

**AGENDA**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**COUNTY GOVERNMENT CENTER BOARD ROOM**  
**101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185**  
**October 9, 2024**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

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

**D. PUBLIC COMMENT**

**E. PUBLIC HEARING(S)**

1. CBPA-24-0070 : 113 Indian Circle
2. CBPA-24-0112 : 4404 Landfall Drive
3. CBPA-24-0091 : 9931 Walnut Creek
4. CBPA-24-0079 : 7734 Richmond Road
5. CBPA-24-0111 : 4025 South Riverside Dr and 4027 South Riverside Drive

**F. BOARD CONSIDERATION(S)**

**G. MATTERS OF SPECIAL PRIVILEGE**

**H. ADJOURNMENT**

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0070. 113 Indian Circle  
Staff Report for the October 9, 2024, Chesapeake Bay Board Public Hearing**

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*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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicant: Mr. Jim Duguay, Performance Contracting, Inc.

Agent: None

Location: 113 Indian Circle

Parcel Identification No.: 5920200019

Parcel: Lot 19, Section 1, Poplar Hall

Lot Size: 0.45 acres

Area of Lot in Resource Protection Area (RPA): 0.38 acres (84%)

Watershed: Skiffes Creek (JL35)

Floodplain: None

Proposed Activity: Construction of an attached deck

Impervious Cover: 140 square feet for the deck (legislative)  
1,079 square feet for the residence (administrative approval only, not part of this application)

RPA Encroachment: 140 square feet, landward 50-foot RPA

Staff Contact: Emily Grojean, Watershed Planner Phone: 253-6789

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Jim Duguay, Performance Contracting, Inc., has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of an attached deck located at 113 Indian Circle within the Poplar Creek subdivision and the Skiffes Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 5920200019. The parcel was platted in 1958, prior to the adoption of the Chesapeake Bay Preservation Ordinance.

The total lot size of this property is 0.45 acres, of which 84% is located within the RPA. The applicant is proposing to construct a 140-square-foot deck at the rear of the proposed home. The proposed home is administratively approved and is not within the Board's purview. Total impacts to the RPA associated with this proposal equate to 140 square feet in the 50-foot landward RPA buffer. Required mitigation for this amount of impervious impacts equals one-half planting unit for the proposed deck. The applicant has provided a mitigation plan equaling three planting units (three canopy trees, six understory trees, and nine shrubs); therefore, satisfying County mitigation requirements for both the home and the deck.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of 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 a deck is accessory in nature.

## **CONSIDERATION BY THE CHESAPEAKE BAY BOARD**

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity; and
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality; and
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances, either permitted or 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 Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicant must submit a surety of \$2,000 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling three planting units (three canopy trees, six understory trees, and nine shrubs); and
3. This exception request approval will become null and void if construction has not begun by October 9, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 28, 2025, six weeks prior to the expiration date.

EG/md  
CBPA24-70\_113IndnCir

Attachments:

1. Resolution
2. Site Plan

## RESOLUTION

CASE NO. CBPA-24-0070. 113 INDIAN CIRCLE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Jim Duguay, Performance Contracting, Inc. (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 9, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 113 Indian Circle (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 5920200019, as set forth in the application CBPA-24-0070 for the purpose of the construction of 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-24-0070, subject to the following conditions:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicant must submit a surety of \$2,000 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling three planting units (three canopy trees, six understory trees, and nine shrubs); and
3. This exception request approval will become null and void if construction has not begun by October 9, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 28, 2025, six weeks prior to the expiration date.

---

Charles Roadley  
Chair, Chesapeake Bay Board

---

Michael Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of October, 2024.

CBPA24-70\_113IndnCirApp-res



## RESOLUTION

CASE NO. CBPA-24-0070. 113 INDIAN CIRCLE

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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-24-0070.

\_\_\_\_\_  
Charles Roadley  
Chair, Chesapeake Bay Board

\_\_\_\_\_  
Michael Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of October, 2024.

CBPA24-70\_113IndnCirDny-res

GENERAL 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. 17, PG. 01-02.
2. ELEVATION SHOWN HEREON ARE IN FEET AND CLOSELY RESEMBLE JCC GIS.
3. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
4. PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #59015C0228D DATED DECEMBER 16, 2015.
5. LOT SERVED BY PUBLIC WATER AND SEWER.
6. CONTRACTOR TO GRADE SITE TO ENSURE STORMWATER RUNOFF IS DIRECTED AWAY FROM FROM DWELLING FOUNDATION.
7. TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
8. CONTRACTOR SHALL DETERMINE EXACT FINISHED FLOOR ELEVATION AFTER EXCAVATION.
9. ALL DIMENSIONS SHOWN HEREON ARE TO THE FRAMLINE OF THE BUILDING.
10. BENCHMARK ELEVATION OF 52.00'
11. PROPOSED RESIDENCE SHOWN BASED OFF OF PLANS PROVIDED BY CLIENT DATED 8/19/2016 & AND TO BE CONFIRMED BY CONTRACTOR PRIOR TO CONSTRUCTION.

EROSION & SEDIMENT CONTROL NOTES

ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE "VIRGINIA EROSIONS AND SEDIMENT CONTROL HANDBOOK 1992 THIRD EDITION". THE CONTRACTOR SHALL BE THOROUGHLY FAMILIAR WITH ALL APPLICABLE MEASURES CONTAINED THEREIN WHICH MAY BE PERTINENT TO THIS PROJECT.

BUILDING INFORMATION

PROPOSED BUILDING IS A 2-STORY FRAME  
PROPOSED GARAGE IS 1 BAY / FRONT LOADING  
FIRST FLOOR 712 S.F.

SITE INFORMATION

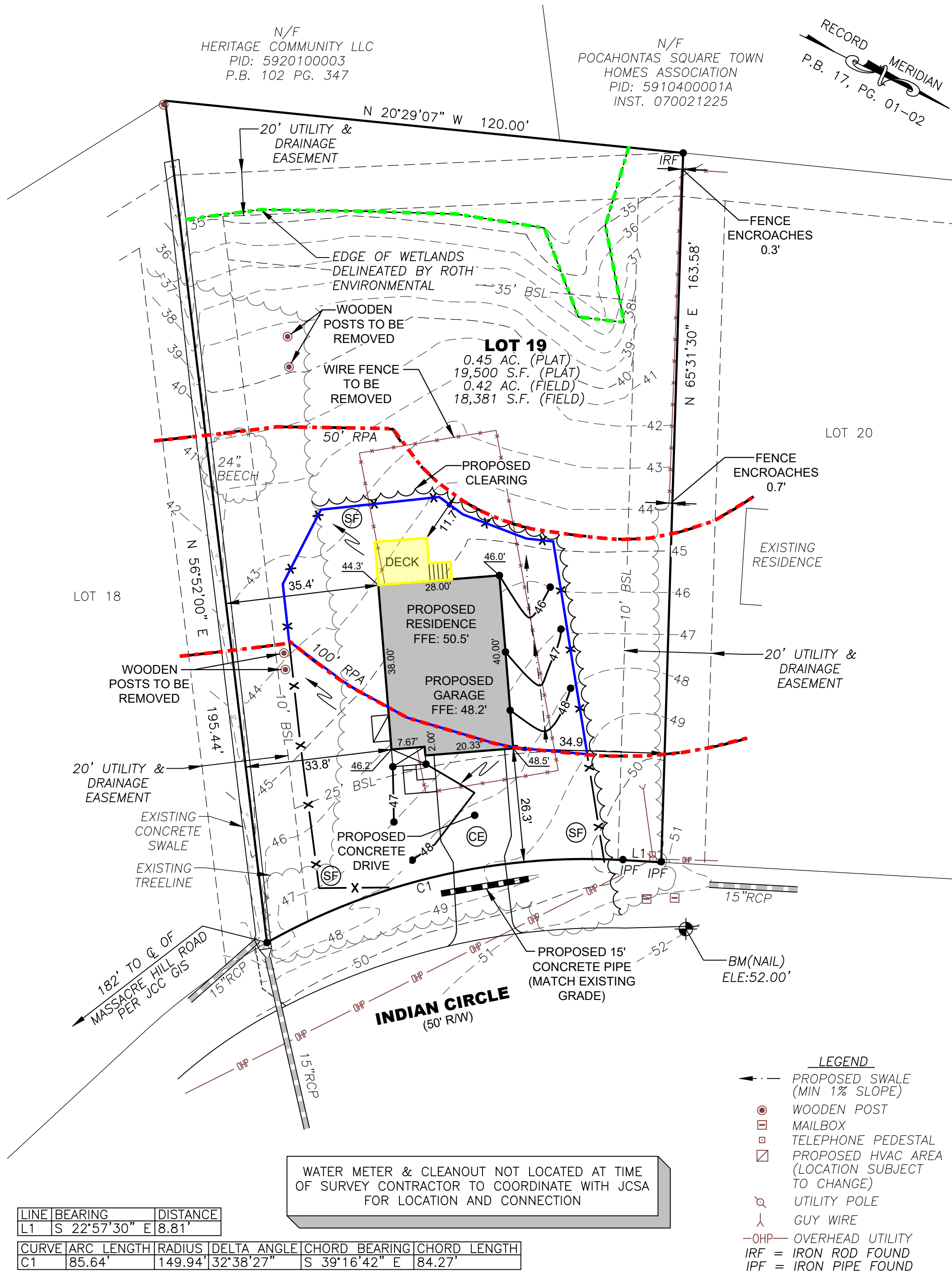
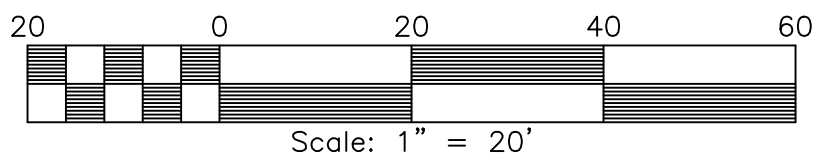
LOT NUMBER 19, PHASE 1,  
JAMES CITY COUNTY  
TOTAL AREA: 19,500 S.F. / .448 AC.  
IMPERVIOUS AREA: 1,782 S.F. / 0.041 AC.  
IMPERVIOUS AREA IN 100' RPA: 1,079 S.F. / 0.025 AC.  
IMPERVIOUS AREA IN 50' RPA: 0 S.F. / 0 AC.  
DISTURBED AREA: 6,266 S.F. / 0.144 AC.  
DISTURBED AREA IN 100' RPA: 2,859 S.F. / 0.066 AC.  
DISTURBED AREA IN 50' RPA: 0 S.F. / 0 AC.  
PARCEL ID: 5920200019  
ZONING DISTRICT: R2 GENERAL RESIDENTIAL  
PROPERTY IS LOCATED IN AN RMA & RPA  
EXISTING SITE IS WOODED AS SHOWN

BUILDING SETBACK (SBL)

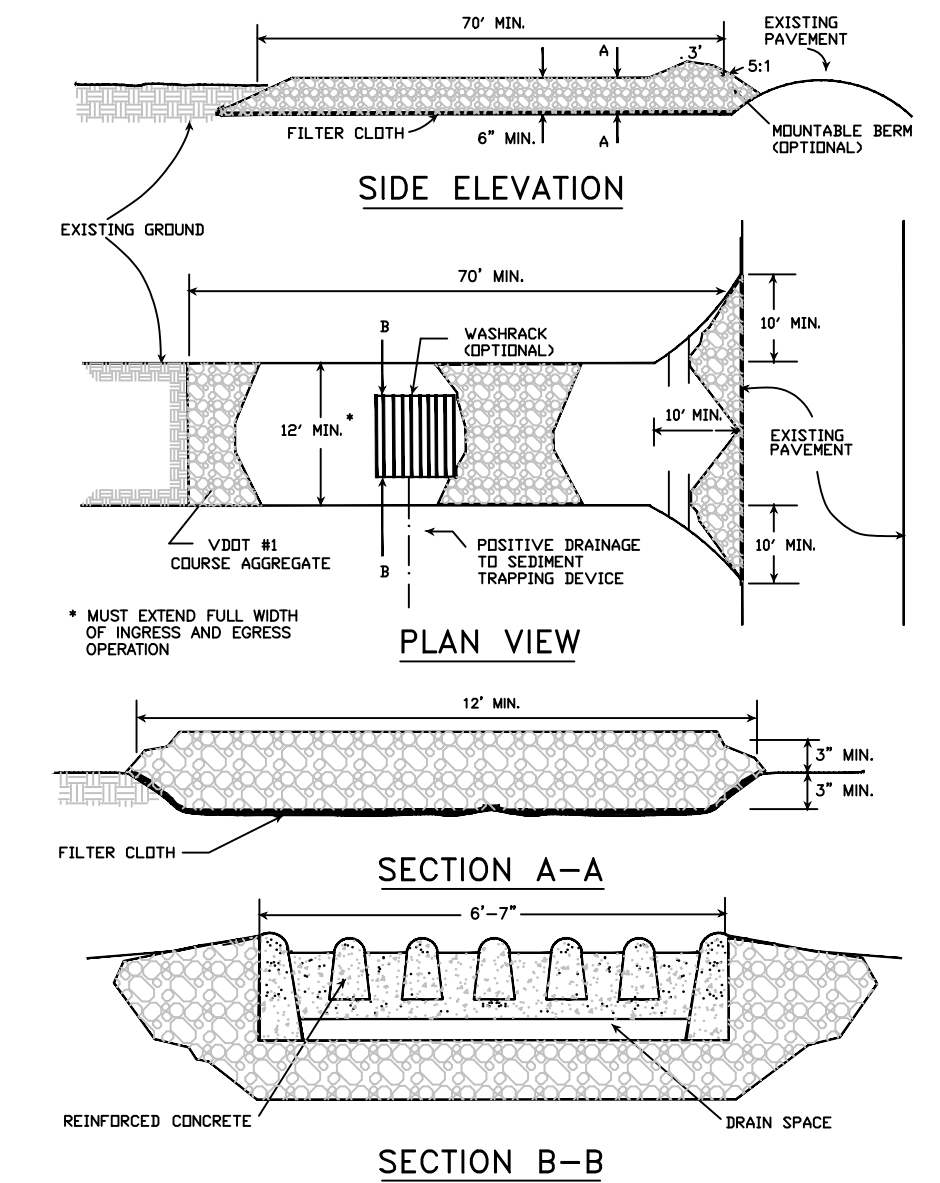
FRONT: 30'  
REAR: 25'  
SIDE: 10'

EXISTING ADDRESS:

