

AGENDA
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
October 11, 2023
5:00 PM

A. CALL TO ORDER

B. PUBLIC COMMENT

C. ROLL CALL

D. MINUTES

1. Minutes from the September 13, 2023, Regular Meeting

E. BOARD CONSIDERATION(S)

F. PUBLIC HEARING(S)

1. CBPA-23-0109 : 3508 Pine Ridge Road
2. CBPA-23-0106 : 97 Shellbank
3. CBPA-23-0113 : 1580 Harbor Road
4. CBPA-23-0101 : 104 Colonels Way
5. CBPA-23-0083 : 113 Glasgow

G. MATTERS OF SPECIAL PRIVILEGE

H. ADJOURNMENT

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
September 13, 2023
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for September 13, 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. PUBLIC COMMENT

None.

C. ROLL CALL

Board Members Present:

Charles Roadley, Chair
Larry Waltrip
Scott Maye, Vice Chair
Michael O'Brien

Board Members Absent:

Halle Dunn

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

D. MINUTES

1. Minutes from the August 9, 2023, Chesapeake Bay Board Regular Meeting

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

The minutes were Approved on a voice vote.

2. Minutes from the August 22, 2023, Chesapeake Bay Board Special Meeting

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

The minutes were Approved on a voice vote.

E. PUBLIC HEARING(S)

1. CBPA-23-0089 : 3096 North Riverside

A motion to Approve w/ Conditions was made by Larry Waltrip, the motion result was Passed.

Ayes: 4 NAYS: 0 ABSTAIN: 0 ABSENT:1

Ayes: Maye, O'Brien, Roadey, Waltrip

Absent: Dunn

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Sean Thompson, Total Home Improvements, on behalf of Ms. Jacqueline E. and Mr. Geoffrey A. Stephan, for encroachments into the Resource Protection Area (RPA) for the construction of a deck. The property is further identified as James City County Real Estate Tax Map Parcel No. 1910200017. 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 clarified details of the plan for the Board.

Mr. Roadley opened the Public Hearing.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

2. CBPA-23-0087 : 105 Ambrose Hill

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

Ayes: 4 NAYS: 0 ABSTAIN: 0 ABSENT:1

Ayes: Maye, O'Brien, Roadey, Waltrip

Absent: Dunn

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Joseph Krallinger, The Structures Group Inc., on behalf of Ms. Jeannie S. and Mr. Lee Scott Trainum, for encroachments into the RPA for the installation of a retaining wall. The property is further identified as James City County Real Estate Tax Map Parcel No. 5030400077. 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 clarified details of the plan for the Board.

Mr. Roadley opened the Public Hearing.

Mr. Roadley closed the Public Hearing as no one wished to speak.

3. CBPA-23-0098 : 109 Brancaster

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, Waltrip

Nay: Roadley

Absent: Dunn

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr.

Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Hillary Brown and Mr. Darnell Lamont Covil, for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Real Estate Tax Map Parcel No. 3810300033. 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 clarified details of the plan for the Board.

Mr. Roadley opened the Public Hearing.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard, Suite E, provided additional insights into the plan, including current site conditions and details about the floodplain elevation as it relates to the proposed basement.

B. Mr. Charles Deschaine, 106 Brancaster, objected to the plan, citing the parcel's low elevation as it relates to stormwater runoff from other parcels on the same street.

A. Mr. Grogg clarified details about the proposed management of stormwater runoff that is incorporated into the plan for the Board.

The Board discussed the pros and cons of the plan, including the apparent effort to work within the given site constraints a mitigate impact to the RPA.

Mr. Roadley expressed concern for the likelihood of sediment deposition at the site and the potential for flooding issues.

Mr. Roadley closed the Public Hearing.

4. CBPA-23-0085 : 4816 Hickory Signpost

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

Ayes: 2 NAYS: 2 ABSTAIN: 0 ABSENT:1

Ayes: Maye, Waltrip

Nay: Roadley, O'Brien

Absent: Dunn

Mr. Trevor Long, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Sone Marcano, for encroachments into the RPA for the construction of a single-family dwelling. The property is further identified as James City County Real Estate Tax Map Parcel No. 4720100045. 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 clarified details of the plan for the Board.

The Public Hearing remained open from the August 9, 2023, Regular Board Meeting.

A. Mr. Chase Grogg, LandTech Resources, Inc., 205 Bulifants Boulevard, Suite E, provided additional insights into the plan, including changes made to the plan since it was before the Board in August and details about tree clearing associated with the plan. Mr. Grogg also explained how stormwater runoff at the site would be managed.

B. Ms. Sone Marcano, 817 23rd Street, Virginia Beach, Virginia, stated her desire to construct a house at this location based on personal and family considerations.

C. Ms. Elizabeth Rutherford Bowling, 4676 Hickory Signpost Road, objected to the plan, citing its impact to the RPA.

D. Mr. Gary Bowling, 4676 Hickory Signpost Road, objected to the plan, citing its impact to the RPA.

E. Ms. Babs Bengston, 4824 Hickory Signpost Road, objected to the plan, citing its impact to the RPA.

F. Mr. Max Whitehead, 4638 Hickory Signpost Road, objected to the plan, citing flooding concerns.

G. Ms. Ruby Diane Bishon, 4847 Hickory Signpost Road, objected to the plan, citing siteline and flooding concerns.

A. Mr Grogg offered comments pertaining to specific points of concern raised by other public speakers.

Mr. Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection, offered an explanation of property owner rights that relate to work done within the RPA as described in the James City County Code.

C. Ms. Bowling reiterated concern for the impact to the RPA, especially as it relates to the potential impact to any RPA on her nearby property.

B. Ms. Marcano reiterated her support for the plan. She cited the effort it makes to mitigate impact and mentioned the precedent of approved nearby single-family dwelling construction within the RPA.

Mr. Maye indicated support for the plan.

Mr. Roadley expressed concern for the plan's impact to water quality.

Mr. Waltrip indicated support for the plan, mentioning especially the effort to reduce impact and work within site constraints.

Mr. O'Brien expressed concern for the project's disharmony with the Chesapeake Bay Preservation Act.

Mr. Roadley closed the Public Hearing.

F. BOARD CONSIDERATION(S)

Mr. Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection, explained to the Board that Mr. Halle Dunn's term as a regular Board member has expired and that he is not seeking reappointment. Mr. Woolson also informed the Board that Mr. Long has accepted a different position outside of the County's employ.

G. MATTERS OF SPECIAL PRIVILEGE

None.

H. ADJOURNMENT

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

The meeting adjourned at 6:53 p.m.

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0109. 3508 Pine Ridge Road
Staff Report for the October 11, 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: Ms. Courtney and Mr. Benjamin Kreicar

Agent: Ms. Erica Bridgette, GC Commercial, Inc.

Location: 3508 Pine Ridge Road

Parcel Identification No.: 1220600110

Parcel: Lot 110, Section 3, Fenwick Hills

Lot Size: 0.23 acres

Area of Lot in Resource Protection Area (RPA): 0.16 acres (70%)

Watershed: Ware Creek (YO62)

Floodplain: None

Proposed Activity: Construction of a screened-in porch and deck

Impervious Cover: 182 square feet

RPA Encroachment: 92 square feet, landward 50-foot RPA
90 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. Erica Bridgette, GC Commercial, Inc., has applied for a Chesapeake Bay Exception on behalf of Ms. Courtney and Mr. Benjamin Kreicar for encroachments into the RPA buffer for the construction of a screened-in porch located at 3508 Pine Ridge Road within the Fenwick Hills subdivision and the Ware Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 1220600110. The parcel was platted in 2006, after the changes to the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 0.23 acres, of which 70% is located within the RPA. The applicants are proposing to remove the existing 160-square-foot deck on the property and construct a new screened-in porch and deck at the rear of the house. Impacts to the RPA associated with this proposal equate to 92 square feet of impacts to the landward 50-foot RPA and 90 square feet of impacts to the seaward 50-foot RPA for a total of 182 square feet of new impervious cover. Required mitigation for this amount of impervious impacts equals seven shrubs.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a screened-in porch and 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 screened-in porch and 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 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; and
2. The Applicants must submit a mitigation plan equating to seven shrubs to the Stormwater and Resource Protection Division prior to project start; and
3. The Applicants must submit a surety of \$250 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 October 11, 2024; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 30, 2024, six weeks prior to the expiration date.

RB/md
CBPA23-109_3508PnRdg

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0109. 3508 PINE RIDGE ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Erica Bridgette, GC Commercial, Inc., on behalf of Ms. Courtney and Mr. Benjamin Kreicar (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 11, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 3508 Pine Ridge Road (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 1220600110, as set forth in the application CBPA-23-0109 for the purpose of constructing a screened-in porch and 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-23-0109, 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. The Applicants must submit a mitigation plan equating to seven shrubs to the Stormwater and Resource Protection Division prior to project start; and
3. The Applicants must submit a surety of \$250 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 October 11, 2024; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 30, 2024, six weeks prior to the expiration date.

Charles Roadley
Chair, Chesapeake Bay Board

Robin Benedict
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of October 2023.

RESOLUTION

CASE NO. CBPA-23-0109. 3508 PINE RIDGE ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Erica Bridgette, GC Commercial, Inc., on behalf of Ms. Courtney and Mr. Benjamin Kreicar (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 11, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 3508 Pine Ridge Road (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 1220600110, as set forth in the application CBPA-23-0109 for the purpose of constructing a screened-in porch and 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-23-0109.

