the Chesapeake Bay Board on October 12, 2022, for the after-the-fact approval of gravel and decking surrounding raised garden beds, a

greenhouse, three sheds, and pergola structure. This exception request, CBPA-22-0126, was denied during this meeting. Staff has since worked with the property owner to modify the proposed site plan to reduce impacts.

The applicant is proposing to gain after-the-fact approval for the construction of gravel and/or wooden deck paths equating to approximately 744 square feet within the seaward 50-foot RPA, a work area equating to approximately 94 square feet of impacts to the seaward 50-foot RPA, a greenhouse equating to approximately 120 square feet of impacts to the seaward 50-foot RPA, a garden shed equating to approximately 24 square feet of impacts to the seaward 50-foot RPA and 42 square feet of impacts to the landward 50-foot RPA, and a pergola structure area equating to approximately 165 square feet of impacts to the landward 50-foot RPA. In the process of evaluating this application, staff also found that there is an existing shed on the property that is not visible in any of the aerial photography prior to 2017 equating to approximately 216 square feet of impacts to the landward 50-foot RPA. Staff does not have any record of written requests for a Chesapeake Bay Preservation waiver for any of the previously mentioned structures. Since the denial of CBPA-22-0126, the applicant has proposed to remove 72 square feet of impacts from the gravel area surrounding the raised garden beds, the 48-square-foot glass framing from the cold frame and removed 20 square feet from the work area around the greenhouse. Total impacts associated with the after-the-fact structures equate to 423 square feet of impervious impacts to the landward 50-foot RPA and 982 square feet of impacts to the seaward 50-foot RPA for a sum of 1,405 square feet of impacts. Total reductions of after-the-fact approvals from the first exception request equate to 140 square feet of impacts.

The applicant has removed the proposed 160-square-foot shed and has reduced the size of the original proposed deck from 384 square feet to 252 square feet. There is an existing 120-square-foot slab in the footprint of the proposed deck, reducing the proposed impacts associated with the deck to 132 square feet. Both items were included in the original exception request denied under CBPA-22-0126. Total new impacts to the RPA associated with this exception request equate to 132 square feet of impacts.

Total impacts to the RPA associated with this proposal equate to a total of 1,405 square feet of impacts associated with the after-the-fact encroachments and 132 square feet of impacts associated with the newly proposed structures. Therefore, total impacts associated with all encroachments to the RPA buffer equate to 1,537 square feet. Because portions of this exception request are being heard after-the-fact, normal mitigation amounts for those encroachments have been doubled. Therefore, required mitigation associated with the encroachments being heard after-the-fact, normally equating to three and a half planting units, equates to seven planting units (seven canopy trees, 14 understory trees, and 21 shrubs). Required mitigation for the proposed impervious encroachment equates to three shrubs. In total, required mitigation for the entirety of the impervious impacts associated with this exception request equate to seven canopy trees, 14 understory trees, and 24 shrubs. The applicant is intending to divert stormwater runoff from both the after-the-fact shed and greenhouse through a gutter system and into a rain barrel for future use. Staff is also requesting that an affidavit be recorded in the Williamsburg/James City County Courthouse due to the environmentally sensitive nature of this lot.

Because the entirety of the improvements are within the regulated floodplain, all improvements (proposed and after-the-fact) 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 or be removed.

STAFF EVALUATION

Staff has evaluated the application and exception request for the after-the-fact approval of a walkway surrounding a raised garden bed, a greenhouse, deck, pergola, and two sheds. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because all of the structures are considered accessory in nature.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the 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. Should the Board wish to approve this exception 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. A mitigation plan equating to seven canopy trees, 14 understory trees, and 24 shrubs must be submitted to the Stormwater and Resource Protection Division and approved prior to project start; and
3. A surety of \$4,000 must be submitted in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
4. 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; and
5. That an affidavit be recorded in the Williamsburg/James City County Courthouse prior to the issuance of the building permit; and
6. This exception request approval will become null and void if construction has not begun by February 8, 2024; and
7. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than December 28, 2023, six weeks prior to the expiration date.