113 INDIAN CIRCLE  
WILLIAMSBURG, VIRGINIA

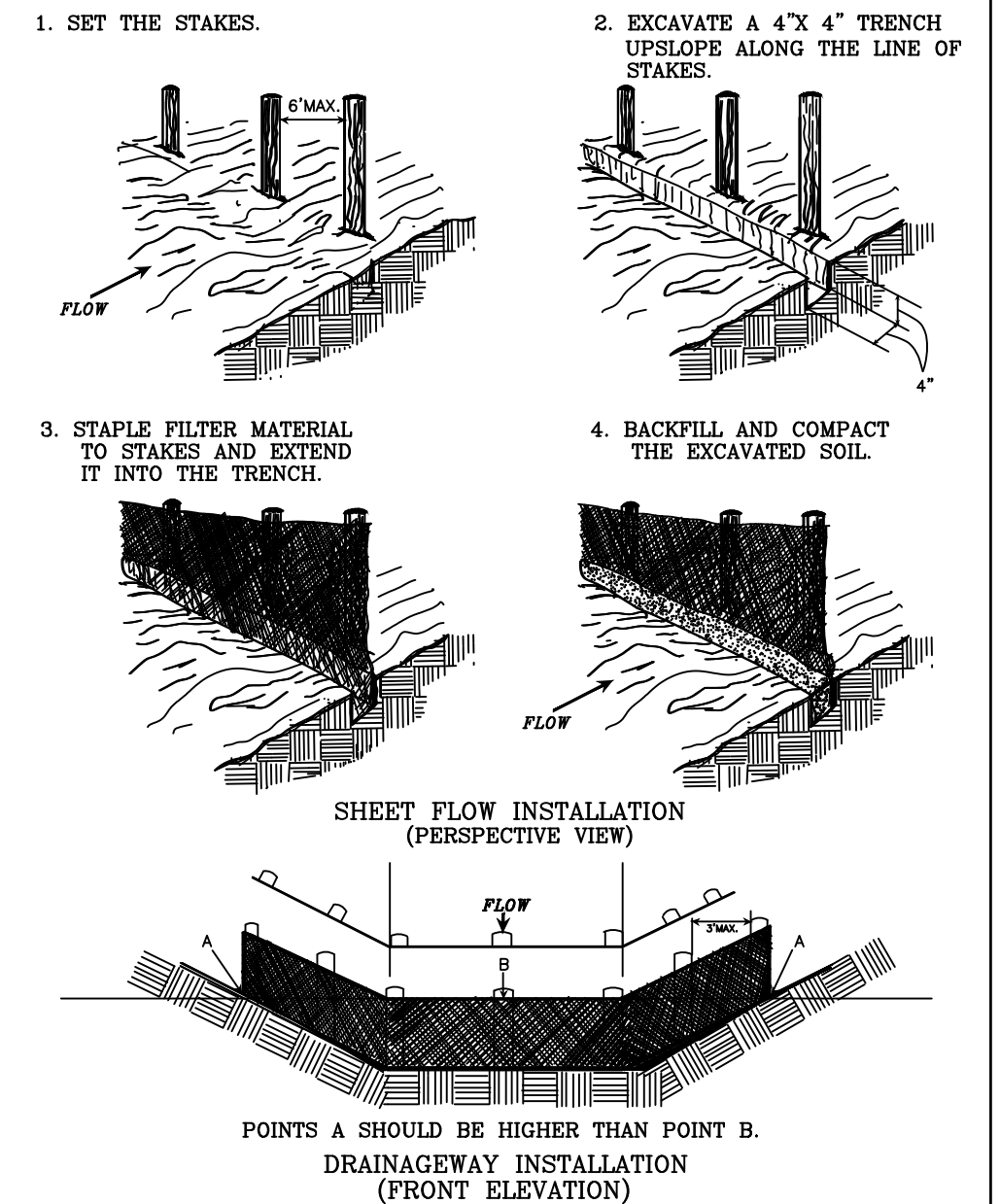


STONE CONSTRUCTION ENTRANCE

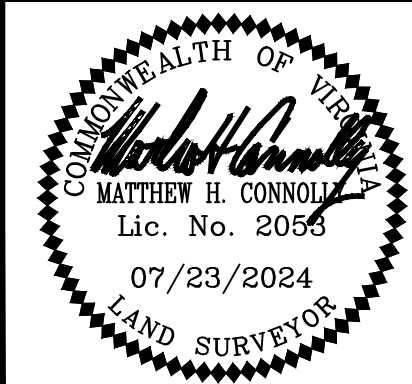


SOURCE: ADAPTED FROM 1983 Maryland Standards for Soil Erosion and Sediment Control, and Va. DSWC Plate 3.02-1

CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



SOURCE: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, VA DSWC Sherwood and Wyant Plate 3.05-2



DATE: 5/9/2023  
DRAWN BY: NDP  
PROJECT No. 23-122  
FILE NAME: 23-122.DWG  
REFERENCES:  
P.B. 17, P.G. 01-02

PLOT PLAN OF  
LOT 19, PHASE 1,  
JAMES CITY COUNTY  
FOR  
JIM DUGUAY

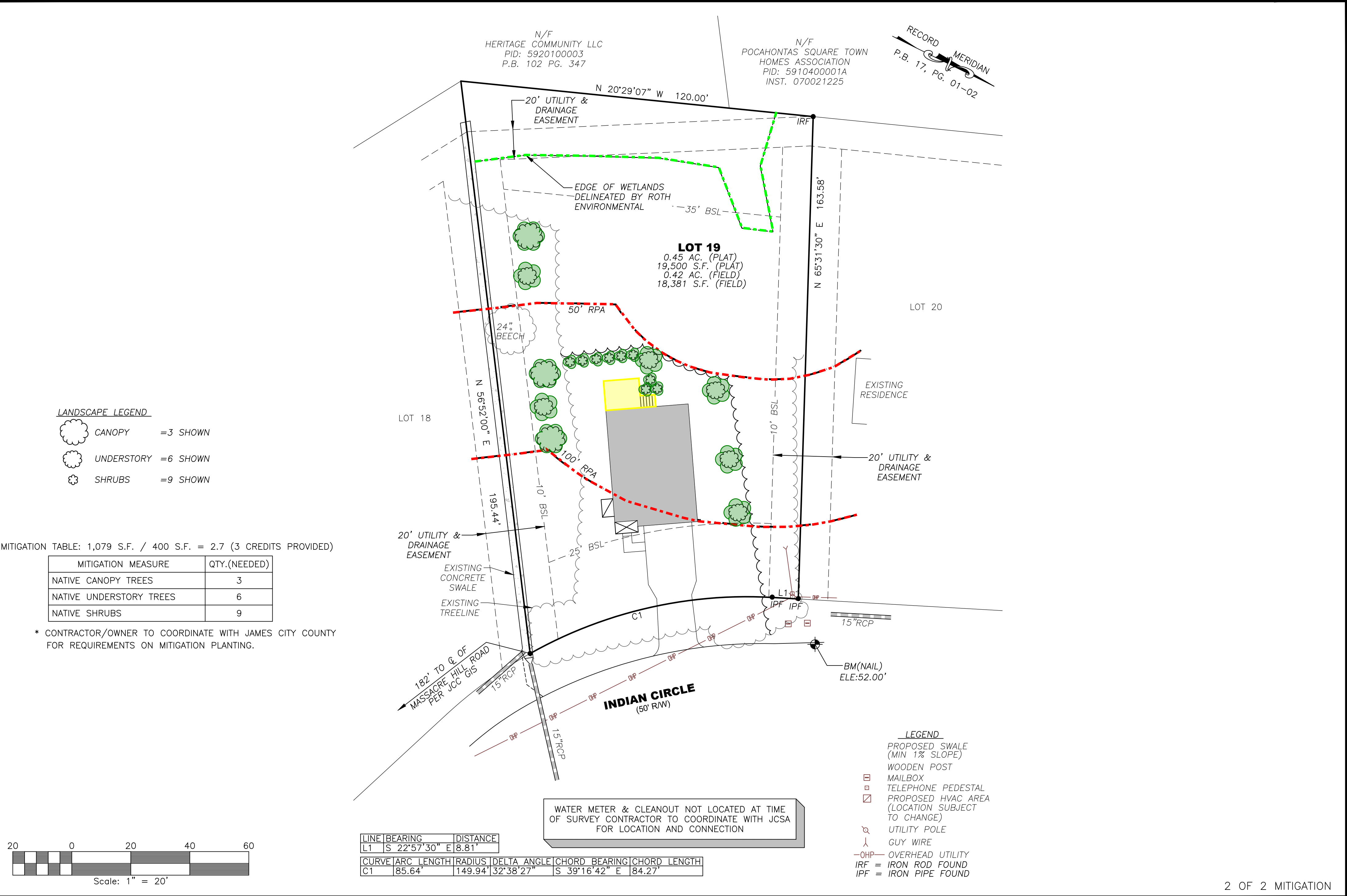
JAMES CITY COUNTY

VIRGINIA

| NO. | DATE      | REVISION / COMMENT / NOTE      |
|-----|-----------|--------------------------------|
| 1   | 7/23/2024 | REVISED TO ADD MITIGATION PLAN |

**LRI**  
**LANDTECH**  
**RESOURCES, INC.**  
ENGINEERING & SURVEYING CONSULTANTS  
205 Bullfants Blvd., Suite E, Williamsburg, VA 23188  
Ph: (757) 565-1677 Fax: (757) 565-0782  
web: landtechresources.com





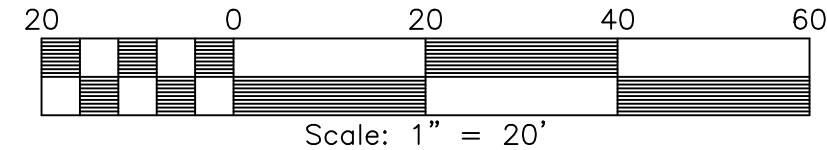
LANDSCAPE LEGEND

- CANOPY = 3 SHOWN
- UNDERSTORY = 6 SHOWN
- SHRUBS = 9 SHOWN

MITIGATION TABLE: 1,079 S.F. / 400 S.F. = 2.7 (3 CREDITS PROVIDED)

| MITIGATION MEASURE      | QTY.(NEEDED) |
|-------------------------|--------------|
| NATIVE CANOPY TREES     | 3            |
| NATIVE UNDERSTORY TREES | 6            |
| NATIVE SHRUBS           | 9            |

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



| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 22°57'30" E | 8.81'    |

| CURVE | ARC LENGTH | RADIUS  | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|---------|-------------|---------------|--------------|
| C1    | 85.64'     | 149.94' | 32°38'27"   | S 39°16'42" E | 84.27'       |

WATER METER & CLEANOUT NOT LOCATED AT TIME OF SURVEY CONTRACTOR TO COORDINATE WITH JCSA FOR LOCATION AND CONNECTION

- LEGEND
- PROPOSED SWALE (MIN 1% SLOPE)
  - WOODEN POST
  - MAILBOX
  - TELEPHONE PEDESTAL
  - PROPOSED HVAC AREA (LOCATION SUBJECT TO CHANGE)
  - UTILITY POLE
  - GUY WIRE
  - OHP— OVERHEAD UTILITY
  - IRF = IRON ROD FOUND
  - IPF = IRON PIPE FOUND



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**General Services**  
107 Tewning Road  
Williamsburg, VA 23188  
P: 757-259-4080  
General.Services@jamescitycountyva.gov  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

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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

BEVIS, TRAVIS  
111 INDIAN CIR  
WILLIAMSBURG, VA 23185-6214

RE: CBPA-24-0070  
113 Indian Circle  
Construction of attached deck

September 19, 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. Jim Duguay, Performance Contracting, on behalf of James T. Duguay Jr, Inc, for encroachments into the Resource Protection Area buffer for the construction of an attached deck. The project is located at 113 Indian Circle, JCC Tax Map Parcel No. 5920200019.

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 9, 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,

*Michael Woolson*

Michael Woolson  
Chesapeake Bay Board Secretary  
757-253-6823  
Michael.Woolson@jamescitycountyva.gov



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CARROLL, WILLIAM H TRUSTEE  
108 INDIAN CIR  
WILLIAMSBURG, VA 23185-6231

RE: CBPA-24-0070  
113 Indian Circle  
Construction of attached deck

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DAVIS, COURTNEY N  
110 INDIAN CIR  
WILLIAMSBURG, VA 23185-6231

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HERITAGE COMMUNITY LLC  
485 SEAPORT CT ~STE 101  
REDWOOD CITY, CA 94063-2730

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113 Indian Circle  
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757-565-0971

JAMES T DUGUAY JR INC  
334 REDOUBT RD  
YORKTOWN, VA 23692-4874

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Construction of attached deck

September 19, 2024

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757-565-0971

Mr. Jim Duguay  
Performance Contracting  
334 Redoubt Road  
Yorktown, VA 23692-92

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Construction of attached deck

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Chesapeake Bay Board Secretary  
757-253-6823  
Michael.Woolson@jamescitycountyva.gov



**General Services**  
107 Tewning Road  
Williamsburg, VA 23188  
P: 757-259-4080  
General.Services@jamescitycountyva.gov  
[jamescitycountyva.gov](http://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

LYAPUN, OLEKSANDR  
115 INDIAN CIR  
WILLIAMSBURG, VA 23185-0214

RE: CBPA-24-0070  
113 Indian Circle  
Construction of attached deck

September 19, 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. Jim Duguay, Performance Contracting, on behalf of James T. Duguay Jr, Inc, for encroachments into the Resource Protection Area buffer for the construction of an attached deck. The project is located at 113 Indian Circle, JCC Tax Map Parcel No. 5920200019.

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 9, 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,

*Michael Woolson*

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Chesapeake Bay Board Secretary  
757-253-6823  
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757-565-0971

POCAHONTAS SQUARE TOWNHOUSE  
4071 IRONBOUND RD ~STE 200  
WILLIAMSBURG, VA 23188-2894

RE: CBPA-24-0070  
113 Indian Circle  
Construction of attached deck

September 19, 2024

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Michael Woolson  
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## Adjacent Property Owner Mailing List for Case Number: CBPA-24-0070

| PIN         | Last Name                             | Address Line 1             | City         | State | Zip Code   |
|-------------|---------------------------------------|----------------------------|--------------|-------|------------|
| 5920200018  | BEVIS, TRAVIS                         | 111 INDIAN CIR             | WILLIAMSBURG | VA    | 23185-6214 |
| 5920200086  | CARROLL, WILLIAM H TRUSTEE            | 108 INDIAN CIR             | WILLIAMSBURG | VA    | 23185-6231 |
| 5920200085  | DAVIS, COURTNEY N                     | 110 INDIAN CIR             | WILLIAMSBURG | VA    | 23185-6231 |
| 5920100003  | HERITAGE COMMUNITY LLC                | 485 SEAPORT CT ~STE 101    | REDWOOD CITY | CA    | 94063-2730 |
| 5920200019  | JAMES T DUGUAY JR INC                 | 334 REDOUBT RD             | YORKTOWN     | VA    | 23692-4874 |
|             | Jim Duguay<br>Performance Contracting | 334 Redoubt Road           | Yorktown     | VA    | 23692-92   |
| 5920200020  | LYAPUN, OLEKSANDR                     | 115 INDIAN CIR             | WILLIAMSBURG | VA    | 23185-0214 |
| 5910400001A | POCAHONTAS SQUARE TOWNHOUS            | 4071 IRONBOUND RD ~STE 200 | WILLIAMSBURG | VA    | 23188-2894 |



### **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, OCTOBER 9, 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-24-0017: Mr. Randolph Carnell, Living Shorelines, LLC, on behalf of Governor's Land Foundation, has applied for a Wetlands Permit for the installation of a living shoreline on property located at 1635 Harbor Road, JCC Real Estate Tax Map Parcel No. 4320700001B.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0070: Mr. Jim Duguay, Performance Contracting, on behalf of James T Duguay Jr, Inc., has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 113 Indian Circle, JCC Tax Map Parcel No. 5920200019.

