

AGENDA
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
December 11, 2024
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

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

D. PUBLIC COMMENT

E. PUBLIC HEARING(S)

1. CBPA-24-0122 : 19 Windjammer Court
2. CBPA-24-0160 : 136 Freshwater Bay
3. CBPA-24-0153 : 105 Murcar
4. CBPA-24-0128 : 4376 Landfall Drive
5. CBPA-24-0152 : 223 Sherwood Forest
6. CBPA-24-0163 : 223 St. Cuthbert
7. CBPA-24-0169 : 109 Brancaster
8. CPBA-24-0108 : 112 Land End Drive
9. CBPA-24-0165 : 141 Macauley Road
10. CBPA-24-0164 : 16 Whittakers Mill Road

F. BOARD CONSIDERATION(S)

1. Election of Officers for 2025

G. MATTERS OF SPECIAL PRIVILEGE

H. ADJOURNMENT

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
COUNTY GOVERNMENT CENTER BOARD ROOM
101 MOUNTS BAY ROAD, WILLIAMSBURG, VA 23185
November 14, 2024
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for November 14, 2024, was called to order.

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

B. ROLL CALL

Board Members Present:

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

Board Members Absent:

Larry Waltrip

Other Staff Present:

Toni Small, Director, Stormwater and Resource Protection
Michael Woolson, Resource Protection Section Chief, Stormwater and Resource Protection
Emily Grojean, Watershed Planner, Stormwater and Resource Protection
Amanda Frazier, Watershed Planner, Stormwater and Resource Protection
Andrew Dean, Assistant County Attorney, County Attorney's Office

C. MINUTES

1. Minutes from the October 9, 2024, Regular Meeting

A motion to Approve the minutes was made by Mr. O'Brien

The minutes were approved on a voice vote.

D. PUBLIC COMMENT

None.

E. PUBLIC HEARING(S)

1. CBPA-24-0139 : 3889 News Road

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

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Barrett Terrell, AES Consulting Engineers, Inc., on behalf of Ford's Village, LLC, for encroachments into the Resource Protection Area (RPA) for the installation of a sanitary sewer bridge. The property is further identified as James City County Real Estate Tax Map Parcel No. 3730100004. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Roadley opened the Public Hearing.

A. Mr. Graham Corson, AES Consulting Engineers, Inc., 5248 Olde Towne Road, Suite 1, Williamsburg, VA, reviewed the details of the plan.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

2. CBPA-24-0086 : 112 Meadow Rue Court

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

Ms. Amanda Frazier, Watershed Planner, presented the exception request submitted by Mr. Gerald L. Simmons Jr. for encroachments into the RPA for the installation of a shed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4910230009. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Roadley opened the Public Hearing.

A. Lisa Simmons, 112 Meadow Rue Court, stated that they are requesting the construction of a shed.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

3. CBPA-24-0116 : 124 W Links

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

Ms. Amanda Frazier, Watershed Planner, presented the exception request submitted by Mr. Nate Reams, Williams Landscape & Design, on behalf of Mr. Richard D. and Ms. Sara Ann Blarr, for encroachments into the RPA for the construction of a patio, fire pit, and retaining

wall. The property is further identified as James City County Real Estate Tax Map Parcel No. 3710200216. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Roadley opened the Public Hearing.

A. Mr. Nate Reams, Williams Landscape & Design, 1554 Penniman Road, Williamsburg, VA, detailed the purpose of upgrading the patio and the retaining wall.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

4. CBPA-24-0147 : 4048 Powhatan Secondary

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

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

Ayes: O'Brien, Maye, Bowie, Roadley

Absent: Waltrip

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. David Soto, The Structures Group, Inc., on behalf of Mr. Henry A. and Ms. Suzanne E. Franklin, for encroachments into the RPA for the construction of a retaining wall. The property is further identified as James City County Real Estate Tax Map Parcel No. 3741600024. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Roadley opened the Public Hearing.

A. Mr. Joseph Krallinger, The Structures Group, Inc., 1200 Old Colony Lane, Williamsburg, VA, stated that the goal of the project was to build out the property for more accessible space.

Mr. O'Brien questioned the condition of the retaining walls.

A. Mr. Krallinger stated that the upper retaining wall will remain, but the lower wall would be demolished and a new lower retaining wall would be rebuilt.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

5. CBPA-24-0148 : 1540 Harbor Road

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

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

Ayes: O'Brien, Maye, Bowie, Roadley

Absent: Waltrip

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Arthur J. and Ms. Nancy M. Schmeiser Jr., for encroachments into the RPA for the construction of a single-family residence and pool. The property is further identified as James City County Real Estate Tax Map Parcel No. 4310200009. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. O'Brien questioned whether the conservation easement line applied to the existing homes.

Ms. Grojean confirmed the easement line applied to other homes.

Mr. Roadley asked whether any vegetation would be cut to create a sight line.

Ms. Grojean could not confirm any cutting at the time.

Mr. Roadley opened the Public Hearing.

A. Mr. Chase Grogg, Landtech Resources, Inc., 205 Bulifants Boulevard, Suite E, Williamsburg, VA, stated the path to the rear of the property was previously approved.

A. Mr. Grogg stated that the property in question had breakwaters installed instead of bulkheads during the original construction of Governor's Land. Governor's Land also granted a front setback variance.

A. Mr. Grogg stated that the plan had been modified not to include a pool in the RPA.

Mr. O'Brien requested clarity on how the RPA was changed.

B. Mr. Michael Woolson, Section Chief, Resource Protection, 101 Mounts Bay Road, Building E, confirmed that the field conditions changed due to the breakwater and sand fill, creating a scallop in the shoreline.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

6. CBPA-24-0082 : 105 Stone Bridge

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

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

Ayes: O'Brien, Maye, Bowie, Roadley

Absent: Waltrip

Ms. Emily Grojean, Watershed Planner, presented the exception request submitted by Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. John D. Konstantinou, for encroachments into the RPA for the construction of a single-family residence. The property is further identified as James City County Real Estate Tax Map Parcel No. 3710200231. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. Roadley questioned whether the square footage was for the structure, or other features of the plan.

Ms. Grojean confirmed the square footage quoted was for structure only.

Mr. Roadley opened the Public Hearing.

A. Mr. Chase Grogg, Landtech Resources, Inc., 205 Bulifants Boulevard, Suite E, Williamsburg, VA, detailed the plan and efforts taken to mitigate as much impact on the RPA as possible. He confirmed that the minimum square footage was 1,100 square feet. The proposed house had a square footage of 1,167 square feet and Mr. Grogg detailed the efforts taken to ensure water quality.

Mr. O'Brien questioned the cause of the difference in square footage.

A. Mr. Grogg confirmed that the method of calculation did not include the garage.

B. Ms. Sharee Konstantinou, 113 Walton Heath, Williamsburg, VA, emphasized the efforts taken to minimize the impact compared to other houses in the area.

C. Mr. Howard Bloom, 1 Road Hole, Williamsburg, VA, stated he investigated the square footage of houses in the proposed section and the amount should be 1,500 square feet.

A. Mr. Grogg stated his confidence that the quoted square footage was 1,100 square feet.

B. Ms. Konstantinou stated that in the Declaration of Covenants the minimum square footage was per section.

A. Mr. Grogg shared documentation regarding the square footage of various lots in Ford's Colony.

Mr. O'Brien stated that, historically, the Board had determined the square footage to be 1,100.

A. Mr. Grogg stated that there are several factors considered when determining square footage.

C. Mr. Bloom cited documentation of the square footage for a one-story dwelling as 1,500.

A. Mr. Grogg confirmed that the site plan misrepresented the project and that it would be a two-story dwelling.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

7. CBPA-24-0141 : 205 St. Cuthbert

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

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

Ayes: O'Brien, Maye, Bowie, Roadley

Absent: Waltrip

Mr. Michael Woolson, Section Chief, presented the exception request submitted by Dr. James Mullins for encroachments into the RPA for the revision to an approved mitigation plan. The property is further identified as James City County Real Estate Tax Map Parcel No. 3721000053. The presentation described the current and proposed site conditions. If the Board approved the request, staff asked that the suggested conditions be incorporated into the approval.

Mr. O'Brien questioned whether the photos presented were current.

Mr. Woolson confirmed that they were.

Mr. O'Brien requested confirmation that the work was done in April 2023.

Mr. Woolson confirmed that it was.

Mr. Maye asked whether the \$2,500 paid to the Chesapeake Bay Mitigation Fund was in lieu of the doubled, after-the-fact fees.

Mr. Woolson stated that the payment amount was for the 1,000 square feet of mitigation, but the fee was not doubled.

Ms. Bowie observed some small trees in one photo and asked whether they were part of the original mitigation.

Mr. Woolson stated they were not.

Mr. Roadley requested to see the original site plan.

Mr Woolson stated that the original plan was in the Board Agenda Packet.

Mr. Roadley opened the Public Hearing.

A. Dr. James Mullins, 205 St. Cuthbert, apologized for not submitting an amendment and provided a brief background of the plan.

The Board discussed the pros and cons of the plan.

Mr. Roadley closed the Public Hearing.

F. BOARD CONSIDERATION(S)

1. Election of Officers for 2025

A motion to Postpone the Elections to the December meeting was made by Mr. Maye.

The motion was approved on a voice vote.

2. Adoption of 2025 Calendar

A motion to Approve the 2025 calendar was made by Mr. Maye.

The motion was approved on a voice vote.

G. MATTERS OF SPECIAL PRIVILEGE

None.

H. ADJOURNMENT

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

The meeting adjourned at 6:54 p.m.

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0122. 19 Windjammer Court
Staff Report for the December 11, 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: Mr. Darel Crumpler

Agent: Mr. Lance Frost, Country Village Mobile Home Park (MHP)

Location: 19 Windjammer Court

Parcel Identification No.: 5920100001

Parcel: Lot 19, Barlows

Lot Size: 4,452 square feet

Area of Lot in Resource Protection Area (RPA): 2,226 square feet (50%)

Watershed: Skiffes Creek (JL35)

Floodplain: None

Proposed Activity: Installation of a shed

Impervious Cover: 75 square feet, new impervious cover

RPA Encroachment: 75 square feet, landward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Lance Frost, Country Village MHP, has applied for a Chesapeake Bay Exception on behalf of Mr. Darel Crumpler for encroachments into the RPA buffer for the installation of a shed located at 19 Windjammer Court within the Country Village MHP and the Skiffes Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 5920100001. The parcel was platted in 1970, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 4,452 square feet, of which 50% is located within the RPA. A previous Chesapeake Bay exception request was legislatively approved under CBPA-21-0211 for the construction of the existing mobile home. In August of 2024, Stormwater and Resource Protection Division staff received notice that a shed was installed on this property without the submission of a Chesapeake Bay Preservation exception request. The applicant is seeking an after-the-fact approval for the installation of a 120-square-foot shed. Total impacts to the RPA associated with this proposal equate to 75 square feet. Required mitigation for this amount of impervious impacts equals half a planting unit. Due to this being an after-the-fact request, the mitigation is doubled, thus one planting unit is required. Space limitations on this lot will require a payment into the County's Chesapeake Bay Mitigation Fund in lieu of physical plantings.

STAFF EVALUATION

Staff has evaluated the application and exception request for the installation of a shed. 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 shed 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. 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 \$1,000 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 payment has not been made by December 31, 2024; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than December 31, 2024.

EG/md
CBPA24-122_19Wndjm

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-24-0122. 19 WINDJAMMER COURT

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Lance Frost, Country Village Mobile Home Park, on behalf of Mr. Darel Crumpler (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 19 Windjammer Court (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 5920100001, as set forth in the application CBPA-24-0122 for the purpose of the installation of a shed; 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-24-0122, 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 \$1,000 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 payment has not been made by December 31, 2024; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than December 31, 2024.

Charles Roadley
Chair, Chesapeake Bay Board

Michael Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of December, 2024.

CBPA24-122_19WndjmApp-res

RESOLUTION

CASE NO. CBPA-24-0122. 19 WINDJAMMER COURT

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Lance Frost, Country Village Mobile Home Park, on behalf of Mr. Darel Crumpler (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 19 Windjammer Court (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 5920100001, as set forth in the application CBPA-24-0122 for the purpose of the installation of a shed; 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-24-0122.

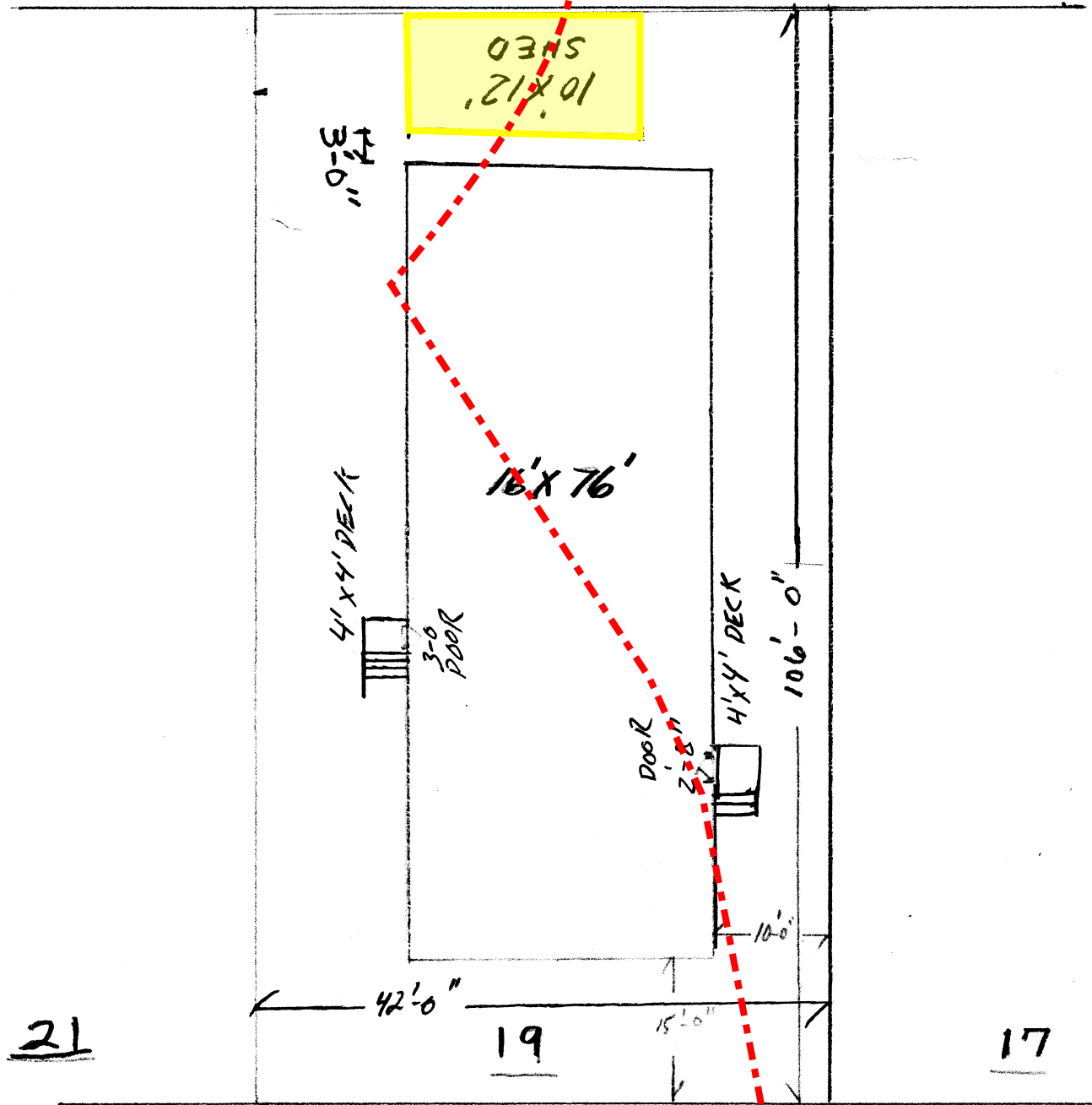
Charles Roadley
Chair, Chesapeake Bay Board

Michael Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of December, 2024.

CBPA24-122_19WndjmDny-res

Plot Plan 19 Windjammer Ct.



WINDJAMMER CT.

18

16

14



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

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

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
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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

MS. JACQUELYN Q. CRUMPLER
PO BOX 1219
KITTY HAWK, NC 27949-1219

RE: CBPA-24-0122
19 Windjammer Court
Construction of shed

November 21, 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. Lance Frost, Country Village MHP, on behalf of Darel Crumpler, for encroachments into the Resource Protection Area buffer for the construction of a shed. The project is located at 19 Windjammer Court, JCC Tax Map Parcel No. 5920100001.

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, December 11, 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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MR. LANCE FROST
10 GRAY GABLES DRIVE
WILLIAMSBURG, VA 23185-3158

RE: CBPA-24-0122
19 Windjammer Court
Construction of shed

November 21, 2024

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DAREL CRUMPLER
1044 MARTINS POINT RD
KITTY HAWK, NC 27949-3812

RE: CBPA-24-0122
19 Windjammer Court
Construction of shed

November 21, 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. Lance Frost, Country Village MHP, on behalf of Darel Crumpler, for encroachments into the Resource Protection Area buffer for the construction of a shed. The project is located at 19 Windjammer Court, JCC Tax Map Parcel No. 5920100001.

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

COUNTRY VILLAGE MOBILE HOME PARK
P.O. BOX 3157
NEWPORT NEWS, VA 23603

RE: CBPA-24-0122
19 Windjammer Court
Construction of shed

November 21, 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. Lance Frost, Country Village MHP, on behalf of Darel Crumpler, for encroachments into the Resource Protection Area buffer for the construction of a shed. The project is located at 19 Windjammer Court, JCC Tax Map Parcel No. 5920100001.

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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-24-0108

PIN	Last Name	Address Line 1	City	State	Zip Code
5920100001	MS. JACQUELYN Q. CRUMPLER	PO BOX 1219	KITTY HAWK	NC	27949-1219
5920100001	MR. LANCE FROST	10 GRAY GABLES DR	WILLIAMSBURG	VA	23185-3158
5920100001	MR. DAREL CRUMPLER	1044 MARTINS POINT	KITTY HAWK	NC	27949-3812
5920100001	COUNTRY VILLAGE MOBILE HOME PARK	P.O. BOX 3157	NEWPORT NEWS	VA	23603



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, DECEMBER 11, 2024, AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0108: Mr. Ahmed Hassan, on behalf of Mr. Kenneth Brown, has applied for a Chesapeake Bay Exception for the construction of a deck, pool and out-building on property located at 112 Lands End Drive, JCC Real Estate Tax Map Parcel No. 4730500067.

CBPA-24-0122: Mr. Lance Frost, Country Village MHP, on behalf of Darel Crumpler, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 19 Windjammer Court, JCC Real Estate Tax Map Parcel No. 5920100001.

CBPA-24-0128: Mr. Gregory Griffin and Ms. Karin Rhodes, have applied for a Chesapeake Bay Exception for the construction of a patio and walkway on property located at 4376 Landfall Drive, JCC Real Estate Tax Map Parcel No. 4732400035.

CBPA-24-0153: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Brian D. and Ms. Mary O. Knapp, has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 105 Murcar, JCC Real Estate Tax Map Parcel No. 3710800079.

CBPA-24-0160: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 136 Freshwater Bay, JCC Real Estate Tax Map Parcel No. 3131500024.

CBPA-24-0163: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Peter H. and Ms. Barbara B. Douglas, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling with deck on property located at 223 St. Cuthbert, JCC Real Estate Tax Map Parcel No. 3721000049.

CBPA-24-0152: Mr. Larry Stroup, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 223 Sherwood Forest, JCC Real Estate Tax Map Parcel No. 1730200011.

CBPA-24-0164: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Susan Anton, has applied for a Chesapeake Bay Exception for the construction of a deck on property located at 16 Whittakers Mill Road, JCC Real Estate Tax Map Parcel No. 5040300016.

CBPA-24-0165: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception for the construction of a patio and fire pit on property located at 141 Macaulay Road, JCC Real Estate Tax Map Parcel No. 5030200136.

CBPA-24-0169: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Darnel Covil and Ms. Hillary Brown, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 109 Brancaster, JCC Real Estate Tax Map Parcel No. 3810300033.



PUBLIC HEARING NOTICE

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 – November 27, 2024 and December 4, 2024

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0160. 136 Freshwater Bay
Staff Report for the December 11, 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: Walk Wright Construction, LLC

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

Location: 136 Freshwater Bay

Parcel Identification No.: 3131500024

Parcel: Lot 24, Section 33, Ford's Colony

Lot Size: 0.46 acres

Area of Lot in Resource Protection Area (RPA): 0.36 acres (78%)

Watershed: Powhatan Creek (JL31)

Floodplain: None

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

Impervious Cover: 4,354 square feet of new impervious impacts, landward 50-foot RPA
102 square feet of new impervious impacts, seaward 50-foot RPA
4,456 square feet total new impervious impacts to the RPA

RPA Encroachment: 7,991 square feet, landward 50-foot RPA
4,360 square feet, seaward 50-foot RPA
12,351 square feet total encroachment in the RPA

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 Walk Wright Construction, LLC, for encroachments into the RPA buffer for the construction of a single-family dwelling with an attached deck located at 136 Freshwater Bay within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3131500024. The parcel was platted in 2005, after the revisions to the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 0.46 acres, of which 78% is located within the RPA. The applicant is proposing to construct a single-family dwelling with an attached deck. Total impacts to the RPA associated with this proposal equate to 4,354 square feet within the 50-foot landward RPA, 102 square feet within the 50-foot seaward RPA, for a total 4,456 square feet of impacts to the RPA buffer. Required mitigation for this amount of impervious impacts equals 11 planting units (11 canopy trees, 22 understory trees, and 33

shrubs). The applicant has proposed a mitigation plan equaling 12 planting units (three canopy trees, seven understory trees, and 106 shrubs), thus exceeding the County's mitigation requirements.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a single-family dwelling with an attached deck. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction of a single-family dwelling with an attached deck within the RPA cannot be approved administratively.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity; and
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality; and
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances, either permitted or 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 submit a surety of \$6,000 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling 12 planting units (three canopy trees, seven understory trees, and 106 shrubs); and
3. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 2025, six weeks prior to the expiration date.

EG/ap

CBPA24-160_136FWBay

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-24-0160. 136 FRESHWATER BAY

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Walk Wright Construction, LLC (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 136 Freshwater Bay (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3131500024, as set forth in the application CBPA-24-0160 for the purpose of the construction of a single-family dwelling with an attached deck; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-24-0160, 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 \$6,000 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling 12 planting units (three canopy trees, seven understory trees, and 106 shrubs); and
3. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 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 11th day of December, 2024.

CBPA24-160_136FWBayApp-res

RESOLUTION

CASE NO. CBPA-24-0160. 136 FRESHWATER BAY

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

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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-24-0160.

Charles Roadley
Chair, Chesapeake Bay Board

Michael Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of December, 2024.