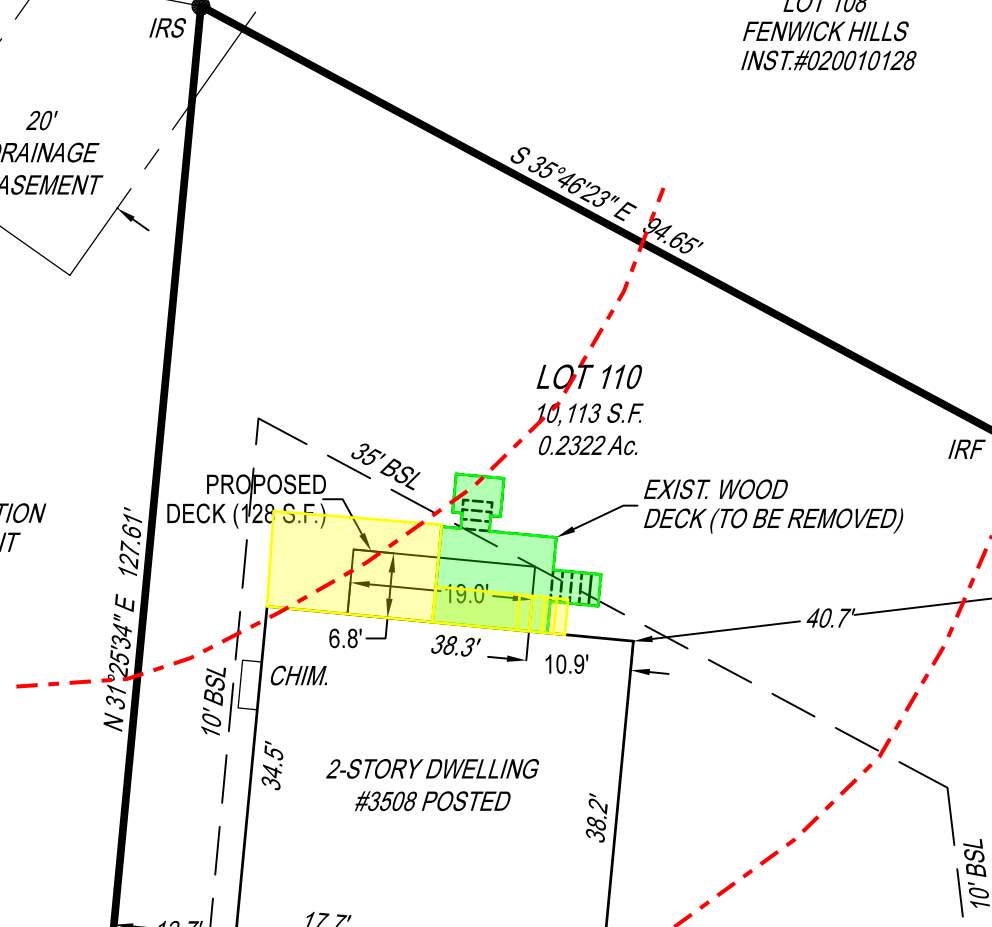
Charles Roadley
Chair, Chesapeake Bay Board

Robin Benedict
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of October 2023.

CBPA23-109_3508PnRdgDny-res

LOT 108
FENWICK HILLS
INST.#020010128



IRS

20'
DRAINAGE
ASSESSMENT

S 35°46'23" E 94.65'

LOT 110
10,113 S.F.
0.2322 Ac.

IRF

ION
IT

PROPOSED
DECK (128 S.F.)

EXIST. WOOD
DECK (TO BE REMOVED)

N 31°25'34" E 127.61'

35' BSL

10' BSL

CHIM.

34.5'

2-STORY DWELLING
#3508 POSTED

40.7'

6.8'

38.3'

10.9'

19.0'

38.2'

10' BSL

12.7'

17.7'

Case Number: CBPA-23-0109

PIN	Last Name	Address Line 1	City	State	Zip Code
1220600108	COOPER, TRAVIS C & VALDIE C	8819 FENWICK HILLS PKWY	TOANO	VA	23168-9356
	Erica Bridgette	3 Pennington Avenue	Newport News	VA	23606
1220600001B	FENWICK HILLS HOMES ASSOCIATION	734 THIMBLE SHOALS BLVD	NEWPORT NEWS	VA	23606-2574
1220600109	GRAINER, ANTOINETTE	3500 PINE RIDGE RD	TOANO	VA	23168-9359
1220600110	KREICAR, BENJAMIN A & COURTNEY B	3508 PINE RIDGE RD	TOANO	VA	23168-9359
1220600107	MACIAS, JORGE A & LUCERO E	8823 FENWICK HILLS PKWY	TOANO	VA	23168-9356



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-23-0109
3508 Pine Ridge Rd
Construction of porch, deck

September 22, 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. Erica Bridgette, GC Commercial, on behalf of Mr. Benjamin and Ms. Courtney Kreicar, for encroachments into the Resource Protection Area buffer for the construction of a porch and deck. The project is located at 3508 Pine Ridge Rd, JCC Tax Map Parcel No. 1220600110.

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

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, October 11, 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,

Robin Benedict

Robin Benedict
Watershed Planner
757-253-6781
Robin.Benedict@jamescitycountyva.gov



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, OCTOBER 11, 2023 AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA-23-0017: Mr. Andrew Gurley, CLS Marine LLC, on behalf of Ms. Emily Collawn, has applied for a Wetlands Permit for the approval of riprap installation on property located at 733 Arlington Island Road, JCC Tax Map Parcel No. 930100004.

THE CHESAPEAKEBAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0109: Ms. Erica Bridgette, GC Commercial, on behalf of Mr. Benjamin and Ms. Courtney Kreicar, has applied for a Chesapeake Bay Exception for the construction of a porch and deck on property located at 3508 Pine Ridge Rd, JCC Tax Map Parcel No. 1220600110.

CBPA-23-0083: Ms. Angela Whitehead, Soil Horizons LLC, on behalf of Mr. John and Ms. Sheree Ann Konstantinou, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 113 Glasgow , JCC Tax Map Parcel No. 3820200058.

CBPA-23-0106: Mr. James and Ms. Shirley Fast, have applied for a Chesapeake Bay Exception for the installation of a patio and firepit on property located at 97 Shellbank Dr, JCC Tax Map Parcel No. 4530200018.

CBPA-23-0113: Mr. Ronald Curtis, Ronald Curtis Builders, on behalf of Mr. Thomas III and Ms. Mary Wilkinson, has applied for a Chesapeake Bay Exception for the construction of a deck on property located at 1580 Harbor Rd, JCC Tax Map Parcel No. 4310200019.

CBPA-23-0101: Mr. Ryan Linnekin, Williams Landscape & Design, on behalf of Mr. Paul Byron and Ms. Aimee Eileen McLendon, has applied for a Chesapeake Bay Exception for the installation of a patio on property located at 104 Colonels Way, JCC Tax Map Parcel No. 5030300019.

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 – September 27, 2023 and October 4, 2023
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0106. 97 Shellbank Drive
Staff Report for the October 11, 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: Ms. Shirley and Mr. James Fast
Agent: None
Location: 97 Shellbank Drive
Parcel Identification No.: 4530200018
Parcel: Lot 18, 18A Shellbank
Lot Size: 1.39 acres
Area of Lot in Resource Protection Area (RPA): 0.91 acres (65%)
Watershed: James River (JL30)
Floodplain: Zone AE - Base flood elevation 8 feet mean sea level
Proposed Activity: Construction of an outdoor kitchen, patio, and fire pit
Impervious Cover: 836 square feet
RPA Encroachment: 836 square feet, landward 50-foot RPA
Staff Contact: Robin Benedict, Watershed Planner Phone: 253-6781

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. Shirley and Mr. James Fast have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of an outdoor kitchen, patio, and fire pit located at 97 Shellbank Drive within the Shellbank subdivision and the James River watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4530200018. The parcel was platted in 1973, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 1.39 acres, of which 65% is located within the RPA. The applicants are proposing to construct an outdoor kitchen, patio, and fire pit behind the existing home. Total impacts to the RPA associated with this proposal equate to 836 square feet of impacts to the landward 50-foot RPA. Required mitigation for this amount of impervious impacts equals two planting units (two canopy trees, four understory trees, and six shrubs). The applicants have provided a mitigation plan that satisfies this requirement.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of an outdoor kitchen, patio, and fire pit. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because construction of a patio and fire pit 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 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. The Applicants must submit a surety of \$2,000 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
3. This exception request approval will become null and void if construction has not begun by October 11, 2024; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 30, 2024, six weeks prior to the expiration date.

RB/md
CBPA23-106_97Shellbnk

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0106. 97 SHELLBANK DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Shirley and Mr. James Fast (the “Applicants”), have applied to the Chesapeake Bay Board of James City County (the “Board”) on October 11, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 97 Shellbank Drive (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4530200018, as set forth in the application CBPA-23-0106 for the purpose of constructing an outdoor kitchen, patio, and fire pit; 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-23-0106, 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. The Applicants must submit a surety of \$2,000 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
3. This exception request approval will become null and void if construction has not begun by October 11, 2024; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 30, 2024, six weeks prior to the expiration date.

Charles Roadley
Chair, Chesapeake Bay Board

Robin Benedict
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of October, 2023.

CBPA23-106_97ShellbnkApp-res

RESOLUTION

CASE NO. CBPA-23-0106. 97 SHELLBANK DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Shirley and Mr. James Fast (the “Applicants”), have applied to the Chesapeake Bay Board of James City County (the “Board”) on October 11, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 97 Shellbank Drive (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4530200018, as set forth in the application CBPA-23-0106 for the purpose of constructing an outdoor kitchen, patio, and fire pit; and

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

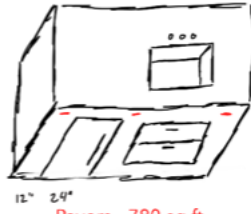
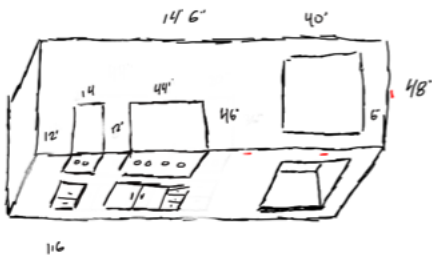
NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-23-0106.

Charles Roadley
Chair, Chesapeake Bay Board

Robin Benedict
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of October, 2023.