CBPA-24-0112: Mr. Richard Seay, Eastwood Homes, on behalf of Eastwood Homes of Richmond, LLC, has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 4404 Landfall Drive, JCC Tax Map Parcel No. 4732400086.

CBPA-24-0091: Mr. Brian Kemp, Hertzler & George, on behalf of Mr. Gary and Ms. Nancy Lee Leighton, has applied for a Chesapeake Bay Exception for the construction of a patio and installation of a fence on property located at 9931 Walnut Creek, JCC Tax Map Parcel No. 0520300015.

CBPA-24-0079: Mr. Steven Rowe, Resilient Design Consultants, LLC, on behalf of Luck Stone Corporation, has applied for a Chesapeake Bay Exception for the expansion of a parking lot on property located at 7734 Richmond Road, JCC Tax Map Parcel No. 1330100001.

CBPA-24-0111: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Gary W. and Ms. Deborah L. Besnier, has applied for a Chesapeake Bay Exception for the construction of an attached garage, shed and driveway expansion on property located at 4025 S Riverside Drive, JCC Tax Map Parcel No. 1910300007 and 4027 S Riverside Drive, JCC Tax Map Parcel No. 1910300006.

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 – September 25, 2024 and October 2, 2024

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0112. 4404 Landfall Drive  
Staff Report for the October 9, 2024, Chesapeake Bay Board Public Hearing**

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*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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicant: Eastwood Homes of Richmond, LLC

Agent: Mr. Richard Seay, Eastwood Homes

Location: 4404 Landfall Drive

Parcel Identification No.: 4732400086

Parcel: Lot 86, Phase 4, Landfall at Jamestown

Lot Size: 1 acre

Area of Lot in Resource  
Protection Area (RPA): 0.78 (78%)

Watershed: Powhatan Creek (JL31)

Floodplain: Zone AE - Base flood elevation 7 feet mean sea level

Proposed Activity: Construction of a deck

Impervious Cover: 35 square feet

RPA Encroachment: 35 square feet, landward 50-foot RPA

Staff Contact: Emily Grojean, Watershed Planner Phone: 253-6789

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Richard Seay, Eastwood Homes, has applied for a Chesapeake Bay Exception on behalf of Eastwood Homes of Richmond, LLC, for encroachments into the RPA buffer for the construction of a deck located at 4404 Landfall Drive within the Landfall at Jamestown subdivision and the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4732400086. The parcel was platted in 2001, after the adoption of the Chesapeake Bay Preservation Ordinance.

The total lot size of this property is one acre, of which 78% is located within the RPA. The applicant is proposing to construct a 140-square-foot deck at the rear of the home. Total impacts to the RPA associated with this proposal equate to 35 square feet of impervious impacts in the 50-foot landward RPA buffer, with an additional 272 square feet of clearing impact for the construction of the home. Required mitigation for this amount of impervious impacts equals one-half planting unit (six shrubs). The applicant has provided a mitigation plan proposing one planting unit equal to one canopy tree, two understory trees, and three shrubs, therefore exceeding County mitigation requirements.



## **STAFF EVALUATION**

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

## **CONSIDERATION BY THE CHESAPEAKE BAY BOARD**

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity; and
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality; and
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances, either permitted or 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 Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicant must submit a surety of \$500 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling one canopy tree, two understory trees, and three shrubs; and
3. This exception request approval will become null and void if construction has not begun by October 9, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 28, 2025, six weeks prior to the expiration date.

EG/ap  
CBPA24-112\_4404Lndfll

### **Attachments:**

1. Resolution
2. Site Plan

## RESOLUTION

CASE NO. CBPA-24-0112. 4404 LANDFALL DRIVE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Richard Seay, Eastwood Homes, on behalf of Eastwood Homes of Richmond, LLC (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 9, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 4404 Landfall Drive (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4732400086, as set forth in the application CBPA-24-0112 for the purpose of the construction of a deck; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-24-0112, subject to the following conditions:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicant must submit a surety of \$500 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling one canopy tree, two understory trees, and three shrubs; and
3. This exception request approval will become null and void if construction has not begun by October 9, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 28, 2025, six weeks prior to the expiration date.

---

Charles Roadley  
Chair, Chesapeake Bay Board

---

Michael Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of October, 2024.

CBPA24-112\_4404LndflApp-res

## RESOLUTION

CASE NO. CBPA-24-0112. 4404 LANDFALL DRIVE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Richard Seay, Eastwood Homes, on behalf of Eastwood Homes of Richmond, LLC (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 9, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 4404 Landfall Drive (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4732400086, as set forth in the application CBPA-24-0112 for the purpose of the construction of a deck; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application 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-24-0112.

\_\_\_\_\_  
Charles Roadley  
Chair, Chesapeake Bay Board

\_\_\_\_\_  
Michael Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of October, 2024.

CBPA24-112\_4404LndfllDny-res

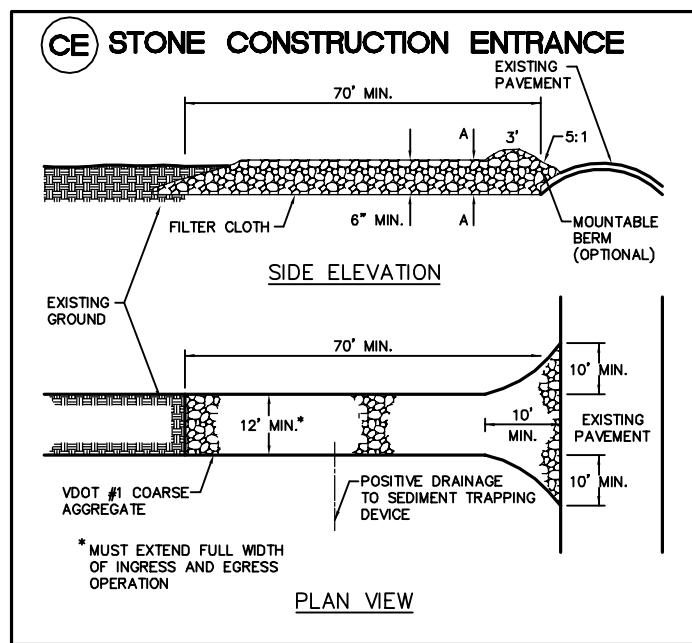


GENERAL NOTES

- PROPERTY IS CURRENTLY ZONED: R2 GENERAL RESIDENTIAL.
- PROPERTY ADDRESS: 4404 LANDFALL DRIVE, WILLIAMSBURG, VA 23185
- TAX MAP PARCEL ID: 4732400086
- PROPERTY CLIENT: EASTWOOD HOMES OF RICHMOND LLC.  
2857 WESTPORT ROAD  
CHARLOTTE, NC 28208-3647
- THIS PLOT PLAN IS PREPARED FOR THE PLACEMENT OF A SINGLE FAMILY DWELLING.
- SITE IS SERVED BY PUBLIC WATER AND SEWER.
- THE OWNER/CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING MISS UTILITY (1-800-552-7001) AND A PRIVATE LOCATOR FOR EXISTING UTILITY LOCATIONS PRIOR TO COMMENCING CONSTRUCTION.
- EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE AND SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO COMMENCING CONSTRUCTION ACTIVITIES.
- PER SUBDIVISION RECORD PLAT THE MINIMUM FINISH FLOOR FOR ALL RESIDENTIAL STRUCTURES SHALL BE 9.5 M.S.L. (NGVD29).
- THIS LOT REQUIRES A GRINDER PUMP; PER SUBDIVISION RECORD PLAT, ALL GRINDER PUMP INSTALLATIONS SHALL BE IN ACCORDANCE WITH THE JCSA STANDARDS & SPECIFICATIONS. GRINDER PUMP INSTALLATIONS SHALL HAVE A MINIMUM RIM ELEVATION OF 9.5 M.S.L. (NGVD29).
- ALL UTILITIES WILL BE PLACED UNDERGROUND.
- THE OWNER/CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR THIS PROJECT.
- HOUSE DIMENSIONS ARE BASED ON INFORMATION SUPPLIED BY OWNER/DEVELOPER. CONTRACTOR SHALL VERIFY DIMENSIONS AND ALIGNMENTS PRIOR TO BEGINNING CONSTRUCTION.
- ALL TREES MAY BE REMOVED WITHIN THE CLEARING LIMITS SHOWN.
- CARE IS TO BE USED WHEN CLEARING BUILDING SITE SO AS NOT TO DAMAGE TREES TO REMAIN. TREE PROTECTION SHALL BE PROVIDED BY THE ERECTION OF A TEMPORARY FENCE AT THE DRIP LINE OF THE TREES ARMORING THE TREE TRUNK. (SEE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, CHAPTER III, SECTION 3.38).
- FRONT SETBACK: 30 FEET (SEE PLAT)  
REAR SETBACK: AS SHOWN ON PLAT  
SIDE SETBACKS: 10 FEET (SEE PLAT)
- ALL DENUDED AREAS OR DISTURBED AREAS ARE TO BE SEEDED WITHIN SEVEN DAYS OF REACHING FINAL GRADE.
- THIS PROPERTY IS LOCATED IN TWO FLOOD ZONES; FLOOD ZONE X "SHADED", AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD AND ZONE AE, BASE FLOOD ELEVATION DETERMINED, ELEVATION 8 (NAVD 88), PER F.I.R.M. #51095C0182D, MAP REVISED DECEMBER 16, 2015.

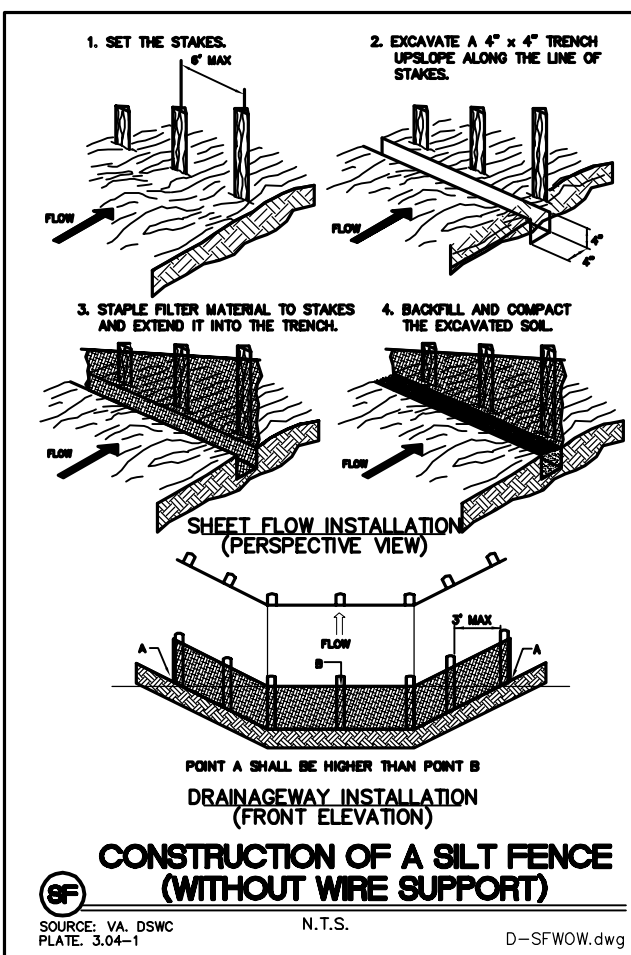
- NOTES:
- ALL DISTURBED AREAS ARE TO BE SEEDED, SOODED, OR MULCHED WITHIN 7 DAYS OF REACHING FINAL GRADE.
  - RPA CHEESAPEAKE BAY AREAS ARE TAKEN FROM THE SUBDIVISION RECORD PLAT AND HAVE NOT BEEN VERIFIED BY THIS SURVEY.

NOTE:  
PROVIDE STONE CONSTRUCTION ENTRANCE DURING CONSTRUCTION. CONTRACTOR RESPONSIBLE FOR KEEPING LANDFALL DRIVE FREE OF MUD AND DEBRIS ADJACENT TO PROPOSED DRIVEWAY.



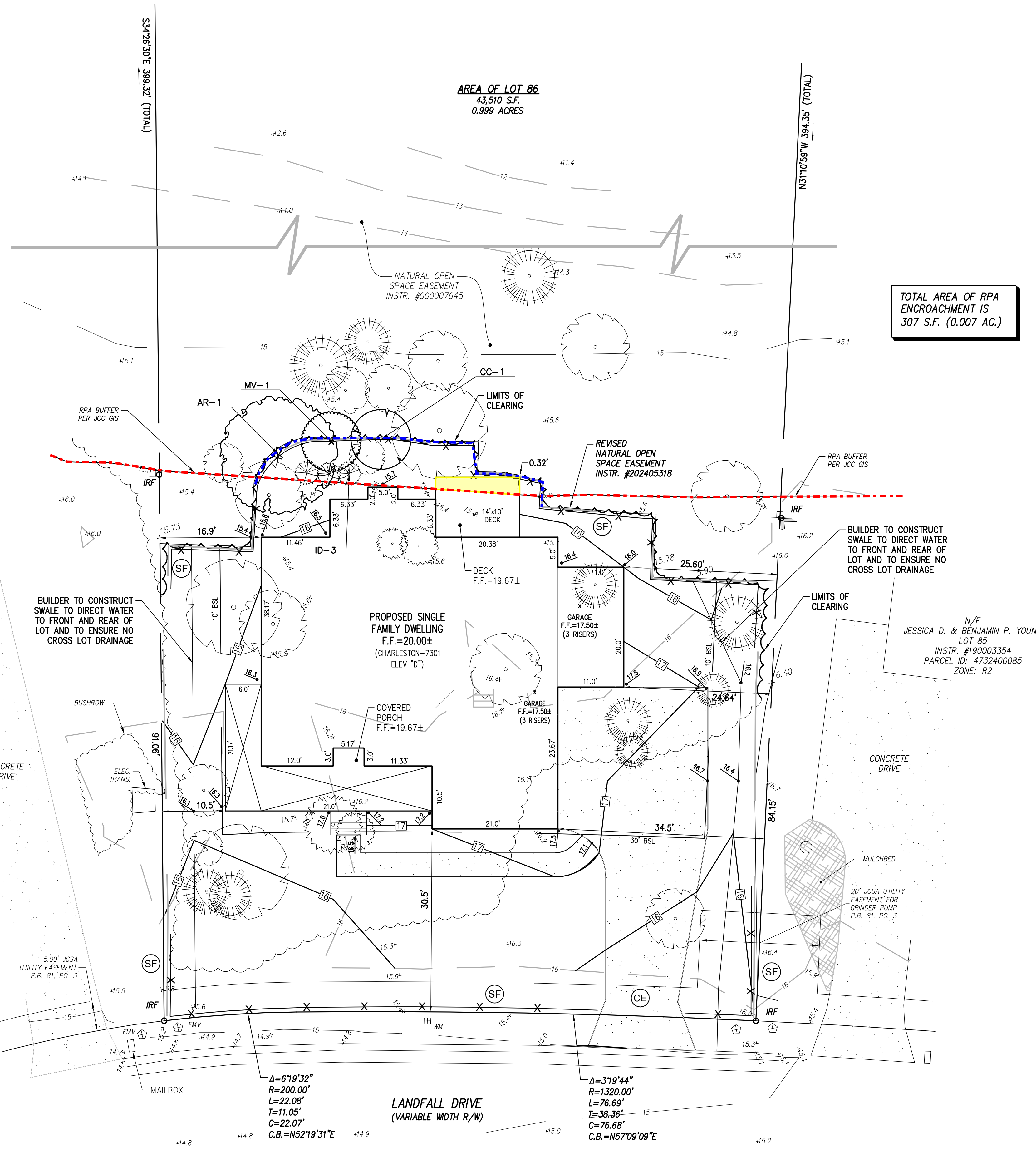
EROSION CONTROL NOTE:

UPON REMOVAL OF ALL EROSION AND SEDIMENT CONTROL ITEMS, ALL TRAPPED/CONTAINED SEDIMENT SHALL BE REMOVED FROM LOT AND PROPERLY DISPOSED OF. ROADSIDE DITCH AND, IF APPLICABLE, OUTFALL DITCHES SHALL BE CLEANED OF SEDIMENT/OR CONSTRUCTION DEBRIS ON A REGULAR BASIS DURING CONSTRUCTION.