CBPA24-160_136FWBayDny-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 INST#080011618.
2. ELEVATIONS SHOWN HEREON ARE IN FEET AND ARE BASED ON AN ASSUMED DATUM.
3. WETLANDS ARE SHOWN PER INST.#050009649. AS DIRECTED BY MICHAEL WOOLSON AT JAMES CITY COUNTY THE NON RPA WETLANDS ARE NOW CONSIDERED AN RPA FEATURE. THUS THE RPA SHOWN ON THIS PLAT IS DIMENSIONED FROM THE WETLANDS AS SHOWN ON INST#050009649.
4. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
5. PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0116D, DATED DECEMBER 16, 2015. 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 RESIDENCE SHOWN BASED OFF OF PLANS PROVIDED BY CLIENT. ALL DIMENSIONS TO BE CONFIRMED BY CONTRACTOR PRIOR TO CONSTRUCTION.
11. CONTRACTOR TO INSTALL ORANGE SAFETY FENCE AROUND PERIMETER OF 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 1.5-STORY BRICK WITH WALKOUT BASEMENT
FIRST FLOOR S.F. IS 2,415 S.F.; MINIMUM REQUIRED IS 3,000 S.F. (VARIANCE REQUEST TO FORD'S COLONY REQUIRED)

SITE INFORMATION

PARCEL ID: 3131500024

TOTAL AREA: 20,171 S.F. / 0.46 AC.

DISTURBED AREA TOTAL: 16,146 S.F. / 0.37 AC.

DISTURBED WITHIN 50' RPA: 4,360 S.F. / 0.10 AC.

DISTURBED WITHIN 100' RPA: 7,991 S.F. / 0.18 AC.

IMPERVIOUS AREA TOTAL: 5,564 S.F. / 0.13 AC.

IMPERVIOUS WITHIN 50' RPA: 102 S.F. / 0.002 AC.

DECK: 15 S.F. / 0.000 AC.

IMPERVIOUS WITHIN 100' RPA: 4,354 S.F. / 0.0999 AC.

DECK: 374 S.F. / 0.008 AC.

IMPERVIOUS WITHIN RPA TOTAL: 4,456 S.F. SF. / 0.1023 AC.

ZONING DISTRICT: R4 - RESIDENTIAL PLANNED COMMUNITY

EXISTING SITE IS PARTLY WOODED AS SHOWN

BUILDING SETBACK (SBL)

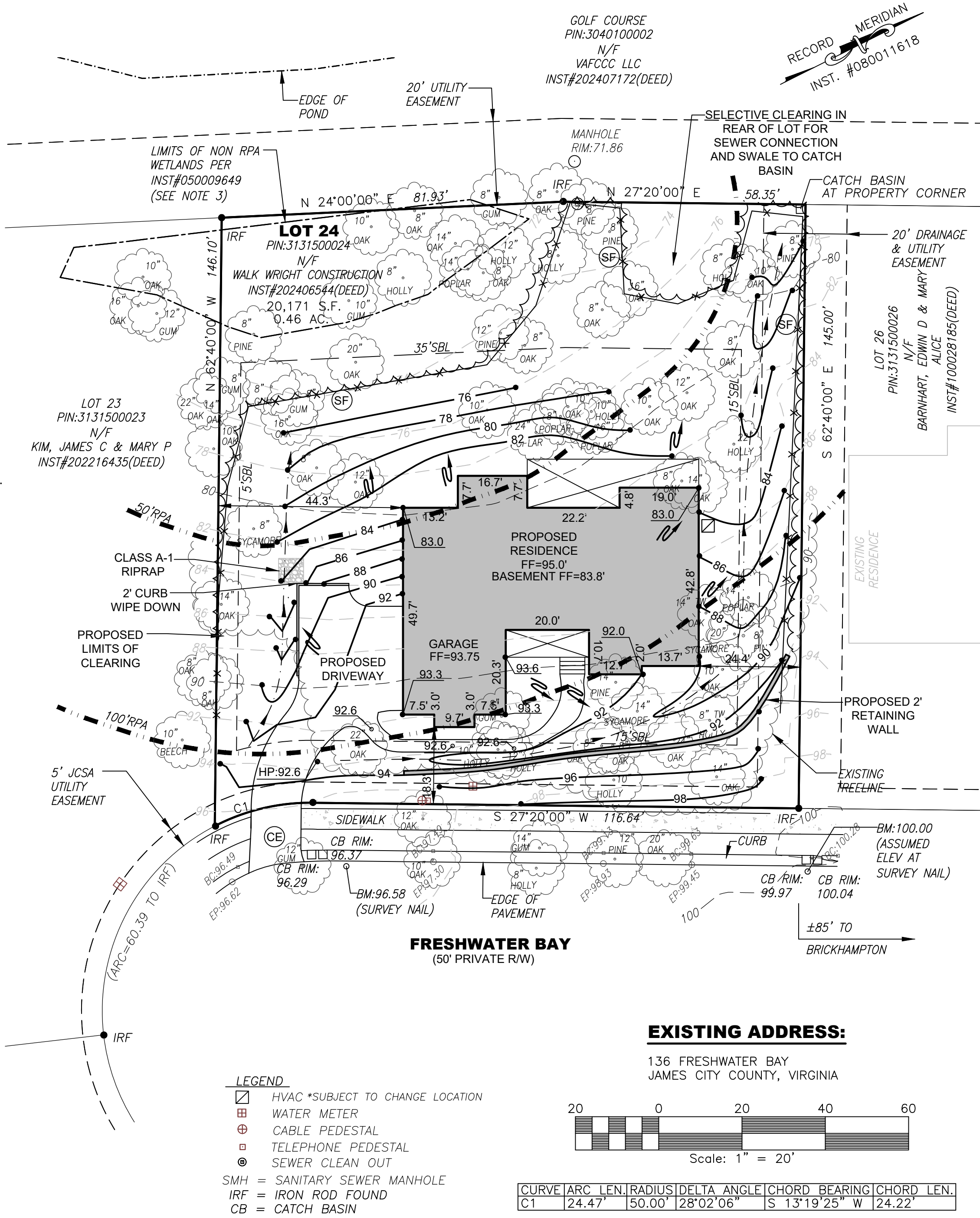
SHOWN PER INST#050009649

*TO BE CONFIRMED BY FORD'S COLONY ARC

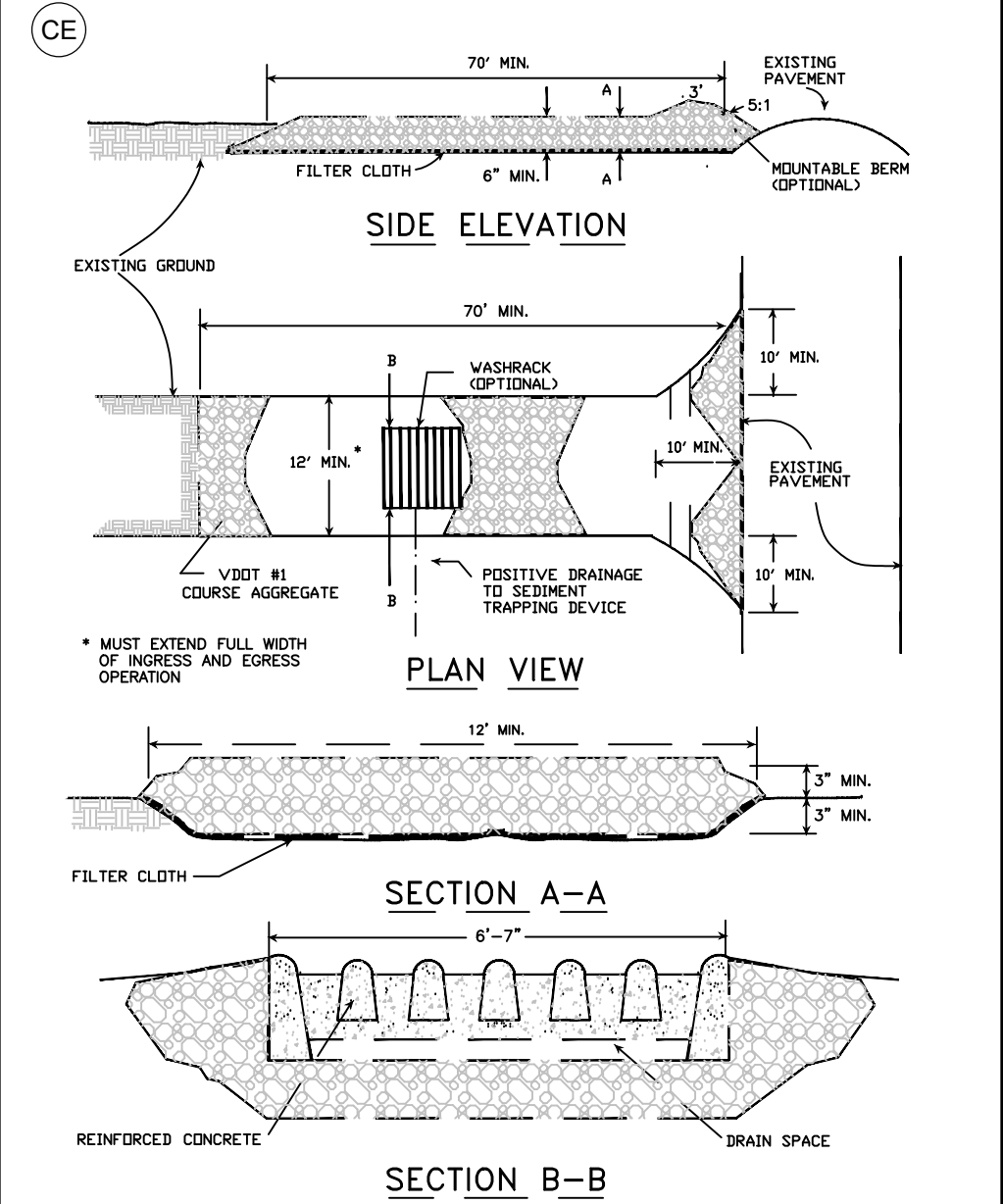
FRONT: 15'

REAR: 35'

SIDE: 5' / 15'

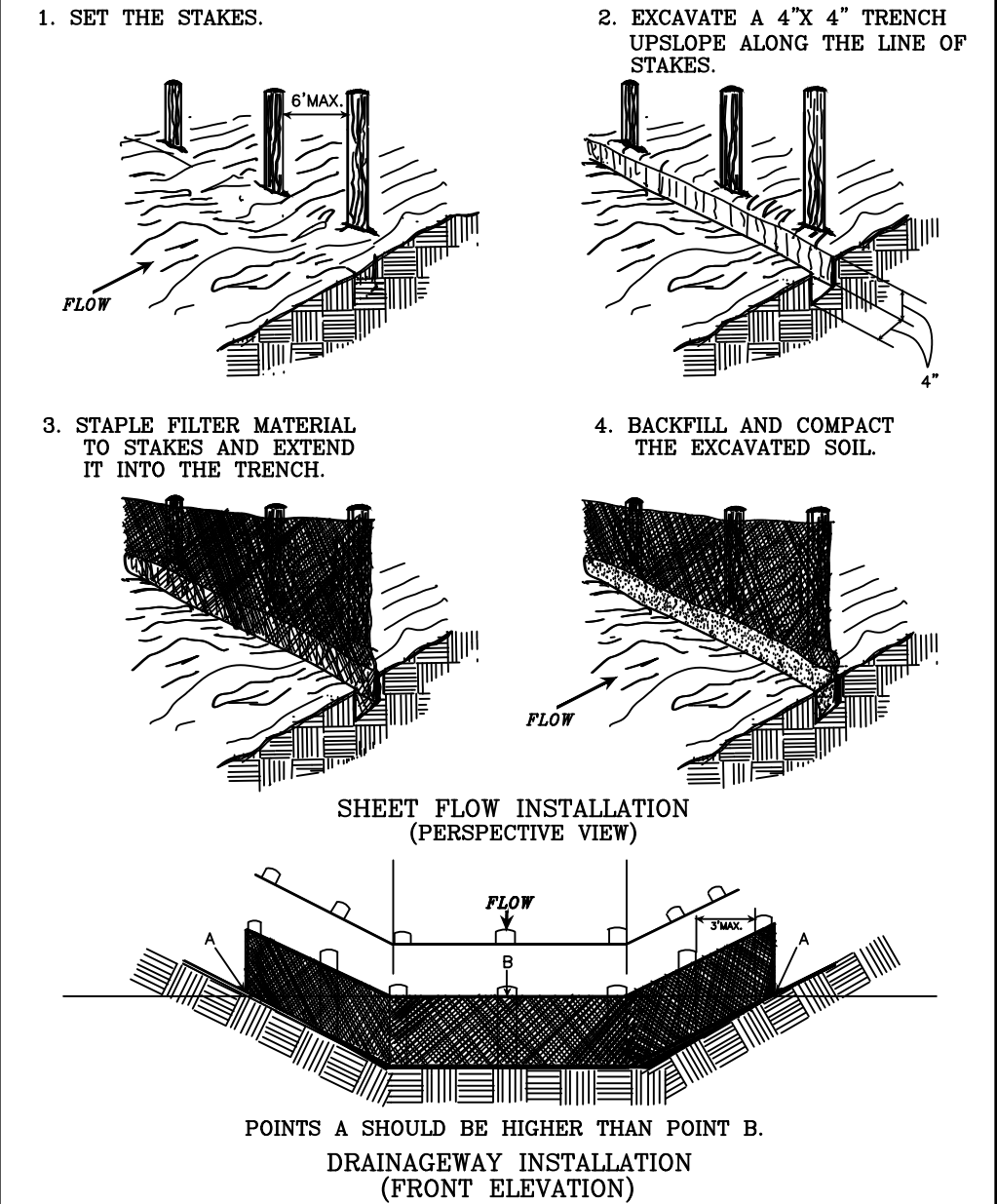


STONE CONSTRUCTION ENTRANCE

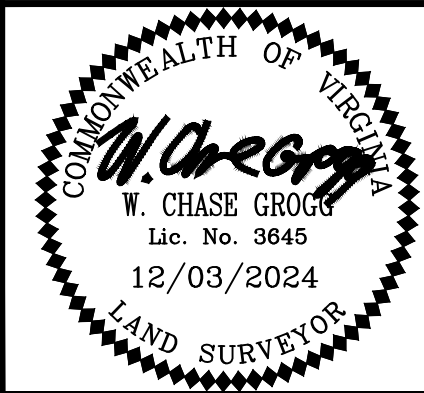


SOURCE: ADAPTED FROM 1983 Maryland Standards for Soil Erosion and Sediment Control, and Va. DSWC

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



DATE: 10/29/2024
DRAWN BY: AEQ
PROJECT No. 24-173
FILE NAME: 24-173.DWG

REFERENCES:
INST#080011618
INST#050009649

PLOT PLAN OF
LOT 24 SECTION XXXIII
FORD'S COLONY
FOR
WALK WRIGHT CONSTRUCTION

JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
3	12/03/2024	REVISED PER COUNTY COMMENTS
2	12/02/2024	REVISED PER COUNTY COMMENTS
1	10-30-2024	SHIFTED POSITION OF HOUSE

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

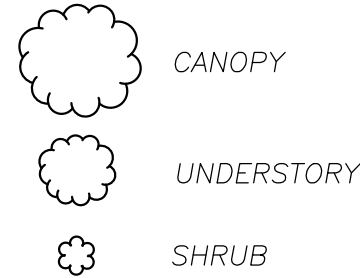
EXISTING ADDRESS:

136 FRESHWATER BAY
JAMES CITY COUNTY, VIRGINIA

SITE INFORMATION

PARCEL ID: 3131500024
TOTAL AREA: 20,171 S.F. / 0.46 AC.
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DISTURBED WITHIN 50' RPA: 4,360 S.F. / 0.10 AC.
DISTURBED WITHIN 100' RPA: 7,991 S.F. / 0.18 AC.
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IMPERVIOUS WITHIN RPA TOTAL: 4,456 S.F. SF. / 0.1023 AC.
ZONING DISTRICT: R4 – RESIDENTIAL PLANNED COMMUNITY
EXISTING SITE IS PARTLY WOODED AS SHOWN

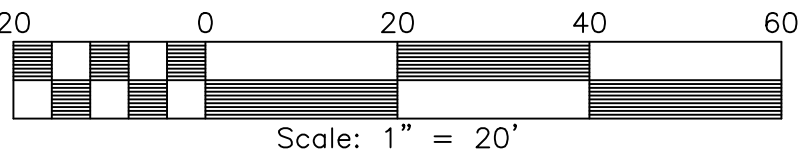
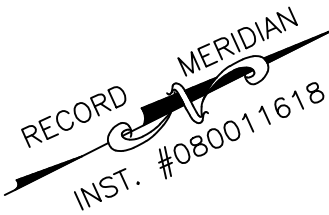
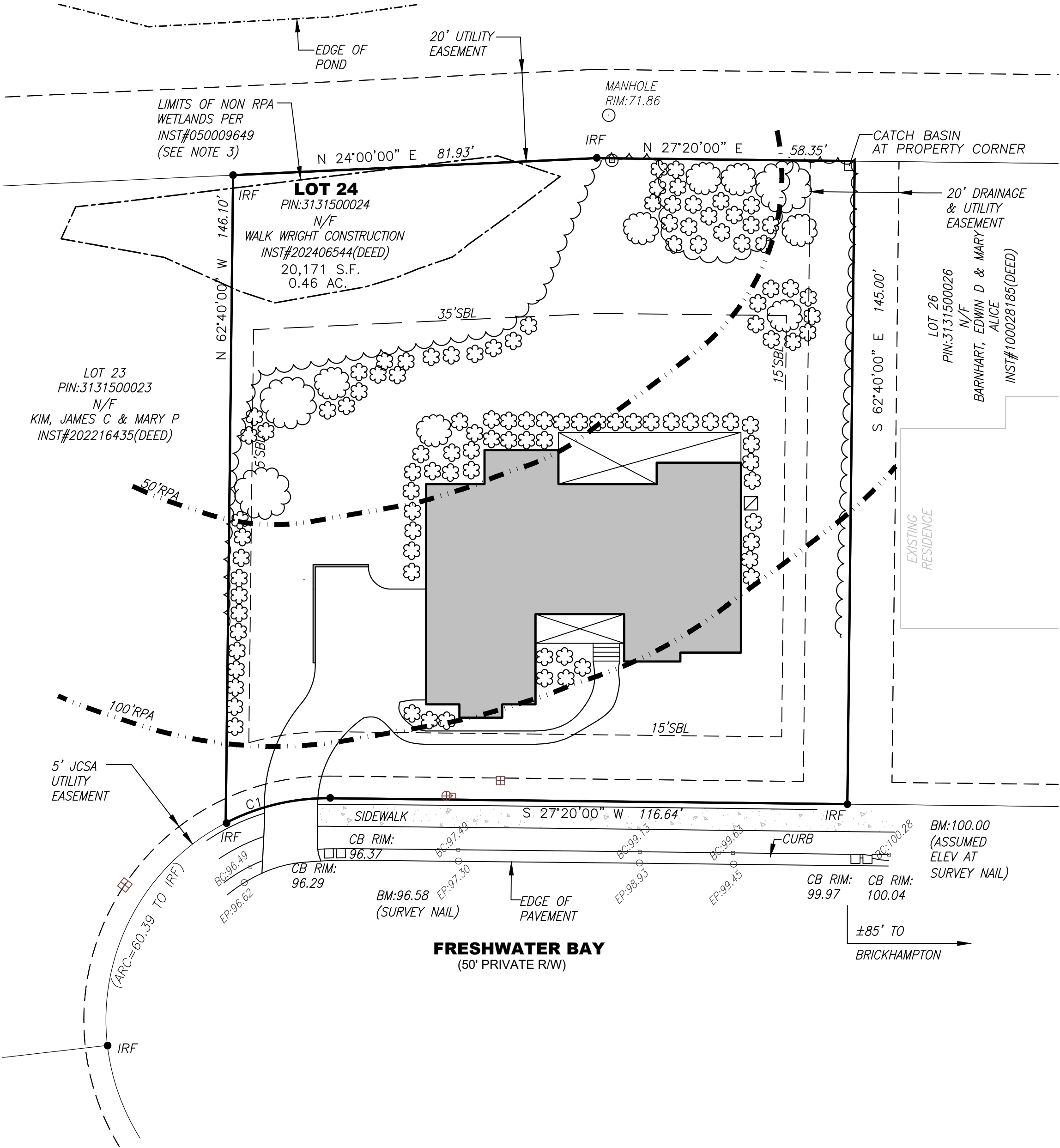
MITIGATION LEGEND



MITIGATION TABLE: 4,456 S.F. / 400 S.F. = 11.14 CREDITS

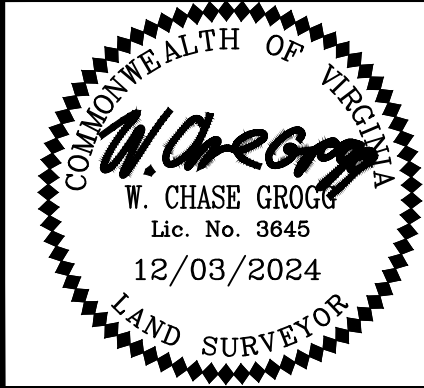
MITIGATION MEASURE	QTY.(NEEDED)	QTY. SHOWN
NATIVE CANOPY TREES	12	3
NATIVE UNDERSTORY TREES	24	7
NATIVE SHRUBS	36	106

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



CURVE	ARC LEN.	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LEN.
C1	24.47'	50.00'	28°02'06"	S 13°19'25" W	24.22'

SHEET 2 OF 2 - MITIGATION PLAN



DATE: 10/29/2024
DRAWN BY: AEQ
PROJECT No. 24-173
FILE NAME: 24-173.DWG
REFERENCES:
INST#080011618
INST#050009649

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LOT 24 SECTION XXXIII
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jamescitycountyva.gov

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757-259-4080

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

ACHENBACH, ROBERT E & RITA M
212 BRICKHAMPTON
WILLIAMSBURG, VA 23188-7590

RE: CBPA-24-0160
136 Freshwater Bay
Construction of a single-family
dwelling

November 21, 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 Walk Wright Construction, for encroachments into the Resource Protection Area buffer for the construction of a single-family dwelling. The project is located at 136 Freshwater Bay, JCC Tax Map Parcel No. 3131500024.

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, December 11, 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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BAIN, MICHAEL L TRUSTEE &
1318 N LOUISE STREET
GLENDALE, CA 91207-1322

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136 Freshwater Bay
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BARNHART, EDWIN D & MARY ALICE
128 FRESHWATER BAY
WILLIAMSBURG, VA 23188-6318

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136 Freshwater Bay
Construction of a single-family
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November 21, 2024

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Michael Woolson

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CHAGALIS, GEORGE P TRUSTEE &
220 BRICKHAMPTON
WILLIAMSBURG, VA 23188-7590

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136 Freshwater Bay
Construction of a single-family
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November 21, 2024

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DAHLBERG, JUSTIN E & BARBARA K
216 BRICKHAMPTON
WILLIAMSBURG, VA 23188-6318

RE: CBPA-24-0160
136 Freshwater Bay
Construction of a single-family
dwelling

November 21, 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 Walk Wright Construction, for encroachments into the Resource Protection Area buffer for the construction of a single-family dwelling. The project is located at 136 Freshwater Bay, JCC Tax Map Parcel No. 3131500024.