TAL/md
CBPA22-150_112DscvryLn-rev

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-22-0150. 112 DISCOVERY LANE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. April Warren, (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 8, 2023, 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. 4730500020 and further identified as 112 Discovery Lane (the “Property”) as set forth in the application CBPA-22-0150 for the purpose of after-the-fact approval of a walkway surrounding a raised garden bed, a greenhouse, pergola, and two sheds; and

WHEREAS, the Board has heard the arguments presented and 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, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-22-0150, subject to the following conditions:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicant must submit a mitigation plan equating to seven canopy trees, 14 understory trees, and 24 shrubs to the Stormwater and Resource Protection Division and approved prior to project start; and
3. The Applicant must submit a surety of \$4,000 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
4. 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; and
5. The Applicant must submit an affidavit to be recorded in the Williamsburg/James City County Courthouse prior to the issuance of the building permit; and
6. This exception request approval will become null and void if construction has not begun by February 8, 2024; and
7. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than December 28, 2023, six weeks prior to the expiration date.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of March, 2023.

RESOLUTION

CASE NO. CBPA-22-0150. 112 DISCOVERY LANE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. April Warren, (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 8, 2023, 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. 4730500020 and further identified as 112 Discovery Lane (the “Property”) as set forth in the application CBPA-22-0150 for the purpose of after-the-fact approval of a walkway surrounding a raised garden bed, a greenhouse, pergola, and two sheds; and

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

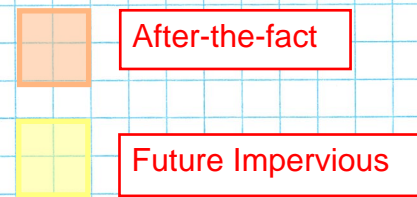
NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-22-0150, subject to the following conditions.

Charles Roadley
Chair, Chesapeake Bay Board

Trevor A. Long
Secretary to the Board

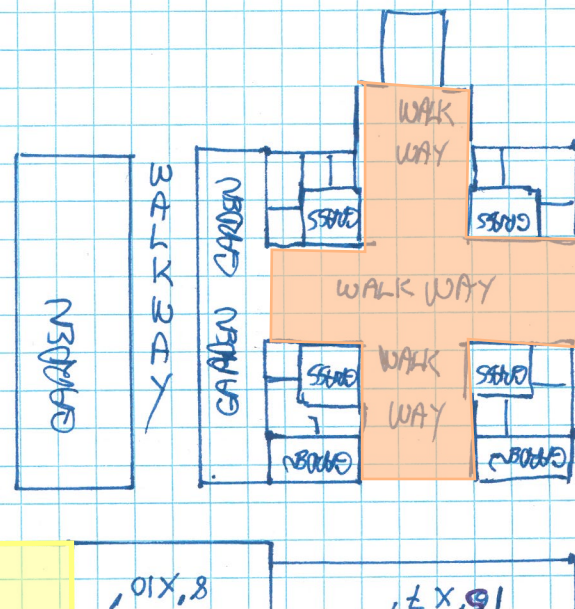
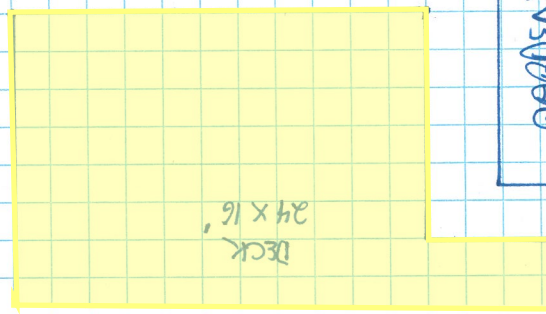
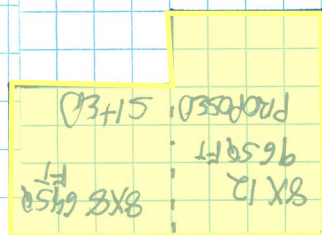
Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of March, 2023.

CBPA22-150_112DscvryLnDeny-res



50'-2 1/4"