CBPA23-106_97ShellbnkDny-res



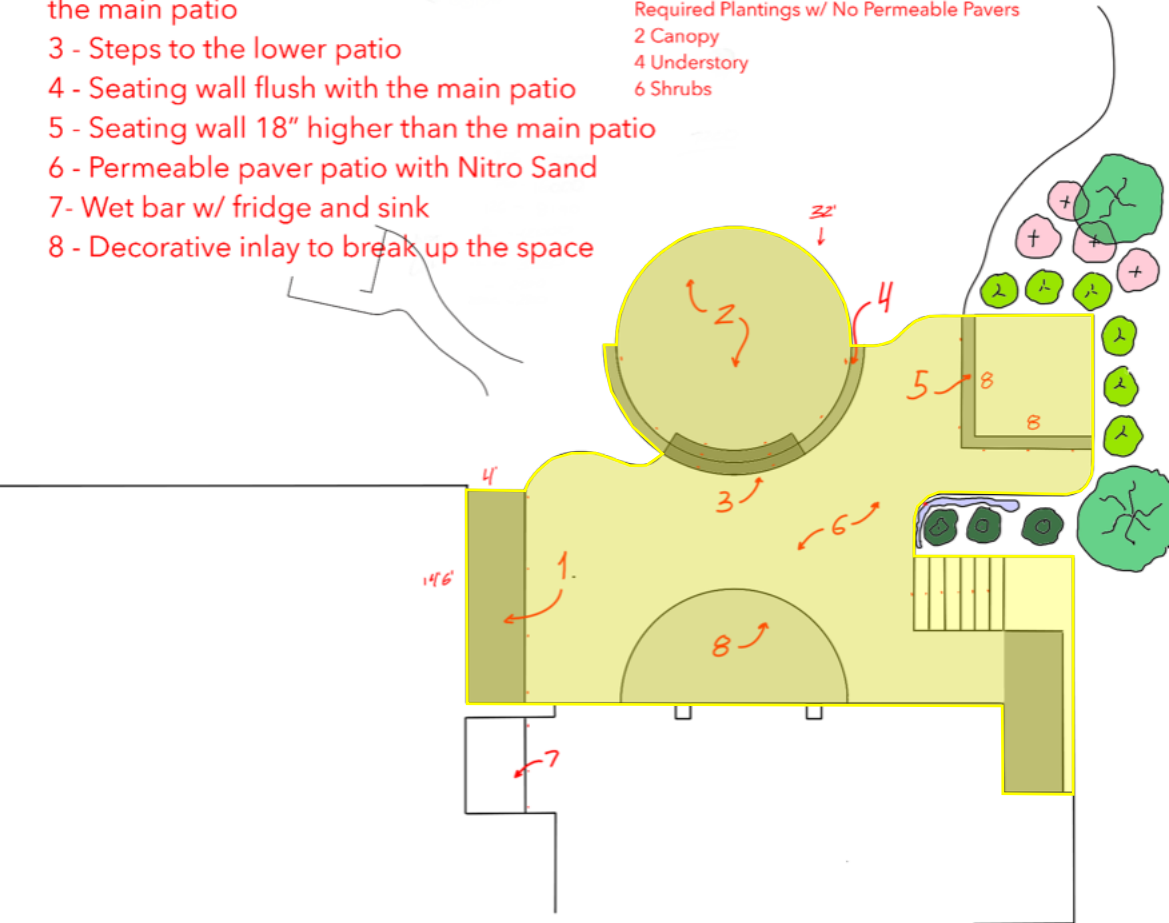
- Budget Thoughts
- Pavers - 28-30k
 - Kitchen - 18-22k
 - Fire Pit - 2-5k
 - Walls - 7-9k
 - Appliances - 11-13k
 - Granite - 4-5k
 - Utilities - 4-6k
 - Lighting - 3-6k

- 1 - Outdoor kitchen w/ pizza oven, grill, woodbox, & burner
- 2 - Fire pit area - 18" lower than the main patio
- 3 - Steps to the lower patio
- 4 - Seating wall flush with the main patio
- 5 - Seating wall 18" higher than the main patio
- 6 - Permeable paver patio with Nitro Sand
- 7 - Wet bar w/ fridge and sink
- 8 - Decorative inlay to break up the space

Pavers - 780 sq ft
 Walls - 126 ln ft
 Kitchen - 20 ln ft
 Impervious Area - 836

Required Plantings w/ No Permeable Pavers

- 2 Canopy
- 4 Understory
- 6 Shrubs





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-23-0106
97 Shellbank Dr
Installation of patio, firepit

September 22, 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. James and Ms. Shirley Fast for encroachments into the Resource Protection Area buffer for the installation of a patio and firepit. The project is located at 97 Shellbank Dr, JCC Tax Map Parcel No. 4530200018.

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

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, October 11, 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,

Robin Benedict

Robin Benedict
Watershed Planner
757-253-6781
Robin.Benedict@jamescitycountyva.gov

Case Number: CBPA-23-0106

PIN	Last Name	Address Line 1	City	State	Zip Code
4530200018	FAST, JAMES E TRUSTEE &	97 SHELLBANK DR	WILLIAMSBURG	VA	23185-1453
4530400001	GREATER FIRST COLONY AREA CIVIC ASSOC	PO BOX 5123	WILLIAMSBURG	VA	23188-5202
4530200017	RODGERS, MICHAEL P TRUSTEE	99 SHELLBANK DR	WILLIAMSBURG	VA	23185-1453



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, OCTOBER 11, 2023 AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA-23-0017: Mr. Andrew Gurley, CLS Marine LLC, on behalf of Ms. Emily Collawn, has applied for a Wetlands Permit for the approval of riprap installation on property located at 733 Arlington Island Road, JCC Tax Map Parcel No. 930100004.

THE CHESAPEAKEBAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0109: Ms. Erica Bridgette, GC Commercial, on behalf of Mr. Benjamin and Ms. Courtney Kreicar, has applied for a Chesapeake Bay Exception for the construction of a porch and deck on property located at 3508 Pine Ridge Rd, JCC Tax Map Parcel No. 1220600110.

CBPA-23-0083: Ms. Angela Whitehead, Soil Horizons LLC, on behalf of Mr. John and Ms. Sheree Ann Konstantinou, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 113 Glasgow , JCC Tax Map Parcel No. 3820200058.

CBPA-23-0106: Mr. James and Ms. Shirley Fast, have applied for a Chesapeake Bay Exception for the installation of a patio and firepit on property located at 97 Shellbank Dr, JCC Tax Map Parcel No. 4530200018.

CBPA-23-0113: Mr. Ronald Curtis, Ronald Curtis Builders, on behalf of Mr. Thomas III and Ms. Mary Wilkinson, has applied for a Chesapeake Bay Exception for the construction of a deck on property located at 1580 Harbor Rd, JCC Tax Map Parcel No. 4310200019.

CBPA-23-0101: Mr. Ryan Linnekin, Williams Landscape & Design, on behalf of Mr. Paul Byron and Ms. Aimee Eileen McLendon, has applied for a Chesapeake Bay Exception for the installation of a patio on property located at 104 Colonels Way, JCC Tax Map Parcel No. 5030300019.

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 – September 27, 2023 and October 4, 2023
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0113. 1580 Harbor Road
Staff Report for the October 11, 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: Ms. Mary and Mr. Thomas Wilkinson
Agent: Mr. Ronald Curtis, Ronald Curtis Builders
Location: 1580 Harbor Road
Parcel Identification No.: 4310200019
Parcel: Lot 19, The Harbor, The Governor's Land at Two Rivers
Lot Size: 0.30 acres
Area of Lot in Resource Protection Area (RPA): 0.18 acres (60%)
Watershed: Gordon Creek (JL29)
Floodplain: Zone AE - Base flood elevation 8 feet mean sea level
Proposed Activity: Construction of a deck and landing
Impervious Cover: 83 square feet
RPA Encroachment: 83 square feet, landward 50-foot RPA
Staff Contact: Robin Benedict, Watershed Planner Phone: 253-6781

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Ronald Curtis, Ronald Curtis Builders, has applied for a Chesapeake Bay Exception on behalf of Ms. Mary and Mr. Thomas Wilkinson for encroachments into the RPA buffer for the construction of a deck and landing located at 1580 Harbor Road within The Governor's Land at Two Rivers subdivision and the Gordon Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4310200019. The parcel was platted in 1994, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.30 acres, of which 60% is located within the RPA. The applicants are proposing to expand the existing deck off the back of the house and construct a landing. The existing deck is approximately 115 square feet. The proposed deck expansion is 65 square feet, and the proposed landing is 18 square feet, therefore total impacts to the RPA associated with this proposal equate to 83 square feet of impacts to the landward 50-foot RPA. Required mitigation for this amount of impervious impacts equals four shrubs.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a deck and landing. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction of a deck and landing 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 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; and
2. The Applicants must submit a mitigation plan equating to four shrubs to the Stormwater and Resource Protection Division prior to project start; and
3. The Applicants must submit a surety of \$250 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 October 11, 2024; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 30, 2024, six weeks prior to the expiration date.

RB/ap
CBPA23-113_1580HbrRd

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0113. 1580 HARBOR ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Ronald Curtis, Ronald Curtis Builders, on behalf of Ms. Mary and Mr. Thomas Wilkinson (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 11, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 1580 Harbor Road (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4310200019, as set forth in the application CBPA-23-0113 for the purpose of construction of a deck and landing; 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-23-0113, 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. The Applicants must submit a mitigation plan equating to four shrubs to the Stormwater and Resource Protection Division prior to project start; and
3. The Applicants must submit a surety of \$250 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 October 11, 2024; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 30, 2024, six weeks prior to the expiration date.

Charles Roadley
Chair, Chesapeake Bay Board

Robin Benedict
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of October, 2023.

CBPA23-113_1580HbrRdApp-res

RESOLUTION

CASE NO. CBPA-23-0113. 1580 HARBOR ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Ronald Curtis, Ronald Curtis Builders, on behalf of Ms. Mary and Mr. Thomas Wilkinson (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 11, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 1580 Harbor Road (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4310200019, as set forth in the application CBPA-23-0113 for the purpose of construction of a deck and landing; 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-23-0113.