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, December 11, 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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Solid Waste
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757-565-0971

DAVIDOVICH, ROBERT TRUSTEE &
208 BRICKHAMPTON
WILLIAMSBURG, VA 23188-6318

RE: CBPA-24-0160
136 Freshwater Bay
Construction of a single-family
dwelling

November 21, 2024

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HILL, JAMES E TRUSTEE &
201 BRICKHAMPTON
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HUNTER, CHARLES G JR & LYNN C
170 HIGHLAND
WILLIAMSBURG, VA 23188-7467

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204 BRICKHAMPTON
WILLIAMSBURG, VA 23188-6318

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KIM, JAMES C & MARY P
2369 LONGSPUR DR
ALEDO, TX 76008-2006

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Mr. Chase Grogg
LandTech Resources, Inc.
205-E Bulifants Blvd
Williamsburg, VA 23188

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OSBORNE, JAMES L & DEBRA D
120 FRESHWATER BAY
WILLIAMSBURG, VA 23185-6318

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VAFCCC LLC
240 FORDS COLONY DR
WILLIAMSBURG, VA 23188-6412

RE: CBPA-24-0160
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Construction of a single-family
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WALK WRIGHT CONSTRUCTION LLC
162 DEVON RD
WILLIAMSBURG, VA 23188-1560

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Adjacent Property Owner Mailing List for Case Number: CBPA-24-0160

PIN	Last Name	Address Line 1	City	State	Zip Code
3131500019	ACHENBACH, ROBERT E & RITA M	212 BRICKHAMPTON	WILLIAMSBURG	VA	23188-7590
3131500027	BAIN, MICHAEL L TRUSTEE &	1318 N LOUISE STREET	GLENDALE	CA	91207-1322
3131500026	BARNHART, EDWIN D & MARY ALICE	128 FRESHWATER BAY	WILLIAMSBURG	VA	23188-6318
3131500017	CHAGALIS, GEORGE P TRUSTEE &	220 BRICKHAMPTON	WILLIAMSBURG	VA	23188-7590
3131500018	DAHLBERG, JUSTIN E & BARBARA K	216 BRICKHAMPTON	WILLIAMSBURG	VA	23188-6318
3131500020	DAVIDOVICH, ROBERT TRUSTEE &	208 BRICKHAMPTON	WILLIAMSBURG	VA	23188-6318
3131500045	HILL, JAMES E TRUSTEE &	201 BRICKHAMPTON	WILLIAMSBURG	VA	23188-6318
3131500022	HUNTER, CHARLES G JR & LYNN C	170 HIGHLAND	WILLIAMSBURG	VA	23188-7467
3131500021	HYLINSKI, THOMAS E & ELEANOR S	204 BRICKHAMPTON	WILLIAMSBURG	VA	23188-6318
3131500023	KIM, JAMES C & MARY P	2369 LONGSPUR DR	ALEDO	TX	76008-2006
	Mr. Chase Grogg LandTech Resources, Inc.	205-E Bulifants Blvd	Williamsburg	VA	23188
3131500028	OSBORNE, JAMES L & DEBRA D	120 FRESHWATER BAY	WILLIAMSBURG	VA	23185-6318
3040100002	VAFCCC LLC	240 FORDS COLONY DR	WILLIAMSBURG	VA	23188-6412
3131500024	WALK WRIGHT CONSTRUCTION LLC	162 DEVON RD	WILLIAMSBURG	VA	23188-1560



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, DECEMBER 11, 2024, AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0108: Mr. Ahmed Hassan, on behalf of Mr. Kenneth Brown, has applied for a Chesapeake Bay Exception for the construction of a deck, pool and out-building on property located at 112 Lands End Drive, JCC Real Estate Tax Map Parcel No. 4730500067.

CBPA-24-0122: Mr. Lance Frost, Country Village MHP, on behalf of Darel Crumpler, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 19 Windjammer Court, JCC Real Estate Tax Map Parcel No. 5920100001.

CBPA-24-0128: Mr. Gregory Griffin and Ms. Karin Rhodes, have applied for a Chesapeake Bay Exception for the construction of a patio and walkway on property located at 4376 Landfall Drive, JCC Real Estate Tax Map Parcel No. 4732400035.

CBPA-24-0153: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Brian D. and Ms. Mary O. Knapp, has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 105 Murcar, JCC Real Estate Tax Map Parcel No. 3710800079.

CBPA-24-0160: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 136 Freshwater Bay, JCC Real Estate Tax Map Parcel No. 3131500024.

CBPA-24-0163: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Peter H. and Ms. Barbara B. Douglas, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling with deck on property located at 223 St. Cuthbert, JCC Real Estate Tax Map Parcel No. 3721000049.

CBPA-24-0152: Mr. Larry Stroup, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 223 Sherwood Forest, JCC Real Estate Tax Map Parcel No. 1730200011.

CBPA-24-0164: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Susan Anton, has applied for a Chesapeake Bay Exception for the construction of a deck on property located at 16 Whittakers Mill Road, JCC Real Estate Tax Map Parcel No. 5040300016.

CBPA-24-0165: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception for the construction of a patio and fire pit on property located at 141 Macaulay Road, JCC Real Estate Tax Map Parcel No. 5030200136.

CBPA-24-0169: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Darnel Covil and Ms. Hillary Brown, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 109 Brancaster, JCC Real Estate Tax Map Parcel No. 3810300033.



PUBLIC HEARING NOTICE

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 – November 27, 2024 and December 4, 2024

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0153. 105 Murcar
Staff Report for the December 11, 2024, Chesapeake Bay Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicants: Mr. Brian D. and Ms. Mary O. Knapp

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

Location: 105 Murcar

Parcel Identification No.: 3710800079

Parcel: Lot 79, Section 31, Ford's Colony

Lot Size: 0.46 acres

Area of Lot in Resource
Protection Area (RPA): 0.28 acres (61%)

Watershed: College Creek (JL34)

Floodplain: None

Proposed Activity: Construction of a deck

Impervious Cover: 80 square feet for the deck (legislative)
2,060 square feet for the residence (administrative approval only)

RPA Encroachment: 80 square feet, landward 50-foot RPA

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. Brian D. and Ms. Mary O. Knapp for encroachments into the RPA buffer for the construction of a deck located at 105 Murcar within the Ford's Colony subdivision and the College Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3710800079. The parcel was platted in 1999, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.46 acres, of which 61% is located within the RPA. The applicants are proposing to construct a deck at the rear of the proposed home. Total impacts to the RPA associated with this proposal equate to 80 square feet in the 50-foot landward RPA buffer. Required mitigation for this amount of impervious impacts equals half a planting unit for the proposed deck. The applicants have provided a mitigation plan equaling five and a half planting units (two canopy trees, six understory trees, and 36 shrubs); therefore, satisfying County mitigation requirements for both the home and deck.

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 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 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 \$4,125 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling five and a half planting units (two canopy trees, six understory trees, and 36 shrubs); and
3. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 2025, six weeks prior to the expiration date.

EG/ap
CBPA24-153_105Murcar

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-24-0153. 105 MURCAR

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Brian D. and Ms. Mary O. Knapp (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 105 Murcar (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3710800079, as set forth in the application CBPA-24-0153 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-24-0153, 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 \$4,125 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling five and a half planting units (two canopy trees, six understory trees, and 36 shrubs); and
3. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 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 11th day of December, 2024.

CBPA24-153_105MurcarApp-res

RESOLUTION

CASE NO. CBPA-24-0153. 105 MURCAR

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Brian D. and Ms. Mary O. Knapp (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 105 Murcar (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3710800079, as set forth in the application CBPA-24-0153 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-24-0153.

Charles Roadley
Chair, Chesapeake Bay Board

Michael Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of December, 2024.

CBPA24-153_105MurcarDny-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. 76, PG. 87-89
2. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
3. PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0116D, DATED DECEMBER 16, 2015.
4. LOT SERVED BY PUBLIC WATER AND SEWER. CONTRACTOR TO COORDINATE WITH JCSA SEWER AND WATER CONNECTION PRIOR TO CONSTRUCTION.
- WATER METER AND CLEANOUT NOT FOUND AT TIME OF SURVEY.**
5. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
6. ELEVATION AS SHOWN HEREON ARE IN FEET AND ARE CLOSELY RELATED TO JCC GIS (NAVD88).
7. DIMENSIONS SHOWN HEREON ARE TO THE FRAMELINE OF THE BUILDING.

NOTE TO CONTRACTOR

1. ALL DISTURBED AREAS ARE TO BE SEEDED, SODDED, OR MULCHED WITHIN 7 DAYS OF REACHING FINAL GRADE.
2. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING "MISS UTILITY" @ 1-800-552-7001 72 HOURS PRIOR TO CONSTRUCTION.
3. THE CONTRACTOR SHALL REPORT ANY ERRORS, OMISSIONS, CONFLICTS, OR DISCREPANCIES TO THE DEVELOPER FOR RESOLUTION BEFORE CONTINUING WITH THE WORK.
4. EROSIONS AND SEDIMENT CONTROL SHALL CONFORM TO THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE TO UTILITIES, PUBLIC OR PRIVATE, THAT MAY OCCUR AS A RESULT OF CONSTRUCTION ACTIVITIES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING WITH MATCHING MATERIALS, ANY PAVEMENT, DRIVEWAYS, SHOULDERS, WALKS, LAWNS, SHRUBS, DITCHES, ETC. THAT MAY BE CUT OR DAMAGED DURING OR AS A RESULT OF CONSTRUCTION ACTIVITIES.
7. CONTRACTOR IS RESPONSIBLE FOR INSTALLING ORANGE SAFETY FENCE AROUND LIMITS OF CONSTRUCTION
8. CONTRACTOR SHALL DETERMINE EXACT FINISHED FLOOR ELEVATION.

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 SETBACKS

FRONT SETBACK: 30'
REAR SETBACK: 25' OR 25% OF LOT DEPTH, WHICHEVER IS GREATER
SIDE SETBACK: 10'

NOTES

1. HOUSE DIMENSIONS SHOWN BASE ON INFORMATION PROVIDED BY OWNER. BUILDER SHALL VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
2. ALL TREES LARGER THAN 3" IN DIAMETER AND OUTSIDE THE LIMITS OF CLEARING SHOWN MAY NOT BE REMOVED WITHOUT THE CONSENT OF FORD'S COLONY OR ITS ASSIGNS.
3. IN THE EVENT THE ARCHITECTURAL REVIEW COMMITTEE (ARC) SHALL DETERMINE THAT APPLICATION OF THE AFORESAID SETBACKS TO A PARTICULAR LOT WOULD UNREASONABLY LIMIT THE USE THEREOF BY THE OWNER AND EFFECTIVELY DEPRIVE HIM/HER OF AN APPROPRIATE CONSTRUCTION SITE, THE ARC SHALL GRANT A VARIANCE TO THE OWNER OF SAID LOT FROM THE PROVISIONS OF THESE SETBACK REQUIREMENTS.

BUILDING INFORMATION

PROPOSED RESIDENCE IS 1-STORY FRAME WITH BASEMENT
PROPOSED GARAGE IS 2-BAY COURT LOADING
FIRST FLOOR SQUARE FOOT IS 1,654; MIN. REQ. IS 1,500 S.F.

SITE INFORMATION

TOTAL AREA: 19,303 S.F. / 0.455 AC.
DISTURBED AREA: 11,878 S.F. / 0.27 AC.
TOTAL IMPERVIOUS: 3,980 S.F. / 0.09 AC.
IMPERVIOUS WITHIN 100' RPA : 2,140 S.F. / 0.05 AC.
SCREEN PORCH: 200 S.F. / 0.005 AC.
DECK : 80 S.F. / 0.002 AC.

PARCEL ID: 3710800079
ZONING DISTRICT: R4-RESIDENTIAL PLANNED COMMUNITY
PROPERTY IS LOCATED IN A RMA AND RPA
EXISTING SITE IS WOODED AS SHOWN

SURVEYORS CERTIFICATION

THIS DRAWING REPRESENTS AN ACTUAL FIELD SURVEY. ALL THE INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. LANDTECH RESOURCES, INC. HAS BEEN RETAINED AND PAID TO STAKE, AS A MINIMUM, THE BUILDING ENVELOPE & ANY DETACHED ACCESSORY STRUCTURE.

W. Chase Grogg
W. CHASE GROGG, L.S.

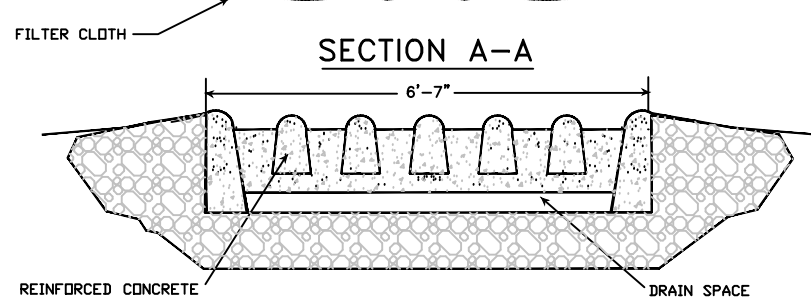
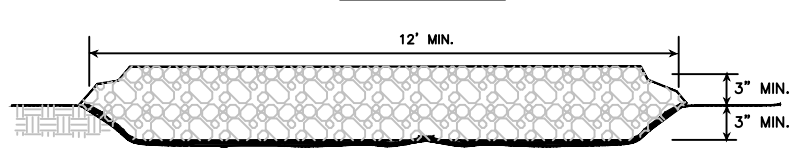
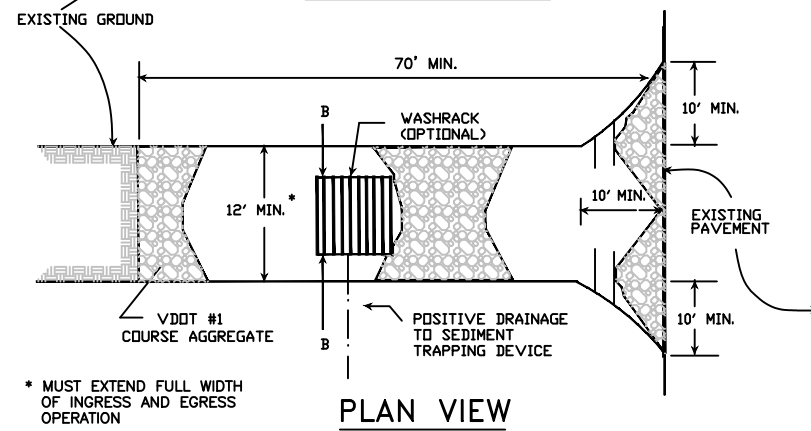
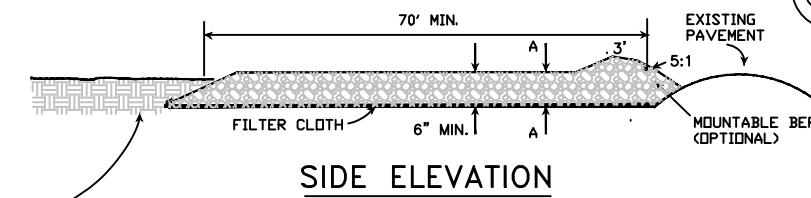
10/24/2024
DATE

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

BEFORE CLEARING MARK TREES TO BE PRESERVED WITH PLASTIC TAPE TO BE REVIEWED AND APPROVED WITH THE ARC INSPECTOR. ()

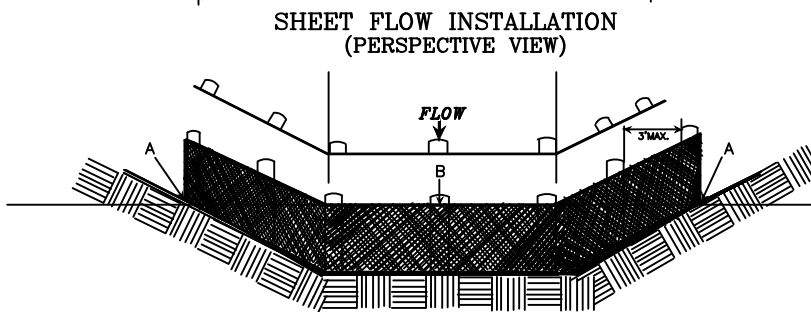
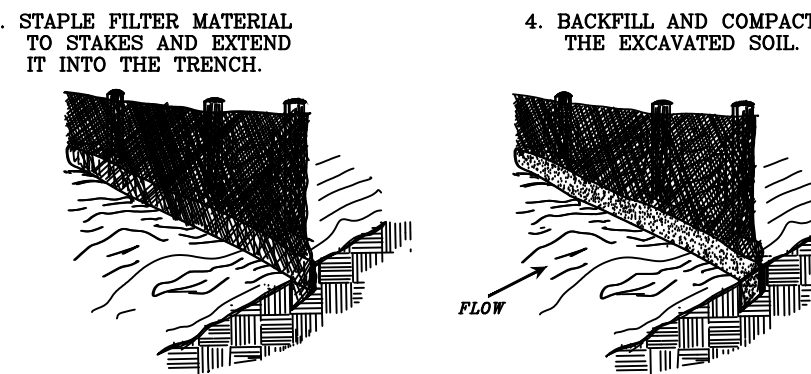
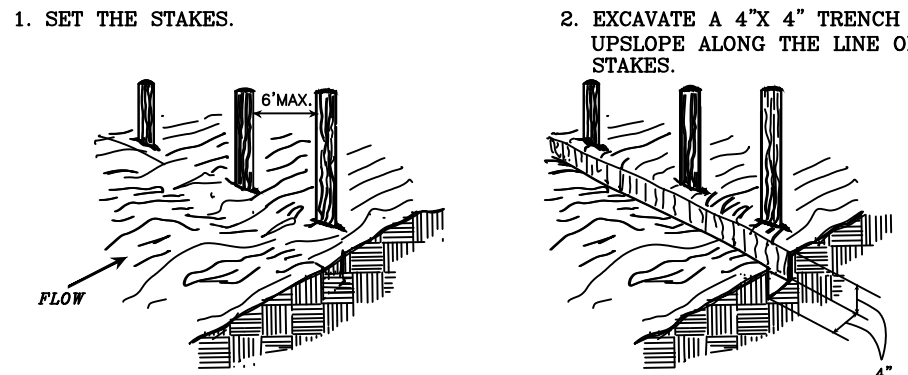
CURB & GUTTER SECTIONS WILL REQUIRE (2) SCHEDULE 40-4" CONDUITS PLACED 3' BELOW GRADE, OR AS LOW AS POSSIBLE TO NOT CONFLICT WITH OTHER UTILITIES, DIRECTLY BEHIND THE CURB FOR FUTURE WIRES.
SECTIONS: 3B, 8A, 8B, 10, 12, 13A, 13B, 14A, 14B, 15, 17, 18, 30, 31 & 32
DATE: _____ SIGNED: _____

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)

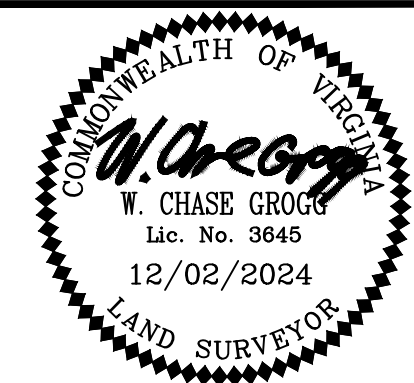


SOURCE: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, VA. DSWC Sherwood and Wyant

EXISTING ADDRESS:

105 MURCAR
JAMES CITY COUNTY, VIRGINIA

SHEET 1 OF 2 - SITE PLAN



DATE: 03/20/2024
DRAWN BY: MG
PROJECT No. 23-198
FILE NAME: 23-198.DWG
REFERENCES:
P.B. 76, PG. 87-89

PLOT PLAN OF
LOT 79, SECTION XXXI
FORD'S COLONY
FOR
BRIAN AND MARY KNAPP

JAMES CITY COUNTY

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
4	12/02/2024	ADDED MITIGATION PAGE
3	11/27/2024	REVISED TO REFLECT FIRST FLOOR S.F.
2	10/28/2024	REVISED TO ADD CURB ALONG EDGE OF DRIVEWAY
1	10/24/2024	REVISED TO REFLECT FINAL HOUSE

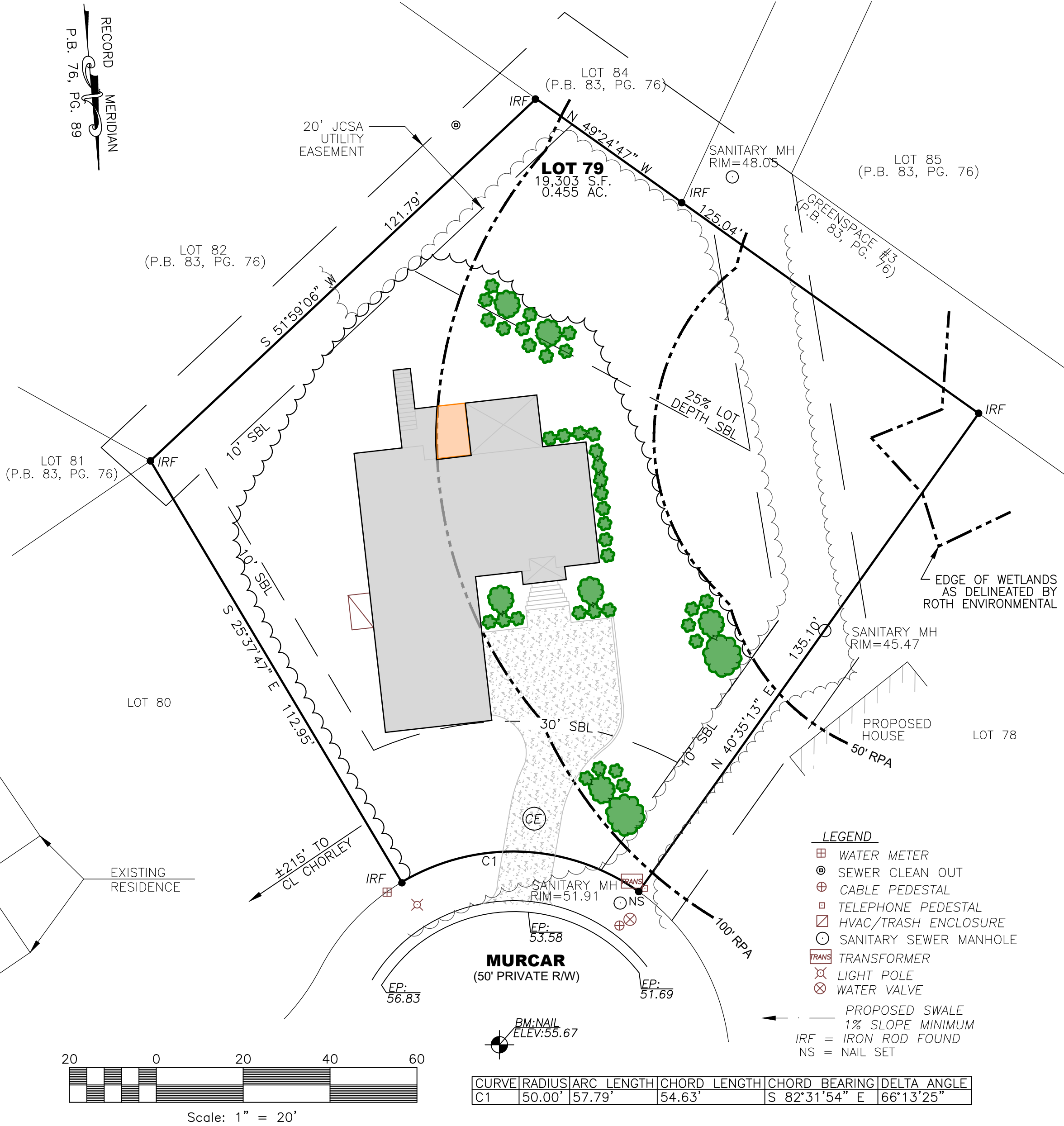


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DISTURBED AREA: 11,878 S.F. / 0.27 AC.
TOTAL IMPERVIOUS: 3,980 S.F. / 0.09 AC.
IMPERVIOUS WITHIN 100' RPA : 2,140 S.F. / 0.05 AC.
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PARCEL ID: 3710800079
ZONING DISTRICT: R4--RESIDENTIAL PLANNED COMMUNITY
PROPERTY IS LOCATED IN A RMA AND RPA
EXISTING SITE IS WOODED AS SHOWN

EXISTING ADDRESS:

105 MURCAR
JAMES CITY COUNTY, VIRGINIA



MITIGATION LEGEND

- SHRUB
- UNDERSTORY TREE
- CANOPY TREE

MITIGATION TABLE: 2,140 S.F. / 400 S.F. = 5.35 CREDITS

MITIGATION MEASURE	QTY.(NEEDED)	QTY.(SHOWN)
NATIVE CANOPY TREES	6	2
NATIVE UNDERSTORY TREES	12	6
NATIVE SHRUBS	18	36

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

SHEET 2 OF 2 - MITIGATION



DATE: 03/20/2024
DRAWN BY: MG
PROJECT No. 23-198
FILE NAME: 23-198.DWG
REFERENCES:
P.B. 76, PG. 87-89

PLOT PLAN OF
LOT 79, SECTION XXXI
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Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

BAILEY, BRUCE E TRUSTEE &
204 MONIFIETH
WILLIAMSBURG, VA 23188-8947

RE: CBPA-24-0153
105 Murcar
Construction of an attached deck

November 21, 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. Brian D. and Ms. Mary O. Knapp, for encroachments into the Resource Protection Area buffer for the construction of an attached deck. The project is located at 105 Murcar, JCC Tax Map Parcel No. 3710800079.