50 FT FROM WATER/BULK HEAD



3N2M
1000000
←
p.g. 11



Chesapeake Bay Board of James City County, Virginia

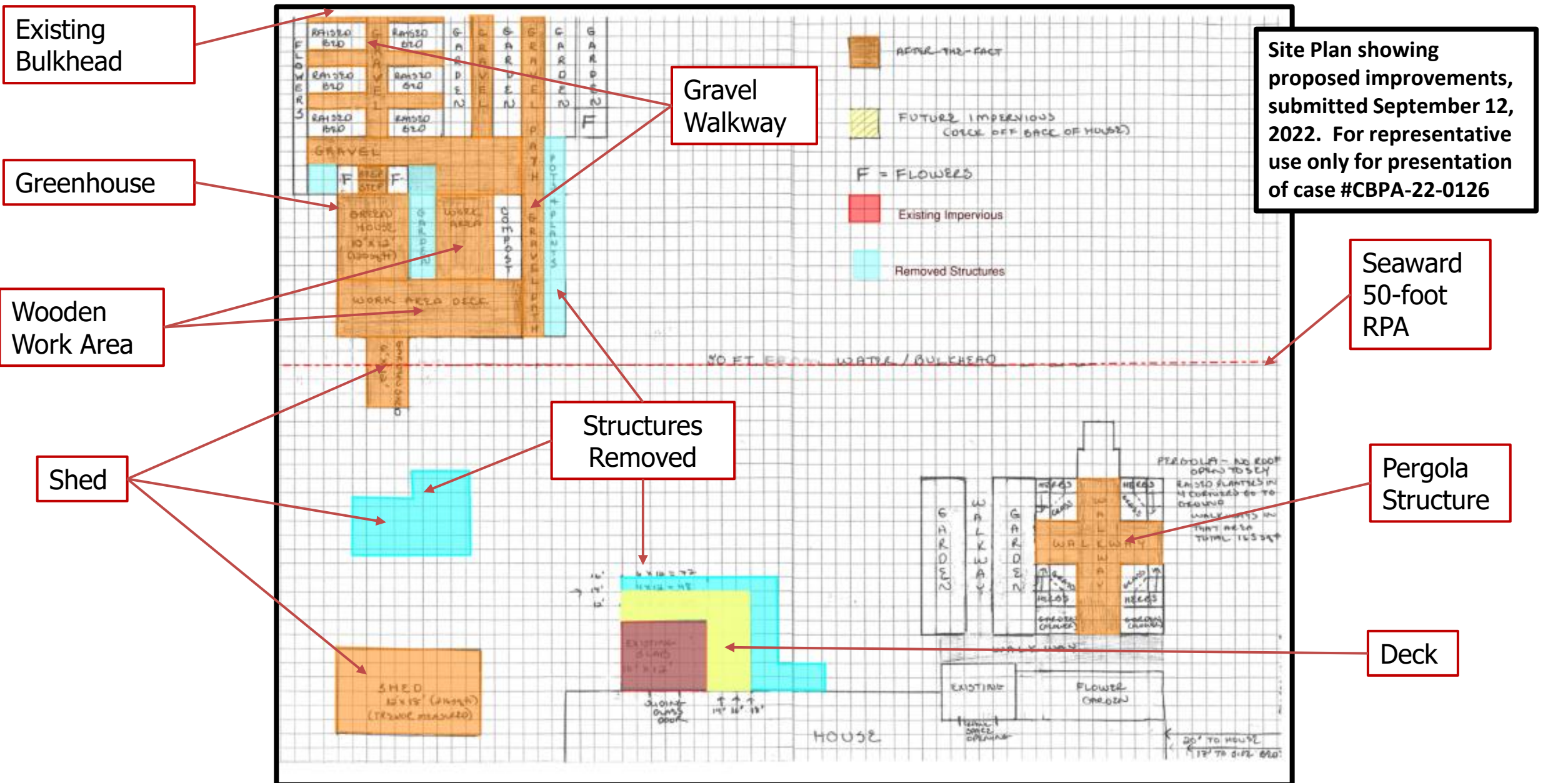
Media Submissions