Charles Roadley
Chair, Chesapeake Bay Board

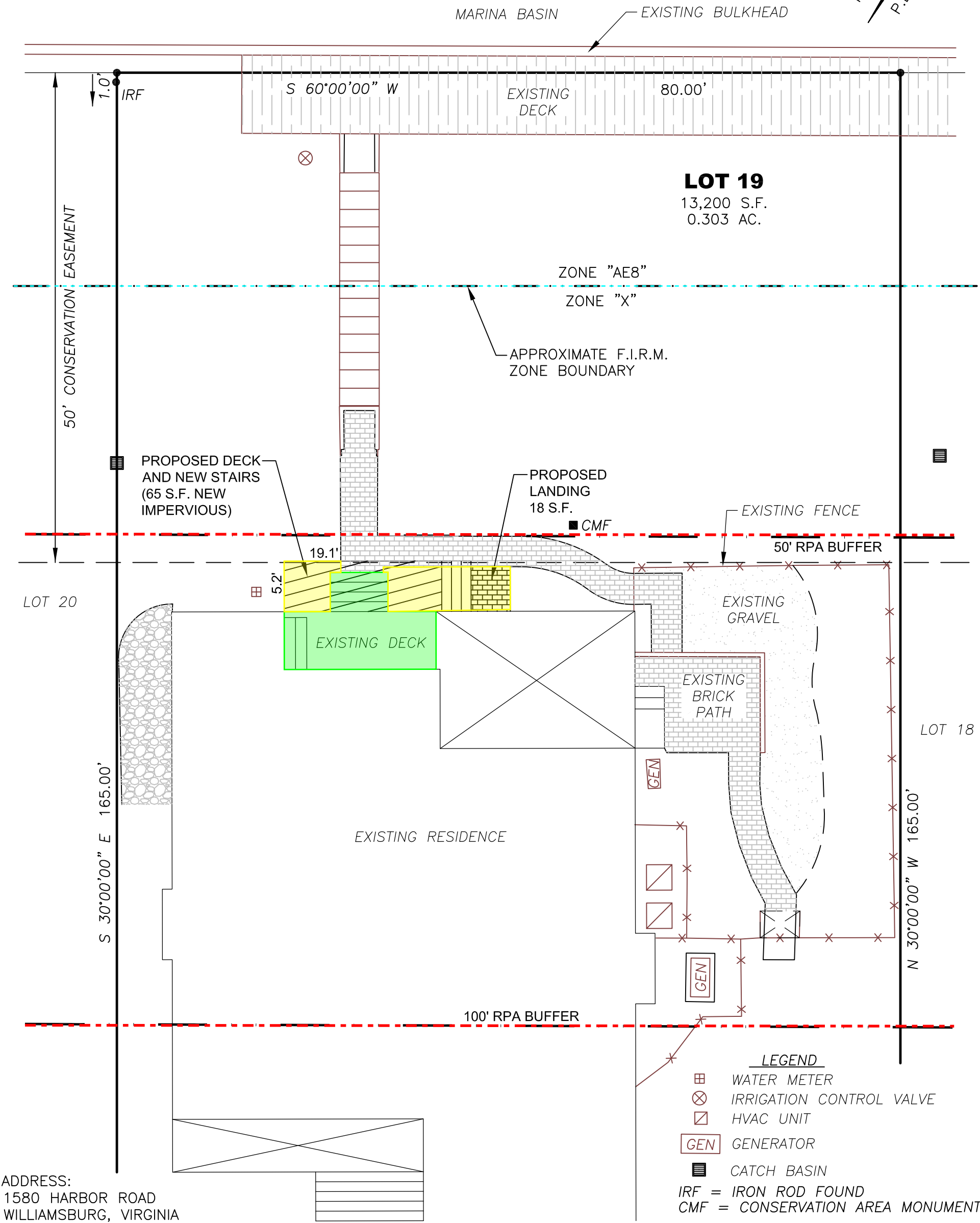
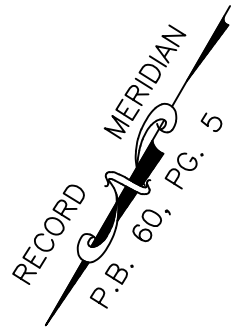
Robin Benedict
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of October, 2023.

CBPA23-113_1580HbrRdDny-res

NOTES:

1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 60, PG. 1-6.
2. 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.
3. LOT LIES IN F.I.R.M. ZONE "X" & "AE" ACCORDING TO FLOOD INSURANCE RATE MAP #51095C0176D, DATED DECEMBER 16, 2015.
4. WETLANDS, IF ANY, WERE NOT LOCATED FOR THIS SURVEY.
5. UNDERGROUND UTILITIES WERE NOT LOCATED.



REFERENCES:
P.B. 60 PG.1-6

DATE: 9/5/2023
SCALE: 1"=10'
JOB# 23-295
CAD File
23-295.dwg

EXHIBIT SHOWING PROPOSED DECK LOT 19
THE GOVERNOR'S LAND AT TWO RIVERS

For:
THOMAS A. WILKINSON, III
JAMES CITY COUNTY VIRGINIA

LandTech Resources, Inc.
Surveying • GPS • Engineering
205 Bulifants Blvd., Suite E, Williamsburg, Virginia 23188
Telephone: 757-565-1677 Fax: 757-565-0782
Web: landtechresources.com



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

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107 Tewning Road
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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
757-259-6670

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-23-0113
1580 Harbor Rd
Construction of deck

September 22, 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. Ronald Curtis, Ronald Curtis Builders, on behalf of Mr. Thomas III and Ms. Mary Wilkinson, for encroachments into the Resource Protection Area buffer for the construction of a deck. The project is located at 1580 Harbor Rd, JCC Tax Map Parcel No. 4310200019.

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

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, October 11, 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,

Robin Benedict

Robin Benedict
Watershed Planner
757-253-6781
Robin.Benedict@jamescitycountyva.gov

Case Number: CBPA-23-0113

PIN	Last Name	Address Line 1	City	State	Zip Code
4310200020	CARROLL, RANDALL WILLIAM & ELLEN	1584 HARBOR RD	WILLIAMSBURG	VA	23185-7630
	Curtis Ronald Curtis Ronald Builders	22 Whittakers Mill Rd	Williamsburg	VA	23185
4310200001B	GOVERNOR'S LAND FOUNDATION	2700 TWO RIVERS RD	WILLIAMSBURG	VA	23185-7600
4320700001A	GOVERNOR'S LAND FOUNDATION	1400 TWO RIVERS RD	WILLIAMSBURG	VA	23185-7685
4310200018	MAYNOR, GARRY ROSS TRUSTEE &	1576 HARBOR RD	WILLIAMSBURG	VA	23185-7630
4310200019	WILKINSON, THOMAS A III TRUSTEE &	1580 HARBOR RD	WILLIAMSBURG	VA	23185-7630



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, OCTOBER 11, 2023 AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA-23-0017: Mr. Andrew Gurley, CLS Marine LLC, on behalf of Ms. Emily Collawn, has applied for a Wetlands Permit for the approval of riprap installation on property located at 733 Arlington Island Road, JCC Tax Map Parcel No. 930100004.

THE CHESAPEAKEBAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0109: Ms. Erica Bridgette, GC Commercial, on behalf of Mr. Benjamin and Ms. Courtney Kreicar, has applied for a Chesapeake Bay Exception for the construction of a porch and deck on property located at 3508 Pine Ridge Rd, JCC Tax Map Parcel No. 1220600110.

CBPA-23-0083: Ms. Angela Whitehead, Soil Horizons LLC, on behalf of Mr. John and Ms. Sheree Ann Konstantinou, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 113 Glasgow , JCC Tax Map Parcel No. 3820200058.

CBPA-23-0106: Mr. James and Ms. Shirley Fast, have applied for a Chesapeake Bay Exception for the installation of a patio and firepit on property located at 97 Shellbank Dr, JCC Tax Map Parcel No. 4530200018.

CBPA-23-0113: Mr. Ronald Curtis, Ronald Curtis Builders, on behalf of Mr. Thomas III and Ms. Mary Wilkinson, has applied for a Chesapeake Bay Exception for the construction of a deck on property located at 1580 Harbor Rd, JCC Tax Map Parcel No. 4310200019.

CBPA-23-0101: Mr. Ryan Linnekin, Williams Landscape & Design, on behalf of Mr. Paul Byron and Ms. Aimee Eileen McLendon, has applied for a Chesapeake Bay Exception for the installation of a patio on property located at 104 Colonels Way, JCC Tax Map Parcel No. 5030300019.

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 – September 27, 2023 and October 4, 2023
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0101. 104 Colonel's Way
Staff Report for the October 11, 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: Ms. Aimee and Mr. Paul McLendon

Agent: Mr. Ryan Linnekin, Williams Landscape & Design

Location: 104 Colonel's Way

Parcel Identification No.: 5030300019

Parcel: Lot 19, Tutter's Neck

Lot Size: 0.71 acres

Area of Lot in Resource Protection Area (RPA): 0.41 acres (58%)

Watershed: College Creek (JL34)

Floodplain: None

Proposed Activity: Installation of a patio

Impervious Cover: 143 square feet

RPA Encroachment: 143 square feet, landward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Ryan Linnekin, Williams Landscape & Design, has applied for a Chesapeake Bay Exception on behalf of Ms. Aimee and Mr. Paul McLendon for encroachments into the RPA buffer for the installation of a patio located at 104 Colonel's Way within the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 5030300019. The parcel was platted in 1978, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.71 acres, of which 58% is located within the RPA. Existing conditions on this property include a house with a deck, shed, walkway, and retaining wall. CBPA-20-0143 was approved administratively in January 2021 for the removal and replacement of a failing retaining wall and the removal of a wooden walkway. This approval was prior to the changes to the retaining wall Ordinance.

The applicants are proposing to remove the existing deck and install a new patio. Total impacts to the RPA associated with this proposal equate to 143 square feet of new impervious cover in the landward 50-foot RPA. Required mitigation for this amount of impervious impacts equals six shrubs. The applicants have provided a mitigation plan that includes 31 shrubs and an infiltration trench, therefore satisfying County mitigation requirements.

STAFF EVALUATION

Staff has evaluated the application and exception request for the installation of a patio. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the installation of 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 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; and
2. The Applicants must submit a surety of \$250 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
3. This exception request approval will become null and void if construction has not begun by October 11, 2024; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 30, 2024, six weeks prior to the expiration date.

RB/md
CBPA23-101_104ColWy

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0101. 104 COLONEL’S WAY

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Ryan Linnekin, Williams Landscape & Design, on behalf of Ms. Aimee and Mr. Paul McLendon (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 11, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 104 Colonel’s Way (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 5030300019, as set forth in the application CBPA-23-0101 for the purpose of installing a 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-23-0101, 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. The Applicants must submit a surety of \$250 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
3. This exception request approval will become null and void if construction has not begun by October 11, 2024; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 30, 2024, six weeks prior to the expiration date.

Charles Roadley
Chair, Chesapeake Bay Board

Robin Benedict
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of October, 2023.

RESOLUTION

CASE NO. CBPA-23-0101. 104 COLONEL’S WAY

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Ryan Linnekin, Williams Landscape & Design, on behalf of Ms. Aimee and Mr. Paul McLendon (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 11, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 104 Colonel’s Way (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 5030300019, as set forth in the application CBPA-23-0101 for the purpose of installing a 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-23-0101.

