

AGENDA
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
March 13, 2024
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from the February 14, 2024, Regular Meeting

D. PUBLIC COMMENT

E. PUBLIC HEARING(S)

1. CBPA-23-0157 : 5353 Rockingham Drive
2. CBPA-23-0190 : 123 Whiting Avenue

F. BOARD CONSIDERATION(S)

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
February 14, 2024
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for February 14, 2024, 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:

Leslie Bowie
Charles Roadley, Chair
Michael O'Brien, Vice Chair
Scott Maye

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
Emily Grojean, Watershed Planner, Stormwater and Resource Protection
Andrew Dean, Assistant County Attorney, County Attorney's Office

C. MINUTES

1. Minutes for the January 10, 2024, Regular Meeting

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

The minutes were approved on a voice vote.

2. Minutes for the January 29, 2024, Work Session

A motion to Approve the minutes was made by Ms. Bowie.

The minutes were approved on a voice vote.

D. PUBLIC COMMENT

None.

E. PUBLIC HEARING(S)

1. CBPA-23-0183 : 275 Old Stage Road

Ms. Robin Benedict, Watershed Planner, explained to the Board that the site plan was updated to remove the project from the Board's jurisdiction.

The Public Hearing for this case remained open from the January 10, 2024, Regular Meeting.

Mr. Roadley closed the Public Hearing.

2. CBPA-23-0174 : 9400 Barnes Road

A motion to Defer was made by Mr. O'Brien, the motion result was Passed.

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Bowie, Maye, O'Brien, Roadley

Absent: Waltrip

Ms. Robin Benedict, Watershed Planner, presented the request for deferral submitted by Mr. Mark Boyd, Kimley-Horn and Associates, Inc., on behalf of LI Hazelwood Farms VA Investor, LP, citing the need for further revision of the site plan. The exception request is for encroachments into the Resource Protection Area (RPA) for the construction of a building. The property is further identified as James City County Real Estate Tax Map Parcel No. 430100017. Ms. Benedict also recommended that the Public Hearing should be opened and remain so as a matter of procedure until the Board hears the case again at the April 10, 2024, Regular Meeting.

Mr. Roadley opened the Public Hearing.

3. CBPA-23-0182 : 9935 Walnut Creek

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

AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Bowie, Maye, O'Brien, Roadley

Absent: Waltrip

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Paul and Mrs. Cynthia Puglia, for encroachments into the RPA for the extension of a driveway and the installation of a walkway and seating area. The property is further identified as James City County Real Estate Tax Map Parcel No. 0520300014. 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. Paul Puglia, 9935 Walnut Creek, offered further explanation of the plan.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

4. CBPA-23-0167 : 112 Sugar Bush

A motion to Approve w/ Conditions was made by Mr. Maye, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Bowie, Maye, O'Brien, Roadley
Absent: Waltrip

Ms. Robin Benedict, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Paul Koscak and Ms. Karen Savage, 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. 3131000015. 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 further details regarding the plan, including how site constraints have influenced the development of the plan. Mr. Grogg also clarified drainage conditions at the site.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

F. BOARD CONSIDERATION(S)

1. CBPA-23-0009 : 109 Murcar

A motion to Approve w/ Conditions was made by Ms. Bowie, the motion result was Passed.
AYES: 4 NAYS: 0 ABSTAIN: 0 ABSENT: 1
Ayes: Bowie, Maye, O'Brien, Roadley
Absent: Waltrip

Ms. Emily Grojean, Watershed Planner, presented an extension request for the exception originally approved by the Board on March 8, 2023. The exception was originally submitted by Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Geno Godwin and Ms. Judith Alicea. Staff proposed that the new expiration date of March 8, 2025, be approved.

2. 2024 Calendar : Amendment

A motion to Approve the amended the 2024 calendar was made by Ms. Bowie.

The amended 2024 calendar was approved on a voice vote.

G. MATTERS OF SPECIAL PRIVILEGE

None.

H. ADJOURNMENT

A motion to Adjourn was made by Mr. O'Brien and approved on a voice vote.

The meeting adjourned at 5:45 p.m.