NOTE:  
CONTRACTOR TO VERIFY ALL BUILDING DIMENSIONS PRIOR TO BEGINNING CONSTRUCTION.  
(DWELLING DIMENSIONS AND PROPERTY LINE TIES SHOWN ARE COMPUTED TO THE FACE OF WALL/FOUNDATION PLAN.)

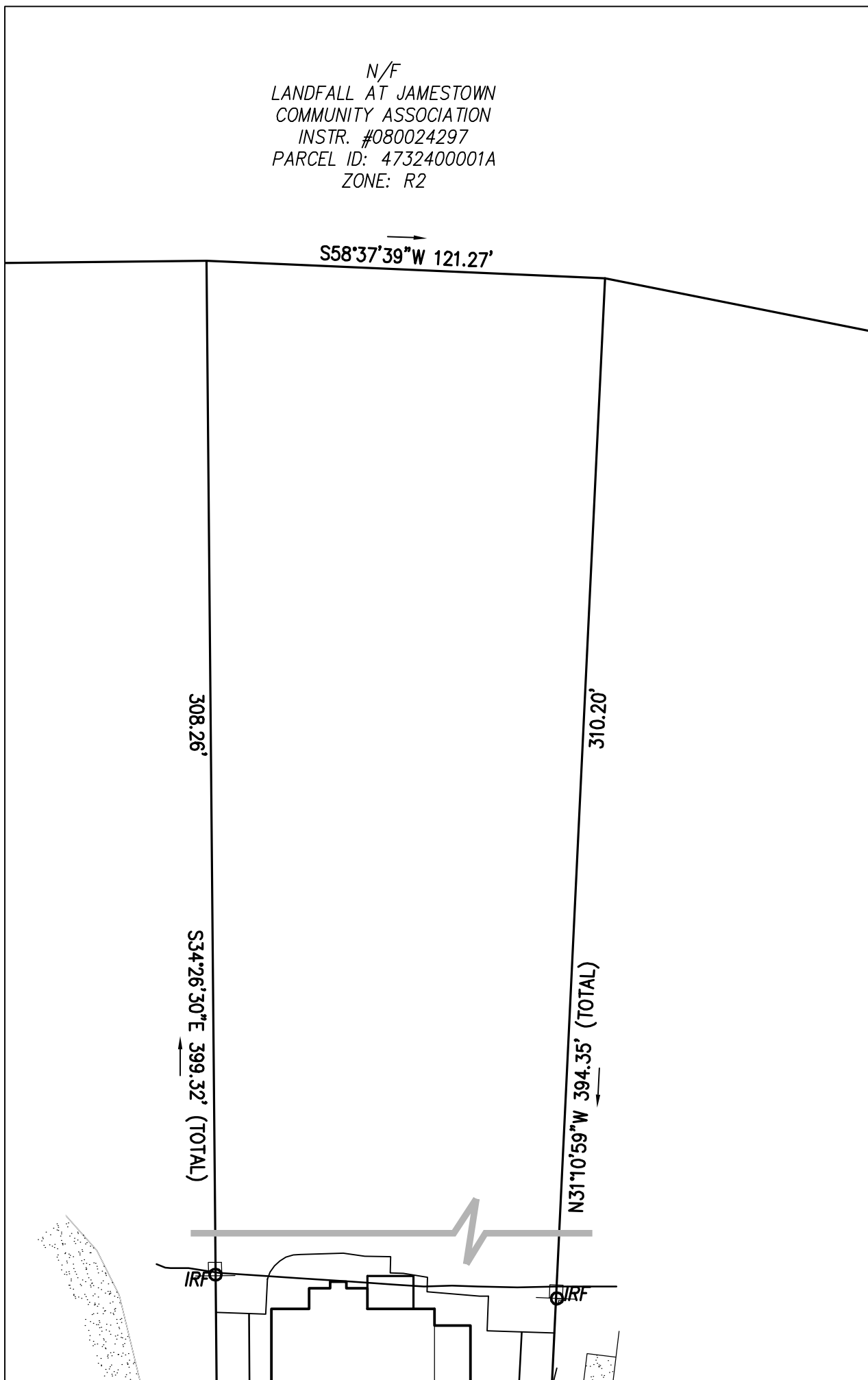
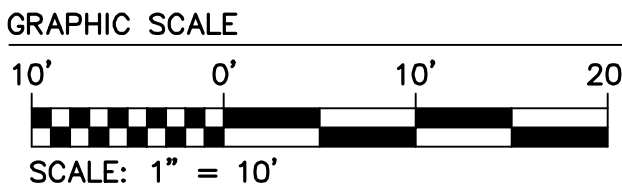
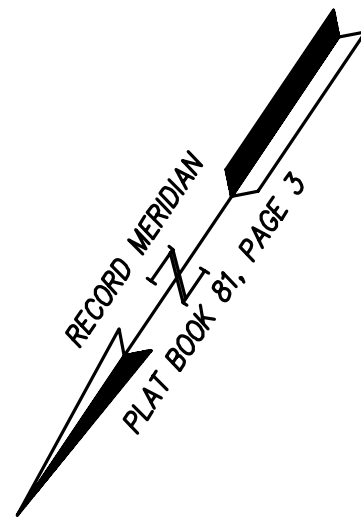
NOTE:  
DRAINAGE CONTROL / IMPROVEMENTS SHALL BE INSTALLED IMMEDIATELY AFTER CLEARING. SUCH THAT NO DISTURBED AREA DRAINAGE FLOWS ONTO ADJACENT PROPERTIES.



PLANT SCHEDULE

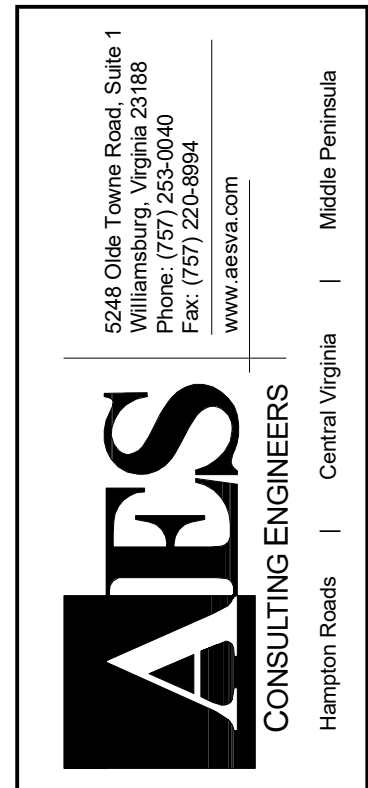
| CODE                  | QTY | BOTANICAL NAME         | COMMON NAME              | SIZE        | ROOT      | REMARKS     |
|-----------------------|-----|------------------------|--------------------------|-------------|-----------|-------------|
| RPA-CANOPY            |     |                        |                          |             |           |             |
| AR                    | 1   | ACER RUBRUM 'PNI 0268' | OCTOBER GLORY® RED MAPLE | 1-1/2" CAL. | B&B/CONT. | SINGLE STEM |
| RPA-UNDERSTORY        |     |                        |                          |             |           |             |
| CC                    | 1   | CERCIS CANADENSIS      | EASTERN REDBUD           | 8' HT.      | B&B/CONT. | SINGLE STEM |
| MV                    | 1   | MAGNOLIA VIRGINIANA    | SWEET BAY                | 8' HT.      | B&B/CONT. | SINGLE STEM |
| RPA BUFFER MITIGATION |     |                        |                          |             |           |             |
| ID                    | 3   | ILEX GLABRA 'DENSE'    | INKBERRY HOLLY           | 18" HT./W.  | CONT.     | DENSE, FULL |

RPA BUFFER REVEGETATION:  
AREA OF IMPACT: 307 SF  
REVEGETATION REQUIREMENTS: 1 MITIGATION CELL\* PER 400 SF IMPACT  
\*MITIGATION CELL - 1 CANOPY TREE, 2 UNDERSTORY TREES AND 3 SHRUBS  
MITIGATION CELLS REQUIRED: 1 CELL  
1 CANOPY TREES  
2 UNDERSTORY TREES  
3 SHRUBS  
MITIGATION CELLS PROVIDED: 1 CELL  
1 CANOPY TREES  
2 UNDERSTORY TREES  
3 SHRUBS



PARCEL ID #4732400086  
STREET ADDRESS #4404 LANDFALL DRIVE

| REV. | DATE      | DESCRIPTION                          |
|------|-----------|--------------------------------------|
| 1    | 8-22-2024 | REVISIONS PER COUNTY COMMENTS        |
| 2    | 7-03-2024 | ADDED RPA BUFFER PER COUNTY COMMENTS |
| 3    | 5-29-2024 | REVISED PER AEB COMMENTS             |



LOT 86, PHASE FOUR  
LANDFALL  
AT JAMESTOWN  
PREPARED FOR: EASTWOOD HOMES

Project Contacts: SJB / SDC  
Project Number: W10767-00  
Scale: 1" = 10'  
Date: 04-12-2024  
Sheet Title: DEVELOPMENT PLAN

Sheet Number  
1 OF 1





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CAMPBELL, MARK E A & ANN M  
4412 LANDFALL DR  
WILLIAMSBURG, VA 23185-2312

RE: CBPA-24-0112  
4404 Landfall Drive  
Construction of attached deck

September 19, 2024

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DAWSON, CHRISTOPHER A  
4397 LANDFALL DR  
WILLIAMSBURG, VA 23185-2306

RE: CBPA-24-0112  
4404 Landfall Drive  
Construction of attached deck

September 19, 2024

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

**Fleet**  
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757-259-4122

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757-259-4080

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

EASTWOOD HOMES OF RICHMOND LLC  
2857 WESTPORT RD  
CHARLOTTE, NC 28208-3647

RE: CBPA-24-0112  
4404 Landfall Drive  
Construction of attached deck

September 19, 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. Richard Seay, Eastwood Homes, on behalf of Eastwood Homes of Richmond, LLC, for encroachments into the Resource Protection Area buffer for the construction of an attached deck. The project is located at 4404 Landfall Drive, JCC Tax Map Parcel No. 4732400086.

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 9, 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,

*Michael Woolson*

Michael Woolson  
Chesapeake Bay Board Secretary  
757-253-6823  
[Michael.Woolson@jamescitycountyva.gov](mailto:Michael.Woolson@jamescitycountyva.gov)



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KAVANAGH, JAY FRANCIS TRUSTEE & MARY  
4401 LANDFALL DR  
WILLIAMSBURG, VA 23185-2312

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September 19, 2024

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757-565-0971

LANDFALL AT JAMESTOWN COMMUNITY  
103 BULIFANTS BLVD ~ STE A  
WILLIAMSBURG, VA 23188-5722

RE: CBPA-24-0112  
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Mr. Richard Seay  
Eastwood Homes  
10800 Midlothian Turnpike, Unit 141  
Richmond, VA 23235

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VANDIVENDER, ROBERT N & GRACE F  
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WILLIAMSBURG, VA 23185-2312

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YOUNG, JESSICA D & BENJAMIN P  
4400 LANDFALL DR  
WILLIAMSBURG, VA 23185-2312

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September 19, 2024

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757-253-6823  
[Michael.Woolson@jamescitycountyva.gov](mailto:Michael.Woolson@jamescitycountyva.gov)

## Adjacent Property Owner Mailing List for Case Number: CBPA-24-0112

| PIN         | Last Name                           | Address Line 1                      | City         | State | Zip Code   |
|-------------|-------------------------------------|-------------------------------------|--------------|-------|------------|
| 4732400088  | CAMPBELL, MARK E A & ANN M          | 4412 LANDFALL DR                    | WILLIAMSBURG | VA    | 23185-2312 |
| 4732400099  | DAWSON, CHRISTOPHER A               | 4397 LANDFALL DR                    | WILLIAMSBURG | VA    | 23185-2306 |
| 4732400086  | EASTWOOD HOMES OF RICHMOND LLC      | 2857 WESTPORT RD                    | CHARLOTTE    | NC    | 28208-3647 |
| 4732400098  | KAVANAGH, JAY FRANCIS TRUSTEE & MAP | 4401 LANDFALL DR                    | WILLIAMSBURG | VA    | 23185-2312 |
| 4732400001A | LANDFALL AT JAMESTOWN COMMUNITY     | 103 BULIFANTS BLVD ~ STE A          | WILLIAMSBURG | VA    | 23188-5722 |
|             | Mr. Richard Seay<br>Eastwood Homes  | 10800 Midlothian Turnpike, Unit 141 | Richmond     | VA    | 23235      |
| 4732400097  | VANDIVENDER, ROBERT N & GRACE F     | 4415 LANDFALL DR                    | WILLIAMSBURG | VA    | 23185-2312 |
| 4732400085  | YOUNG, JESSICA D & BENJAMIN P       | 4400 LANDFALL DR                    | WILLIAMSBURG | VA    | 23185-2312 |



### **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, OCTOBER 9, 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-24-0017: Mr. Randolph Carnell, Living Shorelines, LLC, on behalf of Governor's Land Foundation, has applied for a Wetlands Permit for the installation of a living shoreline on property located at 1635 Harbor Road, JCC Real Estate Tax Map Parcel No. 4320700001B.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0070: Mr. Jim Duguay, Performance Contracting, on behalf of James T Duguay Jr, Inc., has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 113 Indian Circle, JCC Tax Map Parcel No. 5920200019.

CBPA-24-0112: Mr. Richard Seay, Eastwood Homes, on behalf of Eastwood Homes of Richmond, LLC, has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 4404 Landfall Drive, JCC Tax Map Parcel No. 4732400086.

CBPA-24-0091: Mr. Brian Kemp, Hertzler & George, on behalf of Mr. Gary and Ms. Nancy Lee Leighton, has applied for a Chesapeake Bay Exception for the construction of a patio and installation of a fence on property located at 9931 Walnut Creek, JCC Tax Map Parcel No. 0520300015.

CBPA-24-0079: Mr. Steven Rowe, Resilient Design Consultants, LLC, on behalf of Luck Stone Corporation, has applied for a Chesapeake Bay Exception for the expansion of a parking lot on property located at 7734 Richmond Road, JCC Tax Map Parcel No. 1330100001.

CBPA-24-0111: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Gary W. and Ms. Deborah L. Besnier, has applied for a Chesapeake Bay Exception for the construction of an attached garage, shed and driveway expansion on property located at 4025 S Riverside Drive, JCC Tax Map Parcel No. 1910300007 and 4027 S Riverside Drive, JCC Tax Map Parcel No. 1910300006.