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, December 11, 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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GODWIN, GENO R & JUDITH
100 BLUFFS CIR
WILLIAMSBURG, VA 23185-6327

RE: CBPA-24-0153
105 Murcar
Construction of an attached deck

November 21, 2024

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HUTCHISON, DONALD C & TYLER, SHAUNA M
100 MURCAR
WILLIAMSBURG, VA 23188-8951

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November 21, 2024

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KNAPP, BRIAN D & MARY O
3454 BARRISTERS KEEPE CIR
FAIRFAX, VA 22031-4714

RE: CBPA-24-0153
105 Murcar
Construction of an attached deck

November 21, 2024

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LOCKARD, JAMES P & FRANCES R
104 MURCAR
WILLIAMSBURG, VA 23188-8951

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Mr. Chase Grogg
LandTech Resources, Inc.
205-E Bulifants Blvd
Williamsburg, VA 23188

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OMEGA DEVELOPMENT LLC
25 YEARDLEYS GRANT
WILLIAMSBURG, VA 23185-6529

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November 21, 2024

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SCHUSTER, MINDY GAILE & DAVID S
176 WESTERN GAILES
WILLIAMSBURG, VA 23188-8929

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Michael.Woolson@jamescitycountyva.gov



General Services
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Williamsburg, VA 23188
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Capital Projects
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**Stormwater and
Resource Protection**
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Facilities & Grounds
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Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

TROY, PATRICK R & CABELL S
180 WESTERN GAILES
WILLIAMSBURG, VA 23188-8929

RE: CBPA-24-0153
105 Murcar
Construction of an attached deck

November 21, 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. Brian D. and Ms. Mary O. Knapp, for encroachments into the Resource Protection Area buffer for the construction of an attached deck. The project is located at 105 Murcar, JCC Tax Map Parcel No. 3710800079.

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, December 11, 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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757-565-0971

WEBSTER, JAMES M & MARY S
205 CHORLEY
WILLIAMSBURG, VA 23188-8933

RE: CBPA-24-0153
105 Murcar
Construction of an attached deck

November 21, 2024

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Michael Woolson

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

Adjacent Property Owner Mailing List for Case Number: CBPA-24-0153

PIN	Last Name	Address Line 1	City	State	Zip Code
3710800084	BAILEY, BRUCE E TRUSTEE &	204 MONIFIETH	WILLIAMSBURG	VA	23188-8947
3710800078	GODWIN, GENO R & JUDITH	100 BLUFFS CIR	WILLIAMSBURG	VA	23185-6327
3710800075	HUTCHISON, DONALD C & TYLER, SHAUNA M	100 MURCAR	WILLIAMSBURG	VA	23188-8951
3710800079	KNAPP, BRIAN D & MARY O	3454 BARRISTERS KEEPE CIP	FAIRFAX	VA	22031-4714
3710800076	LOCKARD, JAMES P & FRANCES R	104 MURCAR	WILLIAMSBURG	VA	23188-8951
	Mr. Chase Grogg LandTech Resources, Inc.	205-E Bulifants Blvd	Williamsburg	VA	23188
3710800085	OMEGA DEVELOPMENT LLC	25 YEARDLEYS GRANT	WILLIAMSBURG	VA	23185-6529
3710800081	SCHUSTER, MINDY GAILE & DAVID S	176 WESTERN GAILES	WILLIAMSBURG	VA	23188-8929
3710800082	TROY, PATRICK R & CABELL S	180 WESTERN GAILES	WILLIAMSBURG	VA	23188-8929
3710800080	WEBSTER, JAMES M & MARY S	205 CHORLEY	WILLIAMSBURG	VA	23188-8933



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, DECEMBER 11, 2024, AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0108: Mr. Ahmed Hassan, on behalf of Mr. Kenneth Brown, has applied for a Chesapeake Bay Exception for the construction of a deck, pool and out-building on property located at 112 Lands End Drive, JCC Real Estate Tax Map Parcel No. 4730500067.

CBPA-24-0122: Mr. Lance Frost, Country Village MHP, on behalf of Darel Crumpler, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 19 Windjammer Court, JCC Real Estate Tax Map Parcel No. 5920100001.

CBPA-24-0128: Mr. Gregory Griffin and Ms. Karin Rhodes, have applied for a Chesapeake Bay Exception for the construction of a patio and walkway on property located at 4376 Landfall Drive, JCC Real Estate Tax Map Parcel No. 4732400035.

CBPA-24-0153: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Brian D. and Ms. Mary O. Knapp, has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 105 Murcar, JCC Real Estate Tax Map Parcel No. 3710800079.

CBPA-24-0160: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 136 Freshwater Bay, JCC Real Estate Tax Map Parcel No. 3131500024.

CBPA-24-0163: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Peter H. and Ms. Barbara B. Douglas, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling with deck on property located at 223 St. Cuthbert, JCC Real Estate Tax Map Parcel No. 3721000049.

CBPA-24-0152: Mr. Larry Stroup, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 223 Sherwood Forest, JCC Real Estate Tax Map Parcel No. 1730200011.

CBPA-24-0164: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Susan Anton, has applied for a Chesapeake Bay Exception for the construction of a deck on property located at 16 Whittakers Mill Road, JCC Real Estate Tax Map Parcel No. 5040300016.

CBPA-24-0165: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception for the construction of a patio and fire pit on property located at 141 Macaulay Road, JCC Real Estate Tax Map Parcel No. 5030200136.

CBPA-24-0169: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Darnel Covil and Ms. Hillary Brown, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 109 Brancaster, JCC Real Estate Tax Map Parcel No. 3810300033.



PUBLIC HEARING NOTICE

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 – November 27, 2024 and December 4, 2024

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0128. 4376 Landfall Drive
Staff Report for the December 11, 2024, Chesapeake Bay Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicants: Mr. Gregory Griffin and Ms. Karin Rhodes

Agent: None

Location: 4376 Landfall Drive

Parcel Identification No.: 4732400035

Parcel: Lot 35, Phase 4, Landfall at Jamestown

Lot Size: 0.93 acres

Area of Lot in Resource Protection Area (RPA): 0.50 acres (54%)

Watershed: Powhatan Creek (JL31)

Floodplain: None

Proposed Activity: Construction of a patio and walkway

Impervious Cover: 395 square feet, new impervious cover in RPA

RPA Encroachment: 395 square feet, impacts to the landward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Gregory Griffin and Ms. Karin Rhodes have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a patio and walkway located at 4376 Landfall Drive within the Landfall subdivision and the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4732400035. 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 0.93 acres, of which 54% is located within the RPA. The applicants are proposing to construct a patio and walkway. Total impacts to the RPA associated with this proposal equate to a total 395 square feet within the 50-foot landward RPA. Required mitigation for this amount of impervious impacts equals one planting unit (one canopy tree, two understory trees, and three shrubs). The applicants will be required to submit a mitigation plan equaling one planting unit (one canopy tree, two understory trees, and three shrubs) as a condition of approval. The applicants will be required to record a Deed of Exchange for Natural Open Space at the Williamsburg/James City County Courthouse prior to the start of construction.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a patio and walkway. 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 patio and walkway in the RPA is considered accessory in nature.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

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

STAFF RECOMMENDATIONS

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

1. The Applicants must obtain all other necessary federal, state, and local permits as required for the project; and
2. The Applicants must submit a surety of \$1,000 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling one planting unit (one canopy tree, two understory trees, and three shrubs); and
3. The Applicants must submit a mitigation plan equaling one planting unit (one canopy tree, two understory trees, and three shrubs); and
4. The Applicants must record a Deed of Exchange for Natural Open Space at the Williamsburg/James City County Courthouse prior to the start of construction; and
5. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 2025, six weeks prior to the expiration date.

EG/ap

CBPA24-128_4376Lndfll

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-24-0128. 4376 LANDFALL DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Gregory Griffin and Ms. Karin Rhodes (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 4376 Landfall Drive (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4732400035, as set forth in the application CBPA-24-0128 for the purpose of the construction of a patio and walkway; 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-24-0128, 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 \$1,000 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling one planting unit (one canopy tree, two understory trees, and three shrubs); and
3. The Applicants must submit a mitigation plan equaling one planting unit (one canopy tree, two understory trees, and three shrubs); and
4. The Applicants must record a Deed of Exchange for Natural Open Space at the Williamsburg/James City County Courthouse prior to the start of construction; and
5. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 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 11th day of December, 2024.

CBPA24-128_4376LndflApp-res

RESOLUTION

CASE NO. CBPA-24-0128. 4376 LANDFALL DRIVE

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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-24-0128.

Charles Roadley
Chair, Chesapeake Bay Board

Michael Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of December, 2024.

CBPA24-128_4376LndfllDny-res

NOTES

1. All circles and masses representing plants are indicative of plant's size after several years growth.
2. Mulch planting beds with a 2" layer of fine pine or hardwood mulch.
3. All plants and supplies are subject to owner and/or landscape architect's approval.
4. All debris caused by the job is to be removed to the satisfaction of the owner.
5. Dig a planting hole that's half the width of the root ball on each side. Planting holes receive organic matter (composted cow or horse manure, peat moss, composted pine bark, etc.). Mix with the soil to make a loose and rich planting medium. Be sure there is no hard pan below the root ball. Use permatil soil conditioner in the bottom of the planting hole and in the backfill around the plant roots to aid against vole damage and to help drainage.
6. Call Miss Utility 48 hours prior to any digging.
7. Fertilize all plantings with a slow-release fertilizer, preferably agriform planting tablets.
8. Stake the redbud and the Seiryu Japanese Maple.
9. In the back where the lawn is expanding into the woods, grade these areas to blend well with the existing lawn.
10. If there are more fountain grass transplants then are needed in the front, use them at the edge of the woods beside the February Gold Daffodil in the back.
11. Prepare the gravel areas receiving the 1-3" river rock with underlayment. Dig out these areas so the grade blends with the grade of the existing aggregate concrete splash bands.
12. Install Scotts Landscape fabric as a weed barrier. The homeowner has 3-150' x 3' rolls to use. Please supply any additional material needed. Provide all the stakes for securing it in place.
13. The steel edge is a bronze color.
14. The riverjack is installed dry. Install it into the ground 1-2".
15. The stepping stones are weatherface stone. Install them in the ground, so they can be mowed over and don't present any trip hazard. Install on a bed of compacted granite dust.
16. The patio is Belgard's Eco Dublin permeable paver/80mm in Chesapeake. Border it with a single line of Aqualine permeable paver/80mm in sable blend.
17. The steps are Belgard's Landscape Step in gray. Number of steps is to be determined in the field.
18. Path lights are to be chosen by the homeowner. Please consult designer, if needed.

PLANT LIST

CODE	SIZE	BOTANICAL NAME	COMMON NAME	COMMENT
A		Acer palmatum dissectum 'Crimson Queen'	Crimson Queen Japanese Maple	transplant
B		Acer palmatum 'Seiryu'	Seiryu Japanese Maple	transplant
C	2 1/4" POT	Ajuga reptans	Ajuga	12" o.c.
D		Ajuga reptans 'Burgundy Glow'	Burgundy Glow Bugleweed	transplants, 12" o.c.
E	1 Qt.	Aquilegia canadensis	Columbine	12" o.c.
F	3 Gal.	Aronia melanocarpa 'Low Scape'	Low Scape Aronia	3' o.c.
G		Buxus sp.	Boxwood	2 1/2 - 3' o.c., transplants
H	3 Gal.	Calliocalyx dichotoma 'Issai'	Issai Beauty Bush	3' o.c.
I	15 Gal.	Cercis canadensis	Eastern Redbud	straight trunk, full crown
J	3 Gal.	Clethra alnifolia 'Hummingbird'	Summersweet	3' o.c.
K		Cryptomeria japonica 'Globosa Nana'	Dwarf Japanese Cedar	6 transplants
L	Bulb	Daffodil 'Ceylon'	Ceylon Daffodil	6" o.c., Y&O, mid
M	Bulb	Daffodil 'February Gold'	February Gold Daffodil	6" o.c., Y, early
N	3 Gal.	Danae racemosa	Poet's Laurel	
O	1 Gal.	Dennstaedtia punctilobula	Hayscented Fern	18" o.c.
P	1 Gal.	Dryopteris erythrosora 'Brilliance'	Autumn Brilliance Fern	18" o.c.
Q	7 Gal.	Ilex crenata 'Chesapeake'	Chesapeake Japanese Holly	
R	7 Gal.	Ilex crenata compacta	Compact Japanese Holly	
S	5 Gal.	Ilex crenata 'Sky Pencil'	Sky Pencil Japanese Holly	2' o.c.
T	3 Gal.	Itea virginica 'Little Henry'	Little Henry Itea	3' o.c.
U		Juniperus procumbens 'Nana'	Dwarf Garden Juniper	3' o.c., 11 transplants
V		Nandina sp.	Dwarf Nandina	3' o.c., 7 transplants
W	1 Gal.	Pennisetum alopecuroides 'Little Bunny'	Little Bunny Fountain Grass	2' o.c.
X		Pennisetum sp.	Fountain Grass	3-4' o.c.
Y		Phlox subulata	Creeping Phlox	12" o.c., transplants
Z	4" pot	Sarcococca hookeriana humila	Sweetbox	12" o.c.
AA	3 Gal.	Viburnum x Moonlit Lace	Moonlit Lace Viburnum	



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GREEN, JEFFREY L & KATHY J
4372 LANDFALL DR
WILLIAMSBURG, VA 23185-2305

RE: CBPA-24-0128
4376 Landfall Drive
Construction of a patio, and
walkway

November 21, 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. Gregory Griffin and Ms. Karin Rhodes, for encroachments into the Resource Protection Area buffer for the construction of a patio and walkway. The project is located at 4376 Landfall Drive, JCC Tax Map Parcel No. 4732400035.

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, December 11, 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.

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GRIFFIN, GREGORY T TRUSTEE & RHODES,
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HOER, JEFFERY & JEAN
105 KAITLYN CT
YORKTOWN, VA 23693-2041

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4376 Landfall Drive
Construction of a patio, and
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HOUSTON, PAULA C TRUSTEE
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WILLIAMSBURG, VA 23185-2305

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757-259-4080

Fleet
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**Stormwater and
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Facilities & Grounds
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757-259-4080

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

JAMES CITY COUNTY
PO BOX 8784
WILLIAMSBURG, VA 23187-8784

RE: CBPA-24-0128
4376 Landfall Drive
Construction of a patio, and
walkway

November 21, 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. Gregory Griffin and Ms. Karin Rhodes, for encroachments into the Resource Protection Area buffer for the construction of a patio and walkway. The project is located at 4376 Landfall Drive, JCC Tax Map Parcel No. 4732400035.

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, December 11, 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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Mr. Gregory Griffin
4376 Landfall Drive
Williamsburg, VA 23185

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THOMPSON, JOHN P JR & ALISON M
4369 LANDFALL DR
WILLIAMSBURG, VA 23185-2306

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WONG, CHOR TRUSTEE & TYLEND-A-WONG,
4364 LANDFALL DR
WILLIAMSBURG, VA 23185-2305

RE: CBPA-24-0128
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Construction of a patio, and
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November 21, 2024

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

Adjacent Property Owner Mailing List for Case Number: CBPA-24-0128

PIN	Last Name	Address Line 1	City	State	Zip Code
4732400034	GREEN, JEFFREY L & KATHY J	4372 LANDFALL DR	WILLIAMSBURG	VA	23185-2305
4732400035	GRIFFIN, GREGORY T TRUSTEE & RHODES,	4376 LANDFALL DR	WILLIAMSBURG	VA	23185-2305
4732400036	HOER, JEFFERY & JEAN	105 KAITLYN CT	YORKTOWN	VA	23693-2041
4732400033	HOUSTON, PAULA C TRUSTEE	4368 LANDFALL DR	WILLIAMSBURG	VA	23185-2305
4640100015	JAMES CITY COUNTY	PO BOX 8784	WILLIAMSBURG	VA	23187-8784
	Mr. Gregory Griffin	4376 Landfall Drive	Williamsburg	VA	23185
4732400037	THOMPSON, JOHN P JR & ALISON M	4369 LANDFALL DR	WILLIAMSBURG	VA	23185-2306
4732400032	WONG, CHOR TRUSTEE & TYLENDIA-WONG,	4364 LANDFALL DR	WILLIAMSBURG	VA	23185-2305



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, DECEMBER 11, 2024, AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0108: Mr. Ahmed Hassan, on behalf of Mr. Kenneth Brown, has applied for a Chesapeake Bay Exception for the construction of a deck, pool and out-building on property located at 112 Lands End Drive, JCC Real Estate Tax Map Parcel No. 4730500067.

CBPA-24-0122: Mr. Lance Frost, Country Village MHP, on behalf of Darel Crumpler, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 19 Windjammer Court, JCC Real Estate Tax Map Parcel No. 5920100001.

CBPA-24-0128: Mr. Gregory Griffin and Ms. Karin Rhodes, have applied for a Chesapeake Bay Exception for the construction of a patio and walkway on property located at 4376 Landfall Drive, JCC Real Estate Tax Map Parcel No. 4732400035.

CBPA-24-0153: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Brian D. and Ms. Mary O. Knapp, has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 105 Murcar, JCC Real Estate Tax Map Parcel No. 3710800079.

CBPA-24-0160: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 136 Freshwater Bay, JCC Real Estate Tax Map Parcel No. 3131500024.

CBPA-24-0163: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Peter H. and Ms. Barbara B. Douglas, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling with deck on property located at 223 St. Cuthbert, JCC Real Estate Tax Map Parcel No. 3721000049.

CBPA-24-0152: Mr. Larry Stroup, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 223 Sherwood Forest, JCC Real Estate Tax Map Parcel No. 1730200011.

CBPA-24-0164: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Susan Anton, has applied for a Chesapeake Bay Exception for the construction of a deck on property located at 16 Whittakers Mill Road, JCC Real Estate Tax Map Parcel No. 5040300016.

CBPA-24-0165: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception for the construction of a patio and fire pit on property located at 141 Macaulay Road, JCC Real Estate Tax Map Parcel No. 5030200136.

CBPA-24-0169: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Darnel Covil and Ms. Hillary Brown, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 109 Brancaster, JCC Real Estate Tax Map Parcel No. 3810300033.



PUBLIC HEARING NOTICE

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 – November 27, 2024 and December 4, 2024

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0152. 223 Sherwood Forest
Staff Report for the December 11, 2024, Chesapeake Bay Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicants: Mr. Larry J. Stroup and Ms. Melissa G. Stroup

Agent: None

Location: 223 Sherwood Forest

Parcel Identification No.: 1730200011

Parcel: Lot 11, Section 3, Block E, Part 2, Riverview Plantation

Lot Size: 2.93 acres

Area of Lot in Resource
Protection Area (RPA): 2.61 acres (89%)

Watershed: Skimino Creek (YO65)

Floodplain: Zone AE - Base flood elevation 9 feet mean sea level

Proposed Activity: Construction of a shed

Impervious Cover: 112 square feet

RPA Encroachment: 112 square feet, seaward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Larry J. Stroup and Ms. Melissa G. Stroup have applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a shed located at 223 Sherwood Forest within the Riverview Plantation subdivision and the Skimino Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 1730200011. The parcel was platted in 1979, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 2.93 acres, of which 89% is located within the RPA. The applicants are proposing to construct a 112-square-foot shed. Total impacts to the RPA associated with this proposal equate to 112 square feet in the 50-foot seaward RPA buffer. Required mitigation for this amount of impervious impacts equals half a planting unit. The applicants have provided a mitigation plan equaling one planting unit (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 shed. 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 shed is considered accessory in nature.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

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

STAFF RECOMMENDATIONS

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

1. The Applicants must obtain a Development in the Floodplain permit; and
2. The Applicants must submit a surety of \$1,000 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling one planting unit; and
3. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 2025, six weeks prior to the expiration date.

EG/ap
CBPA24-152_223SherwdFt

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-24-0152. 223 SHERWOOD FOREST

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Larry J. Stroup and Ms. Melissa G. Stroup (the “Applicants”), have applied to the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 223 Sherwood Forest (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 1730200011, as set forth in the application CBPA-24-0152 for the purpose of the construction of a shed; 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-24-0152, subject to the following conditions:

1. The Applicants must obtain a Development in the Floodplain permit; and
2. The Applicants must submit a surety of \$1,000 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling one planting unit; and
3. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 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 11th day of December, 2024.