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0157. 5353 Rockingham Drive
Staff Report for the March 13, 2024, 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. Angelique and Mr. John Wellman

Agent: None

Location: 5353 Rockingham Drive

Parcel Identification No.: 3221200150

Parcel: Lot 150, Section 2, Scott's Pond

Lot Size: 0.85 acres

Area of Lot in Resource Protection Area (RPA): 0.80 acres (94%)

Watershed: Powhatan Creek (JL31)

Floodplain: None

Proposed Activity: Construction of a deck extension

Impervious Cover: 240 square feet, new impervious cover

RPA Encroachment: 240 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. Angelique and Mr. John Wellman have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a deck extension located at 5353 Rockingham Drive within the Scott's Pond subdivision and the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3221200150. The parcel was platted in 2003, prior to the changes in the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 0.85 acres, of which 94% is located within the RPA. The applicants are proposing to enlarge the existing 10-foot by 12-foot deck on the rear of the house to an 18-foot by 20-foot deck. Total impacts to the RPA associated with this proposal equate to 240 square feet of new impervious cover within the seaward 50-foot RPA. Required mitigation for this amount of impervious impacts equals nine shrubs. The applicants have proposed a mitigation plan equating to 12 shrubs; therefore, satisfying County mitigation requirements. Additionally, the applicants are proposing to place a layer of gravel underlain with filter fabric under the footprint of the deck.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a deck extension. 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 extension 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 nonconforming 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 \$500 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plantings equaling nine shrubs; and
3. This exception request approval will become null and void if construction has not begun by March 13, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than January 31, 2025, six weeks prior to the expiration date.

RB/ap
CBPA23-157_5353Rcknghm

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0157. 5353 ROCKINGHAM DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Angelique and Mr. John Wellman (the “Applicants”), have applied to the Chesapeake Bay Board of James City County (the “Board”) on March 13, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 5353 Rockingham Drive and further identified as James City County Real Estate Tax Map Parcel No. 3221200150, as set forth in the application CBPA-23-0157 for the purpose of constructing a deck extension; 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-23-0157, 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 \$500 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plantings equaling nine shrubs; and
3. This exception request approval will become null and void if construction has not begun by March 13, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than January 31, 2025, 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 13th day of March, 2024.

CBPA23-157_5353RcknghmApp-res

RESOLUTION

CASE NO. CBPA-23-0157. 5353 ROCKINGHAM DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Angelique and Mr. John Wellman (the “Applicants”), have applied to the Chesapeake Bay Board of James City County (the “Board”) on March 13, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 5353 Rockingham Drive and further identified as James City County Real Estate Tax Map Parcel No. 3221200150, as set forth in the application CBPA-23-0157 for the purpose of constructing a deck extension; 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-23-0157.

Charles Roadley
Chair, Chesapeake Bay Board

Robin Benedict
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of March, 2024.

CBPA23-157_5353RcknghmDny-res

5353 Rockingham Dr



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Adjacent Property Owner Mailing List for Case Number: CBPA-23-0157

PIN	Last Name	Address Line 1	City	State	Zip Code
3221200149	CARDENAS, CLAUDIO STEVE & LAURIE L	5355 ROCKINGHAM DR	WILLIAMSBURG	VA	23188-8118
3221200151	CASADO, MARIO E & BORREGO, LISSETH	5351 ROCKINGHAM DR	WILLIAMSBURG	VA	23188-8118
3221200152	HWANG, ANDY H	5347 ROCKINGHAM DR	WILLIAMSBURG	VA	23188-8118
3221200001C	JAMES CITY SERVICE AUTHORITY	119 TEWNING RD	WILLIAMSBURG	VA	23188-2639
3221200001B	SCOTTS POND COMMUNITY ASSOCIATION	P O BOX	LIGHTFOOT	VA	23090-0888
3221200001D	SCOTTS POND COMMUNITY ASSOCIATION	PO BOX 102	LIGHTFOOT	VA	23090-0102
3221200148	WARING, TIMOTHY M & TAYLOR M	5348 ROCKINGHAM DR	WILLIAMSBURG	VA	23188-8118
3221200150	WELLMAN, JOHN S & ANGELIQUE M	5353 ROCKINGHAM DR	WILLIAMSBURG	VA	23188-8118



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-23-0157
5353 Rockingham Drive
Construction of deck extension

February 26, 2024

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. Angelique and Mr. John Wellman for encroachments into the Resource Protection Area buffer for the construction of a deck extension. The project is located at 5353 Rockingham Drive, JCC Tax Map Parcel No. 3221200150.