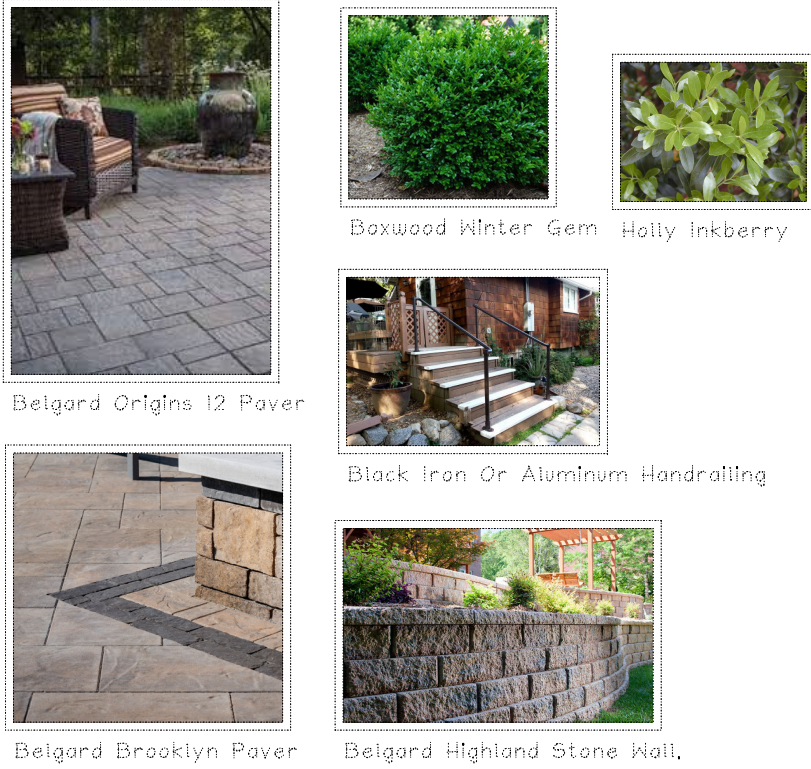
Charles Roadley
Chair, Chesapeake Bay Board

Robin Benedict
Secretary to the Board

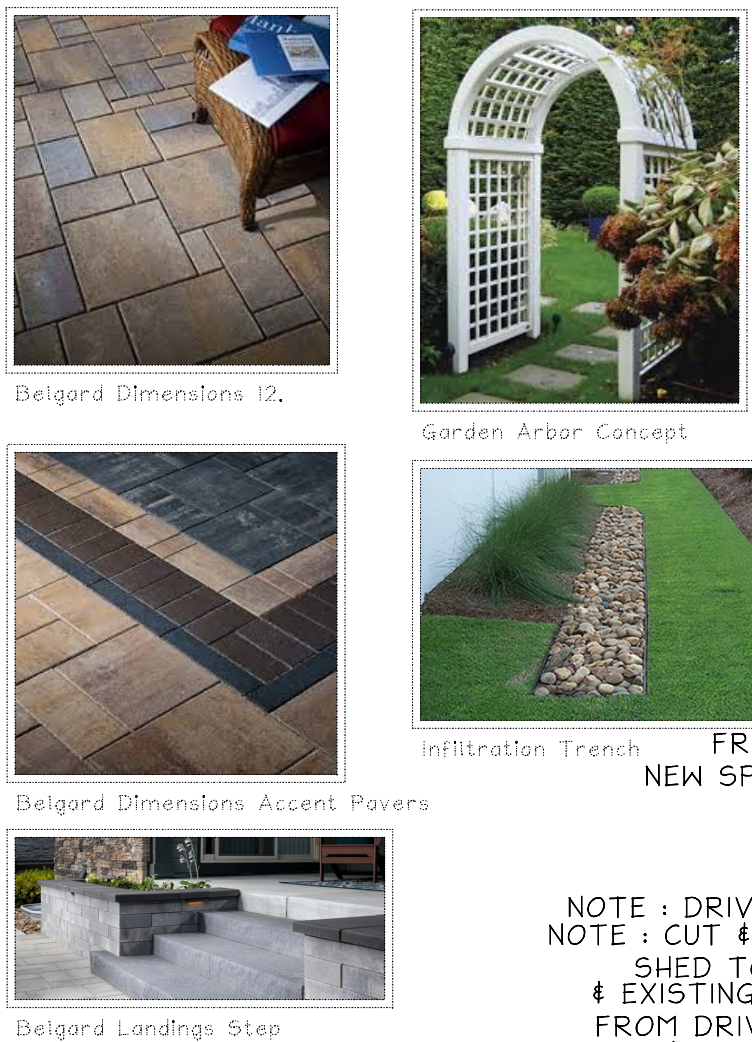
Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of October, 2023.

CBPA23-101_104ColWyDny-res

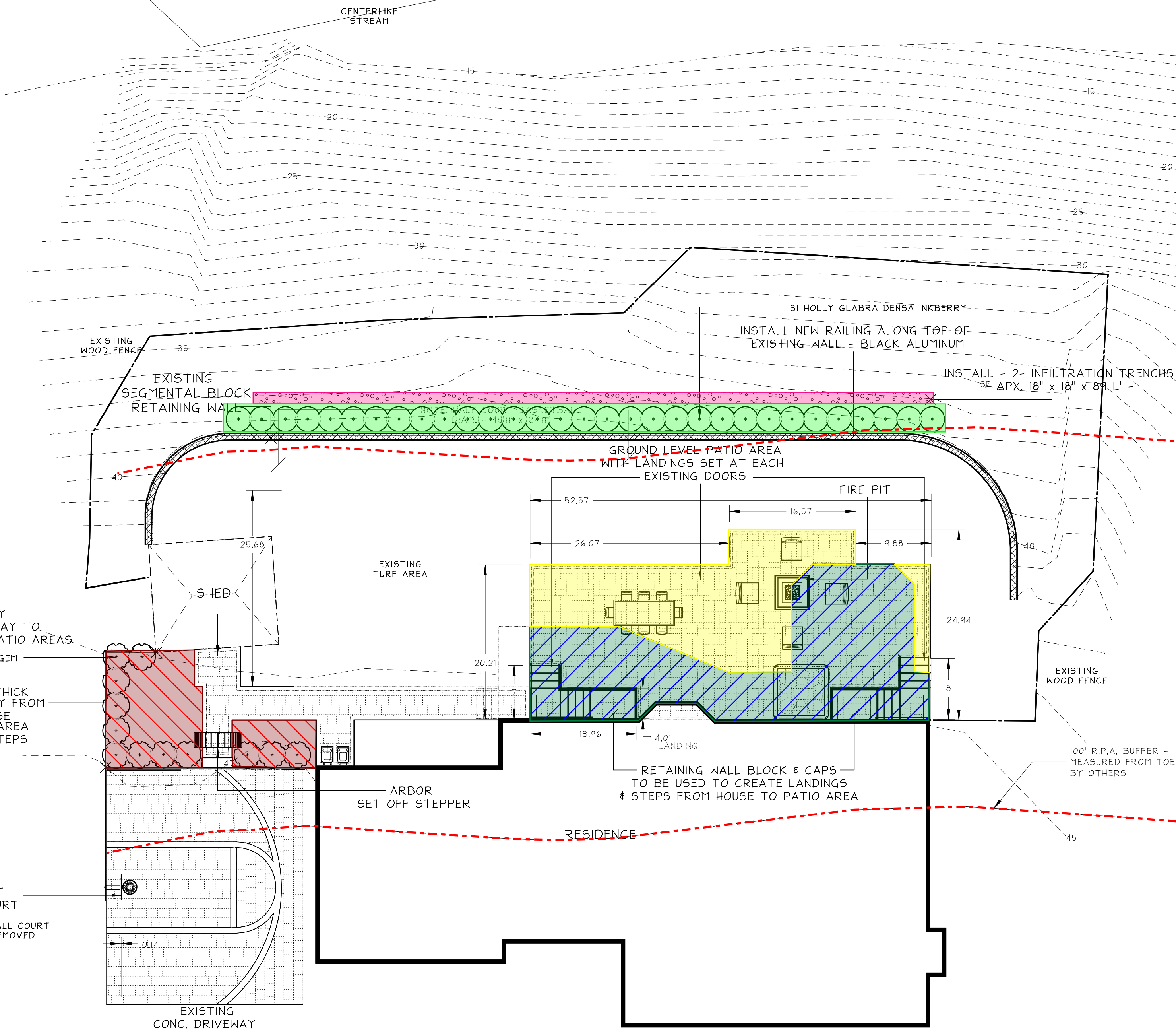
PAVER PATIO AREA MATERIALS



PAVER SPORTS COURT & WALKWAY MATERIALS



Qty	Botanical Name	Common Name	Size/Condition	Remarks
Shrubs				
12	BUXUS MICROPHYLLA VAR. KOREANA 'WINTER GEM'	BOXWOOD WINTER GEM	#5	
31	ILEX GLABRA 'DENSE'	HOLLY GLABRA DENSE INKBERRY	#7	MITIGATION PLANTING



NOTE : DRIVEWAY IS APX. 12" THICK
NOTE : CUT & REMOVE DRIVEWAY FROM SHED TO CORNER OF HOUSE & EXISTING CONC. WALKWAY AREA FROM DRIVEWAY TO DECK STEPS (APX. 530 SQ' OF AREA)

PAVER SPORTS COURT SMALL BASKETBALL COURT REMOVE EXISTING CONC. AREA FOR PAVER BASKET BALL COURT APX. 856.5 SQ' OF CONC. TO BE REMOVED

PAVER PATIO AREA

TOTAL AREA OF PATIO - 1,003 SQ'
(EXCLUDES AREA OF LANDINGS & STEPS)
3PC MODULAR PAVER AREA - 930 SQ'
BORDER - 3x9 PLANK STYLE PAVER AREA - 80 SQ'
(DOUBLE SAILOR COURSE)
SNAPEDGING - 88 L'

IGRILL ISLAND - BELGARD - ARTFORMS KITCHEN PANELS - 8
(EACH PANEL APX. 18" x 36" x 3")
COUNTER TOP - TO BE TEMPLATED & CUT BY OTHERS

LANDINGS & STEPS TOTAL AREA - 136 SQ'
UPPER LANDINGS - RETAINING WALL BLOCK & CAPS - 40 L' @ 54" HT
LOWER LANDINGS - RETAINING WALL BLOCK & CAPS - 16 L' @ 24" HT
16 L' @ 30" HT