March 8, 2022

CBPA 22-0150

April Warren

112 Discovery Lane



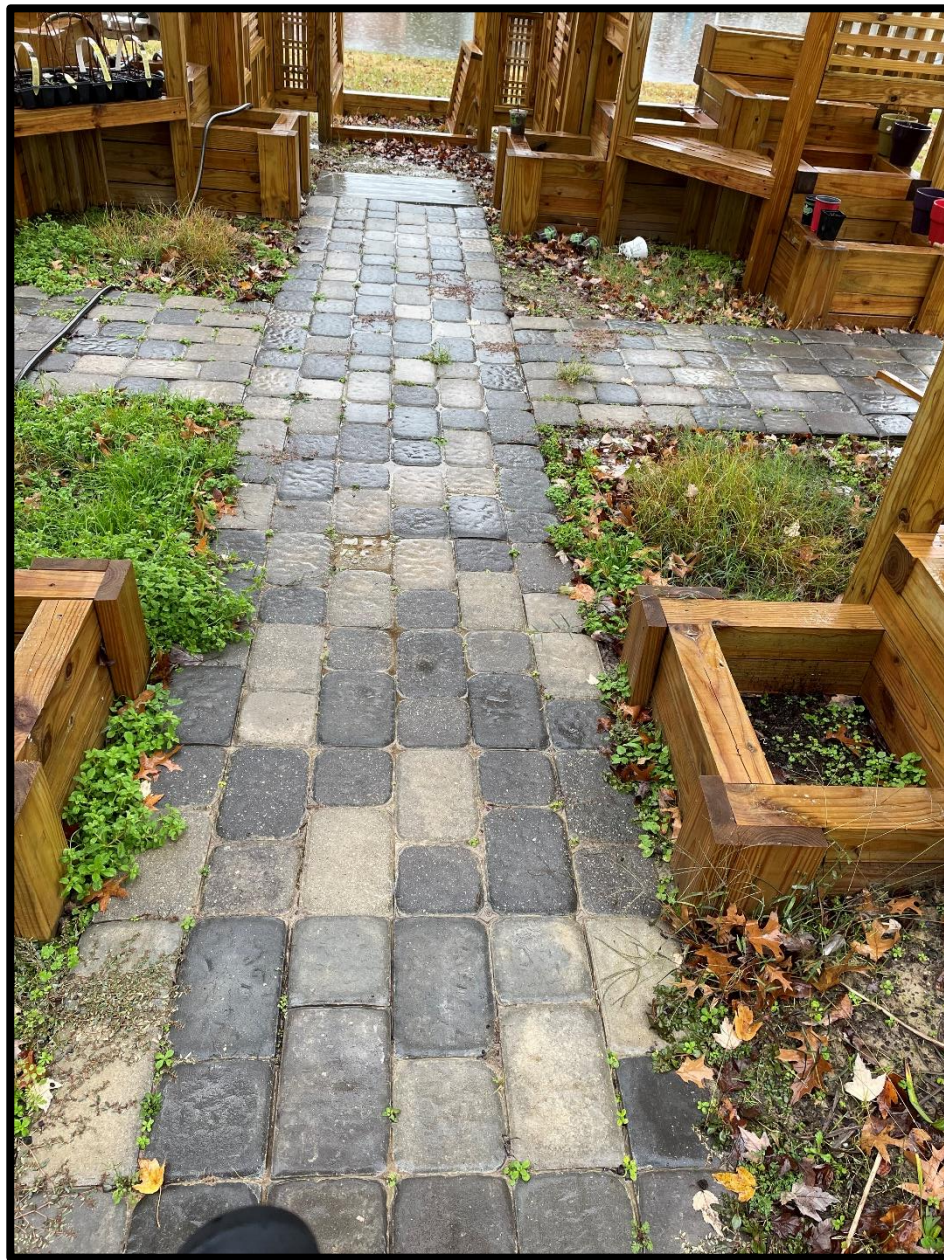
Site Plan - CBPA-22-0126
112 Discovery Lane