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 13, 2024, 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
Chesapeake Bay Board Secretary
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, MARCH 13, 2024 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-24-0003: Ms. Donna Fout, Williamsburg Campground, on behalf of Hampton 41, LLC & Abbitt Land Co & R Holdings LLC & Mountain Park LLC, has applied for a Wetlands Permit for the installation of a temporary net on property located at 7664 Newman Road, JCC Real Estate Tax Map Parcel No. 2520100007.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0157: Ms. Angelique and Mr. John Wellman, have applied for a Chesapeake Bay Exception for the construction of a deck extension on property located at 5353 Rockingham Drive, JCC Tax Map Parcel No. 3221200150.

CBPA-23-0190: Mr. Darryl Cook, James City County, on behalf of James City County, has applied for a Chesapeake Bay Exception for the completion of the Grove Water Quality project on property located at 123 Whiting Avenue, JCC Tax Map Parcel No. 5230900001A.

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 Mounts Bay Road, Building E, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – February 28, 2024 and March 6, 2024
ACCOUNT NO. CU00015112
VIRGINIA GAZETTE
1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-23-0190. 123 Whiting Avenue
Staff Report for the March 13, 2024, 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: James City County

Agent: Mr. Darryl Cook, James City County

Location: 123 Whiting Avenue

Parcel Identification No.: 5230900001A

Parcel: Parcel A, Grove Subdivision

Lot Size: 3.89 acres

Area of Lot in Resource Protection Area (RPA): 3.09 acres (78%)

Watershed: Skiffes Creek (JL35)

Floodplain: None

Proposed Activity: Installation of a Step Pool Stormwater Conveyance (SPSC) System

Impervious Cover: 0 square feet

RPA Encroachment: 6,587 square feet, RPA encroachment, landward 50-foot RPA
2,989 square feet, RPA encroachment, seaward 50-foot RPA
9,576 square feet, RPA encroachment total

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Darryl Cook, James City County, has applied for a Chesapeake Bay Exception on behalf of James City County for encroachments into the RPA buffer for the installation of an SPSC system located at 123 Whiting Avenue within the Grove subdivision and the Skiffes Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 5230900001A. The parcel was platted in 1986, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 3.89 acres, of which 78% is located within the RPA. Existing conditions of the property include a wooded area surrounded by single-family homes within the Grove neighborhood. The neighborhood's current drainage is handled by roadside swales, driveway culverts, and street culverts, but the neighborhood still experiences significant flooding during rainfall events. The applicant is proposing to construct an SPSC system as a portion of the Grove Neighborhood Stormwater Improvement project. There is an existing concrete channel that is in poor condition that will be replaced by the SPSC system. While there are no impervious impacts associated with this project, total encroachment into the RPA associated with this proposal equate to 6,587 square feet in the landward 50-foot RPA and 2,989 square feet in the seaward 50-foot RPA, for a total of 9,576 square feet of encroachment. These impacts are a result

of grading for the SPSC system. Because the intent of the proposed SPSC system is to improve water quality from nonpoint source pollutants, no planting mitigation measures are required for this project. The applicant has proposed to replant the area with a riparian mix.

STAFF EVALUATION

Staff has evaluated the application and exception request for the installation of an SPSC system. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the facility itself is considered a Best Management Practice and is proposed within the 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 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 nonconforming that are related to adjacent parcels; and
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

STAFF RECOMMENDATIONS

Staff has reviewed the application and exception request and has determined the impacts associated with the proposal to be minor for the proposed development. Staff recommends approval for this exception request, and if the Board wishes to approve this request, staff recommends the following conditions be incorporated into the approval:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. This exception request approval will become null and void if construction has not begun by March 13, 2026; and
3. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than January 31, 2026, six weeks prior to the expiration date.

RB/ap
CBPA23-190_123Whiting

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-23-0190. 123 WHITING AVENUE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Darryl Cook, James City County, on behalf of James City County (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 13, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 123 Whiting Avenue (“the Property”) and further identified as James City County Real Estate Tax Map Parcel No. 5230900001A, as set forth in the application CBPA-23-0190 for the purpose of installing a Step Pool Stormwater Conveyance system; 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-23-0190, 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. This exception request approval will become null and void if construction has not begun by March 13, 2026; and
3. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than January 31, 2026, 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 13th day of March, 2024.

CBPA23-190_123WhitingApp-res

RESOLUTION

CASE NO. CBPA-23-0190. 123 WHITING AVENUE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Darryl Cook, James City County, on behalf of James City County (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on March 13, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 123 Whiting Avenue (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 5230900001A, as set forth in the application CBPA-23-0190 for the purpose of installing a Step Pool Stormwater Conveyance system; 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-23-0190.