CBPA24-152_223SherwdFtApp-res

RESOLUTION

CASE NO. CBPA-24-0152. 223 SHERWOOD FOREST

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Larry J. Stroup and Ms. Melissa G. Stroup (the “Applicants”), have applied to the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 223 Sherwood Forest (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 1730200011, as set forth in the application CBPA-24-0152 for the purpose of the construction of a shed; 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-24-0152.

Charles Roadley
Chair, Chesapeake Bay Board

Michael Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of December, 2024.

CBPA24-152_223SherwdFtDny-res

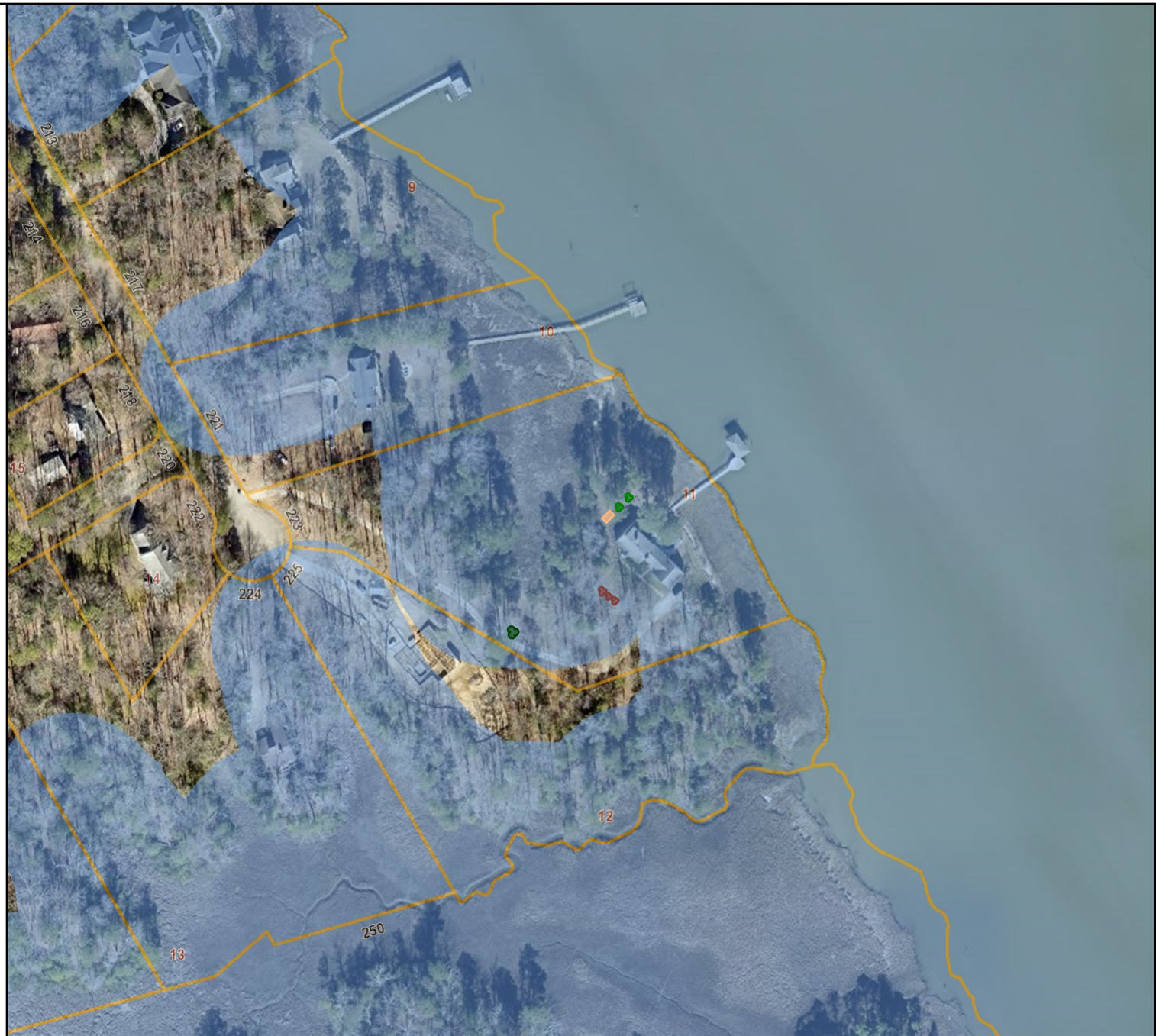


Legend

- Parcels
- Vacated Right of Way
- Owner Undetermined
- Conservation
- Greenway
- Open Space
- Scenic
- Resource Protection Area RPA

Mitigation Plan:

- 1 Red Maple
- 1 Spicebush
- 1 Sassafras
- 1 Oakleaf Hydrangea
- 1 Mountain Laurel
- 1 Steeplebush



Title: 223 Sherwood Forest

Date: 10/18/2024

Feet
0 50 100 150 200
1:2,257 / 1"=188 Feet

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



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AVERY, TIMOTHY N TRUSTEE
2794 LYNN ST
FREDERICK, MD 21704-8001

RE: CBPA-24-0152
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Construction of a shed

November 21, 2024

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IGLHAUT, WILLIAM W & LIIKKANEN, EIJA L
221 SHERWOOD FRST
WILLIAMSBURG, VA 23188-6827

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KEILITZ, INGO & SUSAN L
224 SHERWOOD FOREST
WILLIAMSBURG, VA 23188-6826

RE: CBPA-24-0152
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November 21, 2024

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MOURLAM, JESSICA LEIGH
218 SHERWOOD FOREST
WILLIAMSBURG, VA 23188-6826

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SCHUSTER, MICHAEL R & FRANCINE G
225 SHERWOOD FRST
WILLIAMSBURG, VA 23188-6827

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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

STROUP, LARRY J & MELISSA G
223 SHERWOOD FRST
WILLIAMSBURG, VA 23188-6827

RE: CBPA-24-0152
223 Sherwood Forest
Construction of a shed

November 21, 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. Larry Stroup, for encroachments into the Resource Protection Area buffer for the construction of a shed. The project is located at 223 Sherwood Forest, JCC Tax Map Parcel No. 1730200011.

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, December 11, 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

Adjacent Property Owner Mailing List for Case Number: CBPA-24-0152

PIN	Last Name	Address Line 1	City	State	Zip Code
1730200014	AVERY, TIMOTHY N TRUSTEE	2794 LYNN ST	FREDERICK	MD	21704-8001
1730200010	IGLHAUT, WILLIAM W & LIIKKANEN, EIJA L	221 SHERWOOD FRST	WILLIAMSBURG	VA	23188-6827
1730200013	KEILITZ, INGO & SUSAN L	224 SHERWOOD FOREST	WILLIAMSBURG	VA	23188-6826
1730200015	MOURLAM, JESSICA LEIGH	218 SHERWOOD FOREST	WILLIAMSBURG	VA	23188-6826
1730200012	SCHUSTER, MICHAEL R & FRANCINE G	225 SHERWOOD FRST	WILLIAMSBURG	VA	23188-6827
1730200011	STROUP, LARRY J & MELISSA G	223 SHERWOOD FRST	WILLIAMSBURG	VA	23188-6827



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, DECEMBER 11, 2024, AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0108: Mr. Ahmed Hassan, on behalf of Mr. Kenneth Brown, has applied for a Chesapeake Bay Exception for the construction of a deck, pool and out-building on property located at 112 Lands End Drive, JCC Real Estate Tax Map Parcel No. 4730500067.

CBPA-24-0122: Mr. Lance Frost, Country Village MHP, on behalf of Darel Crumpler, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 19 Windjammer Court, JCC Real Estate Tax Map Parcel No. 5920100001.

CBPA-24-0128: Mr. Gregory Griffin and Ms. Karin Rhodes, have applied for a Chesapeake Bay Exception for the construction of a patio and walkway on property located at 4376 Landfall Drive, JCC Real Estate Tax Map Parcel No. 4732400035.

CBPA-24-0153: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Brian D. and Ms. Mary O. Knapp, has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 105 Murcar, JCC Real Estate Tax Map Parcel No. 3710800079.

CBPA-24-0160: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 136 Freshwater Bay, JCC Real Estate Tax Map Parcel No. 3131500024.

CBPA-24-0163: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Peter H. and Ms. Barbara B. Douglas, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling with deck on property located at 223 St. Cuthbert, JCC Real Estate Tax Map Parcel No. 3721000049.

CBPA-24-0152: Mr. Larry Stroup, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 223 Sherwood Forest, JCC Real Estate Tax Map Parcel No. 1730200011.

CBPA-24-0164: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Susan Anton, has applied for a Chesapeake Bay Exception for the construction of a deck on property located at 16 Whittakers Mill Road, JCC Real Estate Tax Map Parcel No. 5040300016.

CBPA-24-0165: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception for the construction of a patio and fire pit on property located at 141 Macaulay Road, JCC Real Estate Tax Map Parcel No. 5030200136.

CBPA-24-0169: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Darnel Covil and Ms. Hillary Brown, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 109 Brancaster, JCC Real Estate Tax Map Parcel No. 3810300033.



PUBLIC HEARING NOTICE

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 – November 27, 2024 and December 4, 2024

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0163. 223 St. Cuthbert
Staff Report for the December 11, 2024, Chesapeake Bay Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicants:	Mr. Peter and Ms. Barbara Douglas	
Agent:	Mr. Chase Grogg, Landtech Resources, Inc.	
Location:	223 St. Cuthbert	
Parcel Identification No.:	3721000049	
Parcel:	Lot 49, Section 14B, Ford's Colony	
Lot Size:	0.29 acres	
Area of Lot in Resource Protection Area (RPA):	0.28 acres (97%)	
Watershed:	Powhatan Creek (JL31)	
Floodplain:	None	
Proposed Activity:	Construction of a single-family dwelling with an attached deck	
Impervious Cover:	2,083 of new impervious impacts to the landward 50-foot RPA 1,772 square feet of new impervious impacts to the seaward 50-foot RPA 3,855 total new impervious impacts to the RPA	
RPA Encroachment:	4,712 square feet of disturbance to the landward 50-foot RPA 4,073 square feet of disturbance to the seaward 50-foot RPA 8,875 square feet of total disturbance to the RPA	
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. Peter and Ms. Barbara Douglas for encroachments into the RPA buffer for the construction of a single-family dwelling and attached deck located at 223 St. Cuthbert within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3721000049. The parcel was platted in 1998, prior to the revisions to the Chesapeake Bay Preservation Ordinance in 2004.

The total lot size of this property is 0.29 acres, of which 97% is located within the RPA. The applicants are proposing to construct a single-family dwelling with an attached deck. Total impacts to the RPA associated with this proposal equate to 2,083 square feet of impacts to the 50-foot landward RPA, 1,772 square feet of impacts to the seaward 50-foot RPA, for a total of 3,855 square feet of impacts to the RPA. The minimum first-floor square footage required for this section of Ford's Colony is 1,700 square feet. The proposed

single-family dwelling has a first-floor square footage equal to 1,815 square feet, a 7% increase. Required mitigation for this amount of impervious impacts equals 10 planting units (10 canopy trees, 20 understory trees, and 30 shrubs). The applicants have provided a mitigation plan equaling eight planting units (10 canopy trees, 20 understory trees, and 30 shrubs) and will be paying into the County's Chesapeake Bay Mitigation Fund for the remaining two units thus satisfying the County's mitigation requirements.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a single-family dwelling with an attached deck. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction of a single-family dwelling with an attached deck within the 50-foot seaward RPA cannot be approved administratively.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the 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 \$6,000 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling eight planting units (two canopy trees, 10 understory trees, and 60 shrubs); and
3. The Applicants must pay an amount equal to \$2,000 into the County's Chesapeake Bay Mitigation Fund as mitigation for two of the required planting units for the project; and
4. The Applicants must record an affidavit in the Williamsburg/James City County Courthouse prior to the release of surety; and

5. A 6-foot chain-link fence must be installed along the limits of disturbance that run along the wetlands system prior to the start of construction; and
6. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
7. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 2025, six weeks prior to the expiration date.

EG/md
CBPA24-163_223SCthb

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-24-0163. 223 ST. CUTHBERT

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Peter and Ms. Barbara Douglas (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 223 St. Cuthbert (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3721000049, as set forth in the application CBPA-24-0163 for the purpose of the construction of a single-family dwelling with an attached deck; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application meets all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **APPROVES** the exception request for Chesapeake Bay Board Case No. CBPA-24-0163, 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 \$6,000 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling eight planting units (two canopy trees, 10 understory trees, and 60 shrubs); and
3. The Applicants must pay an amount equal to \$2,000 into the County’s Chesapeake Bay Mitigation Fund as mitigation for two of the required planting units for the project; and
4. The Applicants must record an affidavit in the Williamsburg/James City County Courthouse prior to the release of surety; and
5. A 6-foot chain-link fence must be installed along the limits of disturbance that run along the wetlands system prior to the start of construction; and
6. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
7. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 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 11th day of December, 2024.

CBPA24-163_233SCthbApp-res

RESOLUTION

CASE NO. CBPA-24-0163. 223 ST. CUTHBERT

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Peter and Ms. Barbara Douglas (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 223 St. Cuthbert (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3721000049, as set forth in the application CBPA-24-0163 for the purpose of the construction of a single-family dwelling with an attached deck; and

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

NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-24-0163.

Charles Roadley
Chair, Chesapeake Bay Board

Michael Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of December, 2024.

CBPA24-163_233SCthbDny-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. 71, PG. 15-16. ELEVATIONS SHOWN HEREON ARE IN FEET AND ARE GPS DERIVED (NAVD88).
2. WETLANDS, AS SHOWN, WERE DELINEATED BY OTHERS (ROTH ENVIRONMENTAL) AND FIELD LOCATED BY THIS FIRM.
3. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
4. PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0117D, DATED DECEMBER 16, 2015.
5. LOT SERVED BY PUBLIC WATER AND SEWER. CONTRACTOR TO COORDINATE WITH JCSA FOR UTILITY LOCATION AND CONNECTIONS.
6. TOPOGRAPHIC DATA AS SHOWN IS BASED ON A CURRENT FIELD SURVEY.
7. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
8. CONTRACTOR SHALL DETERMINE EXACT FINISHED FLOOR ELEVATION AFTER EXCAVATION.
9. CONTRACTOR TO INSTALL ORANGE SAFETY FENCE AROUND PERIMETER OF CONSTRUCTION.
10. PROPOSED RESIDENCE SHOWN BASED OFF OF PLANS PROVIDED BY CLIENT. ALL DIMENSIONS 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 1-STORY FRAME WITH WALKOUT BASEMENT
PROPOSED GARAGE IS COURTYARD LOADING

SITE INFORMATION

PARCEL ID: 3721000049
TOTAL AREA: 12,621 S.F. / 0.289 AC.
DISTURBED AREA TOTAL: 9,322 S.F. / 0.21 AC.
DISTURBED AREA WITHIN 50' RPA: 4,073 S.F. / 0.09 AC.
DISTURBED AREA WITHIN 100' RPA: 4,712 S.F. / 0.11 AC.
IMPERVIOUS AREA TOTAL: 4,028 S.F. / 0.092 AC.
IMPERVIOUS WITHIN 50' RPA: 1,772 S.F. / 0.041 AC.
IMPERVIOUS WITHIN 100' RPA: 2,083 S.F. / 0.047 AC.
RECREATIONAL IMPERVIOUS WITHIN 100' TOTAL: 297 S.F. / 0.007
SCREEN PORCH: 155 S.F. / 0.004
DECK: 142 S.F. / 0.003

IMPERVIOUS WITHIN RPA TOTAL: 3,855 S.F. / 0.088 AC.
ZONING DISTRICT: R4 - RESIDENTIAL PLANNED COMMUNITY
EXISTING SITE IS PARTLY WOODED AS SHOWN

PROPOSED FIRST FLOOR S.F.: 1,815 S.F.
FORD'S COLONY MINIMUM FIRST FLOOR S.F.: 1,700 S.F.

BUILDING SETBACK (SBL)

PER FORD'S COLONY SECTION XIV-B GUIDELINES

*TO BE CONFIRMED BY ARC

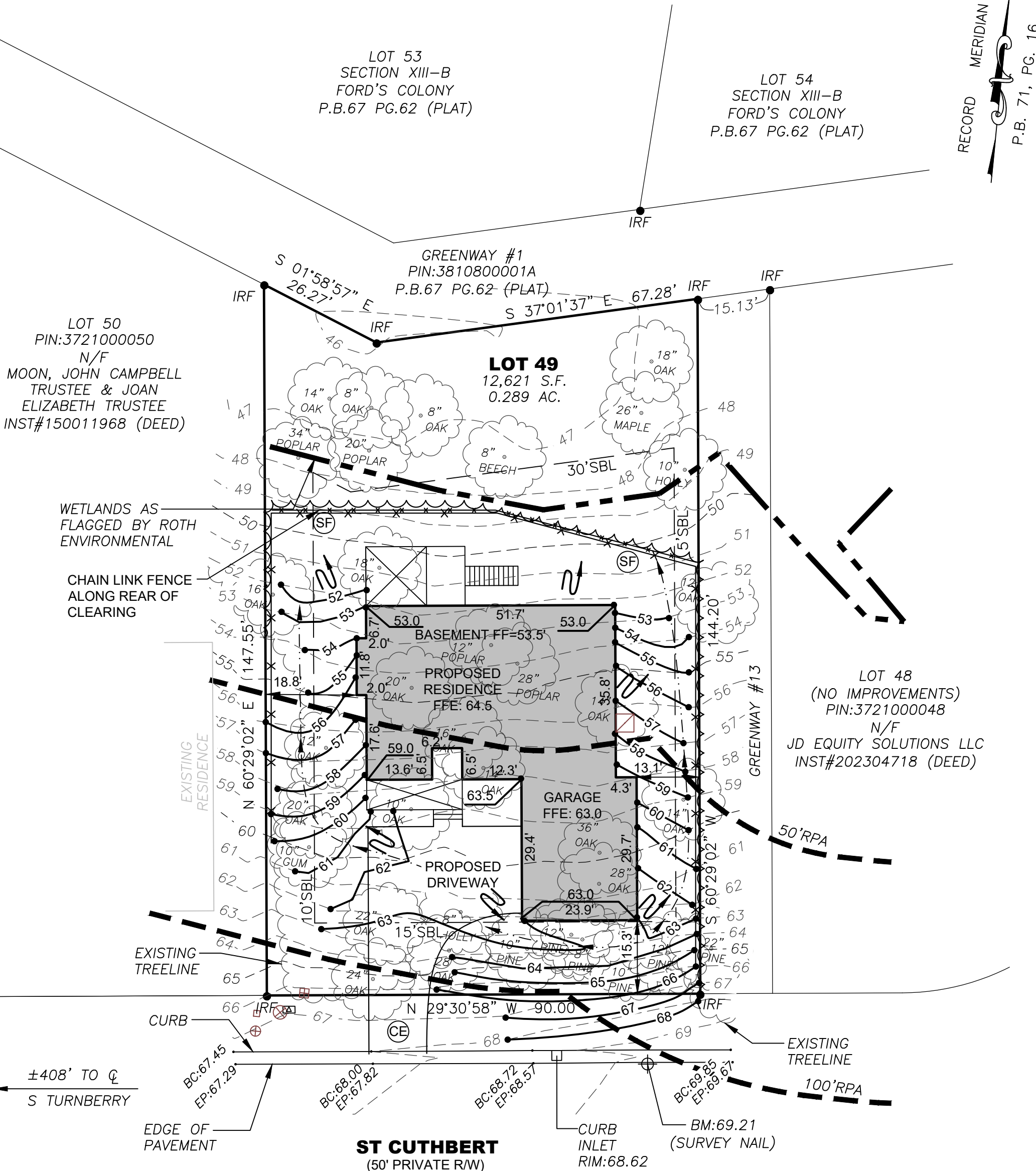
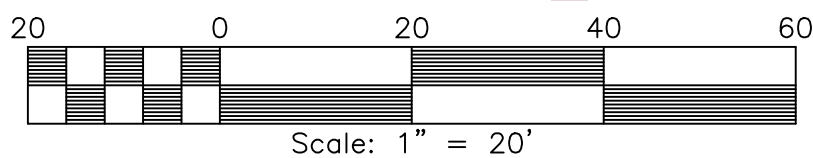
FRONT: 15'
REAR: 30'
SIDE: 5' / 10'

EXISTING ADDRESS:

223 ST CUTHBERT
JAMES CITY COUNTY, VIRGINIA

LEGEND

- ⊕ WATER METER
⊗ WATER VALVE
⊕ CABLE PEDESTAL
□ TELEPHONE PEDESTAL
▣ FIBER OPTIC VAULT
IRF IRON ROD FOUND
▢ PROPOSED HVAC *SUBJECT TO CHANGE LOCATION

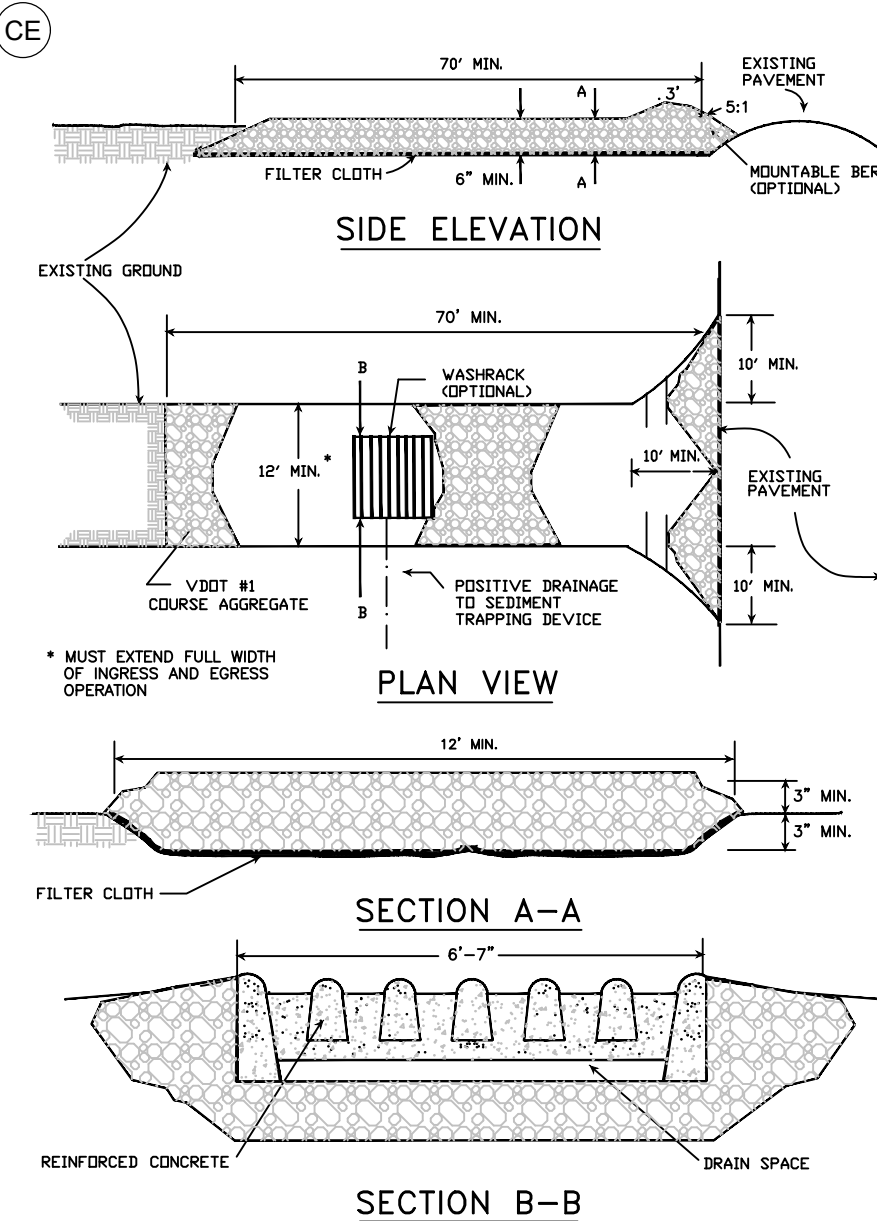


CURB & GUTTER SECTIONS WILL REQUIRE (2) SCHEDULE 40-4" CONDUITS PLACED 3' BELOW GRADE, OR AS LOW AS POSSIBLE TO NOT CONFLICT WITH OTHER UTILITIES, DIRECTLY BEHIND THE CURB FOR FUTURE WIRES.
SECTIONS: 3B, 8A, 8B, 10, 12, 13A, 13B, 14A, 14B, 15, 17, 18, 30, 31 & 32
DATE: _____ SIGNED: _____