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 – September 25, 2024 and October 2, 2024

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W



**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0091. 9931 Walnut Creek  
Staff Report for the October 9, 2024, Chesapeake Bay Board Public Hearing**

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

---

**EXISTING SITE DATA AND INFORMATION**

Applicants: Mr. Gary and Ms. Nancy Lee Leighton

Agent: Mr. Brian Kemp, Hertzler & George

Location: 9931 Walnut Creek

Parcel Identification No.: 0520300015

Parcel: Lot 15, Section 5B, Walnut Creek at Stonehouse

Lot Size: 0.41 acres

Area of Lot in Resource  
Protection Area (RPA): 0.26 acres (63%)

Watershed: Ware Creek (YO62)

Floodplain: None

Proposed Activity: Installation of a patio (legislative) and fence (administrative)

Impervious Cover: 44 square feet, new impervious impacts

RPA Encroachment: 44 square feet, landward 50-foot buffer

Staff Contact: Emily Grojean, Watershed Planner Phone: 253-6789

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Brian Kemp, Hertzler & George, has applied for a Chesapeake Bay Exception on behalf of Mr. Gary and Ms. Nancy Lee Leighton for encroachments into the RPA buffer for the installation of a patio (legislative) and fence (administrative) located at 9931 Walnut Creek within the Stonehouse subdivision and the Ware Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 0520300015. The parcel was platted in 2001, prior to the revisions to the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 0.41 acres, of which 63% is located within the RPA. The applicants are proposing to install a 56-square-foot patio and fence in the rear of the home. Total impacts to the RPA associated with this proposal equal 44 square feet of new impervious impacts to the landward 50-foot buffer. Required mitigation for this amount of impervious impacts equals one-half planting unit (six shrubs). The applicants have proposed a mitigation plan equaling seven understory trees and 15 shrubs, thus exceeding the County's mitigation requirements.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the installation of a patio (legislative) and fence (administrative). 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 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 plan equaling seven understory trees and 15 shrubs; and
3. This exception request approval will become null and void if construction has not begun by October 9, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 28, 2025, six weeks prior to the expiration date.

EG/md  
CBPA24-91\_9931WlntCrk

Attachments:

1. Resolution
2. Site Plan

## RESOLUTION

CASE NO. CBPA-24-0091. 9931 WALNUT CREEK

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Brian Kemp, Hertzler & George, on behalf of Mr. Gary and Ms. Nancy Lee Leighton (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 9, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 9931 Walnut Creek (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 0520300015, as set forth in the application CBPA-24-0091 for the purpose of the installation of a patio (legislative) and fence (administrative); 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-24-0091, 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 plan equaling seven understory trees and 15 shrubs; and
3. This exception request approval will become null and void if construction has not begun by October 9, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 28, 2025, six weeks prior to the expiration date.

\_\_\_\_\_  
Charles Roadley  
Chair, Chesapeake Bay Board

\_\_\_\_\_  
Michael Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of October, 2024.

## RESOLUTION

CASE NO. CBPA-24-0091. 9931 WALNUT CREEK

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Brian Kemp, Hertzler & George, on behalf of Mr. Gary and Ms. Nancy Lee Leighton (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 9, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 9931 Walnut Creek (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 0520300015, as set forth in the application CBPA-24-0091 for the purpose of the installation of a patio (legislative) and fence (administrative); 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-24-0091.

---

Charles Roadley  
Chair, Chesapeake Bay Board

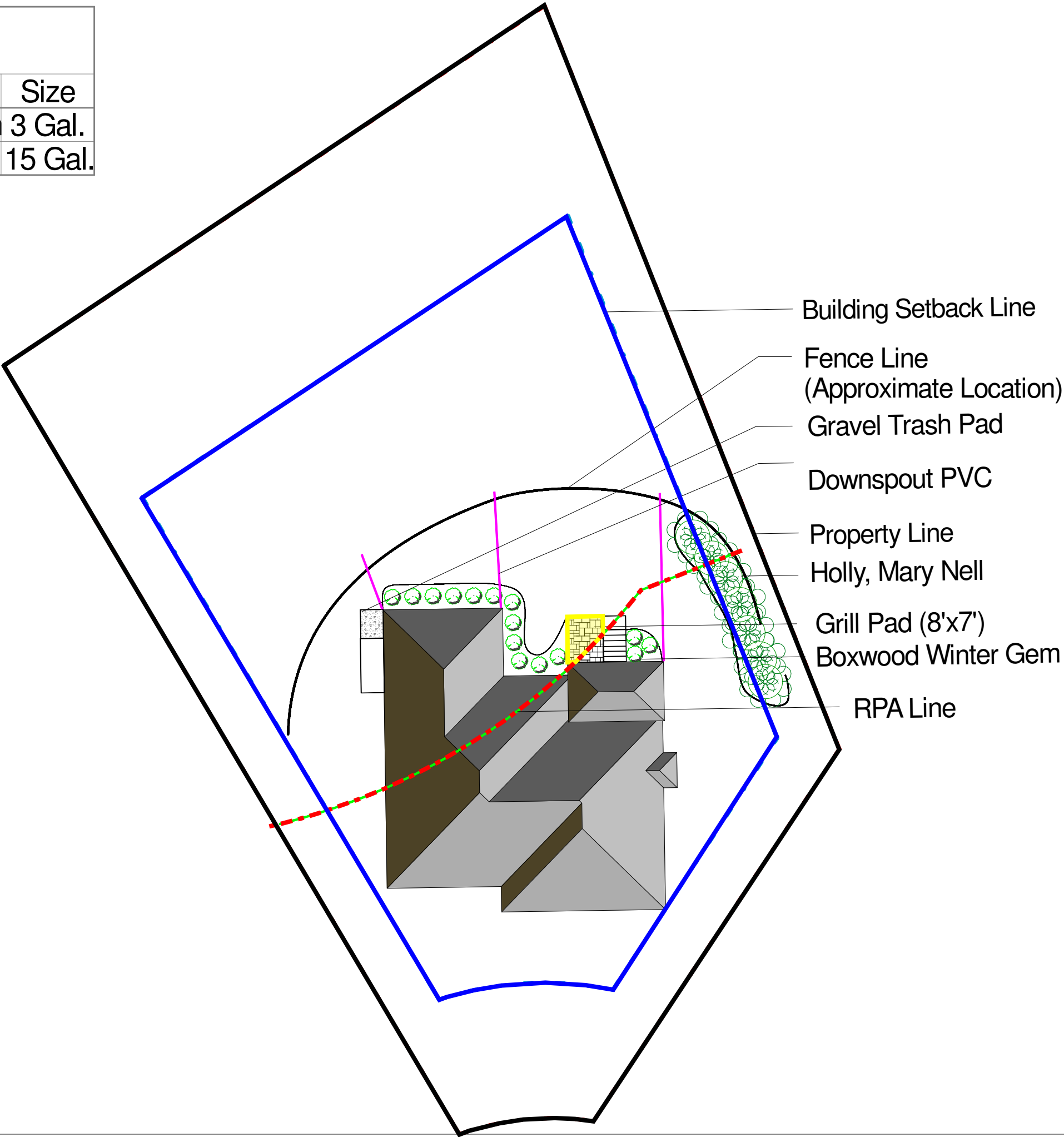
---

Michael Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of October, 2024.

CBPA24-91\_9931WlntCrkDny-res

| Legend                                                                           |     |                    |         |
|----------------------------------------------------------------------------------|-----|--------------------|---------|
|                                                                                  | Qty | Common Name        | Size    |
|  | 15  | Boxwood Winter Gem | 3 Gal.  |
|  | 7   | Holly Mary Nell    | 15 Gal. |



**Account:**  
  
 Leighton

**Design Credits:**  
  
 Brian Kemp  
 Hertzler & George

Date: 9/16/2024  
  
 Scale: 1" = 20'

**Notes:**  
 - Plants shown at 75% maturity  
 - Hollies will be used as a privacy barrier from neighbor  
 - Three downspouts to be captured and piped with PVC (indicated by purple lines). Pipes will terminate via pop up emitter onto landscape fabric & river rock.

This information board was prepared by Hertzler & George as an instrument of service and shall remain the property of Hertzler & George. This drawing, design, and information representation are Copyright © 2022 by Hertzler & George. No portion of this information board may be reproduced without the written consent of Hertzler & George.



P.O. Box 457  
 Williamsburg, VA  
 PH: (757) 229-9668  
 Service@HertzlerGeorge.com



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BLANCHARD, JASON M TRUSTEE &  
3128 WINDY BRANCH DR  
TOANO, VA 23168-9626

RE: CBPA-24-0091  
9931 Walnut Creek  
Construction of patio, installation  
of fence

September 19, 2024

Dear Adjacent Property Owner:

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DENIS, LINDA HUTCHINSON TRUSTEE  
3124 WINDY BRANCH DR  
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Sincerely,

*Michael Woolson*

Michael Woolson  
Chesapeake Bay Board Secretary  
757-253-6823  
[Michael.Woolson@jamescitycountyva.gov](mailto:Michael.Woolson@jamescitycountyva.gov)





**General Services**  
107 Tewning Road  
Williamsburg, VA 23188  
P: 757-259-4080  
General.Services@jamescitycountyva.gov  
[jamescitycountyva.gov](http://jamescitycountyva.gov)

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**Fleet**  
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757-259-4122

**Stormwater and  
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757-259-6670

**Facilities & Grounds**  
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757-259-4080

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

FISK, SHANNON R  
106 DANIELS DR  
YORKTOWN, VA 23690-3409

RE: CBPA-24-0091  
9931 Walnut Creek  
Construction of patio, installation  
of fence

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HARTSOUGH, DAVID L & BROWN, MARGENE  
9927 WALNUT CRK  
TOANO, VA 23168-9628

RE: CBPA-24-0091  
9931 Walnut Creek  
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LEIGHTON, GARY & NANCYLEE  
9931 WALNUT CREEK  
TOANO, VA 23168-9628

RE: CBPA-24-0091  
9931 Walnut Creek  
Construction of patio, installation  
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September 19, 2024

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MOONEY, ROBERT F & SHANNON R  
9932 WALNUT CREEK  
TOANO, VA 23168-9628

RE: CBPA-24-0091  
9931 Walnut Creek  
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September 19, 2024

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Mr. Brian Kemp  
Hertzler & George  
8251 Richmond Road  
Toano, VA 23168

RE: CBPA-24-0091  
9931 Walnut Creek  
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September 19, 2024

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3132 WINDY BRANCH DR  
TOANO, VA 23168-9626

RE: CBPA-24-0091  
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PUGLIA, PAUL & CYNTHIA  
9935 WALNUT CRK  
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SCAGGS, JEFFREY & MARY  
3120 WINDY BRANCH DR  
TOANO, VA 23168-9626

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SIERODZINSKI, JOSEPH J & KATHLEEN S  
3116 WINDY BRANCH DR  
TOANO, VA 23168-9626

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THOMPSON, DAVID ALEXANDER TRUSTEE &  
9923 WALNUT CRK  
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RE: CBPA-24-0091  
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WINKFIELD, JEREMY & JENEVIEVE  
9381 OTTOWAY CT  
TOANO, VA 23168-9368

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## Adjacent Property Owner Mailing List for Case Number: CBPA-24-0091

| PIN       | Last Name                           | Address Line 1       | City     | State | Zip Code   |
|-----------|-------------------------------------|----------------------|----------|-------|------------|
| 520400007 | BLANCHARD, JASON M TRUSTEE &        | 3128 WINDY BRANCH DR | TOANO    | VA    | 23168-9626 |
| 520400006 | DENIS, LINDA HUTCHINSON TRUSTEE     | 3124 WINDY BRANCH DR | TOANO    | VA    | 23168-9626 |
| 520300012 | FISK, SHANNON R                     | 106 DANIELS DR       | YORKTOWN | VA    | 23690-3409 |
| 520300016 | HARTSOUGH, DAVID L & BROWN, MARGENE | 9927 WALNUT CRK      | TOANO    | VA    | 23168-9628 |
| 520300015 | LEIGHTON, GARY & NANCYLEE           | 9931 WALNUT CREEK    | TOANO    | VA    | 23168-9628 |
| 520300011 | MOONEY, ROBERT F & SHANNON R        | 9932 WALNUT CREEK    | TOANO    | VA    | 23168-9628 |
|           | Mr. Brian Kemp<br>Hertzler & George | 8251 Richmond Road   | Toano    | VA    | 23168      |
| 520400008 | PERICH, JOSEPH V TRUSTEE &          | 3132 WINDY BRANCH DR | TOANO    | VA    | 23168-9626 |
| 520300014 | PUGLIA, PAUL & CYNTHIA              | 9935 WALNUT CRK      | TOANO    | VA    | 23168-9628 |
| 520400005 | SCAGGS, JEFFREY & MARY              | 3120 WINDY BRANCH DR | TOANO    | VA    | 23168-9626 |
| 520400004 | SIERODZINSKI, JOSEPH J & KATHLEEN S | 3116 WINDY BRANCH DR | TOANO    | VA    | 23168-9626 |
| 520300017 | THOMPSON, DAVID ALEXANDER TRUSTEE & | 9923 WALNUT CRK      | TOANO    | VA    | 23168-9628 |
| 520300013 | WINKFIELD, JEREMY & JENEVIEVE       | 9381 OTTOWAY CT      | TOANO    | VA    | 23168-9368 |



### **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, OCTOBER 9, 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-24-0017: Mr. Randolph Carnell, Living Shorelines, LLC, on behalf of Governor's Land Foundation, has applied for a Wetlands Permit for the installation of a living shoreline on property located at 1635 Harbor Road, JCC Real Estate Tax Map Parcel No. 4320700001B.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0070: Mr. Jim Duguay, Performance Contracting, on behalf of James T Duguay Jr, Inc., has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 113 Indian Circle, JCC Tax Map Parcel No. 5920200019.

CBPA-24-0112: Mr. Richard Seay, Eastwood Homes, on behalf of Eastwood Homes of Richmond, LLC, has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 4404 Landfall Drive, JCC Tax Map Parcel No. 4732400086.

CBPA-24-0091: Mr. Brian Kemp, Hertzler & George, on behalf of Mr. Gary and Ms. Nancy Lee Leighton, has applied for a Chesapeake Bay Exception for the construction of a patio and installation of a fence on property located at 9931 Walnut Creek, JCC Tax Map Parcel No. 0520300015.

CBPA-24-0079: Mr. Steven Rowe, Resilient Design Consultants, LLC, on behalf of Luck Stone Corporation, has applied for a Chesapeake Bay Exception for the expansion of a parking lot on property located at 7734 Richmond Road, JCC Tax Map Parcel No. 1330100001.

CBPA-24-0111: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Gary W. and Ms. Deborah L. Besnier, has applied for a Chesapeake Bay Exception for the construction of an attached garage, shed and driveway expansion on property located at 4025 S Riverside Drive, JCC Tax Map Parcel No. 1910300007 and 4027 S Riverside Drive, JCC Tax Map Parcel No. 1910300006.