Charles Roadley
Chair, Chesapeake Bay Board

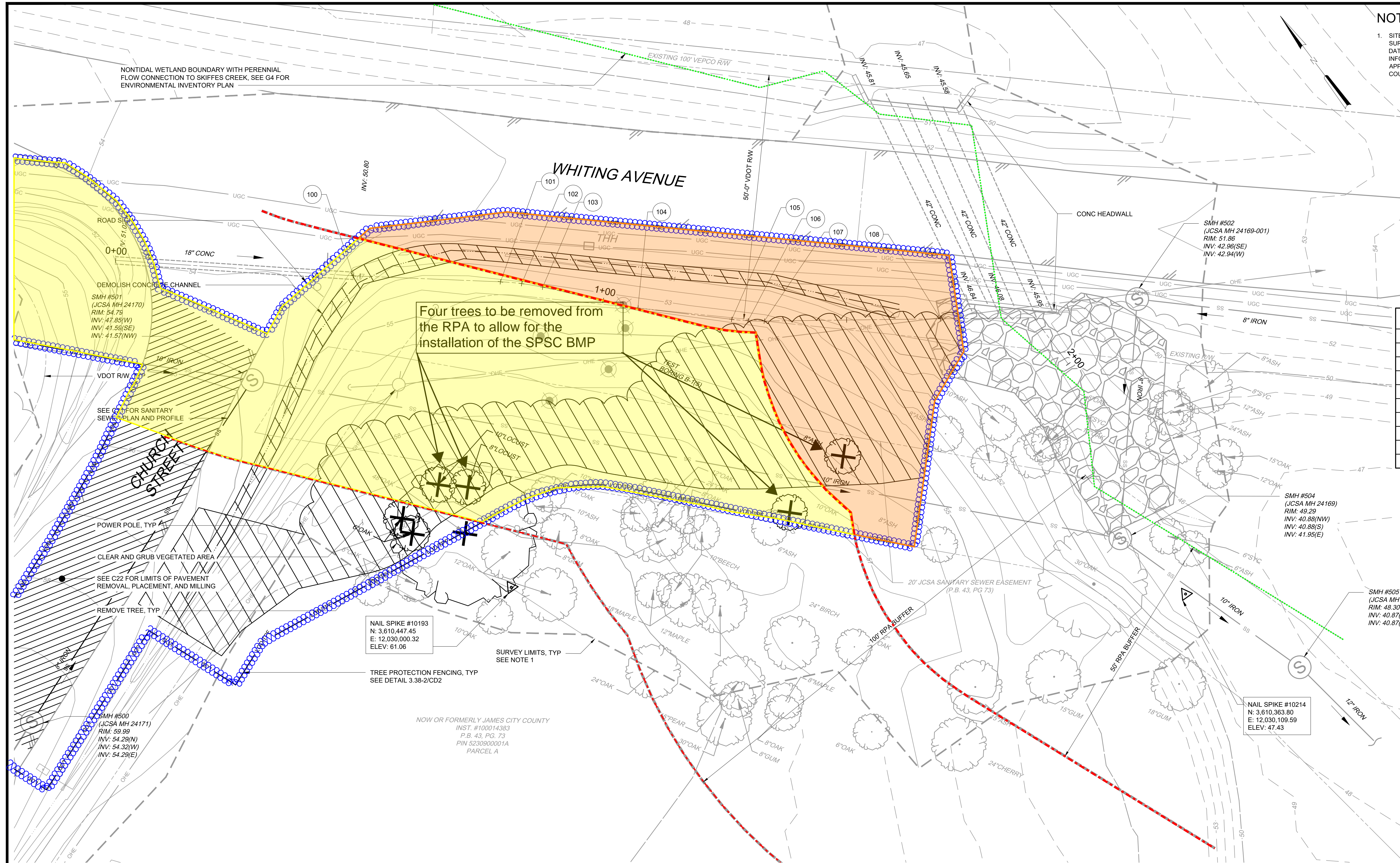
Robin Benedict
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 13th day of March, 2024.

CBPA23-190_123WhitingDny-res

NOTES:

1. SITE INFORMATION HAS BEEN PROVIDED BY TOPOGRAPHIC SURVEY PREPARED BY PRECISION MEASUREMENTS, INC. DATED JULY 10, 2022. TOPOGRAPHIC AND SITE INFORMATION OUTSIDE OF SURVEY LIMITS IS APPROXIMATE AND WAS SOURCED FROM JAMES CITY COUNTY GIS.