3PC MODULAR PAVER AREA - 50 SQ'
HAND RAILING - 66 L' - LANDING & STEPS
HAND RAILING - 138.5 L' EXISTING RETAINING WALL

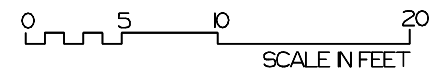
PAVER SPORTS COURT AREA
TOTAL AREA OF SPORT COURT - 794 SQ'
3PC MODULAR PAVER AREA - 770 SQ'
6x9 ACCENT PAVER AREA - 70 SQ'
SNAPEDGING - 66 L'

PAVER WALKWAY AREA
TOTAL AREA OF WALKWAY - 266 SQ'
3PC MODULAR PAVER AREA - 210 SQ'
6x9 ACCENT PAVER AREA - 70 SQ'
SNAPEDGING - 76 L' STEPPER - 1

NOTE : REMOVAL OF APX. 1,207 SQ' OF EXISTING IMPERVIOUS HARDSCAPES

NORTH

MCLENDON RESIDENCE
104 COLONELS WAY
WILLIAMSBURG, VA.
SCALE 1" = 10'
DATE 10/21/20
RVSN : 915.23
DRAWING # LANDSCAPE PLAN PATIO & SPORTS COURT
PRJ # -02 PHASE II





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-23-0101
104 Colonels Way
Installation of patio

September 22, 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. Ryan Linnekin, Williams Landscape & Design, on behalf of Mr. Paul Byron and Ms. Aimee Eileen McLendon, for encroachments into the Resource Protection Area buffer for the installation of a patio. The project is located at 104 Colonels Way, JCC Tax Map Parcel No. 5030300019.

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

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, October 11, 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,

Robin Benedict

Robin Benedict
Watershed Planner
757-253-6781
Robin.Benedict@jamescitycountyva.gov

Case Number: CBPA-23-0101

PIN	Last Name	Address Line 1	City	State	Zip Code
5030300020	BURKE, MARIA E	108 COLONELS WAY	WILLIAMSBURG	VA	23185-5105
5030300018	GIORDANO, ALESSANDRA	100 COLONELS WAY	WILLIAMSBURG	VA	23185-5105
5030300017	LONGO, DANIELE A	140 TUTTERS NECK	WILLIAMSBURG	VA	23185-5137
5030300019	MCLENDON, PAUL BYRON & AIMEE EILEEN	104 COLONELS WAY	WILLIAMSBURG	VA	23185-5105
	Ryan Linnekin Williams Landscape & Design	1554 Penniman Rd	Williamsburg	VA	23185-85
5030300014	TANKERSLEY, KEN L TRUSTEE & CHRISTY	109 THORPES PARISH	WILLIAMSBURG	VA	23185-5119
5030300015	WENGER, MARK J & LINDA C	105 THORPES PARISH	WILLIAMSBURG	VA	23185-5119



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, OCTOBER 11, 2023 AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA-23-0017: Mr. Andrew Gurley, CLS Marine LLC, on behalf of Ms. Emily Collawn, has applied for a Wetlands Permit for the approval of riprap installation on property located at 733 Arlington Island Road, JCC Tax Map Parcel No. 930100004.

THE CHESAPEAKEBAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0109: Ms. Erica Bridgette, GC Commercial, on behalf of Mr. Benjamin and Ms. Courtney Kreicar, has applied for a Chesapeake Bay Exception for the construction of a porch and deck on property located at 3508 Pine Ridge Rd, JCC Tax Map Parcel No. 1220600110.

CBPA-23-0083: Ms. Angela Whitehead, Soil Horizons LLC, on behalf of Mr. John and Ms. Sheree Ann Konstantinou, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 113 Glasgow , JCC Tax Map Parcel No. 3820200058.

CBPA-23-0106: Mr. James and Ms. Shirley Fast, have applied for a Chesapeake Bay Exception for the installation of a patio and firepit on property located at 97 Shellbank Dr, JCC Tax Map Parcel No. 4530200018.

CBPA-23-0113: Mr. Ronald Curtis, Ronald Curtis Builders, on behalf of Mr. Thomas III and Ms. Mary Wilkinson, has applied for a Chesapeake Bay Exception for the construction of a deck on property located at 1580 Harbor Rd, JCC Tax Map Parcel No. 4310200019.

CBPA-23-0101: Mr. Ryan Linnekin, Williams Landscape & Design, on behalf of Mr. Paul Byron and Ms. Aimee Eileen McLendon, has applied for a Chesapeake Bay Exception for the installation of a patio on property located at 104 Colonels Way, JCC Tax Map Parcel No. 5030300019.

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 – September 27, 2023 and October 4, 2023
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0083. 113 Glasgow
Staff Report for the October 11, 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: Ms. Sheree and Mr. John Konstantinou

Agent: Ms. Angela Whitehead, Soil Horizons, LLC

Location: 113 Glasgow

Parcel Identification No.: 3820200058

Parcel: Lot 58, Section 11A, Ford's Colony

Lot Size: 0.27 acres

Area of Lot in Resource Protection Area (RPA): 0.27 acres (100%)

Watershed: Powhatan Creek (J31)

Floodplain: Zone AE - base flood elevation approximately 42.5 feet mean sea level

Proposed Activity: Construction of a single-family dwelling with an attached deck

Impervious Cover: 3,011 square feet

RPA Encroachment: 3,011 square feet, seaward 50-foot RPA
3,866 square feet, wetland disturbance
1,678 square feet, impervious within wetlands

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. Angela Whitehead, Soil Horizons, LLC, has applied for a Chesapeake Bay Exception on behalf of Ms. Sheree and Mr. John Konstantinou for encroachments into the RPA buffer for the construction of a single-family dwelling with an attached deck located at 113 Glasgow within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3820200058. The parcel was platted in 1988, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.27 acres, of which 100% is located within the RPA. Existing conditions on this property include a wooded lot with wetlands through the middle and back of the lot and floodplain. The applicants are proposing to construct a single-family dwelling with an attached deck. Total impacts to the RPA associated with this proposal equate to 3,011 square feet of impacts to the seaward 50-foot RPA. Additionally, there are 1,678 square feet of permanent wetland impacts proposed with the construction of this house. The minimum first-floor square footage required for this section of Ford's Colony is 1,100 square feet. The proposed residence has a first-floor square footage equal to 1,259 square feet, a 14%

increase. Required mitigation for this amount of impervious impacts equals seven and a half planting units (seven canopy trees, 14 understory trees, and 27 shrubs). Staff is also requesting that an affidavit be recorded in the Williamsburg/James City County Courthouse due to the environmental sensitivity of this lot.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a single-family dwelling with an attached 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 the single-family dwelling is entirely within the seaward 50-foot RPA.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

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

STAFF RECOMMENDATIONS

Staff 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 denial for this exception request but 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 mitigation plan equating to seven and a half planting units (seven canopy trees, 14 understory trees, and 27 shrubs) to the Stormwater and Resource Protection Division prior to project start; and
4. The Applicants must submit a surety of \$5,625 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings; and
5. Construction of the single-family dwelling will not create flooding or drainage issues to surrounding properties; and

6. This exception request approval will become null and void if construction has not begun by October 11, 2024; and
7. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 30, 2024, six weeks prior to the expiration date.

RB/ap
CBPA23-83_113Glsgow

- Attachments:
1. Resolution
 2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0083. 113 GLASGOW

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Angela Whitehead, Soil Horizons, LLC, on behalf of Ms. Sheree and Mr. John Konstantinou (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 11, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 113 Glasgow (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3820200058, as set forth in the application CBPA-23-0083 for the purpose of constructing a single-family dwelling with an attached 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-23-0083, 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 mitigation plan equating to seven and a half planting units (seven canopy trees, 14 understory trees, and 27 shrubs) to the Stormwater and Resource Protection Division prior to project start; and
4. The Applicants must submit a surety of \$5,625 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings; and
5. Construction of the single-family dwelling will not create flooding or drainage issues to surrounding properties; and
6. This exception request approval will become null and void if construction has not begun by October 11, 2024; and
7. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 30, 2024, six weeks prior to the expiration date.

Charles Roadley
Chair, Chesapeake Bay Board

Robin Benedict
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of October, 2023.

CBPA23-83_113GlsgowApp-res

RESOLUTION

CASE NO. CBPA-23-0083. 113 GLASGOW

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Angela Whitehead, Soil Horizons, LLC, on behalf of Ms. Sheree and Mr. John Konstantinou (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 11, 2023, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 113 Glasgow (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3820200058, as set forth in the application CBPA-23-0083 for the purpose of constructing a single-family dwelling with an attached 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-23-0083.

Charles Roadley
Chair, Chesapeake Bay Board

Robin Benedict
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of October, 2023.

CBPA23-83_113GlsgowDny-res

General Notes:

- All disturbed areas are to be seeded, sodded or mulched within seven (7) days of reaching final grade.
- Topographical data, water and sewer and tree line information shown is based on Actual Field Topo, and reflects all new construction of roads and/or ditches, etc. at the time of the field survey.
- Owner/Contractor are hereby referred to Ford's Colony protective covenants for more complete definitions and locations of additional existing easements and setbacks not shown on this drawing.
- Existing trees (12" DBH & greater) within the proposed disturbed area are located.
- House dimensions based on information supplied by Owner/Contractor. All dimensions should be verified with Architectural Plans.
- This lot is not in the flood plain unless noted otherwise.
- In the event the Architectural Review Committee shall determine that application of the aforesaid setbacks to a particular lot would unreasonably limit the use thereof by the owner and effectively deprive him of an appropriate construction site, the Architectural Review Committee shall grant a variance to the owner of said lot from the provisions of these setback requirements.
- All sections with curb and gutter are required to have two (2) schedule 40, four-inch conduits placed 3 foot below grade, or as low as possible to not conflict with other utilities, directly behind the curb for future wires/cables in Sections 3B, 8A, 8B, 10, 13A, 13B, 12, 14A, 14B, 15, 17, 18, 30, 31, 32, 33, 34.
- Owners/Builders are required to install a PVC conduit, meeting the standards required by the fiber optic provider, from the fiber entry point on the side of the house to the network interface pedestal at the curb. The fiber optic provider will install the fiber optic cable through the provided conduit. Owners/Builders are required to install the fiber optic interface and house wiring in accordance with the instructions provided by Capital Infrastructure or the individual service providers.
- This drawing represents an actual field survey and all of the information shown hereon is correct to the best of my knowledge and belief.