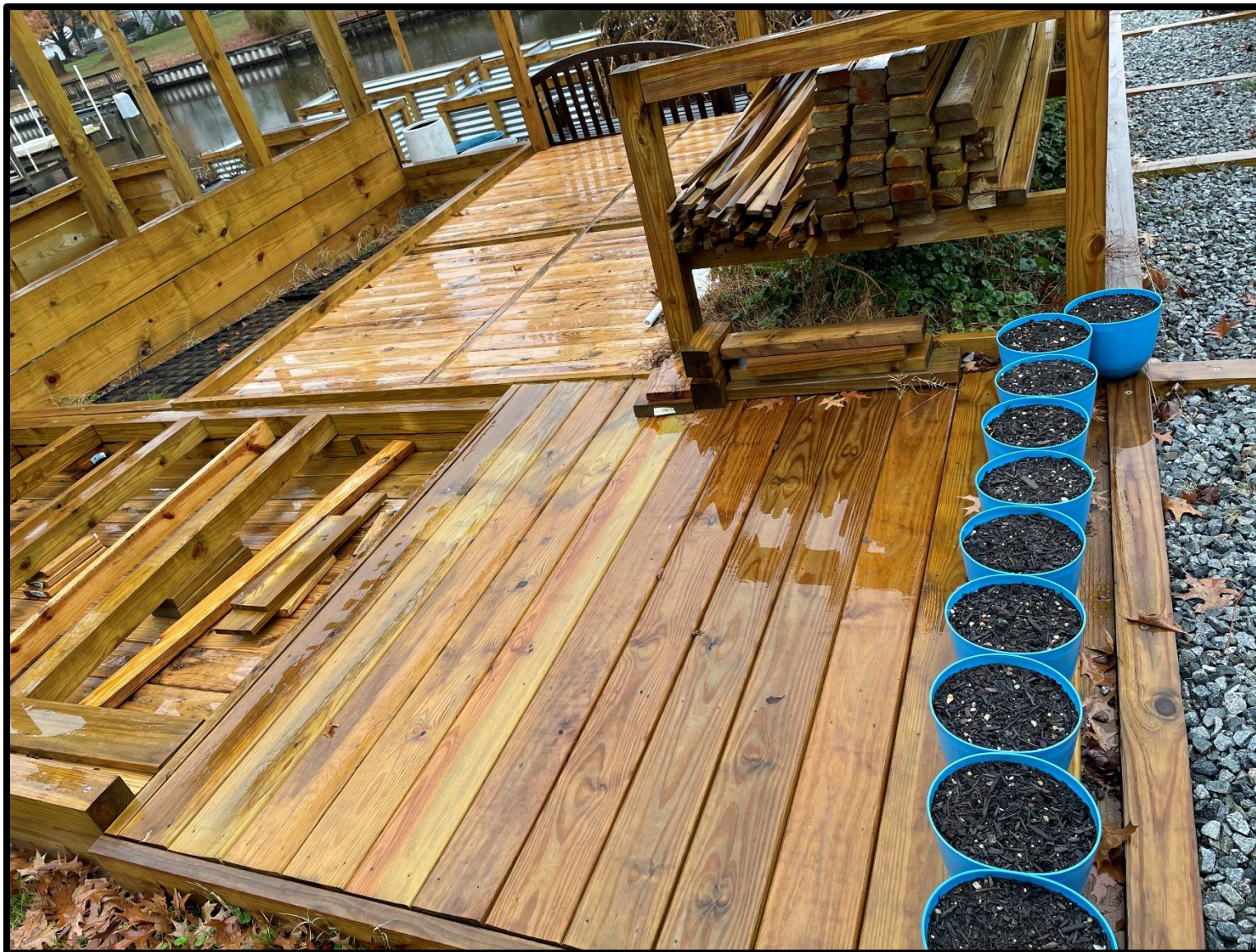
Site Photograph #1 - CBPA-22-0126
112 Discovery Lane



Site Photograph #2 - CBPA-22-0126
112 Discovery Lane



Site Photograph #3 - CBPA-22-0126
112 Discovery Lane



Site Photograph #4 - CBPA-22-0126
112 Discovery Lane



Site Photograph #5 - CBPA-22-0126
112 Discovery Lane



Site Photograph #6 - CBPA-22-0126
112 Discovery Lane



Site Photograph #7 - CBPA-22-0126
112 Discovery Lane



Site Photograph #8 - CBPA-22-0126
112 Discovery Lane



Site Photograph #9 CBPA-22-0126
112 Discovery Lane



Site Photograph #10 - CBPA-22-0126
112 Discovery Lane

Videos



<https://drive.google.com/file/d/10Nh4TLBjMpjo30lubPJgGHkliQzbEwGz/view>

<https://drive.google.com/file/d/1cPsH6ahaIWcQMW5CiYP1lhCSXiloh2NM/view>

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<https://drive.google.com/file/d/1hzodYUHBmezEAbMu2Dvhd3QQiWWFxnXT/view>

50' SEAWARD

REDUCTIONS FROM PREVIOUS SUBMITTAL

GRAVEL (POTS + PLANTS)	(72 sq. ft)
GRAVEL (LEFT OF STEPS GREENHOUSE)	(20 sq. ft)
COLD FRAME BECOMES GARDEN	(48 sq. ft)
	<hr/>
	140 sq. ft

50' LANDWARD

REDUCTIONS FROM PREVIOUS SUBMITTAL

EXISTING PATIO DIMENSION WAS
INCORRECT. NOTED AS 96 sq. ft

WHEN IN FACT 120 sq. ft. THEREFORE

ORIGINAL PROPOSED DECK NEW

IMPERVIOUS WOULD HAVE BEEN

264 sq. ft (not 288 sq. ft)

THEREFORE 24 sq. ft reduction to

correct original. ADDITIONAL

REDUCTION BASED ON SMALLER DECK

WILL NOT CONSTRUCT PROPOSED
SHED

(160 sq. ft)

I am opposed to the approval of RE:CBPA-22-0150 at 112 Discovery Lane because the size of the project does not fit into the Powhatan Shores neighborhood. The oversized project that is proposed is overwhelming too the Powhatan Shores neighborhood, the small lot size that it will be located on and the water run-off into the water canals that it borders. The proposed project size is way to big for the small lot size at 112 Discovery Lane and the canal that it borders. I request that this proposed project be rejected again as it was already rejected the last time it appeared before the board.