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

BEFORE CLEARING MARK TREES TO BE PRESERVED WITH PLASTIC TAPE TO BE REVIEWED AND APPROVED WITH THE ARC INSPECTOR. ()

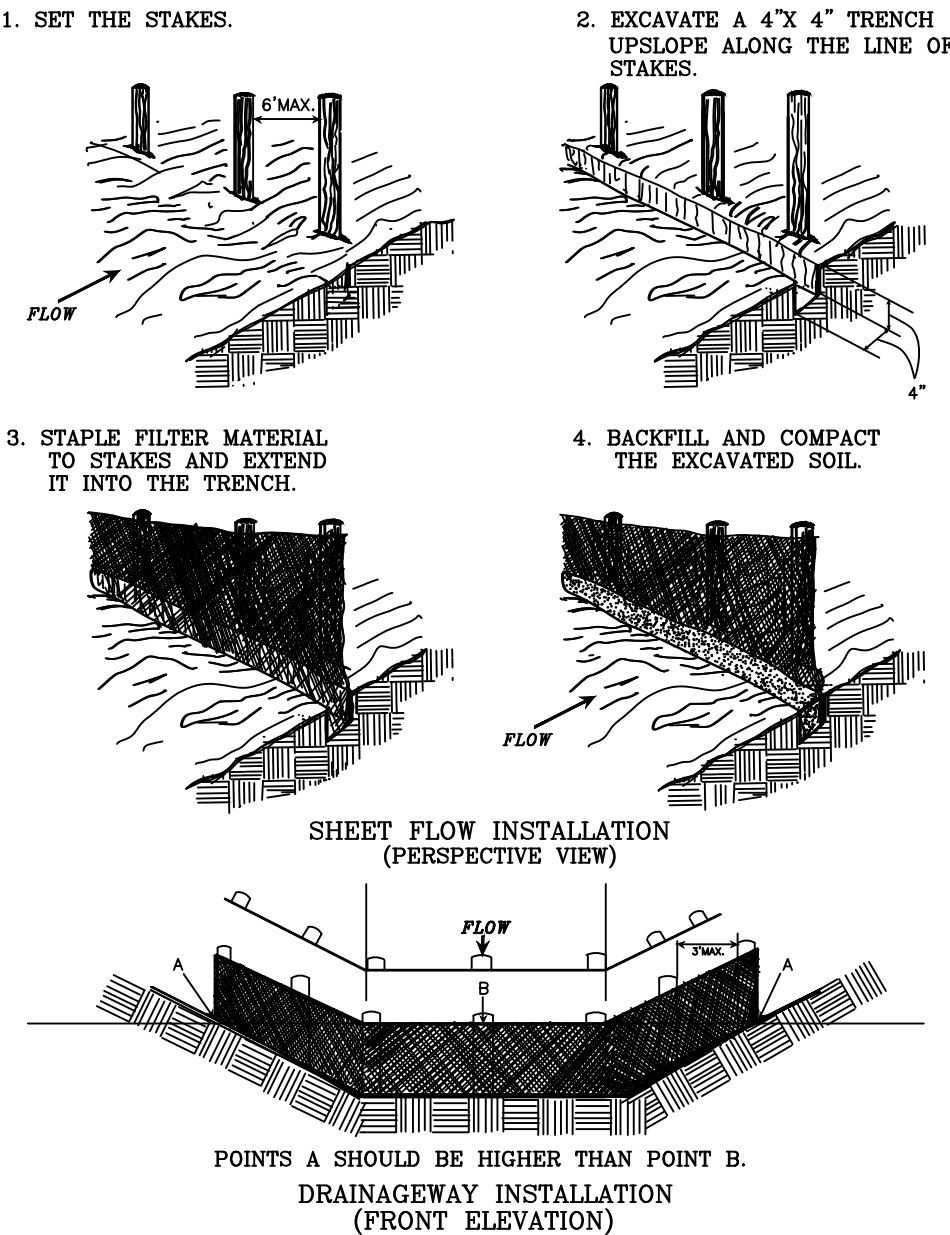
STONE CONSTRUCTION ENTRANCE



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

Plate 3.02-1

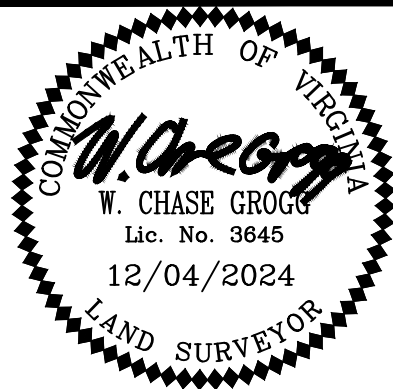
CONSTRUCTION OF A SILT FENCE (WITHOUT WIRE SUPPORT)



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

PLATE 3.05-2

SHEET 1 OF 2 - SITE PLAN



DATE: 10/30/2024
DRAWN BY: AEQ
PROJECT No. 24-220
FILE NAME: 24-220.DWG
REFERENCES:
P.B. 71, PG. 15-16

PLOT PLAN OF
LOT 49 SECTION XIV-B
FORD'S COLONY
FOR
PETE AND BARBIE DOUGLAS

JAMES CITY COUNTY

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
3	12/04/2024	REVISED FORD'S COLONY FIRST FLOOR S.F.
2	12/03/2024	REVISED PER COUNTY COMMENTS
1	11/27/2024	REVISED TO BETTER REFLECT IMPERVIOUS WITHIN RPA



EXISTING ADDRESS:

223 ST CUTHBERT
JAMES CITY COUNTY, VIRGINIA

SITE INFORMATION

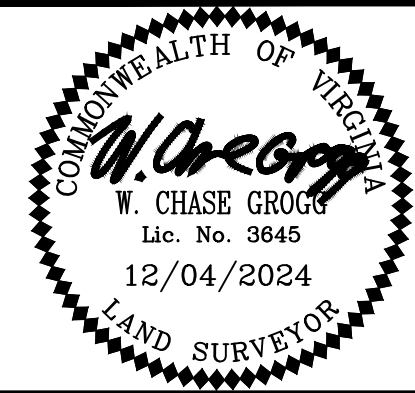
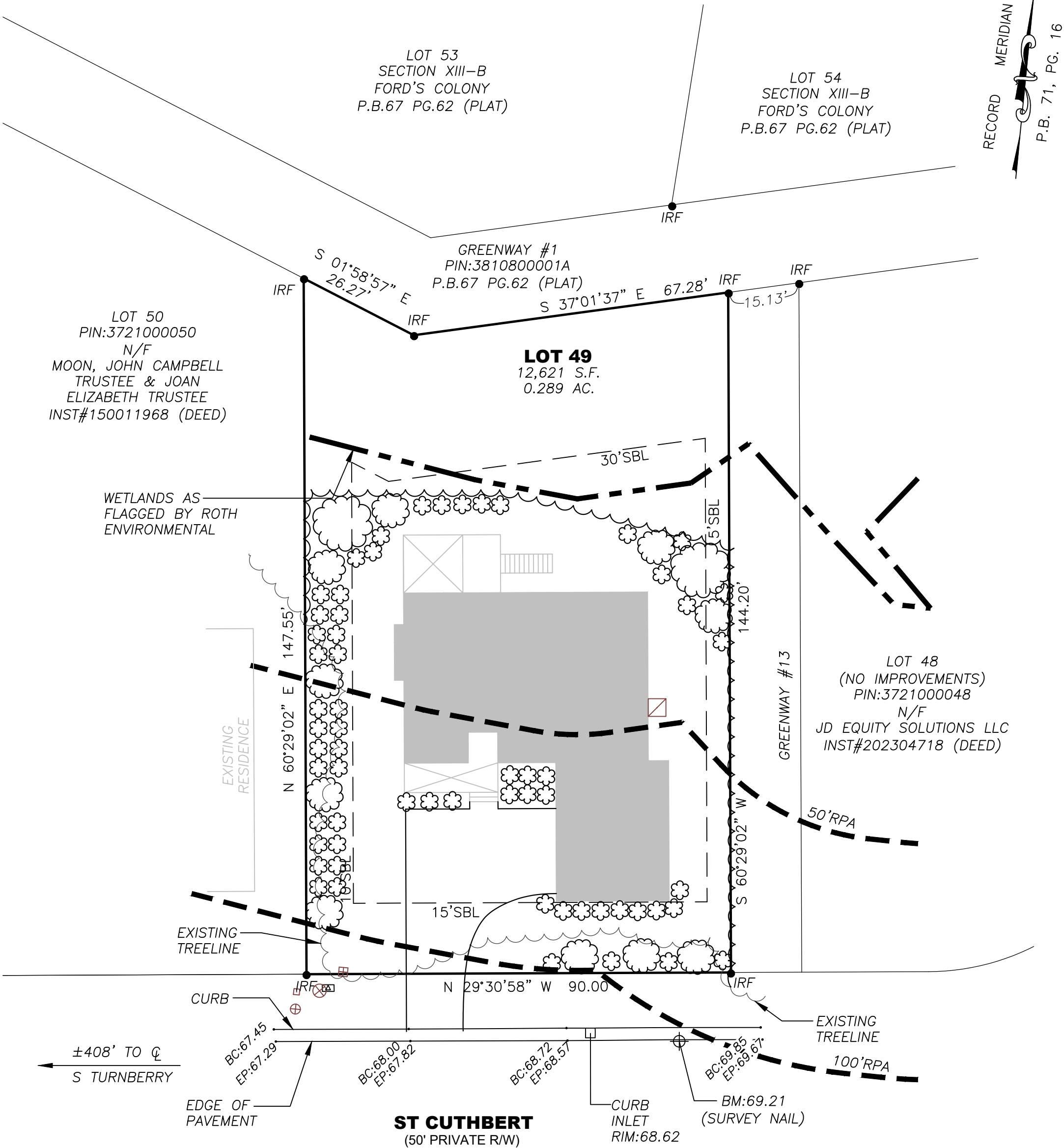
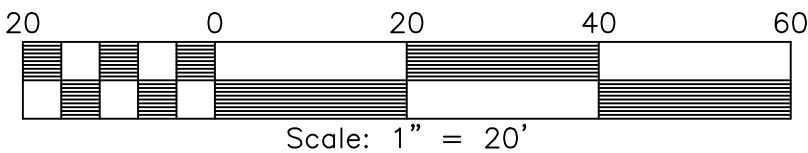
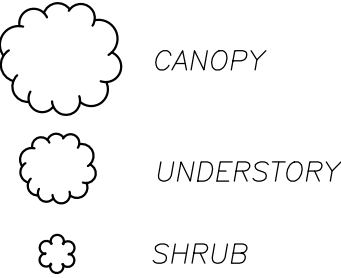
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RECREATIONAL IMPERVIOUS WITHIN 100' TOTAL: 297 S.F. / 0.007
SCREEN PORCH: 155 S.F. / 0.004
DECK: 142 S.F. / 0.003
IMPERVIOUS WITHIN RPA TOTAL: 3,855 S.F. / 0.088 AC.
ZONING DISTRICT: R4 – RESIDENTIAL PLANNED COMMUNITY
EXISTING SITE IS PARTLY WOODED AS SHOWN
PROPOSED FIRST FLOOR S.F.: 1,815 S.F.
FORD'S COLONY MINIMUM FIRST FLOOR S.F.: 1,700 S.F.

MITIGATION TABLE: 3,855 S.F. / 400 S.F. = 9.6375 CREDITS

MITIGATION MEASURE	QTY.(NEEDED)	QTY. SHOWN
NATIVE CANOPY TREES	10	2
NATIVE UNDERSTORY TREES	20	10
NATIVE SHRUBS	30	60

- * CONTRACTOR/OWNER TO COORDINATE WITH JAMES CITY COUNTY FOR REQUIREMENTS ON MITIGATION PLANTING.
- * OWNER TO COORDINATE THE PURCHASE OF 2 ADDITIONAL CREDITS THAT ARE REQUIRED AND NOT MET BY MITIGATION LANDSCAPE PLAN THROUGH THE JAMES CITY COUNTY MITIGATION FUND.

MITIGATION LEGEND



DATE: 10/30/2024
DRAWN BY: AEQ
PROJECT No. 24-220
FILE NAME: 24-220.DWG
REFERENCES:
P.B. 71, PG. 15-16

PLOT PLAN OF
LOT 49 SECTION XIV-B
FORD'S COLONY
FOR
PETE AND BARBIE DOUGLAS
JAMES CITY COUNTY VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
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2	12/03/2024	REVISED PER COUNTY COMMENTS
1	11/27/2024	REVISED TO BETTER REFLECT IMPERVIOUS WITHIN RPA





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

Capital Projects
107 Tewning Road
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Solid Waste
1204 Jolly Pond Road
Williamsburg, VA 23188
757-565-0971

ANDERSON, JULIET D
231 ST CUTHBERT
WILLIAMSBURG, VA 23188-8925

RE: CBPA-24-0163
223 St. Cuthbert
Construction of single-family
dwelling with deck

November 21, 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. Peter H. and Ms. Barbara B. Douglas, for encroachments into the Resource Protection Area buffer for the construction of a single-family dwelling with deck. The project is located at 223 St. Cuthbert, JCC Tax Map Parcel No. 3721000049.

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, December 11, 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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757-565-0971

BITTENBRING, JOHN TRUSTEE & BITTENBR
228 ST CUTHBERT
WILLIAMSBURG, VA 23188-8925

RE: CBPA-24-0163
223 St. Cuthbert
Construction of single-family
dwelling with deck

November 21, 2024

Dear Adjacent Property Owner:

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Sincerely,

Michael Woolson

Michael Woolson
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

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

DOUGLAS, PETER H & BARBARA B
1217 WORTHINGTON LANE
VIRGINIA BEACH, VA 23464-5854

RE: CBPA-24-0163
223 St. Cuthbert
Construction of single-family
dwelling with deck

November 21, 2024

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

FEINGOLD, BARNET & DEBORAH &
6505 WESTBROOK DR
WILLIAMSBURG, VA 23188-7100

RE: CBPA-24-0163
223 St. Cuthbert
Construction of single-family
dwelling with deck

November 21, 2024

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

FORDS COLONY AT WILLIAMSBURG
100 MANCHESTER
WILLIAMSBURG, VA 23188-7404

RE: CBPA-24-0163
223 St. Cuthbert
Construction of single-family
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GRIFFIN, RANDOLPH JR & YVONNE V
220 SAINT CUTHBERT
WILLIAMSBURG, VA 23188-8925

RE: CBPA-24-0163
223 St. Cuthbert
Construction of single-family
dwelling with deck

November 21, 2024

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HART, ROBERT E & MARY G
224 ST CUTHBERT
WILLIAMSBURG, VA 23188-8925

RE: CBPA-24-0163
223 St. Cuthbert
Construction of single-family
dwelling with deck

November 21, 2024

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HUGHES, DONALD W & YVONNE M
240 ST CUTHBERT
WILLIAMSBURG, VA 23188-8925

RE: CBPA-24-0163
223 St. Cuthbert
Construction of single-family
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JD EQUITY SOLUTIONS LLC
5959 JEFFERSON AVE
NEWPORT NEWS, VA 23605-3246

RE: CBPA-24-0163
223 St. Cuthbert
Construction of single-family
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November 21, 2024

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MOON, JOHN CAMPBELL TRUSTEE &
219 ST CUTHBERT
WILLIAMSBURG, VA 23188-8925

RE: CBPA-24-0163
223 St. Cuthbert
Construction of single-family
dwelling with deck

November 21, 2024

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Solid Waste
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Mr. Chase Grogg
LandTech Resources, Inc.
205-E Bulifants Blvd
Williamsburg, VA 23188

RE: CBPA-24-0163
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Construction of single-family
dwelling with deck

November 21, 2024

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MURPHY, JOHN T TRUSTEE & TERESSA E T
137 WESTBURY
WILLIAMSBURG, VA 23188-8912

RE: CBPA-24-0163
223 St. Cuthbert
Construction of single-family
dwelling with deck

November 21, 2024

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NAYLOR, ROSEMARY CULP TRUSTEE
232 ST CUTHBERT
WILLIAMSBURG, VA 23188-8925

RE: CBPA-24-0163
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Construction of single-family
dwelling with deck

November 21, 2024

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STOKES, ROBERT D
236 ST CUTHBERT
WILLIAMSBURG, VA 23188-8925

RE: CBPA-24-0163
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Construction of single-family
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November 21, 2024

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WIGHTMAN, ERIC N TRUSTEE & KACH,
133 WESTBURY
WILLIAMSBURG, VA 23188-8912

RE: CBPA-24-0163
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WILSON, DANIEL & JO ANNA
215 ST CUTHBERT
WILLIAMSBURG, VA 23188-8925

RE: CBPA-24-0163
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November 21, 2024

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Adjacent Property Owner Mailing List for Case Number: CBPA-24-0163

PIN	Last Name	Address Line 1	City	State	Zip Code
3721000047	ANDERSON, JULIET D	231 ST CUTHBERT	WILLIAMSBURG	VA	23188-8925
3721000043	BITTENBRING, JOHN TRUSTEE & BITTENBR	228 ST CUTHBERT	WILLIAMSBURG	VA	23188-8925
3721000049	DOUGLAS, PETER H & BARBARA B	1217 WORTHINGTON LANE	VIRGINIA BEACH	VA	23464-5854
3720600055	FEINGOLD, BARNET & DEBORAH &	6505 WESTBROOK DR	WILLIAMSBURG	VA	23188-7100
3810800001A	FORDS COLONY AT WILLIAMSBURG	100 MANCHESTER	WILLIAMSBURG	VA	23188-7404
3721000041	GRIFFIN, RANDOLPH JR & YVONNE V	220 SAINT CUTHBERT	WILLIAMSBURG	VA	23188-8925
3721000042	HART, ROBERT E & MARY G	224 ST CUTHBERT	WILLIAMSBURG	VA	23188-8925
3721000046	HUGHES, DONALD W & YVONNE M	240 ST CUTHBERT	WILLIAMSBURG	VA	23188-8925
3721000048	JD EQUITY SOLUTIONS LLC	5959 JEFFERSON AVE	NEWPORT NEWS	VA	23605-3246
3721000050	MOON, JOHN CAMPBELL TRUSTEE &	219 ST CUTHBERT	WILLIAMSBURG	VA	23188-8925
	Mr. Chase Grogg LandTech Resources, Inc.	205-E Bulifants Blvd	Williamsburg	VA	23188
3720600053	MURPHY, JOHN T TRUSTEE & TERESSA E T	137 WESTBURY	WILLIAMSBURG	VA	23188-8912
3721000044	NAYLOR, ROSEMARY CULP TRUSTEE	232 ST CUTHBERT	WILLIAMSBURG	VA	23188-8925
3721000045	STOKES, ROBERT D	236 ST CUTHBERT	WILLIAMSBURG	VA	23188-8925
3720600054	WIGHTMAN, ERIC N TRUSTEE & KACH,	133 WESTBURY	WILLIAMSBURG	VA	23188-8912
3721000051	WILSON, DANIEL & JO ANNA	215 ST CUTHBERT	WILLIAMSBURG	VA	23188-8925



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, DECEMBER 11, 2024, AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0108: Mr. Ahmed Hassan, on behalf of Mr. Kenneth Brown, has applied for a Chesapeake Bay Exception for the construction of a deck, pool and out-building on property located at 112 Lands End Drive, JCC Real Estate Tax Map Parcel No. 4730500067.

CBPA-24-0122: Mr. Lance Frost, Country Village MHP, on behalf of Darel Crumpler, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 19 Windjammer Court, JCC Real Estate Tax Map Parcel No. 5920100001.

CBPA-24-0128: Mr. Gregory Griffin and Ms. Karin Rhodes, have applied for a Chesapeake Bay Exception for the construction of a patio and walkway on property located at 4376 Landfall Drive, JCC Real Estate Tax Map Parcel No. 4732400035.

CBPA-24-0153: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Brian D. and Ms. Mary O. Knapp, has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 105 Murcar, JCC Real Estate Tax Map Parcel No. 3710800079.

CBPA-24-0160: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 136 Freshwater Bay, JCC Real Estate Tax Map Parcel No. 3131500024.

CBPA-24-0163: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Peter H. and Ms. Barbara B. Douglas, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling with deck on property located at 223 St. Cuthbert, JCC Real Estate Tax Map Parcel No. 3721000049.

CBPA-24-0152: Mr. Larry Stroup, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 223 Sherwood Forest, JCC Real Estate Tax Map Parcel No. 1730200011.

CBPA-24-0164: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Susan Anton, has applied for a Chesapeake Bay Exception for the construction of a deck on property located at 16 Whittakers Mill Road, JCC Real Estate Tax Map Parcel No. 5040300016.

CBPA-24-0165: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception for the construction of a patio and fire pit on property located at 141 Macaulay Road, JCC Real Estate Tax Map Parcel No. 5030200136.

CBPA-24-0169: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Darnel Covil and Ms. Hillary Brown, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 109 Brancaster, JCC Real Estate Tax Map Parcel No. 3810300033.