I have been retained (or a representative under my supervision) to stake, as a minimum, the building envelope, any detached accessory structures and to set control elevations, relative to the benchmark shown on the site plan, for garage and first floor as approved by the ARC. The owner/contractor shall provide a copy of an as-built foundation and floor survey to the ARC prior to the ARC final inspection.

A.D. Sebert

12/11/2022

A.D. Sebert, L.S.

Date

- Landscaping Planting Plan to follow.
- Trash to be removed daily, Construction materials and debris to be removed or consolidated and stacked weekly.
- Site cross drainage to be avoided. Drainage shall be controlled and diverted to avoid adjacent lots.

BUILDING SETBACK LIMITS:

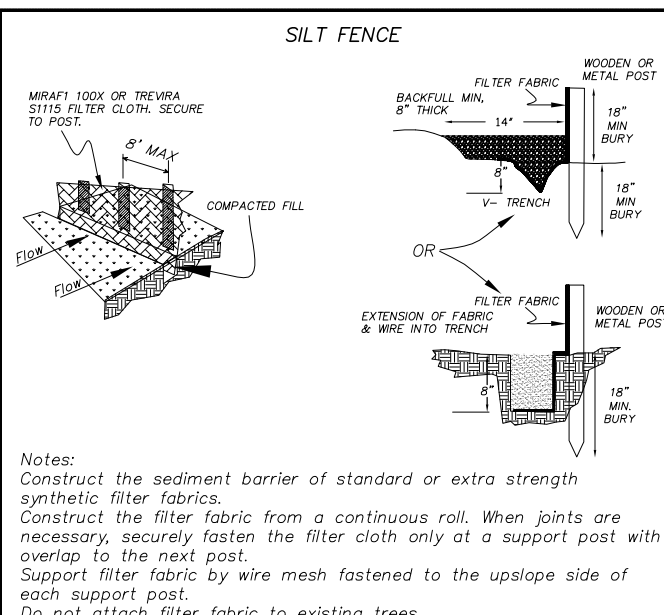
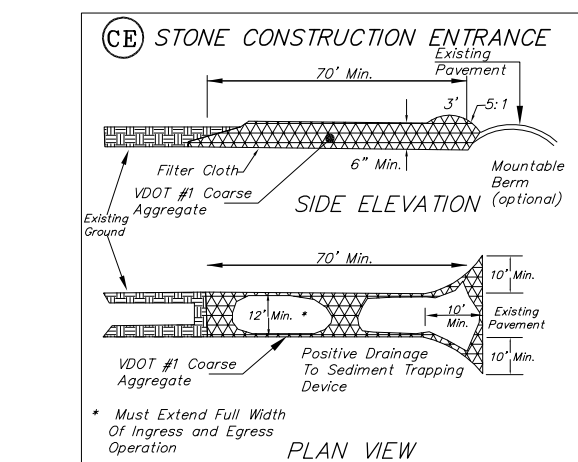
- FRONT SETBACK: 30' FROM THE FRONT LOT LINE
- REAR SETBACK: 25' OR 25% OF THE DEPTH OF THE LOT, WHICHEVER IS GREATER, FROM THE REAR LOT LINE.
- SIDE SETBACKS: 10' FROM THE SIDE LOT LINES.

BUILDING SETBACK LINES AS SHOWN ARE BASED UPON THE FORD'S COLONY PURCHASER'S HANDBOOK. ALL SETBACK LIMITS SHOWN ARE SUBJECT TO APPROVAL BY THE FORD'S COLONY A.R.C.

LEGEND:

- Silt Fence (SF) SEE DETAIL
- Straw Bale (STB) SEE DETAIL
- 4' high Orange Barrier Fence
- Construction Entrance (Asphalt to Garage) (provide fabric and stone Construction entrance during construction. Contractor is responsible for keeping the stone area free of mud and debris adjacent to proposed driveway and street. SEE DETAIL)
- Lot Line Swale
- Flow direction
- 55 Contour Elevation
- x 55 Existing grade spot shot
- • 55 Proposed grade spot shot

Note: Provide stone construction entrance during construction. Contractor responsible for keeping GLASGOW free of mud and debris adjacent to proposed driveway.



Drainage control/improvements shall be installed immediately after clearing. Such that no disturbed area drainage flows onto adjacent properties.

All sections with curb and gutter are required to have two (2) schedule 40, four-inch conduits placed 3 foot below grade, or as low as possible to not conflict with other utilities, directly behind the curb for future wires/cables in Sections 3B, 8A, 8B, 10, 13A, 13B, 12, 14A, 14B, 15, 17, 18, 30, 31, 32, 33, 34.

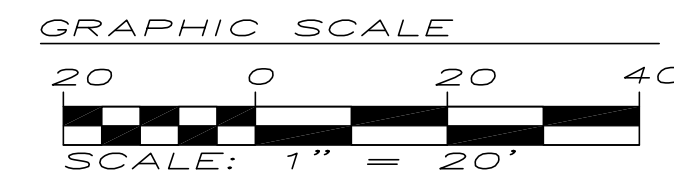
Date: _____ Signed: _____

NOTE: WHEN ESTABLISHING FINAL GRADING, THERE MUST BE AT LEAST 6" OF FALL WITHIN 10' OF THE HOUSE TO INSURE DRAINAGE AWAY FROM THE DWELLING.

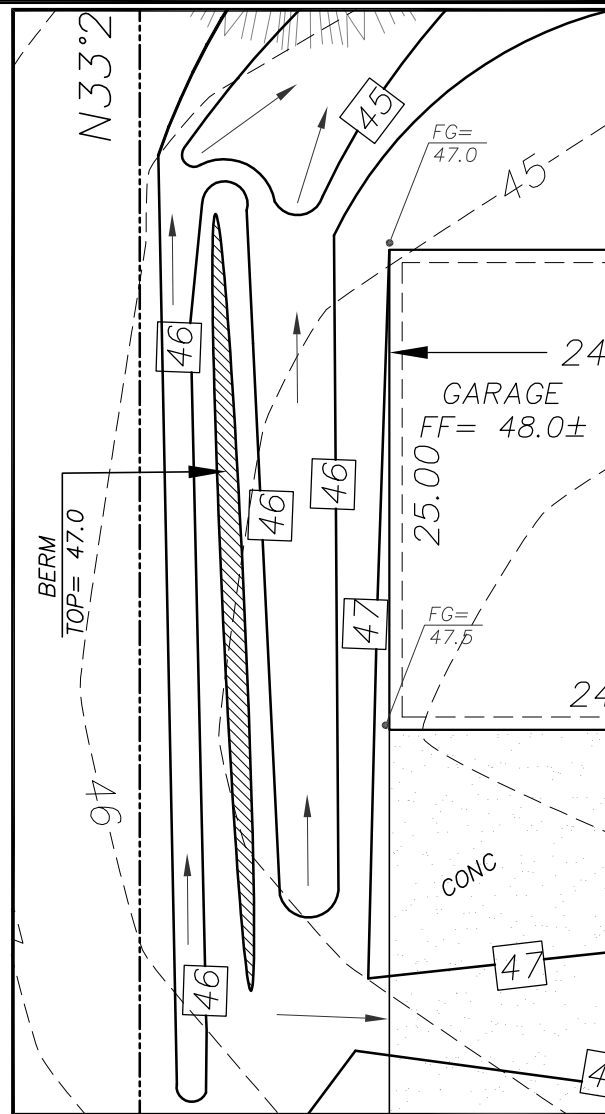
** NOTE: EXISTING RPA WETLANDS ON LOT (AS SHOWN) RESULT IN ENTIRE LOT LYING EITHER IN WETLANDS OR RPA BUFFER. LIMITS OF 100' RPA BUFFER (NOT SHOWN) ARE BEYOND THE EXTENTS OF THIS DRAWING.

LOT 58
AREA
11,687 S.F.±
0.2683 AC.±

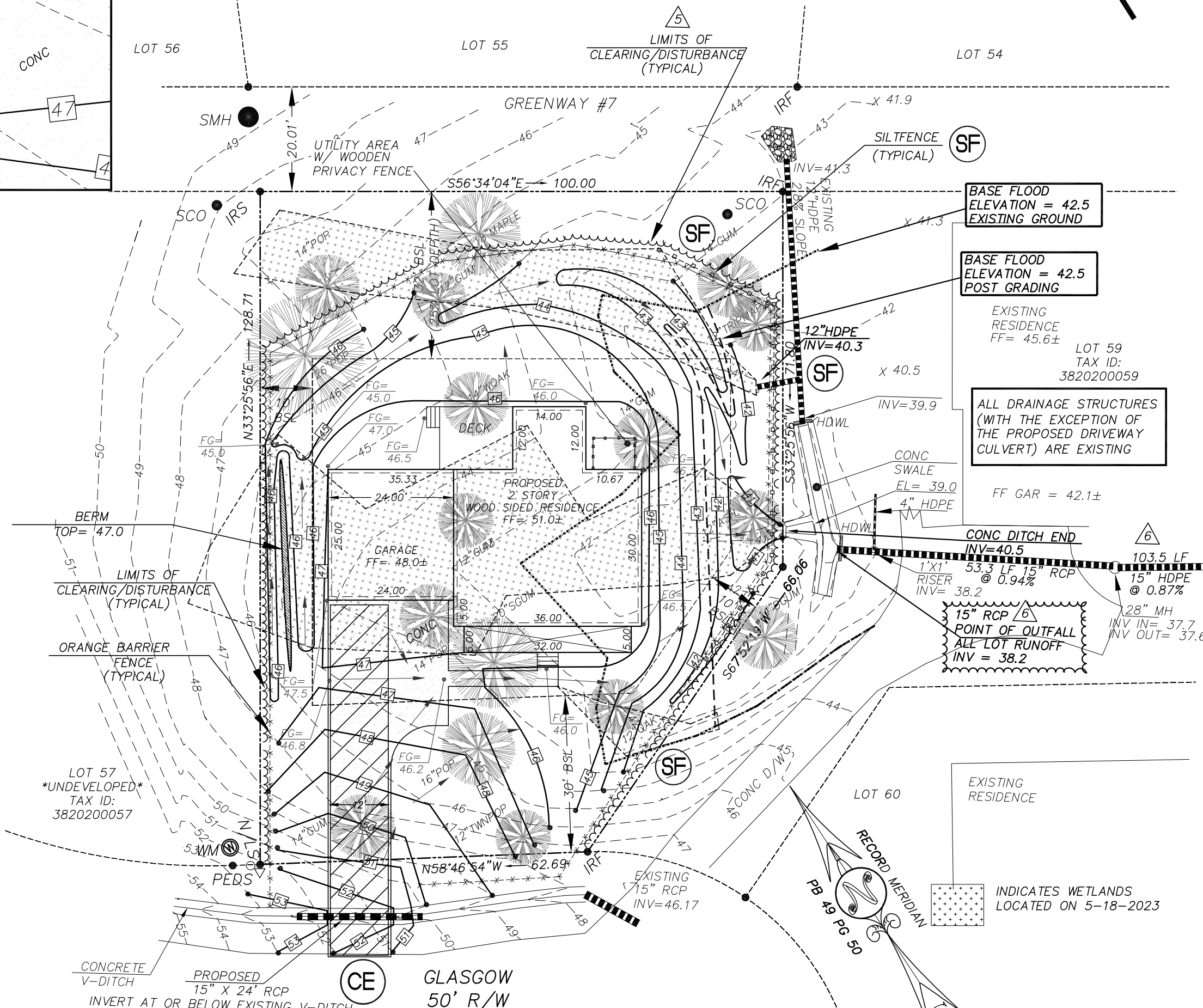
THIS PROPERTY APPEARS TO LIE WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2 % ANNUAL CHANCE FLOODPLAIN) & (AREAS WITHIN THE 0.2% ANNUAL CHANCE FLOODPLAIN WITH AVERAGE DEPTH OF LESS THAN 1') AND ZONE AE (BFE OF 42.5'). PER F.I.R.M. #51095C0117D DATED 12/16/2015. PROPOSED RESIDENCE ADJACENT GRADES LIE ABOVE ELEVATION 42.5