Four trees to be removed from the RPA to allow for the installation of the SPSC BMP

STAKING TABLE			
POINT #	NORTHING	EASTING	DESCRIPTION
100	3610517.81	12030012.67	PI
101	3610498.63	12030035.95	PC
102	3610495.74	12030039.20	MID
103	3610492.58	12030042.18	PT
104	3610477.53	12030055.18	PI
105	3610464.19	12030069.12	PC
106	3610461.97	12030071.60	MID
107	3610459.91	12030074.23	PT
108	3610438.72	12030103.27	PI

PLAN
SCALE: 1"=10'

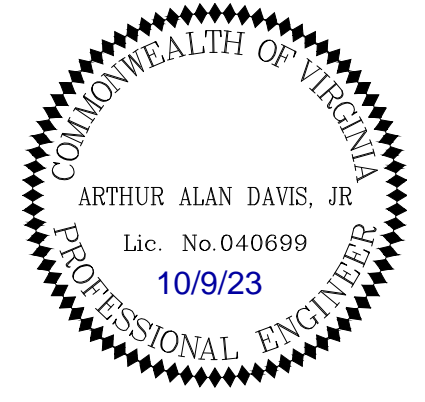


File: C:\32611-000\32611-000\CAD_BM\DWG\C30.dwg Saved by: CMCNICOL, Date: 10/02/2023 4:22 PM
 PLOT DATE: 10/02/2023 3:18 PM BY: CMCNICOL

REV	ISSUED FOR	DATE	BY

PROJECT ENGINEER:	A. EASON
DESIGNED BY:	C. MCNICOL
DRAWN BY:	S. KANE
CHECKED BY:	C. MCNICOL
IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO FULL SCALE	

100% DESIGN
DO NOT USE
FOR CONSTRUCTION



Hazen
HAZEN AND SAWYER
4500 MAIN STREET, SUITE 500
VIRGINIA BEACH, VA 23462

JAMES CITY COUNTY
GROVE STORMWATER IMPROVEMENTS

CIVIL - AREA 2
EXISTING CONDITIONS AND DEMOLITION PLAN

DATE:	OCTOBER 2023
HAZEN NO.:	32611-000
CONTRACT NO.:	
DRAWING NUMBER:	C30

NOTES:

- SEE C30 FOR STAKING POINTS TABLE.
- DIP SHALL BE P401 LINED PER JCSA DESIGN AND ACCEPTANCE CRITERIA. MATCH EXISTING PIPE ELEVATIONS.
- POWER POLE SUPPORT AND RELOCATION SHALL BE COORDINATED WITH DOMINION ENERGY.