PUBLIC HEARING NOTICE

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 – November 27, 2024 and December 4, 2024

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0169. 109 Brancaster
Staff Report for the December 11, 2024, Chesapeake Bay Board Public Hearing**

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

EXISTING SITE DATA AND INFORMATION

Applicants: Mr. Darnell Lamont Covil and Ms. Hillary Brown Covil

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

Location: 109 Brancaster

Parcel Identification No.: 3810300033

Parcel: Lot 33, Section 6, Ford's Colony

Lot Size: 0.55 acres

Area of Lot in Resource Protection Area (RPA): 0.54 acres (98%)

Watershed: Powhatan Creek (JL31)

Floodplain: Zone AE

Proposed Activity: Construction of a single-family home and screened porch

Impervious Cover: 1,623 square feet of new impervious impacts, landward 50-foot RPA
1,783 square feet of new impervious impacts, seaward 50-foot RPA
3,406 square feet total of new impervious impacts within the RPA

RPA Encroachment: 4,848 square feet of disturbance, landward 50-foot RPA
3,535 square feet of disturbance, seaward 50-foot RPA
8,383 square feet total of disturbance within the RPA

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. Darnell Lamont Covil and Ms. Hillary Brown Covil for encroachments into the RPA buffer for the construction of a single-family home and screened porch located at 109 Brancaster within the Ford's Colony subdivision and the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 3810300033. The parcel was platted in 1981, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.55 acres, of which 98% is located within the RPA. The applicants are proposing to construct a single-family home and screened porch. Total impacts to the RPA associated with this proposal equate to 1,623 square feet to the landward 50-foot RPA, 1,783 square feet to the seaward 50-foot RPA, for a total of 3,406 square feet of total impacts to the RPA. The minimum first-floor square footage required for this section of Ford's Colony is 1,500 square feet. The proposed single-family dwelling

has a first-floor square footage equal to 1,580 square feet. Required mitigation for this amount of impervious impacts equals nine planting units (nine canopy trees, 18 understory trees, and 27 shrubs). The applicants have provided a mitigation plan equaling nine planting units (one canopy tree, three understory trees, and 89 shrubs), thus satisfying the County's mitigation requirements.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a single-family home and screened porch. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because the construction of a single-family home and screened porch into the seaward 50-foot RPA cannot be approved administratively.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the 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 \$6,750 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling nine planting units (one canopy tree, three understory trees, and 89 shrubs); and
3. The Applicants must record an affidavit in the Williamsburg/James City County Courthouse prior to the release of surety; and
4. A 6-foot chain-link fence must be installed along the limits of disturbance that run along the wetlands system prior to the start of construction; and

5. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 2025, six weeks prior to the expiration date.

EG/md
CBPA24-169_109Brncstr

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-24-0169. 109 BRANCASTER

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Darnell Lamont Covil and Ms. Hillary Brown Covil (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 109 Brancaster (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3810300033, as set forth in the application CBPA-24-0169 for the purpose of the construction of a single-family home and screened porch; 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-24-0169, 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 \$6,750 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling nine planting units (one canopy tree, three understory trees, and 89 shrubs); and
3. The Applicants must record an affidavit in the Williamsburg/James City County Courthouse prior to the release of surety; and
4. A 6-foot chain-link fence must be installed along the limits of disturbance that run along the wetlands system prior to the start of construction; and
5. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
6. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 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 11th day of December, 2024.

RESOLUTION

CASE NO. CBPA-24-0169. 109 BRANCASTER

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Mr. Darnell Lamont Covil and Ms. Hillary Brown Covil (the “Applicants”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 109 Brancaster (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 3810300033, as set forth in the application CBPA-24-0169 for the purpose of the construction of a single-family home and screened porch; 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-24-0169.

Charles Roadley
Chair, Chesapeake Bay Board

Michael Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of December, 2024.

CBPA24-169_109BrncstrDny-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. 45, PG. 37-41.
2. ELEVATIONS SHOWN HEREON ARE IN FEET AND ARE CLOSELY RELATED TO JCC GIS (NAVD88).
3. WETLANDS, IF ANY, WERE NOT RESEARCHED OR LOCATED FOR THIS PLAT.
4. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
5. PARCEL LIES IN F.I.R.M. ZONE "X", ZONE "AE" (ELEV 33') ACCORDING TO COMMUNITY PANEL #51095C0117D, DATED DECEMBER 16, 2015.
6. LOT SERVED BY PUBLIC WATER AND SEWER. CONTRACTOR TO COORDINATE CONNECTIONS WITH JAMES CITY COUNTY UTILITIES.
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 RESIDENCE SHOWN BASED OFF OF PLANS PROVIDED BY CLIENT. ALL DIMENSIONS TO BE CONFIRMED BY CONTRACTOR PRIOR TO CONSTRUCTION.
11. CONTRACTOR IS RESPONSIBLE FOR INSTALLING ORANGE SAFETY FENCE AROUND LIMITS OF 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 1-STORY FRAME & BASEMENT
PROPOSED GARAGE IS FRONT LOADING

SITE INFORMATION

PARCEL ID: 3810300033
TOTAL AREA: 23,938 S.F. / 0.5495 AC.
IMPERVIOUS AREA 50' RPA: 1,783 S.F. / 0.041 AC.
SCREEN PORCH ONLY: 235 S.F. / 0.005 AC. *INCLUDED IN 50' RPA TOTAL
IMPERVIOUS AREA 100' RPA: 1,623 S.F. / 0.037 AC.
IMPERVIOUS WITHIN RPA TOTAL: 3,406 S.F.
IMPERVIOUS AREA TOTAL OF PARCEL: 3,615 S.F. / 0.083 AC.
DISTURBED AREA 50' RPA: 4,848 S.F. / 0.111 AC.
DISTURBED AREA 100' RPA: 3,535 S.F. / 0.081 AC.
DISTURBED AREA TOTAL: 9,650 S.F. / 0.222 AC.
ZONING DISTRICT: R4 - RESIDENTIAL PLANNED COMMUNITY
EXISTING SITE IS PARTLY WOODED AS SHOWN
ARC MINIMUM FIRST FLOOR S.F.: 1,500
PROPOSED FIRST FLOOR S.F.: 1,580

BUILDING SETBACK (SBL)

FRONT: 30'
REAR: 25' OR 25% WHICHEVER IS GREATER
SIDE: 10'

SURVEYORS CERTIFICATION

THIS DRAWING REPRESENTS AN ACTUAL FIELD SURVEY. ALL THE INFORMATION SHOWN HEREON IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. LANDTECH RESOURCES, INC. HAS BEEN RETAINED AND PAID TO STAKE, AS A MINIMUM, THE BUILDING ENVELOPE & ANY DETACHED ACCESSORY STRUCTURE.

Matthew H. Connolly
MATTHEW H. CONNOLLY, L.S. 7/10/2023 DATE

BEFORE CLEARING MARK TREES TO BE PRESERVED WITH PLASTIC TAPE TO BE REVIEWED AND APPROVED WITH THE ARC INSPECTOR. ()

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

20' DRAINAGE AND UTILITY EASEMENT

PIN:3810100002
N/F
FORD'S COLONY AT WILLIAMSBURG
INST#080025861 (DEED)
P.B.88 PG.72-76

LOT 33
23,938
0.5495 AC.

CHAIN LINK FENCE ALONG REAR OF CLEARING AND WETLANDS

PROPOSED SELECTIVE CLEARING FOR SANITARY SEWER CONNECTION

20' DRAINAGE AND UTILITY EASEMENT

ZONE "AE"

ZONE "X"

18" PINE 61.8'

18" PINE 61.8'

24" OAK

24" OAK

24" OAK

24" OAK

24" OAK

24" OAK

24" OAK

24" OAK

RECORD MERIDIAN
P.B. 45, PG. 40

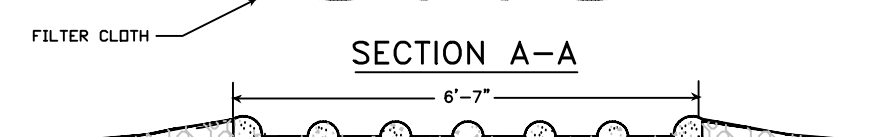
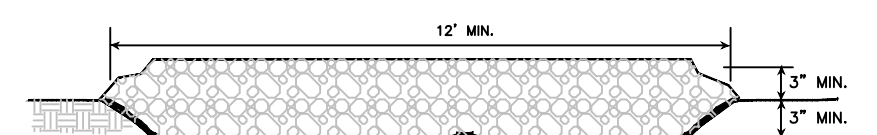
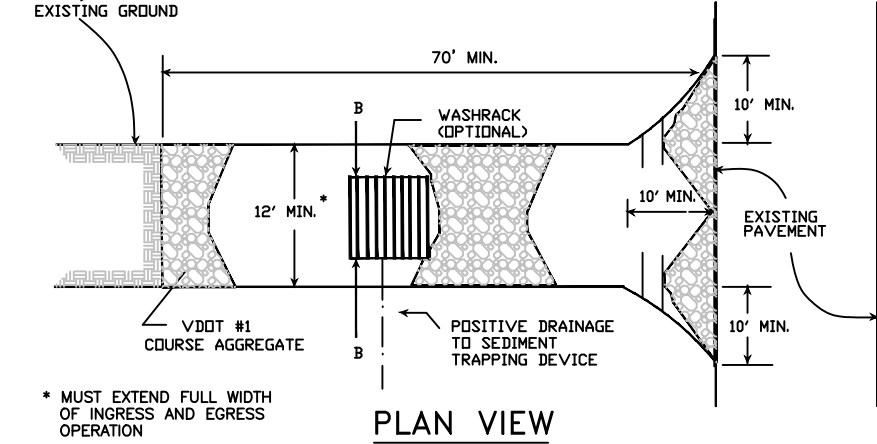
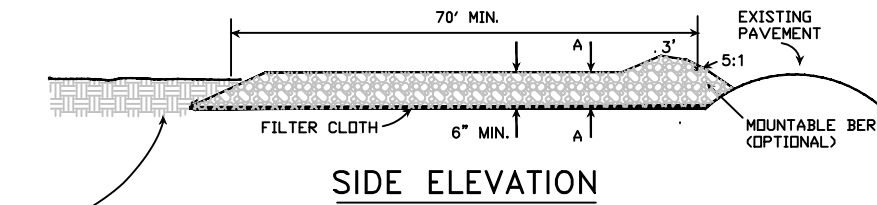
EXISTING ADDRESS:

109 BRANCASTER
JAMES CITY COUNTY, VIRGINIA

LEGEND

- ⊙ SEWER CLEAN OUT
☒ PROPOSED HVAC & TRASH ENCLOSURE (LOCATION SUBJECT TO CHANGE)
○ SANITARY SEWER MANHOLE
— SS — GREEN PAINT MARKS
IRF = IRON ROD FOUND
NF = NAIL FOUND

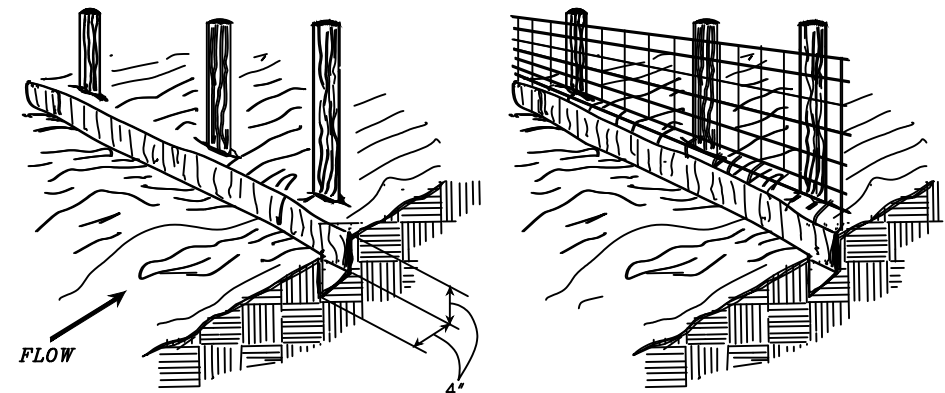
STONE CONSTRUCTION ENTRANCE



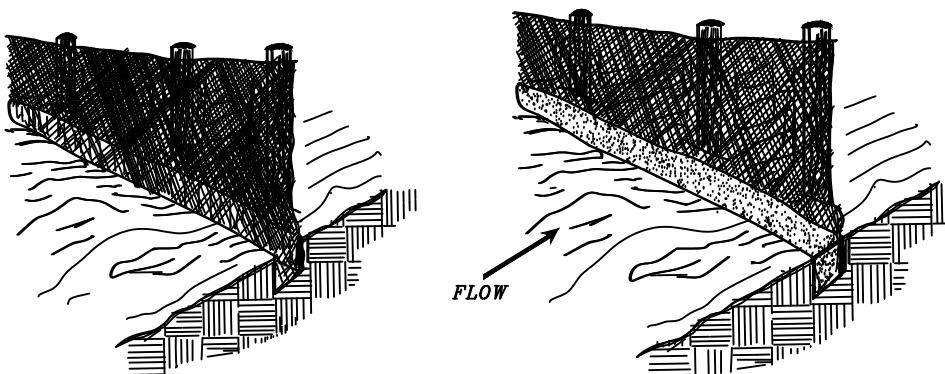
SOURCE: ADAPTED FROM 1983 Maryland Standards for Soil erosion and Sediment Control, and Va. DSWC Plate 3.02-1

CONSTRUCTION OF A SILT FENCE (WITH WIRE SUPPORT)

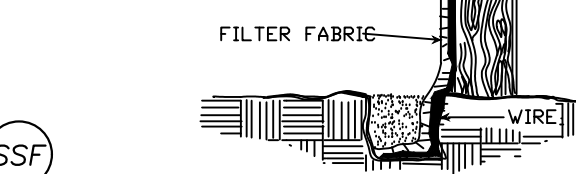
1. SET POSTS AND EXCAVATE A 4"x4" TRENCH UPSLOPE ALONG THE LINE OF POSTS.
2. STAPLE WIRE FENCING TO THE POSTS.



3. ATTACH THE FILTER FABRIC TO THE WIRE FENCE AND EXTEND IT INTO THE TRENCH.
4. BACKFILL AND COMPACT THE EXCAVATED SOIL.

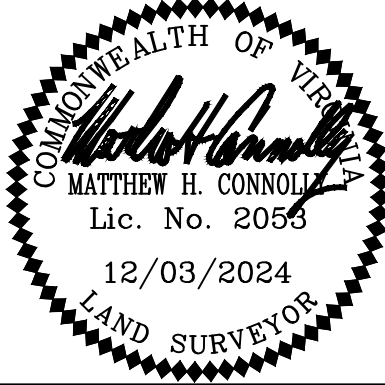


EXTENSION OF FABRIC AND WIRE INTO THE TRENCH.



SOURCE: Adapted from Installation of Straw and Fabric Filter Barriers for Sediment Control, Sherwood & Hyatt.

PLATE 3.05-1



DATE: 7/18/2023
DRAWN BY: AEQ
PROJECT No. 23-216
FILE NAME: 23-216.DWG
REFERENCES:
P.B. 45, PG. 37-41

PLOT PLAN OF
LOT 33 SECTION VI
FORD'S COLONY
FOR
DARNELL COVIL

JAMES CITY COUNTY

VIRGINIA

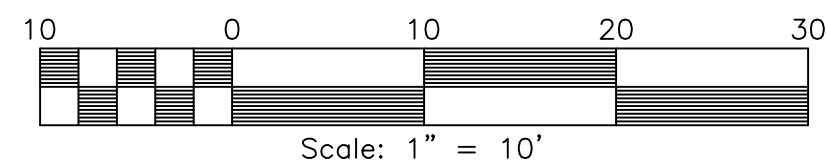
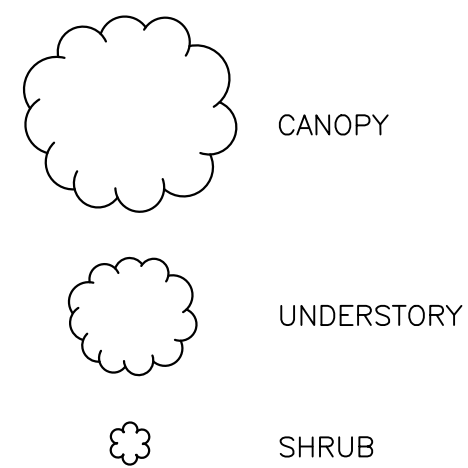
NO.	DATE	REVISION / COMMENT / NOTE
3	12/3/2024	REVISED PER COUNTY COMMENTS
2	11/27/2024	REVISED TO ADD CH. LINK FENCE AND COUNTY COMMENTS
1	8/18/2023	REVISED PER COUNTY COMMENTS



PROPOSED BUILDING IS A 1 STORY WITH
WALKOUT BASEMENT
PROPOSED GARAGE IS FRONT LOADING
BUILDING FIRST FLOOR : 1,580 S.F.
SECTION VI MINIMUM S.F.: 1,500 S.F.

MITIGATION MEASURE	QTY.(NEEDED)	QTY.(SHOWN)
NATIVE CANOPY TREES	9	1
NATIVE UNDERSTORY TREES	18	3
NATIVE SHRUBS	27	89

MITIGATION LEGEND



LANDSCAPING NOTES
SPECIES OF PLANTS & LOCATION TO BE
COORDINATED WITH JAMES CITY COUNTY
ENGINEERING AND RESOURCE PROTECTION
COMMISSION.

DATE: 7/18/2023
DRAWN BY: AEQ
PROJECT No. 22-216
FILE NAME: 23-216.DWG
REFERENCES:
P.B. 45, PG. 37-41

PLOT PLAN OF
 LOT 33, SECTION VI,
 FORD'S COLONY
 FOR
 DARNELL COVIL

JAMES CITY COUNTY

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
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LRI
LANDTECH
RESOURCES, INC.

ENGINEERING & SURVEYING CONSULTANTS

205 Bulfants Blvd., Suite E, Williamsburg, VA 23188
Ph: (757) 565-1677 Fax: (757) 565-0782
web: landtechresources.com



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

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

BROWN, GARY W TRUSTEE & SUZIE J TRUSTEE
106 DEAL
WILLIAMSBURG, VA 23188-9188

RE: CBPA-24-0169
109 Brancaster
Construction of a single-family
dwelling

November 21, 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. Darnel Covil and Ms. Hillary Brown, for encroachments into the Resource Protection Area buffer for the construction of a single-family dwelling. The project is located at 109 Brancaster, JCC Tax Map Parcel No. 3810300033.

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, December 11, 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



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

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

BUDNICK, DAVID W & WENDY L
200 REGENCY DR
NORTH WALES, PA 19454-1612

RE: CBPA-24-0169
109 Brancaster
Construction of a single-family
dwelling

November 21, 2024

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Sincerely,

Michael Woolson

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



General Services
107 Tewning Road
Williamsburg, VA 23188
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General.Services@jamescitycountyva.gov
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Capital Projects
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Fleet
103 Tewning Road
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757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
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757-259-6670

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

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

CARSON, CHADWICK J & ANA LORENA
104 TADWORTH
WILLIAMSBURG, VA 23188-9163

RE: CBPA-24-0169
109 Brancaster
Construction of a single-family
dwelling

November 21, 2024

Dear Adjacent Property Owner:

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Sincerely,

Michael Woolson

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



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COVIL, DARNELL LAMONT & HILLARY BROWN
253 NEWPORT NEWS AVE
HAMPTON, VA 23669-4146

RE: CBPA-24-0169
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CRAFFORD, GLENN
116 ALEXANDER WALKER
WILLIAMSBURG, VA 23185-8918

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DESCHAINED, CHARLES C & DIANE
106 BRANCASTER
WILLIAMSBURG, VA 23188-9179

RE: CBPA-24-0169
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Construction of a single-family
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FITCHETT, GARRY F & JULIE B KING
108 DEAL
WILLIAMSBURG, VA 23188-9188

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KOCHMAN, FREDERICA L & DAVID J
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Mr. Chase Grogg
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WHITLEY, JAMES F & BEVERLY A
103 BRANCASTER
WILLIAMSBURG, VA 23188-9179

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WILLIAMS, MINOR STANLEY TRUSTEE
100 BRANCASTER
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Adjacent Property Owner Mailing List for Case Number: CBPA-24-0169

PIN	Last Name	Address Line 1	City	State	Zip Code
3810300039	BROWN, GARY W TRUSTEE & SUZIE J TRUSTEE	106 DEAL	WILLIAMSBURG	VA	23188-9188
3810300034	BUDNICK, DAVID W & WENDY L	200 REGENCY DR	NORTH WALES	PA	19454-1612
3810300015	CARSON, CHADWICK J & ANA LORENA	104 TADWORTH	WILLIAMSBURG	VA	23188-9163
3810300033	COVIL, DARNELL LAMONT & HILLARY BROWN	253 NEWPORT NEWS AVE	HAMPTON	VA	23669-4146
3810300014	CRAFFORD, GLENN	116 ALEXANDER WALKER	WILLIAMSBURG	VA	23185-8918
3810300035	DESCHAIINE, CHARLES C & DIANE	106 BRANCASTER	WILLIAMSBURG	VA	23188-9179
3810300038	FITCHETT, GARRY F & JULIE B KING	108 DEAL	WILLIAMSBURG	VA	23188-9188
3810300013	GLASS, GORDON J TRUSTEE &	107 TADWORTH	WILLIAMSBURG	VA	23188-9163
3810300032	HOELL, RICHARD C TRUSTEE &	107 BRANCASTER	WILLIAMSBURG	VA	23188-9179
3720300012	HORAN, RICHARD A & GAIL I	105 TADWORTH	WILLIAMSBURG	VA	23185-9163
3810300036	KING, ANNA K	104 BRANCASTER	WILLIAMSBURG	VA	23188-9179
3810300031	KOCHMAN, FREDERICA L & DAVID J	105 BRANCASTER	WILLIAMSBURG	VA	23188-9179
	Mr. Chase Grogg LandTech Resources, Inc.	205-E Bulifants Blvd	Williamsburg	VA	23188
3810300030	WHITLEY, JAMES F & BEVERLY A	103 BRANCASTER	WILLIAMSBURG	VA	23188-9179
3810300037	WILLIAMS, MINOR STANLEY TRUSTEE	100 BRANCASTER	WILLIAMSBURG	VA	23188-9179



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, DECEMBER 11, 2024, AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0108: Mr. Ahmed Hassan, on behalf of Mr. Kenneth Brown, has applied for a Chesapeake Bay Exception for the construction of a deck, pool and out-building on property located at 112 Lands End Drive, JCC Real Estate Tax Map Parcel No. 4730500067.

CBPA-24-0122: Mr. Lance Frost, Country Village MHP, on behalf of Darel Crumpler, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 19 Windjammer Court, JCC Real Estate Tax Map Parcel No. 5920100001.

CBPA-24-0128: Mr. Gregory Griffin and Ms. Karin Rhodes, have applied for a Chesapeake Bay Exception for the construction of a patio and walkway on property located at 4376 Landfall Drive, JCC Real Estate Tax Map Parcel No. 4732400035.

CBPA-24-0153: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Brian D. and Ms. Mary O. Knapp, has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 105 Murcar, JCC Real Estate Tax Map Parcel No. 3710800079.

CBPA-24-0160: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 136 Freshwater Bay, JCC Real Estate Tax Map Parcel No. 3131500024.

CBPA-24-0163: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Peter H. and Ms. Barbara B. Douglas, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling with deck on property located at 223 St. Cuthbert, JCC Real Estate Tax Map Parcel No. 3721000049.