PROPOSED ADJACENT GRADES AROUND HOUSE TO BE AT MINIMUM ELEVATION OF 45.5 WHICH IS 3' ABOVE THE BASE FLOOD ELEVATION.



DETAIL AT BERM
SCALE: 1" = 10'



BASE FLOOD ELEVATION = 42.5 EXISTING GROUND

BASE FLOOD ELEVATION = 42.5 POST GRADING

EXISTING RESIDENCE FF = 45.6±
LOT 59
TAX ID: 3820200059

ALL DRAINAGE STRUCTURES (WITH THE EXCEPTION OF THE PROPOSED DRIVEWAY CULVERT) ARE EXISTING

FF GAR = 42.1±

CONC DITCH END INV = 40.5
1" x 15" RCP @ 0.94%
RISER INV = 38.2
15" RCP / 6" POINT OF OUTFALL ALL LOT RUNOFF INV = 38.2
28" MH INV IN = 37.7 INV OUT = 37.6

INDICATES WETLANDS LOCATED ON 5-18-2023

AREA CALCULATIONS

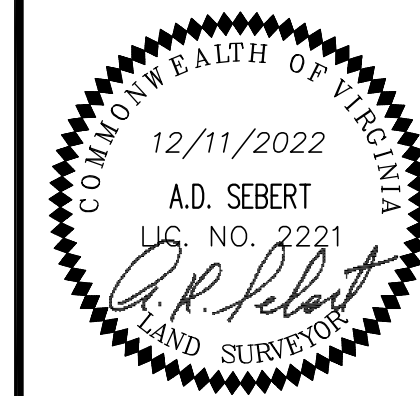
LOT AREA	11,687 SF±	0.268 AC±
AREA OF DISTURBANCE	10,039 SF±	= 86% OF LOT
IMPERVIOUS:		
HOUSE	1,848 SF	
CONCRETE	1,163 SF	
TOTAL	3,011	= 26% OF LOT
AREA OF WETLANDS ON LOT		= 3,866 SF = 0.09 AC
AREA OF WETLANDS DISTURBED		= 3,448 SF = 0.08 AC
IMPERVIOUS AREA WITHIN WETLANDS		= 1,678 SF = 0.039 AC

WATER METER NOT FOUND BY THIS SURVEY

ST. ADDRESS: 113 GLASGOW
TAX ID: 3820200058
ZONE: R4 RESIDENTIAL PLANNED COMMUNITY

SEBERT
&
SURVEYING
&
LAYOUT, LLC

8640 RUTHVILLE ROAD
PROVIDENCE FORGE, VA 23140
CELL: (757) 784-2413
asebert@sebertsurveying.com



LEGEND:

N/F	NOW OR FORMERLY
IRF	IRON ROD FOUND
IRS	IRON ROD SET
HDWL	STORM HEADWALL
BSL	BUILDING SETBACK LINE
R/W	RIGHT-OF-WAY
SMH	SANITARY MANHOLE
CO	SANITARY CLEANOUT
WM	WATER METER
WV	WATER VALVE
X 98.2	EXISTING SPOT ELEVATION
• 98.2	PROPOSED SPOT ELEVATION

RESIDENTIAL SITE PLAN
LOT 58, SECTION XI-A
FORD'S COLONY @ WILLIAMSBURG
PREPARED FOR
KONSTANTINOU

JAMESTOWN DISTRICT JAMES CITY COUNTY VIRGINIA

REVISIONS

1	GRADES REFLECT JCC GEODETIC CONTROL ADDED F.I.R.M NOTE	04/23/23
2	GRADES ADJUSTED TO NAVD88 DATUM	05/01/23
3	REVISED WETLANDS ADD WETLANDS CALCS	5/20/23
4	REVISED GRADING PER JCC COMMENTS	07/20/23
5	REVISED GRADING PER JCC COMMENTS DATED 8/01/23	09/18/23
6	ADDED OUTFALL PIPE & REVISED PIPE SIZE	09/21/23

DESIGNED BY: ADS

DATE: 12/11/2022

SCALE: 1" = 20'

PROJECT NO. J382-2

DRAWING NO. 1 OF 1



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
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Fleet
103 Tewning Road
Williamsburg, VA 23188
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**Stormwater and
Resource Protection**
101-E Mounts Bay Road
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Facilities & Grounds
113 Tewning Road
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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-23-0083
113 Glasgow
Construction of single-family
dwelling

September 22, 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. Angela Whitehead, Soil Horizons LLC, on behalf of Mr. John and Ms. Sheree Ann Konstantinou, for encroachments into the Resource Protection Area buffer for the construction of a single-family dwelling. The project is located at 113 Glasgow , JCC Tax Map Parcel No. 3820200058.

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

The Chesapeake Bay Board will hold an advertised public hearing on **Wednesday, October 11, 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,

Robin Benedict

Robin Benedict
Watershed Planner
757-253-6781
Robin.Benedict@jamescitycountyva.gov

Case Number: CBPA-23-0083

PIN	Last Name	Address Line 1	City	State
	Angela Whitehead	2 Whittakers Mill Rd	Williamsburg	VA
3820200055	CORSON, CHARLES F TRUSTEE &	102 DUNDEE	WILLIAMSBURG	VA
3820200063	CURRAN, JOHN R SR & FLORENCE L	116 GLASGOW	WILLIAMSBURG	VA
3820200001B	FORD'S COLONY AT WMSBURG	100 MANCHESTER	WILLIAMSBURG	VA
3820200059	HEATH, JORDAN C	115 GLASGOW	WILLIAMSBURG	VA
3820200056	HILKER, JOHN S TRUSTEE & LISA TRUSTEE	100 DUNDEE	WILLIAMSBURG	VA
3820200058	KONSTANTINOU, JOHN D & SHEREE ANN	1315 JAMESTOWN RD ~STE 101	WILLIAMSBURG	VA
3820200064	MCPMAHON, THOMAS P & KATHLEEN S	5772 INDEPENDENCE LN	W BLOOMFIELD	MI
3820200057	SHIU, ANTHONY W & MELISSA	PO BOX 181	SPEONK	NY
3820200060	STOCKHAUSEN, JEROME LEO JR &	117 GLASGOW	WILLIAMSBURG	VA
3820200054	WALK WRIGHT CONSTRUCTION LLC	PO BOX 5261	WILLIAMSBURG	VA
3820200061	WILLIAMS, LUGENIA M. TRUSTEE	119 GLASGOW	WILLIAMSBURG	VA
3820200062	ZEL, GERALD & BARBARA KANE	118 GLASGOW	WILLIAMSBURG	VA

Zip Code
23185
23188-9118
23188-9172
23188-7404
23188-9174
23188-9118
23185-3363
48322-1847
11972-0181
23188-9174
23188-5204
23188-9174
23188-9172



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, OCTOBER 11, 2023 AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASES:

WJPA-23-0017: Mr. Andrew Gurley, CLS Marine LLC, on behalf of Ms. Emily Collawn, has applied for a Wetlands Permit for the approval of riprap installation on property located at 733 Arlington Island Road, JCC Tax Map Parcel No. 930100004.

THE CHESAPEAKEBAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0109: Ms. Erica Bridgette, GC Commercial, on behalf of Mr. Benjamin and Ms. Courtney Kreicar, has applied for a Chesapeake Bay Exception for the construction of a porch and deck on property located at 3508 Pine Ridge Rd, JCC Tax Map Parcel No. 1220600110.

CBPA-23-0083: Ms. Angela Whitehead, Soil Horizons LLC, on behalf of Mr. John and Ms. Sheree Ann Konstantinou, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 113 Glasgow , JCC Tax Map Parcel No. 3820200058.

CBPA-23-0106: Mr. James and Ms. Shirley Fast, have applied for a Chesapeake Bay Exception for the installation of a patio and firepit on property located at 97 Shellbank Dr, JCC Tax Map Parcel No. 4530200018.

CBPA-23-0113: Mr. Ronald Curtis, Ronald Curtis Builders, on behalf of Mr. Thomas III and Ms. Mary Wilkinson, has applied for a Chesapeake Bay Exception for the construction of a deck on property located at 1580 Harbor Rd, JCC Tax Map Parcel No. 4310200019.

CBPA-23-0101: Mr. Ryan Linnekin, Williams Landscape & Design, on behalf of Mr. Paul Byron and Ms. Aimee Eileen McLendon, has applied for a Chesapeake Bay Exception for the installation of a patio on property located at 104 Colonels Way, JCC Tax Map Parcel No. 5030300019.

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 – September 27, 2023 and October 4, 2023
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W