PLANTING LEGEND

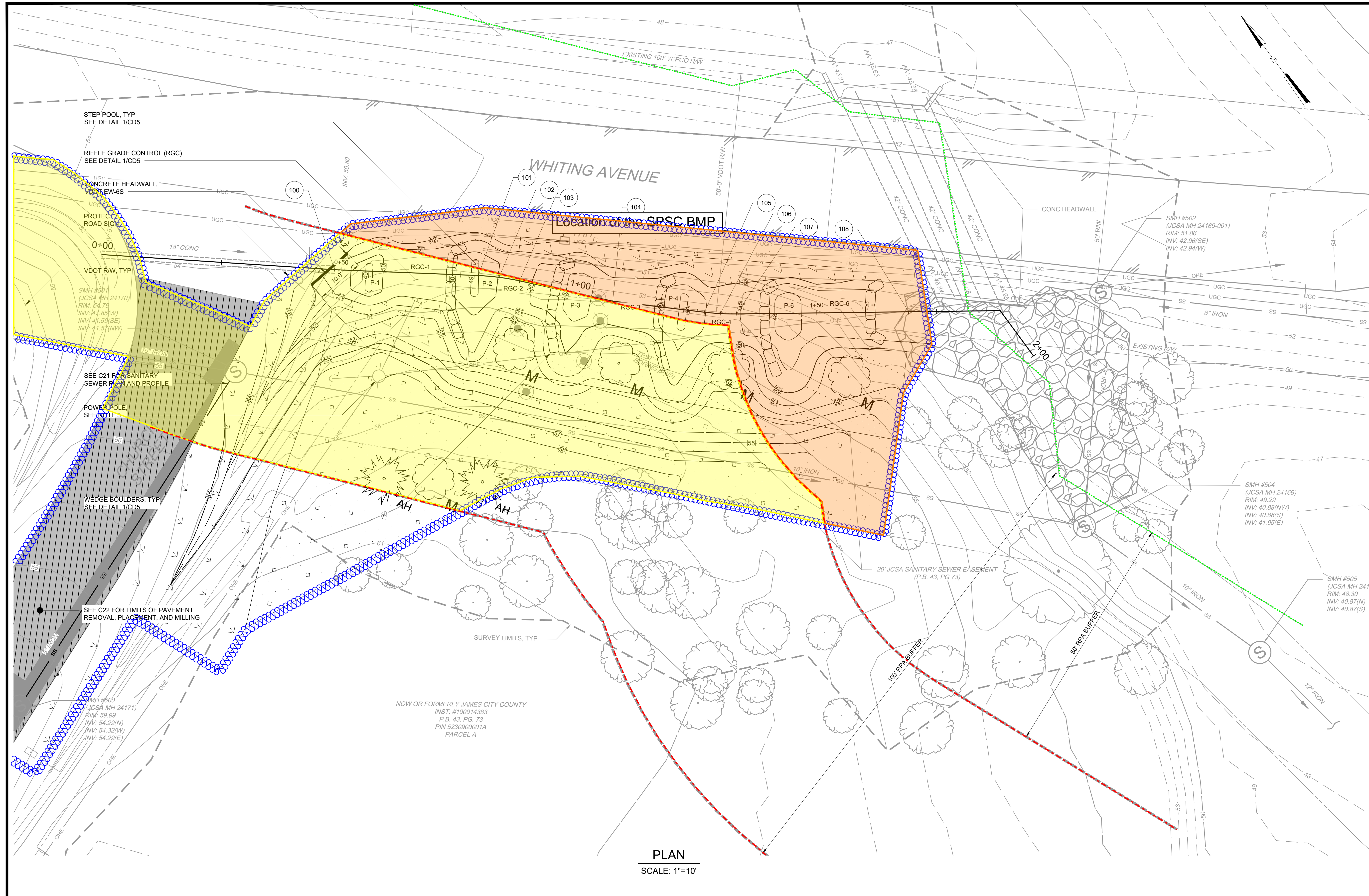
	ZONE 1A ¹
	ZONE 1B ¹
	ZONE 2 ²
	TURF GRASS ²

¹SEE DETAIL 7/CD3 FOR FULL PLANTING SCHEDULE.
²TURF GRASS SHALL BE LOW MAINTENANCE SLOPE (STEEPER THAN 3:1) AS SPECIFIED IN TABLE 3.32-D/CD2.

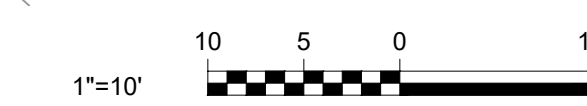
LANDSCAPE LEGEND

TREES

	RED MAPLE
	AMERICAN HOLLY



PLAN
SCALE: 1"=10'



File: C:\3811-000\3811-000\CAD_BIM\DWG\C33.dwg
 Plot Date: 10/6/2023 3:22 PM
 Plot By: CMCNICOL

REV	ISSUED FOR	DATE	BY

PROJECT ENGINEER:	A. EASON
DESIGNED BY:	C. MCNICOL
DRAWN BY:	C. MCNICOL
CHECKED BY:	A. DAVIS
IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO FULL SCALE	

100% DESIGN
DO NOT USE
FOR CONSTRUCTION



Hazen
 HAZEN AND SAWYER
 4500 MAIN STREET, SUITE 500
 VIRGINIA BEACH, VA 23462

JAMES CITY COUNTY
 GROVE STORMWATER IMPROVEMENTS

CIVIL - AREA 2
 GRADING PLAN

DATE:	OCTOBER 2023
HAZEN NO.:	32611-000
CONTRACT NO.:	
DRAWING NUMBER:	C33



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-23-0190
123 Whiting Avenue
Completion of Grove Water
Quality project

February 26, 2024

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. Darryl Cook, James City County, on behalf of James City County, for encroachments into the Resource Protection Area buffer for the completion of the Grove Water Quality project. The project is located at 123 Whiting Avenue, JCC Tax Map Parcel No. 5230900001A.