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 – September 25, 2024 and October 2, 2024

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0079. 7734 Richmond Road  
Staff Report for the October 9, 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: Luck Stone Corporation

Agent: Mr. Steven Rowe, Resilient Design Consultants, LLC

Location: 7734 Richmond Road

Parcel Identification No.: 1330100001

Parcel: ADJ R K Taylor

Lot Size: 17.29 acres

Area of Lot in Resource  
Protection Area (RPA): 2.36 acres (14%)

Watershed: Ware Creek (YO62)

Floodplain: None

Proposed Activity: Expansion of a parking lot

Impervious Cover: 11,968 square feet (0.27 acres), new impervious cover

RPA Encroachment: 11,968 square feet (0.27 acres), landward 50-foot buffer

Staff Contact: Emily Grojean, Watershed Planner Phone: 253-6789

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Steven Rowe, Resilient Design Consultants, LLC, has applied for a Chesapeake Bay Exception on behalf of Luck Stone Corporation, for encroachments into the RPA buffer for the expansion of a parking lot located at 7734 Richmond Road within the Acreage Lots Stonehouse subdivision and the Ware Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 1330100001. The parcel was platted in 1999, prior to the revision to the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 17.29 acres, of which 14% is located within the RPA. The applicant is proposing to expand an existing parking lot by 11,968 square feet. Total impacts to the RPA associated with this proposal equate to 11,968 square feet. Staff has worked with the applicant to avoid and minimize the parking lot impacts to the greatest extent practicable, given their clients' requirements. Required mitigation for this amount of impervious impacts equals 30 planting units (30 canopy trees, 60 understory trees, and 90 shrubs. As the property is zoned for industrial use and there are no previously impacted RPA areas to restore, the County is proposing the applicant pay an amount equal to \$15,000 into the County's Chesapeake Bay Mitigation Fund as the mitigation for this project.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the expansion of a parking lot. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the expansion of a parking lot is accessory in nature.

## **CONSIDERATION BY THE CHESAPEAKE BAY BOARD**

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity; and
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality; and
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances, either permitted or 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 major for the proposed development. Staff recommends approval for this exception request and if the Board wishes to approve the request, staff recommends the following conditions be incorporated into the approval:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicant must pay an amount equal to \$15,000 into the County's Chesapeake Bay Mitigation Fund as mitigation for the project; and
3. This exception request approval will become null and void if construction has not begun by October 9, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 28, 2025, six weeks prior to the expiration date.

EG/ap  
CBPA24-79\_7734RichRd

### **Attachments:**

1. Resolution
2. Site Plan



## RESOLUTION

CASE NO. CBPA-24-0079. 7734 RICHMOND ROAD

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Steven Rowe, Resilient Design Consultants LLC, on behalf of Luck Stone Corporation (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 9, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 7734 Richmond Road (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 1330100001, as set forth in the application CBPA-24-0079 for the purpose of the expansion of a parking lot; 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 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-24-0079, subject to the following conditions:

1. The Applicant must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicant must pay an amount equal to \$15,000 into the County’s Chesapeake Bay Mitigation Fund as mitigation for the project; and
3. This exception request approval will become null and void if construction has not begun by October 9, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 28, 2025, six weeks prior to the expiration date.

---

Charles Roadley  
Chair, Chesapeake Bay Board

---

Michael Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of October, 2024.

CBPA24-79\_7734RichRdApp-res

## RESOLUTION

CASE NO. CBPA-24-0079. 7734 RICHMOND ROAD

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Steven Rowe, Resilient Design Consultants LLC, on behalf of Luck Stone Corporation (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 9, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 7734 Richmond Road (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 1330100001, as set forth in the application CBPA-24-0079 for the purpose of the expansion of a parking lot; 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-24-0079.

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Charles Roadley  
Chair, Chesapeake Bay Board

---

Michael Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of October, 2024.

CBPA24-79\_7734RichRdDny-res



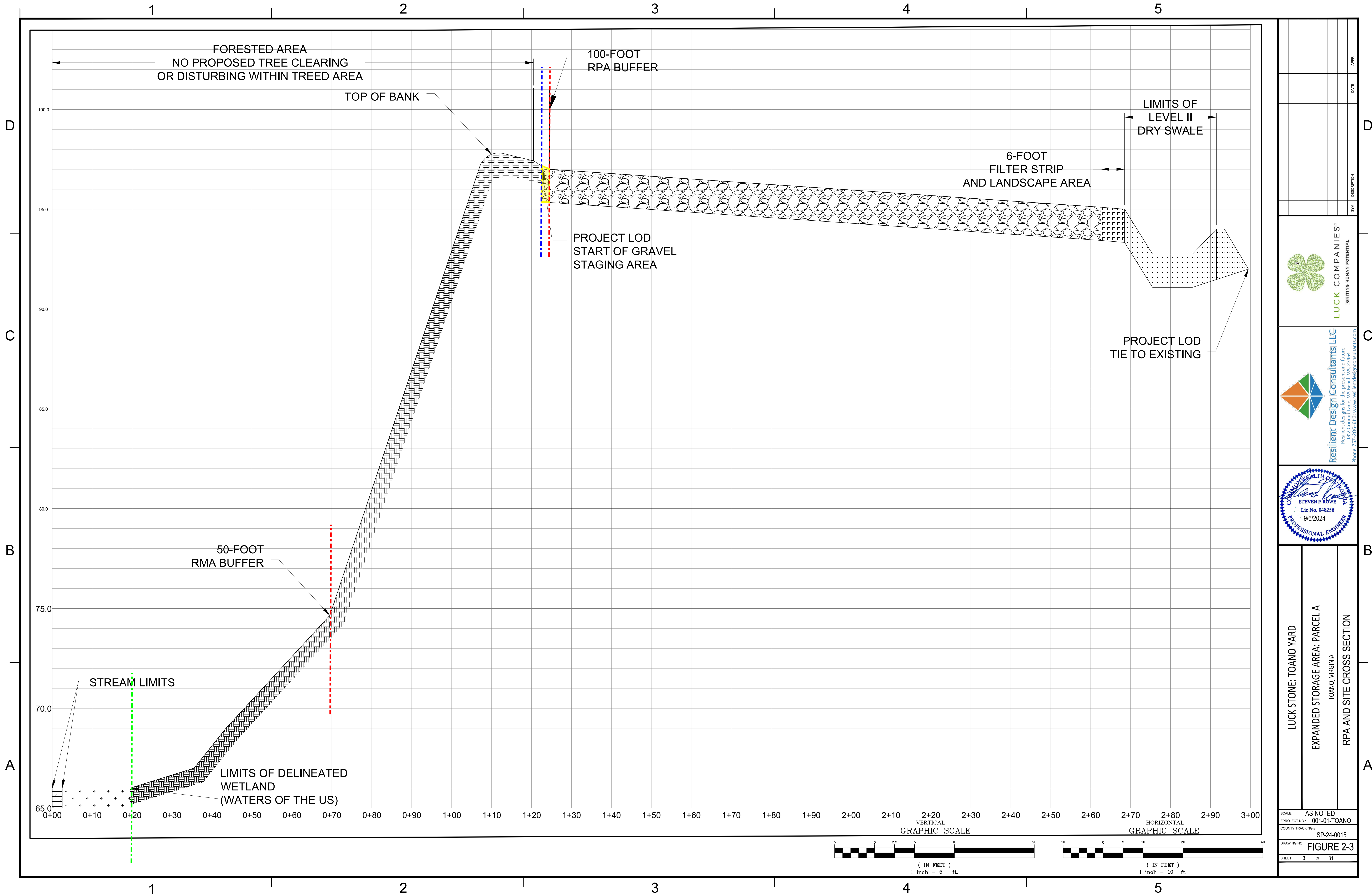








FILE NAME: C:\Users\Steve Rowe\OneDrive - resilientdesignconsultants.com\Projects\001-01-Toano-Sites\DWG\Sheet Files\Parcel A\WQA Plans Overall Maps.dwg LAYOUT NAME: Section PLOTTED: Friday, September 06, 2024 - 8:21am USER: Steve Rowe



**Resilient Design Consultants LLC**  
Resilient designs for the present and future  
1312 Conrad Lane, VA Beach VA, 23454  
Phone: 757-206-6113 | www.resilientdesignconsultants.com



LUCK STONE: TOANO YARD  
EXPANDED STORAGE AREA: PARCELA  
TOANO, VIRGINIA  
RPA AND SITE CROSS SECTION

SCALE: AS NOTED  
EPROJECT NO.: 001-01-TOANO  
COUNTY TRACKING # SP-24-0015  
DRAWING NO: FIGURE 2-3  
SHEET 3 OF 31



**General Services**  
107 Tewning Road  
Williamsburg, VA 23188  
P: 757-259-4080  
General.Services@jamescitycountyva.gov  
[jamescitycountyva.gov](http://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

BENNETT, WILLIAM J  
350 COLONY TRL  
LANEXA, VA 23089-6004

RE: CBPA-24-0079  
7734 Richmond Road  
Expansion of parking lot

September 19, 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. Steven Rowe, Resilient Design Consultants, LLC, on behalf of Luck Stone Corporation, for encroachments into the Resource Protection Area buffer for the expansion of a parking lot. The project is located at 7734 Richmond Road, JCC Tax Map Parcel No. 1330100001.

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 9, 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,

*Michael Woolson*

Michael Woolson  
Chesapeake Bay Board Secretary  
757-253-6823  
Michael.Woolson@jamescitycountyva.gov



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757-259-4080

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

BRYANT RESOURCES LLC  
PO BOX 1000  
TOANO, VA 23168-1000

RE: CBPA-24-0079  
7734 Richmond Road  
Expansion of parking lot

September 19, 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. Steven Rowe, Resilient Design Consultants, LLC, on behalf of Luck Stone Corporation, for encroachments into the Resource Protection Area buffer for the expansion of a parking lot. The project is located at 7734 Richmond Road, JCC Tax Map Parcel No. 1330100001.

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113 Tewning Road  
Williamsburg, VA 23188  
757-259-4080

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

CCKV LLC  
PO BOX 142  
TOANO, VA 23168-0142

RE: CBPA-24-0079  
7734 Richmond Road  
Expansion of parking lot

September 19, 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. Steven Rowe, Resilient Design Consultants, LLC, on behalf of Luck Stone Corporation, for encroachments into the Resource Protection Area buffer for the expansion of a parking lot. The project is located at 7734 Richmond Road, JCC Tax Map Parcel No. 1330100001.

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.

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Sincerely,

*Michael Woolson*

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Williamsburg, VA 23188  
757-259-4080

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

LUCK STONE CORPORATION  
PO BOX 29682  
RICHMOND, VA 23242-0682

RE: CBPA-24-0079  
7734 Richmond Road  
Expansion of parking lot

September 19, 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. Steven Rowe, Resilient Design Consultants, LLC, on behalf of Luck Stone Corporation, for encroachments into the Resource Protection Area buffer for the expansion of a parking lot. The project is located at 7734 Richmond Road, JCC Tax Map Parcel No. 1330100001.

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[Michael.Woolson@jamescitycountyva.gov](mailto:Michael.Woolson@jamescitycountyva.gov)



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

Mr. Steven Rowe  
Resilient Design Consultants, LLC  
1312 Conrad Lane  
Virginia Beach, VA 23454

RE: CBPA-24-0079  
7734 Richmond Road  
Expansion of parking lot

September 19, 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. Steven Rowe, Resilient Design Consultants, LLC, on behalf of Luck Stone Corporation, for encroachments into the Resource Protection Area buffer for the expansion of a parking lot. The project is located at 7734 Richmond Road, JCC Tax Map Parcel No. 1330100001.

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 9, 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,

*Michael Woolson*

Michael Woolson  
Chesapeake Bay Board Secretary  
757-253-6823  
[Michael.Woolson@jamescitycountyva.gov](mailto:Michael.Woolson@jamescitycountyva.gov)

## Adjacent Property Owner Mailing List for Case Number: CBPA-24-0079

| PIN         | Last Name                                               | Address Line 1   | City           | State | Zip Code   |
|-------------|---------------------------------------------------------|------------------|----------------|-------|------------|
| 1240100042  | BENNETT, WILLIAM J                                      | 350 COLONY TRL   | LANEXA         | VA    | 23089-6004 |
| 1240100037A | BRYANT RESOURCES LLC                                    | PO BOX 1000      | TOANO          | VA    | 23168-1000 |
| 1330100003B | CCKV LLC                                                | PO BOX 142       | TOANO          | VA    | 23168-0142 |
| 1330100009  | LUCK STONE CORPORATION                                  | PO BOX 29682     | RICHMOND       | VA    | 23242-0682 |
|             | Mr. Steven Rowe<br>Resilient Design Consultants,<br>LLC | 1312 Conrad Lane | Virginia Beach | VA    | 23454      |



### **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, OCTOBER 9, 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-24-0017: Mr. Randolph Carnell, Living Shorelines, LLC, on behalf of Governor's Land Foundation, has applied for a Wetlands Permit for the installation of a living shoreline on property located at 1635 Harbor Road, JCC Real Estate Tax Map Parcel No. 4320700001B.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0070: Mr. Jim Duguay, Performance Contracting, on behalf of James T Duguay Jr, Inc., has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 113 Indian Circle, JCC Tax Map Parcel No. 5920200019.

CBPA-24-0112: Mr. Richard Seay, Eastwood Homes, on behalf of Eastwood Homes of Richmond, LLC, has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 4404 Landfall Drive, JCC Tax Map Parcel No. 4732400086.

CBPA-24-0091: Mr. Brian Kemp, Hertzler & George, on behalf of Mr. Gary and Ms. Nancy Lee Leighton, has applied for a Chesapeake Bay Exception for the construction of a patio and installation of a fence on property located at 9931 Walnut Creek, JCC Tax Map Parcel No. 0520300015.

CBPA-24-0079: Mr. Steven Rowe, Resilient Design Consultants, LLC, on behalf of Luck Stone Corporation, has applied for a Chesapeake Bay Exception for the expansion of a parking lot on property located at 7734 Richmond Road, JCC Tax Map Parcel No. 1330100001.

CBPA-24-0111: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Gary W. and Ms. Deborah L. Besnier, has applied for a Chesapeake Bay Exception for the construction of an attached garage, shed and driveway expansion on property located at 4025 S Riverside Drive, JCC Tax Map Parcel No. 1910300007 and 4027 S Riverside Drive, JCC Tax Map Parcel No. 1910300006.