Trevor Long

Mr. Long,

I am writing this letter regarding Ms. April Warren's property at 112 Discovery Lane, Williamsburg. I was approached by April's husband, Eric, before starting the project of building a gazebo/ pergola in his backyard that was to be located near my property. He explained where it would be located and asked me if I would be ok with his project, to which I replied that I was okay with the project, As far as any runoff I haven't witnessed any.

Thanks,

Trevor Long

From:
Sent:
To:
Subject:

Hello,

It seems that there are two issues with the Warren project . One is aesthetics and the other is protection of water to the Chesapeake Watershed.

The first issue is the perceived beauty of the project or lack thereof. Beauty is in the eye of the beholder. I believe that when the project is completed it will be appealing to the eye. The construction appears to be quality work. However, I realize the beauty of the project is not the purview of the Chesapeake Bay Board and as such not the responsibility of the Board.

The second issue is the purview of the Board which is the protection of the water that may enter into the watershed, The water that would be affected by this project is very small. As a homeowner across the canal from the Warren residence, I have witnessed no run-off of water into the canal during the construction of the project.

The Warrens stated their gardening is organic and will use no fertilizers or pesticides, therefore, no fertilizers or pesticides will run off into the water and into the Chesapeake Bay Watershed.

In my opinion their project does not violate any principles of the Chesapeake Bay Watershed, and should be allowed.

APO List

PIN	Last Name	Address Line 1	City	State	Zip Code
4730500021	BOYER, FRANK L & LISA M	110 DISCOVERY LN	WILLIAMSBURG	VA	23185-3105
4730500019	HERNANDEZ, JAMES L TRUSTEE &	114 DISCOVERY LN	WILLIAMSBURG	VA	23185-3105
4731300006	POWHATAN SHORES HOMEOWNERS ASSOCIATION	112 LANDS END DR	WILLIAMSBURG	VA	23185-3158
4731300003	SYLVESTER, RICHARD W III & SUZANNE K	105A DISCOVERY LN	WILLIAMSBURG	VA	23185-3104
4731300004	VAN TASSELL, RYAN T & MONIKA B	105 DISCOVERY LN	WILLIAMSBURG	VA	23185-3104
4730500020	WARREN, APRIL ANN	112 DISCOVERY LN	WILLIAMSBURG	VA	23185-3105



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

BOYER, FRANK L & LISA M
110 DISCOVERY LN
WILLIAMSBURG, VA 23185-3105

RE: CBPA-22-0150
112 Discovery Ln
Construction and approval of a
walkway surrounding a raised
garden bed, a greenhouse, deck,
pergola structure, and two sheds

January 18, 2023

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. April Warren for encroachments into the Resource Protection Area (RPA) buffer for the construction and approval of a walkway surrounding a raised garden bed, a greenhouse, deck, pergola structure, and two sheds on property located at 112 Discovery Ln, JCC Tax Map Parcel No. 4730500020.

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, February 8, 2023, 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



PUBLIC HEARING NOTICE

THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY MARCH 8, 2023, 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-23-0005: Mr. Matthew Roth, Roth Environmental, LLC, has applied for a Chesapeake Bay Exception on behalf of Mr. Bryan Schumacher for encroachments into the Resource Protection Area (RPA) buffer for the construction of a retaining wall on property located at 247 William Barksdale, JCC Parcel No. 4940300095.

CBPA-23-0008: Mr. Keith Taylor has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a deck on property located at 108 Oxford Circle, JCC Parcel No. 4720700016.

CBPA-23-0009: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Geno Godwin and Ms. Judith Alicea for encroachments into the RPA buffer for the construction of a single-family dwelling on property located at 109 Murcar, JCC Parcel No. 3710800078.

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 Feb 22, 2023 and Mar 1, 2023.
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W
CARD # x6648

ITEM SUMMARY

DATE: 3/8/2023

TO: Chesapeake Bay Board

FROM: Doug Hall, Colonial Soil and Water Conservation District

SUBJECT: Colonial Soil and Water Conservation District - Annual Update

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	3/1/2023 - 4:41 PM
Chesapeake Bay Group	Small, Toni	Approved	3/1/2023 - 4:41 PM
Publication Management	Daniel, Martha	Approved	3/2/2023 - 8:07 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	3/2/2023 - 8:13 AM