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 13, 2024, 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
Chesapeake Bay Board Secretary
757-253-6781
Robin.Benedict@jamescitycountyva.gov

Adjacent Property Owner Mailing List for Case Number: CBPA-23-0190

PIN	Last Name	Address Line 1	City	State	Zip Code
5230900020	ATKINS, ALLEN T & VALERIE C	122 WOODSIDE DR	WILLIAMSBURG	VA	23185-6044
5230200022E	BAKERENTERPRISESVA LLC	120 BUTE ST	SUFFOLK	VA	23434-5609
5230900017	BLIZZARD, LINWOOD T & REGINA M	123 WOODSIDE DR	WILLIAMSBURG	VA	23185-6048
5230900019	COFFMAN, BRIAN ALEC	124 WOODSIDE DR	WILLIAMSBURG	VA	23185-6044
5230200022H	COLE, CARLETTA M & MACKEY,	2884 ELKRIDGE CIR	RICHMOND	VA	23223-2060
5230900015	DUDLEY, SETH W & GRETCHEN M	105 MAHOGANY LN	WILLIAMSBURG	VA	23185-6023
5230200022D	ECLECTIC CONSTRUCTION LLC	4680 MONTICELLO AVE ~STE 18I-145	WILLIAMSBURG	VA	23188-8214
5230900013	GRANT, CECIL A & CONSTANCE E	101 MAHOGANY LN	WILLIAMSBURG	VA	23185-6023
5230900001A	JAMES CITY COUNTY	PO BOX 8784	WILLIAMSBURG	VA	23187-8784
5230900012	LYTTLE, WAYNE & NINA D	108 MAHOGANY LN	WILLIAMSBURG	VA	23185-6022
5230200022F	MCLOYD, ALBERTA E ESTATE	182 RAILROAD ST	WILLIAMSBURG	VA	23185-6010
5230200022C	MOUNT CALVARY CHURCH OF	200 RAILROAD ST	WILLIAMSBURG	VA	23185-6060
5230900014	NEVINS, ALTAMONT &	103 MAHOGANY LN	WILLIAMSBURG	VA	23185-6023
5240200018	PALMER, KEENAN W	PO BOX 15356	NEWPORT NEWS	VA	23605-0026
5230900021	PARRIS, SHANNON MICHELLE & MARTYN,	120 WOODSIDE DR	WILLIAMSBURG	VA	23185-6044
5231100001	PIGGOTT, MARJORIE M	304 WHITING AVE	WILLIAMSBURG	VA	23185-6061
5230200032A	RILEY, GREGORY G	130 CHURCH ST	WILLIAMSBURG	VA	23185-6002
5230900018	RIVERS, LUCINDA P	125 WOODSIDE DR	WILLIAMSBURG	VA	23185-6048
5230200046C	SAVEDGE, SONYA D	129 CHURCH ST	WILLIAMSBURG	VA	23185-6001
5230200046B	SAVEDGE, SONYA D	PO BOX 731	WILLIAMSBURG	VA	23187-0731
5230200028A	SNOWBURG, HOLLY I JR & KATHY J	101 WHITING AVE	WILLIAMSBURG	VA	23185-6011
5230200046A	TAYLOR, BRENDA	14447 ALISTAR MANOR DR	WIMAUMA	FL	33598-3703
5230900016	WALLACE, AMY M	121 WOODSIDE DR	WILLIAMSBURG	VA	23185-6048



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, MARCH 13, 2024 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-24-0003: Ms. Donna Fout, Williamsburg Campground, on behalf of Hampton 41, LLC & Abbitt Land Co & R Holdings LLC & Mountain Park LLC, has applied for a Wetlands Permit for the installation of a temporary net on property located at 7664 Newman Road, JCC Real Estate Tax Map Parcel No. 2520100007.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-23-0157: Ms. Angelique and Mr. John Wellman, have applied for a Chesapeake Bay Exception for the construction of a deck extension on property located at 5353 Rockingham Drive, JCC Tax Map Parcel No. 3221200150.

CBPA-23-0190: Mr. Darryl Cook, James City County, on behalf of James City County, has applied for a Chesapeake Bay Exception for the completion of the Grove Water Quality project on property located at 123 Whiting Avenue, JCC Tax Map Parcel No. 5230900001A.

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 Mounts Bay Road, Building E, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – February 28, 2024 and March 6, 2024

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W