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 – September 25, 2024 and October 2, 2024

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W



**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0111. 4025 South Riverside Drive and 4027 South Riverside Drive**  
**Staff Report for the October 9, 2024, Chesapeake Bay Board Public Hearing**

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*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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Mr. Gary W. and Ms. Deborah L. Besnier

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

Locations: 4025 South Riverside Drive  
4027 South Riverside Drive

Parcel Identification Nos.: 1910300007  
1910300006

Parcels: Lot 7, Section 2B, Chickahominy Haven  
Lot 6, Section 2B, Chickahominy Haven

Lot Sizes: 0.31 acres  
0.31 acres

Area of Lot in Resource Protection Area (RPA): 0.31 acres (100%)  
0.24 acres (87%)

Watershed: Yarmouth Creek (JL28)

Floodplain: Zone AE - Base elevation 7 feet

Proposed Activity: Construction of an attached garage, shed, and driveway expansion

Impervious Cover: 1,172 square feet, new impervious cover in landward 50-foot buffer  
481 square feet, new impervious cover in seaward 50-foot buffer  
1,653 square feet, total new impervious cover in RPA buffer

RPA Encroachment: 1,172 square feet, landward 50-foot buffer  
481 square feet, seaward 50-foot buffer  
1,653 square feet, total encroachment in 100-foot buffer

Staff Contact: Emily Grojean, Watershed Planner Phone: 253-6789

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception on behalf of Mr. Gary W. and Ms. Deborah L. Besnier for encroachments into the RPA buffer for the construction of an attached garage, shed, and driveway expansion located at 4025 South Riverside Drive and 4027 South Riverside Drive within the Chickahominy Haven subdivision and the Yarmouth Creek watershed. The properties are further identified as James City County Real Estate Tax Map Parcel Nos. 1910300007 and 1910300006. Both parcels were platted in 1959, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of 4025 South Riverside Drive is 0.31 acres, of which 100% is located within the RPA. The total lot size of 4027 South Riverside Drive is 0.31 acres, of which 87% is located within the RPA. The applicants are proposing to expand their existing driveway, construct an attached garage, and relocate an existing shed. Total impacts to the RPA associated with this proposal equate to 1,653 square feet of impervious impacts. Required mitigation for this amount of impervious impacts equals four planting units (four canopy trees, eight understory trees, and 12 shrubs). The existing shed is a noncomplying structure and seeking after-the-fact approval; therefore, double mitigation is required for this portion of the exception request and total required mitigation for this proposal equals five planting units (five canopy trees, 10 understory trees, and 15 shrubs). The applicants have proposed a mitigation plan equaling five planting units (five canopy trees, 10 understory trees, and 15 shrubs); therefore, meeting County mitigation requirements.

## **STAFF EVALUATION**

Staff has evaluated the application and exception request for the construction of an attached garage, shed, and driveway expansion. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the expansion of a driveway, construction of an attached garage, and installation of a shed are all 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 major for the proposed development. Staff recommends approval for this exception request and if the Board wishes to approve the request, staff recommends the following conditions be incorporated into the approval:

1. The Applicants must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicants must submit a surety of \$4,000 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling five planting units (five canopy trees, 10 understory trees, and 15 shrubs); and

3. The Applicants must submit a plat showing the dissolved property line between the two existing parcels; and
4. This exception request approval will become null and void if construction has not begun by October 9, 2025; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 28, 2025, six weeks prior to the expiration date.

EG/md  
CBPA24-111SRvrSd

Attachments:

1. Resolution
2. Site Plan

## RESOLUTION

CASE NO. CBPA-24-0111. 4025 SOUTH RIVERSIDE DRIVE AND

4027 SOUTH RIVERSIDE DRIVE

### JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Gary W. and Ms. Deborah L. Besnier (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 9, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on parcels of property located at 4025 South Riverside Drive and 4027 South Riverside Drive (the “Properties”) and further identified as James City County Real Estate Tax Map Parcel Nos. 1910300007 and 1910300006, as set forth in the application CBPA-24-0111 for the purpose of the construction of an attached garage, shed, and driveway expansion; 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-24-0111, 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 \$4,000 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling five planting units (five canopy trees, 10 understory trees, and 15 shrubs); and
3. The Applicants must submit a plat showing the dissolved property line between the two existing parcels; and
4. This exception request approval will become null and void if construction has not begun by October 9, 2025; and
5. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than August 28, 2025, six weeks prior to the expiration date.

---

Charles Roadley  
Chair, Chesapeake Bay Board

---

Michael Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of October, 2024.



## **RESOLUTION**

**CASE NO. CBPA-24-0111. 4025 SOUTH RIVERSIDE DRIVE AND**

**4027 SOUTH RIVERSIDE DRIVE**

**JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION**

WHEREAS, Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Gary W. and Ms. Deborah L. Besnier (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on October 9, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on parcels of property located at 4025 South Riverside Drive and 4027 South Riverside Drive (the “Properties”) and further identified as James City County Real Estate Tax Map Parcel Nos. 1910300007 and 1910300006, as set forth in the application CBPA-24-0111 for the purpose of the construction of an attached garage, shed, and driveway expansion; 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-24-0111.

\_\_\_\_\_  
Charles Roadley  
Chair, Chesapeake Bay Board

\_\_\_\_\_  
Michael Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of October, 2024.

CBPA24-111SRvrSdDny-res

GENERAL 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. 18, PG. 6.
- 2. ELEVATIONS SHOWN HEREON ARE IN FEET AND ARE GPS DERIVED (NAVD88).
- 3. WETLANDS, AS SHOWN, WERE DELINEATED AND FLAGGED BY ROTH ENVIRONMENTAL THEN FIELD LOCATED BY THIS FIRM.
- 4. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
- 5. PARCEL LIES IN F.I.R.M. ZONE "AE" (ELEV 7) ACCORDING TO COMMUNITY PANEL #51095C0082D, DATED DECEMBER 16, 2015.
- 6. LOT SERVED BY PUBLIC WATER AND SEWER.
- 7. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
- 8. TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
- 9. CONTRACTOR SHALL DETERMINE EXACT FINISHED FLOOR ELEVATION AFTER EXCAVATION.
- 10. PROPOSED GARAGE SHOWN BASED OFF OF PLANS PROVIDED BY CLIENT. ALL DIMENSIONS TO BE CONFIRMED BY CONTRACTOR PRIOR TO CONSTRUCTION.
- 11. PROPOSED PLAN IS BASED ON A BOUNDARY LINE EXTINGUISHMENT PLAT TO BE RECORDED PRIOR TO THE COMMENCEMENT OF WORK.

BUILDING INFORMATION

PROPOSED BUILDING IS A DETACHED GARAGE

SITE INFORMATION

PARCEL ID: 1910300006 – LOT 6  
TOTAL AREA: 13,600 S.F. / 0.31 AC.  
PARCEL ID: 1910300007 – LOT 7  
TOTAL AREA: 13,154 S.F. / 0.30 AC.

SITE OVERALL

IMPERVIOUS WITHIN 50' RPA: 481 S.F. / 0.01  
IMPERVIOUS WITHIN 100' RPA: 1,172 S.F. / 0.03  
TOTAL IMPERVIOUS WITHIN RPA: 1,653 S.F. / 0.04 AC.

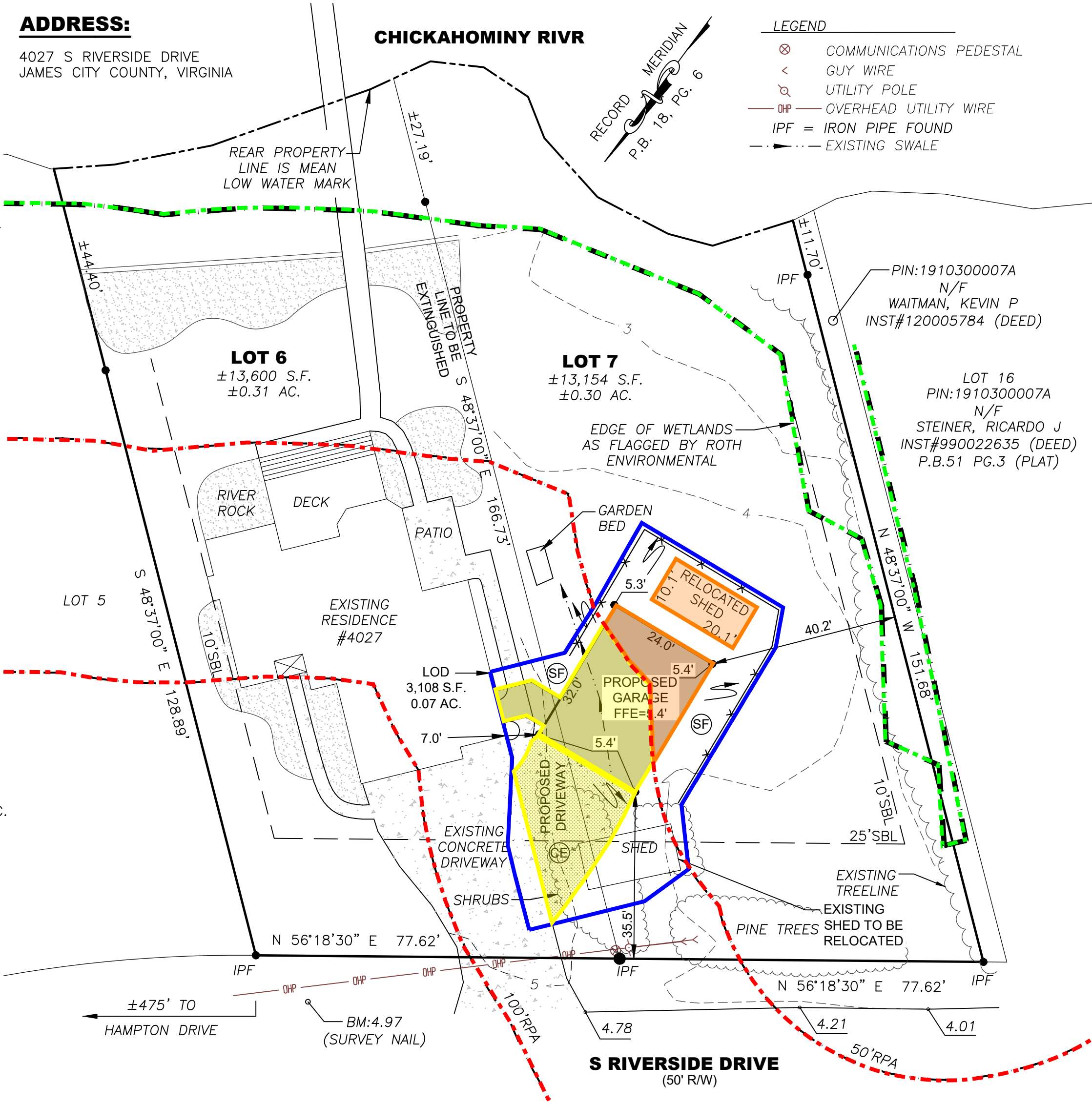
PROPOSED DISTURBED AREA TOTAL: 3,108 S.F. / 0.07 AC.  
PROPOSED DISTURBED AREA WITHIN 50' RPA: 1,300 S.F. / 0.03 AC.  
PROPOSED DISTURBED AREA WITHIN 100' RPA: 1,808 S.F. / 0.04 AC.

BUILDING SETBACK (SBL)

FRONT: 25'  
REAR: 35'  
SIDE: 10'

ADDRESS:

4027 S RIVERSIDE DRIVE  
JAMES CITY COUNTY, VIRGINIA



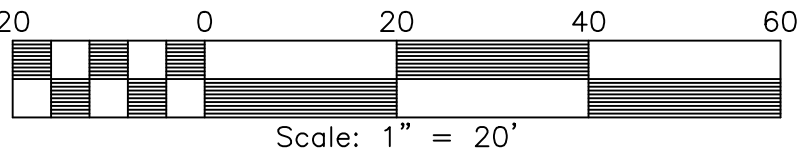
EROSION & SEDIMENT CONTROL NOTES

ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE "VIRGINIA EROSIONS AND SEDIMENT CONTROL HANDBOOK 1992 THIRD EDITION". THE CONTRACTOR SHALL BE THOROUGHLY FAMILIAR WITH ALL APPLICABLE MEASURES CONTAINED THEREIN WHICH MAY BE PERTINENT TO THIS PROJECT.

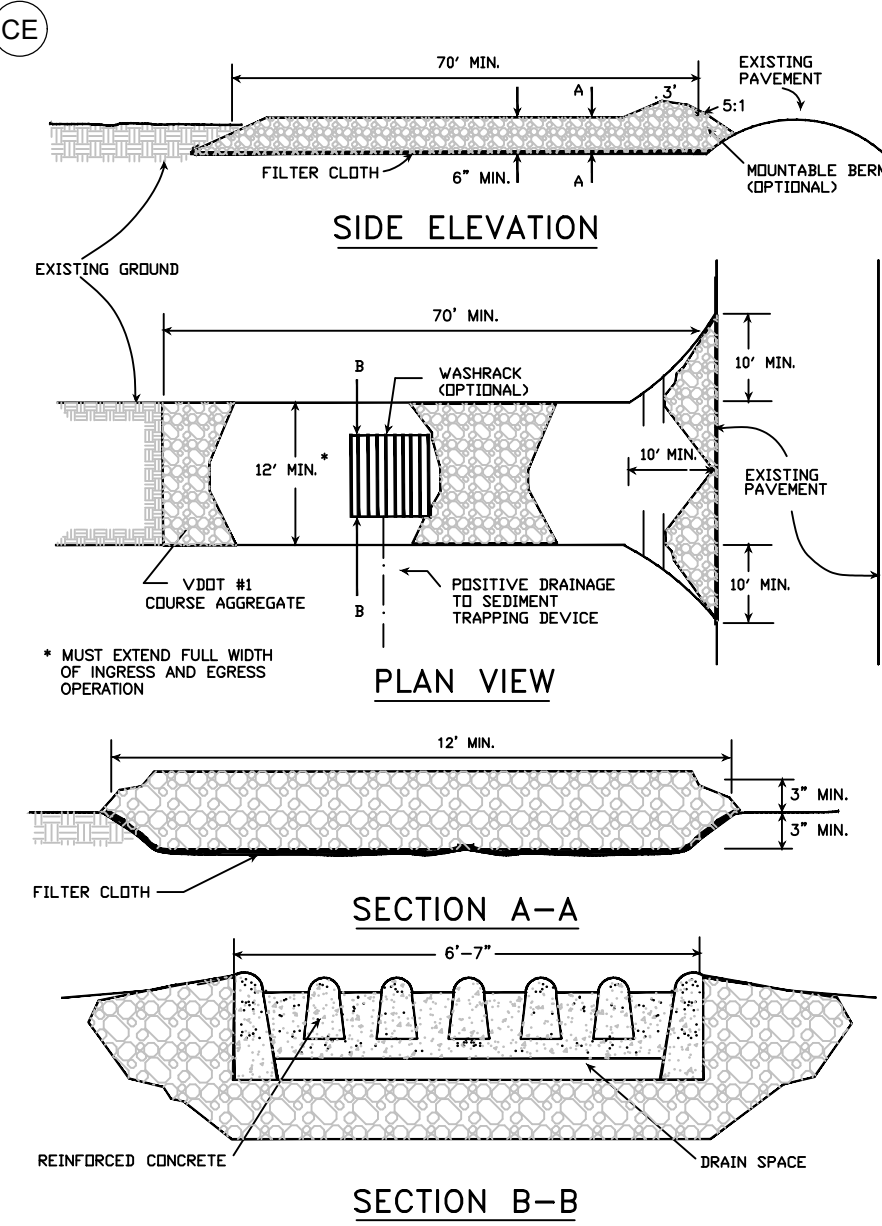
MITIGATION TABLE: 1,653 S.F. / 400 S.F. = 5 CREDITS

| MITIGATION MEASURE      | QTY.(NEEDED) |
|-------------------------|--------------|
| NATIVE CANOPY TREES     | 5            |
| NATIVE UNDERSTORY TREES | 10           |
| NATIVE SHRUBS           | 15           |

\* CONTRACTOR/OWNER TO COORDINATE WITH JAMES CITY COUNTY FOR MITIGATION PLANTINGS AND ANY CREDIT FEES.

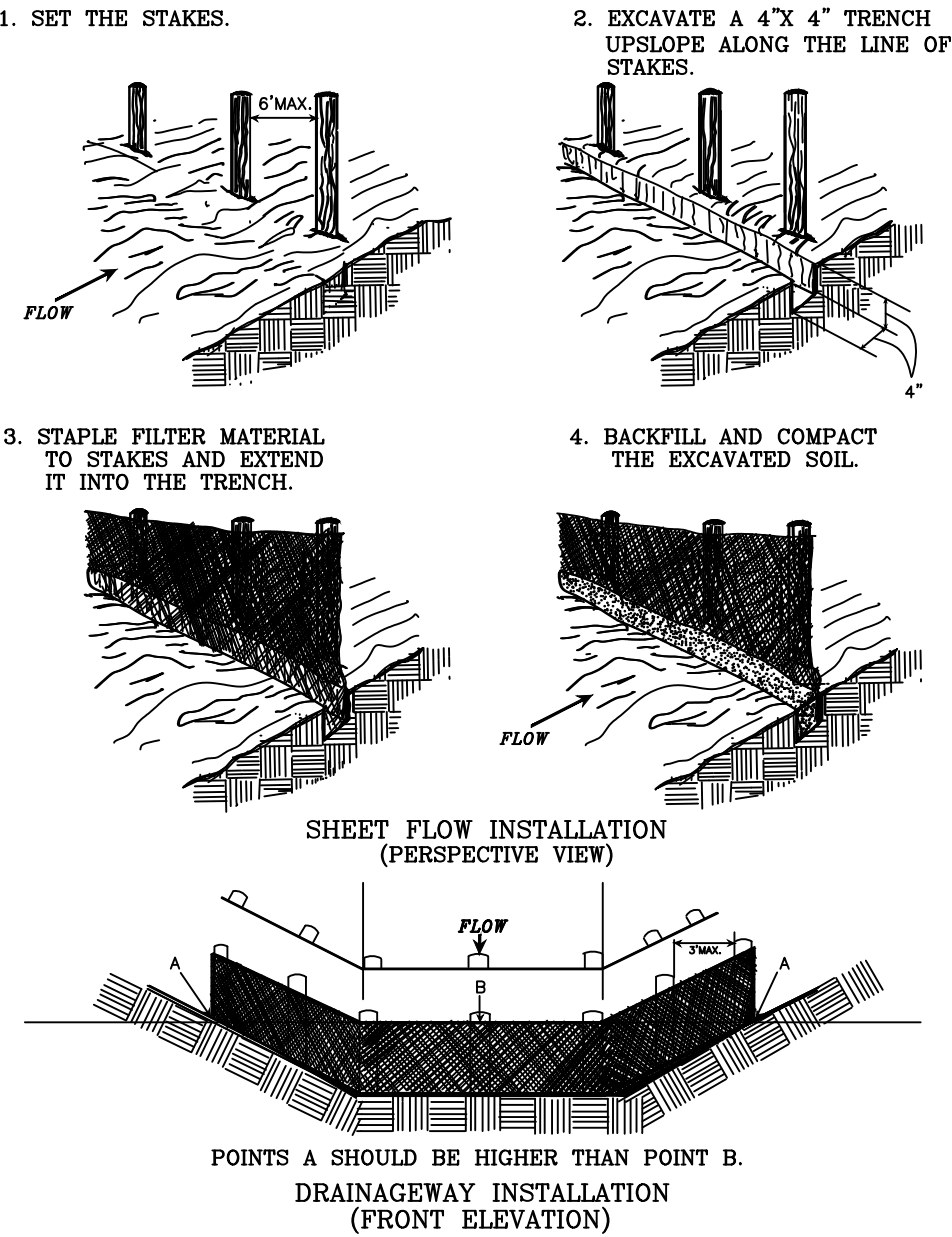


STONE CONSTRUCTION ENTRANCE



SOURCE: ADAPTED FROM 1983 Maryland Standards for Soil erosion and Sediment Control, and Va. DSWC Plate 3.02-1

CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



SOURCE: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, VA. DSWC Sherwood and Wyant PLATE 3.06-2



DATE: 08/26/2024  
DRAWN BY: AEQ  
PROJECT No. 24-217  
FILE NAME: 24-217.DWG  
REFERENCES:  
P.B.18 PG.6

PLOT PLAN SHOWING PROPOSED GARAGE FOR  
LOT 7 SECTION 2B  
CHICKAHOMINY HAVEN  
FOR  
GARY BESNIER  
JAMES CITY COUNTY 1 OF 2 VIRGINIA

| NO. | DATE       | REVISION / COMMENT / NOTE                             |
|-----|------------|-------------------------------------------------------|
| 4   | 10-01-2024 | REVISED TO SHOW FURTHER EXTENT OF EXISTING IMPERVIOUS |
| 3   | 9-13-2024  | REVISED GARAGE AND SHED LOCATION PER CLIENT REQUEST   |
| 2   | 9-11-2024  | ADDED PAGE 2 WITH MITIGATION PLAN                     |
| 1   | 9-4-2024   | REVISED GARAGE LAYOUT                                 |





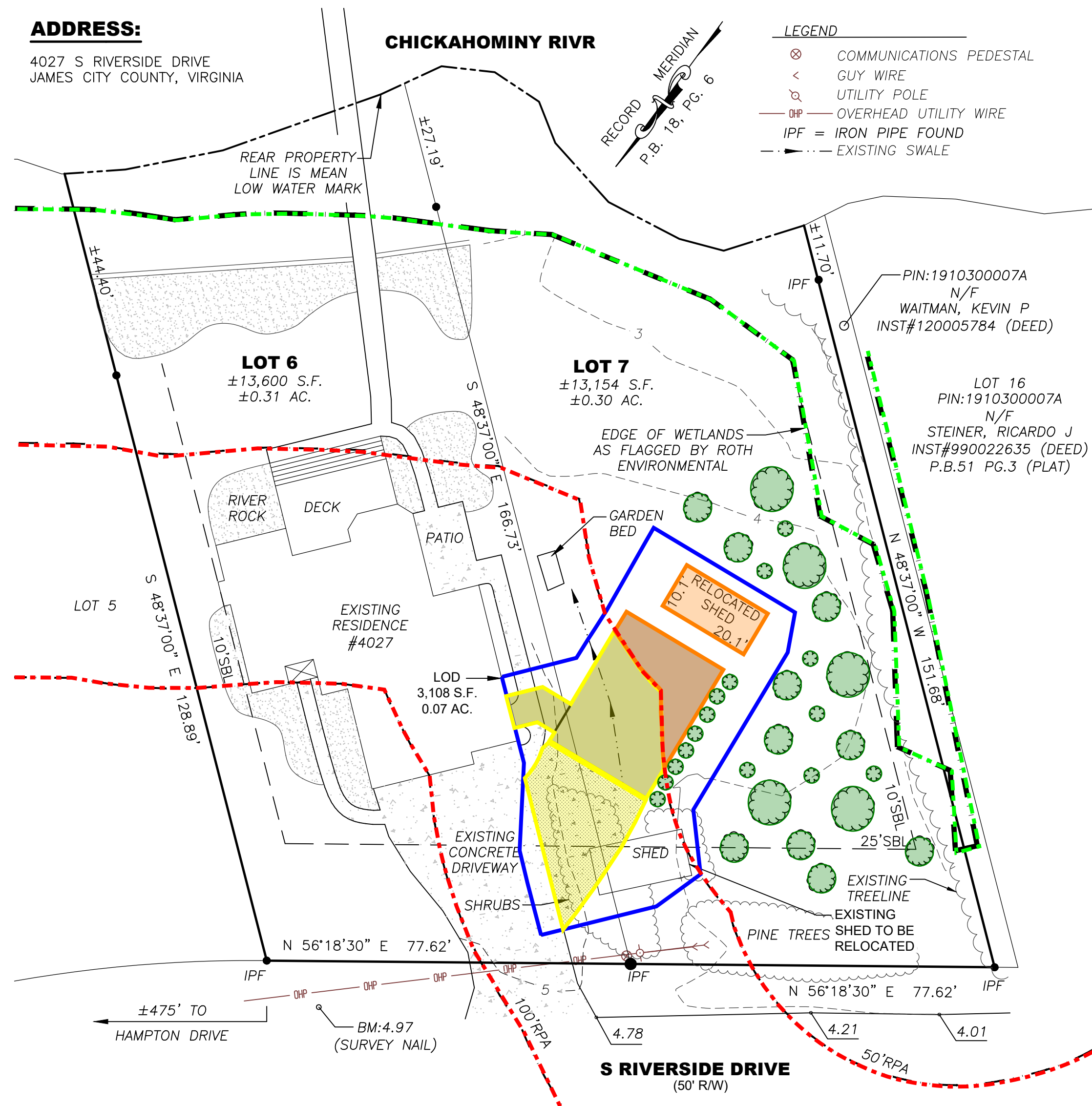
**ADDRESS:**

4027 S RIVERSIDE DRIVE  
JAMES CITY COUNTY, VIRGINIA

**CHICKAHOMINY RIVR**

**LEGEND**

- ⊗ COMMUNICATIONS PEDESTAL
- < GUY WIRE
- ⊕ UTILITY POLE
- OHP OVERHEAD UTILITY WIRE
- IPF = IRON PIPE FOUND
- - - EXISTING SWALE



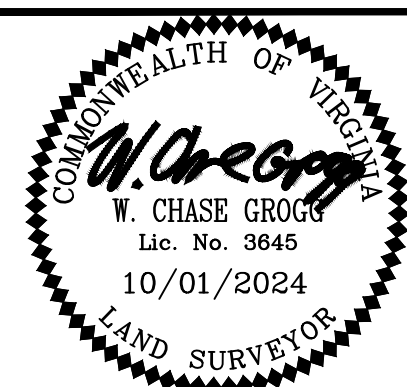
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MITIGATION PLAN



DATE: 08/26/2024  
DRAWN BY: AEQ  
PROJECT No. 24-217  
FILE NAME: 24-217.DWG  
REFERENCES:  
P.B.18 PG.6

PLOT PLAN SHOWING PROPOSED GARAGE FOR  
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CHICKAHOMINY HAVEN  
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JAMES CITY COUNTY

2 OF 2

VIRGINIA

| NO. | DATE       | REVISION / COMMENT / NOTE                             |
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P: 757-259-4080  
General.Services@jamescitycountyva.gov  
[jamescitycountyva.gov](http://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  
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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

BESNIER, GARY W & DEBORAH L  
4027 S RIVERSIDE DR  
LANEXA, VA 23089-9415

RE: CBPA-24-0111  
4025 S Riverside Drive  
Construction of attached garage,  
shed, driveway expansion

September 19, 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. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Gary W. and Ms. Deborah L. Besnier, for encroachments into the Resource Protection Area buffer for the construction of an attached garage, shed and driveway expansion. The project is located at 4025 S Riverside Drive, JCC Tax Map Parcel No. 1910300007.

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 9, 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,

*Michael Woolson*

Michael Woolson  
Chesapeake Bay Board Secretary  
757-253-6823  
[Michael.Woolson@jamescitycountyva.gov](mailto:Michael.Woolson@jamescitycountyva.gov)



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BURLEY, SHANNON K  
4026 S RIVERSIDE DR  
LANEXA, VA 23089-9411

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Construction of attached garage,  
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HILL, MARK H & LISA B  
4029 S RIVERSIDE DR  
LANEXA, VA 23089-9415

RE: CBPA-24-0111  
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Mr. Chase Grogg  
LandTech Resources, Inc.  
205-E Bulifants Blvd  
Williamsburg, VA 23188

RE: CBPA-24-0111  
4025 S Riverside Drive  
Construction of attached garage,  
shed, driveway expansion

September 19, 2024

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757-565-0971

STEINER, RICARDO J  
4000 S RIVERSIDE DR  
LANEXA, VA 23089-9411

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Construction of attached garage,  
shed, driveway expansion

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Williamsburg, VA 23188  
757-565-0971

WAITMAN, KEVIN P  
8620 BEATTIES MILL RD  
MECHANICSVILLE, VA 23111-4937

RE: CBPA-24-0111  
4025 S Riverside Drive  
Construction of attached garage,  
shed, driveway expansion

September 19, 2024

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Sincerely,

*Michael Woolson*

Michael Woolson  
Chesapeake Bay Board Secretary  
757-253-6823  
Michael.Woolson@jamescitycountyva.gov



## Adjacent Property Owner Mailing List for Case Number: CBPA-24-0111

| PIN         | Last Name                                   | Address Line 1          | City           | State | Zip Code   |
|-------------|---------------------------------------------|-------------------------|----------------|-------|------------|
| 1910300007  | BESNIER, GARY W & DEBORAH                   | 4027 S RIVERSIDE DR     | LANEXA         | VA    | 23089-9415 |
| 1910300010  | BURLEY, SHANNON K                           | 4026 S RIVERSIDE DR     | LANEXA         | VA    | 23089-9411 |
| 1910300005  | HILL, MARK H & LISA B                       | 4029 S RIVERSIDE DR     | LANEXA         | VA    | 23089-9415 |
|             | Mr. Chase Grogg<br>LandTech Resources, Inc. | 205-E Bulifants Blvd    | Williamsburg   | VA    | 23188      |
| 1911300016  | STEINER, RICARDO J                          | 4000 S RIVERSIDE DR     | LANEXA         | VA    | 23089-9411 |
| 1910300007A | WAITMAN, KEVIN P                            | 8620 BEATTIES MILL RD   | MECHANICSVILLE | VA    | 23111-4937 |
| 1910300012  | WAITMAN, KEVIN P                            | 8620 BEATTIES MILL ROAD | MECHANICSVILLE | VA    | 23111-4937 |



### **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD PUBLIC HEARINGS ON **WEDNESDAY, OCTOBER 9, 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-24-0017: Mr. Randolph Carnell, Living Shorelines, LLC, on behalf of Governor's Land Foundation, has applied for a Wetlands Permit for the installation of a living shoreline on property located at 1635 Harbor Road, JCC Real Estate Tax Map Parcel No. 4320700001B.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0070: Mr. Jim Duguay, Performance Contracting, on behalf of James T Duguay Jr, Inc., has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 113 Indian Circle, JCC Tax Map Parcel No. 5920200019.

CBPA-24-0112: Mr. Richard Seay, Eastwood Homes, on behalf of Eastwood Homes of Richmond, LLC, has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 4404 Landfall Drive, JCC Tax Map Parcel No. 4732400086.

CBPA-24-0091: Mr. Brian Kemp, Hertzler & George, on behalf of Mr. Gary and Ms. Nancy Lee Leighton, has applied for a Chesapeake Bay Exception for the construction of a patio and installation of a fence on property located at 9931 Walnut Creek, JCC Tax Map Parcel No. 0520300015.

CBPA-24-0079: Mr. Steven Rowe, Resilient Design Consultants, LLC, on behalf of Luck Stone Corporation, has applied for a Chesapeake Bay Exception for the expansion of a parking lot on property located at 7734 Richmond Road, JCC Tax Map Parcel No. 1330100001.

CBPA-24-0111: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Gary W. and Ms. Deborah L. Besnier, has applied for a Chesapeake Bay Exception for the construction of an attached garage, shed and driveway expansion on property located at 4025 S Riverside Drive, JCC Tax Map Parcel No. 1910300007 and 4027 S Riverside Drive, JCC Tax Map Parcel No. 1910300006.

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 – September 25, 2024 and October 2, 2024

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

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