CBPA-24-0152: Mr. Larry Stroup, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 223 Sherwood Forest, JCC Real Estate Tax Map Parcel No. 1730200011.

CBPA-24-0164: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Susan Anton, has applied for a Chesapeake Bay Exception for the construction of a deck on property located at 16 Whittakers Mill Road, JCC Real Estate Tax Map Parcel No. 5040300016.

CBPA-24-0165: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception for the construction of a patio and fire pit on property located at 141 Macaulay Road, JCC Real Estate Tax Map Parcel No. 5030200136.

CBPA-24-0169: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Darnel Covil and Ms. Hillary Brown, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 109 Brancaster, JCC Real Estate Tax Map Parcel No. 3810300033.



PUBLIC HEARING NOTICE

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 – November 27, 2024 and December 4, 2024

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0108. 112 Lands End Drive
Staff Report for the December 11, 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: Mr. Kenneth T. Brown

Agent: Mr. Ahmed Hassan

Location: 112 Lands End Drive

Parcel Identification No.: 4730500067

Parcel: Lot 67, Section 1, Powhatan Shores

Lot Size: 0.35 acres

Area of Lot in Resource Protection Area (RPA): 0.29 acres (83%)

Watershed: Powhatan Creek (JL31)

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

Proposed Activity: Construction of a deck, pool, and outbuilding

Impervious Cover: 1,240 square feet, new impervious

RPA Encroachment: 662 square feet, seaward 50-foot RPA
653 square feet, landward 50-foot RPA

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

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Ahmed Hassan has applied for a Chesapeake Bay Exception on behalf of Mr. Kenneth T. Brown for encroachments into the RPA buffer for the construction of a deck, pool, and outbuilding located at 112 Lands End Drive within the Powhatan Shores subdivision and the Powhatan Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 4730500067. The parcel was platted in 1975, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.35 acres, of which 83% is located within the RPA. The applicant is proposing to construct a deck, pool, and outbuilding. Staff accepted this application at face value with the understanding that there were no outstanding violations on the property. Several items have been installed on this property since it was last sold, all without County approval as required by the Ordinance. The applicant is requesting credit for impervious cover removed. Staff will not allow the unapproved impervious cover, now being removed, to receive such credit, which includes the shed and partial pathway. In addition, the front walkway has been redone and increased in size. This additional impervious is added into this application.

Total impacts to the RPA associated with this proposal equate to 1,240 square feet of increased impervious. Required mitigation for this amount of impervious impacts equals three planting units. As this application is also dealing with existing violations, that mitigation rate is doubled to six planting units. The applicant has proposed a mitigation plan equaling three planting units; therefore, it does not satisfy the County's mitigation requirements.

County policy is to not approve any project that has outstanding violations. Through staff research in writing this staff report, staff uncovered several violations. The Board has the following options: 1) deny the application outright; 2) request the applicant to request a deferral until the violation process is completed; or 3) approve the application with the violations being addressed in that approval. If options 1 or 2 are pursued, staff will proceed with the standard violation process. If option 3 is pursued, then staff will consider the matter closed if the application is approved.

Staff is recommending that if the Board should choose to approve, the mitigation rate to be doubled, a payment of \$3,000 be paid into the Chesapeake Bay Mitigation Fund, and that an affidavit be recorded in the Williamsburg/James City County (WJCC) Courthouse. Staff can work with the applicant on an acceptable mitigation plan to be submitted at a later date, with the plantings to be completed prior to the issuance of a final building permit for the pool.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a deck, pool, and outbuilding. 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, pool, and outbuilding are considered accessory in nature.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity; and
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality; and
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances, either permitted or 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. 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 Owner must submit a surety of \$4,500 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling six planting units; and
3. The Owner must submit a mitigation plan detailing the installation of six planting units (six canopy trees, 12 understory trees, and 18 shrubs or approved substitutions). A minimum of 75% of the mitigation plantings must be native to Virginia. All plantings must meet the minimum size requirements set by the County; and
4. The Applicant must submit a Letter of Installation from a qualified professional to the Stormwater and Resource Protection Division prior to the issuance of a final release of surety. This letter must verify compliance with all approved construction plans for Stormwater Best Management Practices facilities. No surveyed as-built drawings are required; and
5. The Owner must pay a sum of \$3,000 into the Chesapeake Bay Mitigation Fund prior to the issuance of any building permits for the pool; and
6. An affidavit must be recorded in the WJCC Courthouse prior to the release of final surety; and
7. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
8. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 2025, six weeks prior to the expiration date.

EG/md
CBPA24-108_112LdsEnd

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-24-0108. 112 LANDS END DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Ahmed Hassan, on behalf of Mr. Kenneth T. Brown (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 112 Lands End Drive (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 4730500067, as set forth in the application CBPA-24-0108 for the purpose of the construction of a deck, pool, and out-building; 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-24-0108, 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 Owner must submit a surety of \$4,500 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling six planting units; and
3. The Owner must submit a mitigation plan detailing the installation of six planting units (six canopy trees, 12 understory trees, and 18 shrubs or approved substitutions). A minimum of 75% of the mitigation plantings must be native to Virginia. All plantings must meet the minimum size requirements set by the County; and
4. The Applicant must submit a Letter of Installation from a qualified professional to the Stormwater and Resource Protection Division prior to the issuance of a final release of surety. This letter must verify compliance with all approved construction plans for Stormwater Best Management Practices facilities. No surveyed as-built drawings are required; and
5. The Owner must pay a sum of \$3,000 into the Chesapeake Bay Mitigation Fund prior to the issuance of any building permits for the pool; and
6. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the release of final surety; and

7. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
8. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 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 11th day of December, 2024.

CBPA24-108_112LdsEndApp-res

RESOLUTION

CASE NO. CBPA-24-0108. 112 LANDS END DRIVE

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

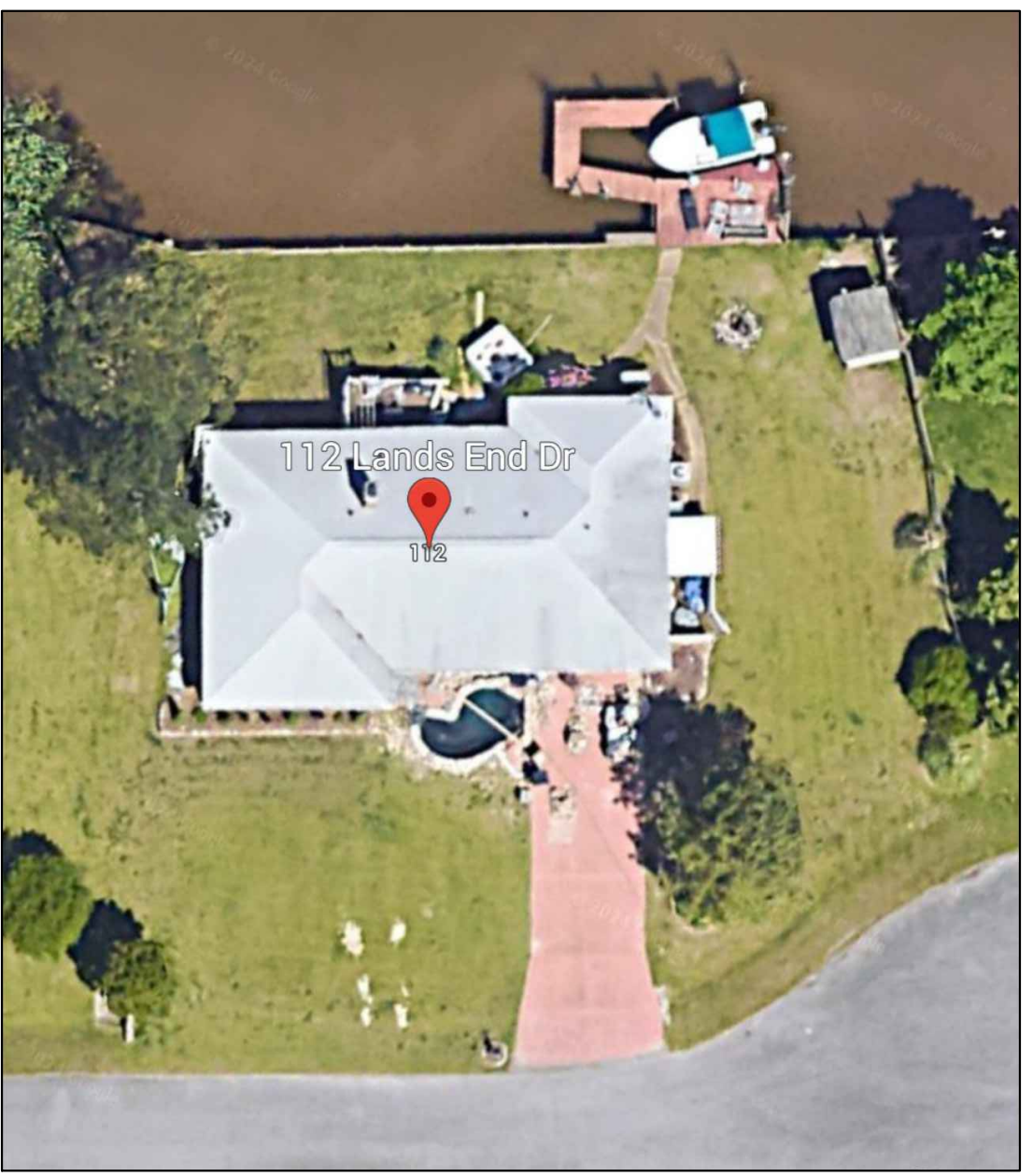
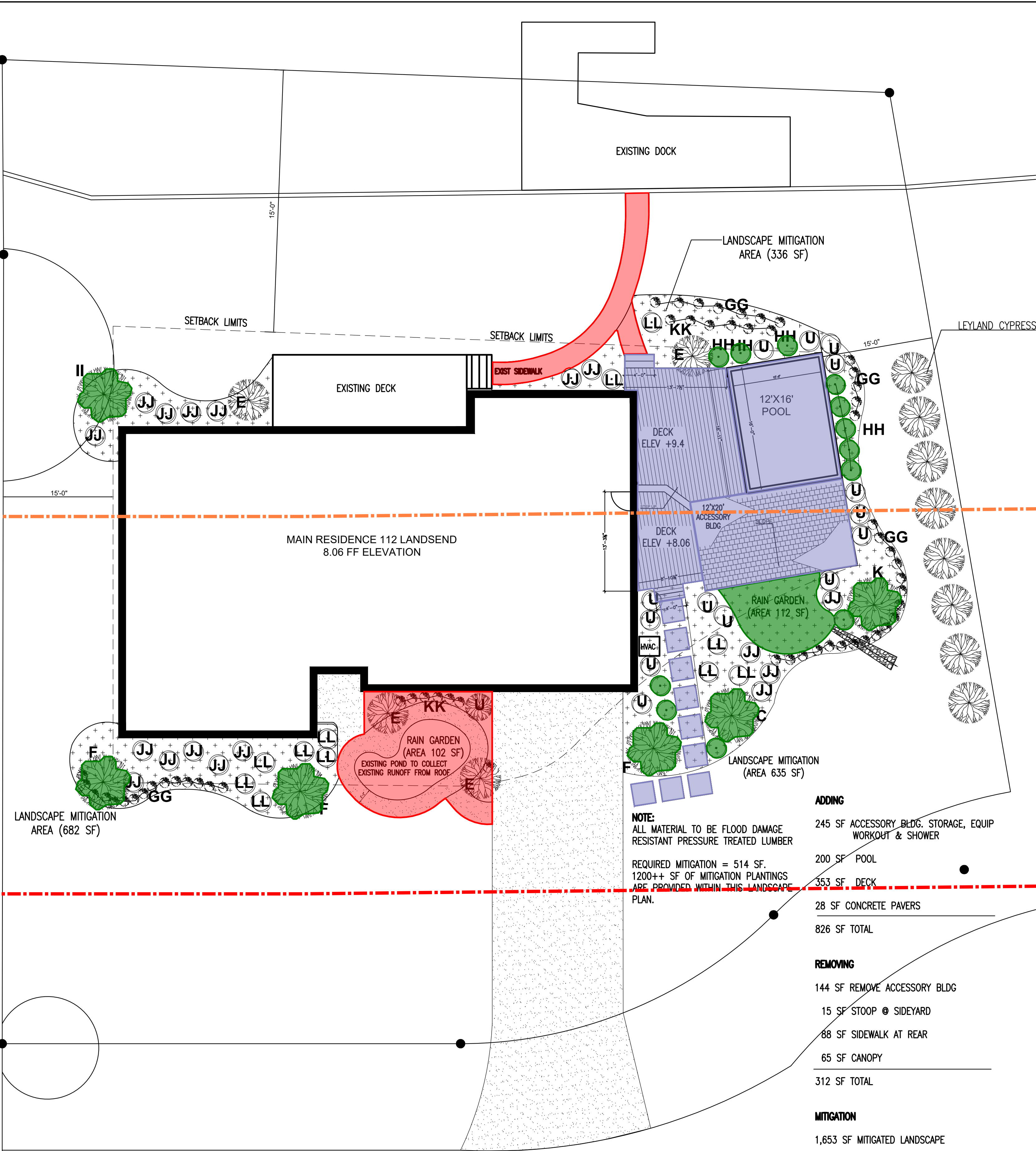
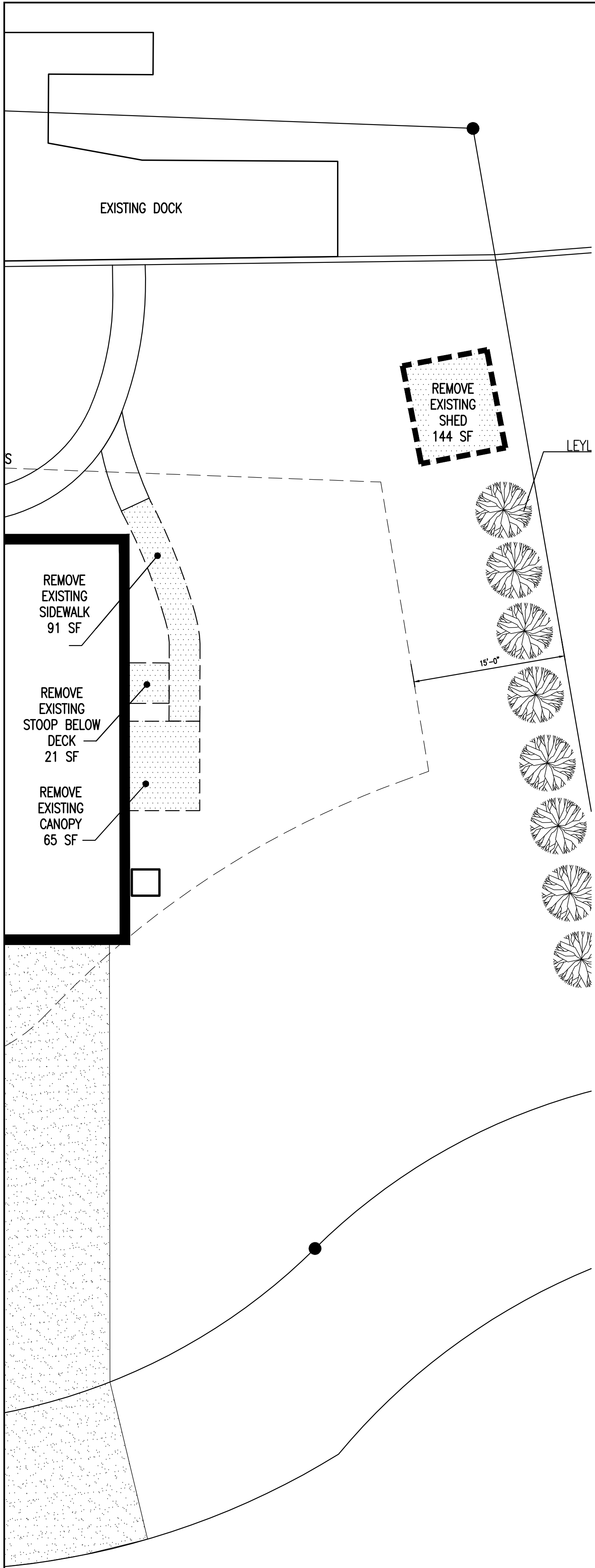
NOW, THEREFORE, BE IT RESOLVED that the Chesapeake Bay Board of James City County, Virginia, following a public hearing, finds that the application does not meet all the requirements for an exception to the Chesapeake Bay Preservation Ordinance and therefore **DENIES** the exception request for Chesapeake Bay Board Case No. CBPA-24-0108.

Charles Roadley
Chair, Chesapeake Bay Board

Michael Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of December, 2024.

CBPA24-108_112LdsEndDny-res



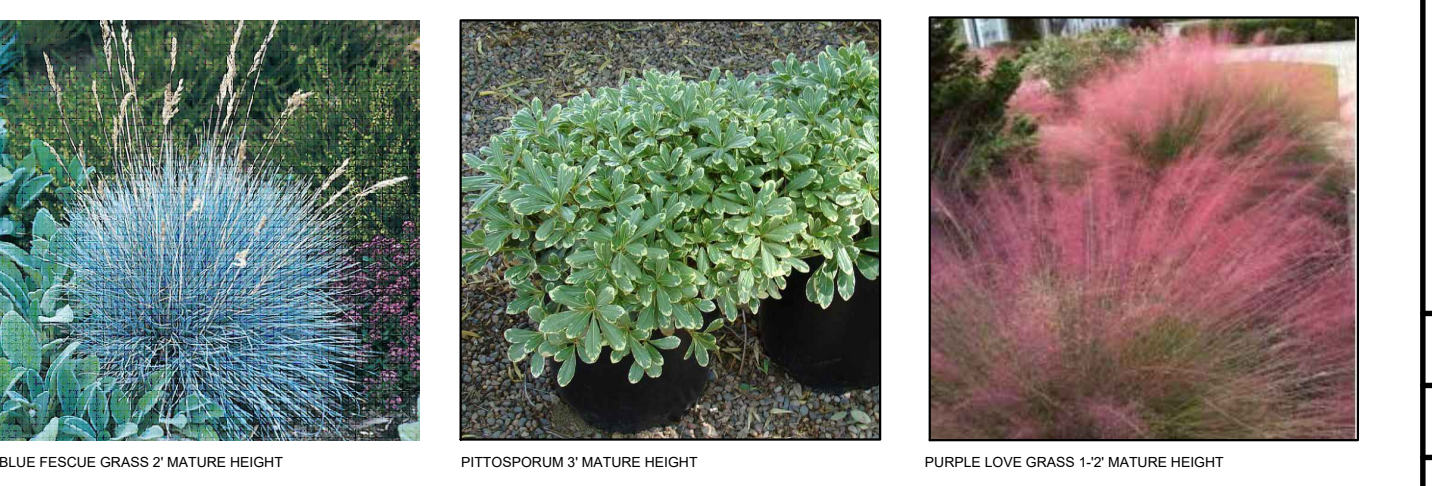
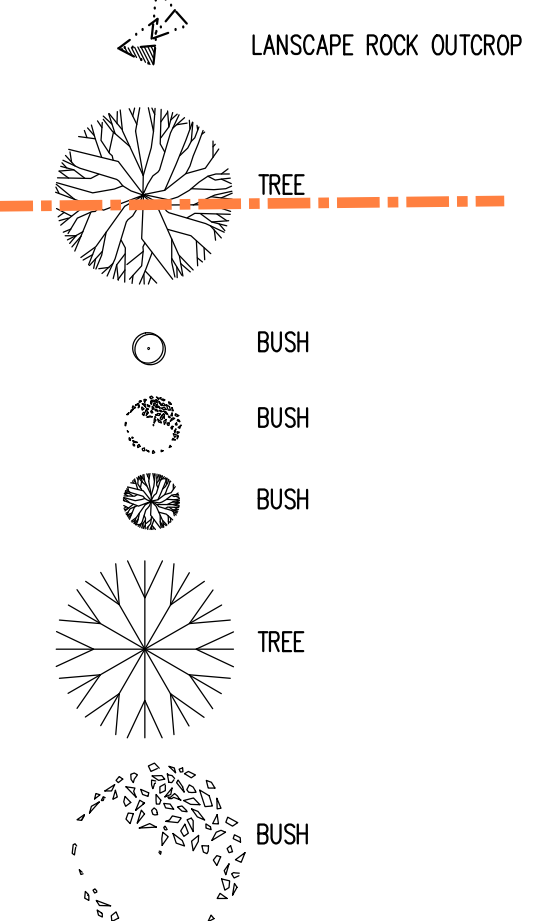
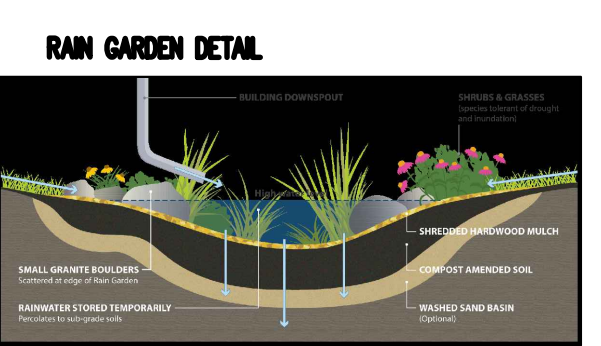
LANDSCAPE LEGEND *DENOTES MITIGATION SPECIES

TREE LEGEND

SYMBOL	COMMON NAME	Latin Name	NATIVE HEIGHT	PLANTING SIZE
* C 1	PIPER BIRCH	BETULA NIDA	30'-35'	2"
* C 2	LAUREL WAX	LATHRAEA	8'-12'	1 1/2"
* C 3	DOGWOOD	DOGWOOD	15'-20'	1 1/2"
* C 4	BLACK WALNUT	JUGLANS NIGRA	30'-35'	2"

SHRUB & GROUND COVER LEGEND

SYMBOL	COMMON NAME	Latin Name	NATIVE HEIGHT	PLANTING SIZE
* S 10	PISTIOPORUM	PISTIOPORUM	6'	1.5"
* S 11	BLUE FESCUE	FESTUCA PANDORA	8'	1/2.5"
* S 12	NEW JERSEY	SPARGANGLA	8'	1/2.5"
* S 13	BLACK DOGWOOD	DOGWOOD	15'-20'	1 1/2"
* S 14	GRASSY WAX	DOUGLASSIA	15'-20'	1 1/2"
* S 15	PURPLE LOVE GRASS	SPARGANGLA	15'-20'	1 1/2"
* S 16	WINDMILL	SPARGANGLA	15'-20'	1 1/2"



- NOTE:**
ALL MATERIAL TO BE FLOOD DAMAGE RESISTANT PRESSURE TREATED LUMBER
REQUIRED MITIGATION = 514 SF.
1200++ SF OF MITIGATION PLANTINGS ARE PROVIDED WITHIN THIS LANDSCAPE PLAN.
- ADDING**
- 245 SF ACCESSORY BLDG. STORAGE, EQUIP WORKOUT & SHOWER
 - 200 SF POOL
 - 353 SF DECK
 - 28 SF CONCRETE PAVERS
 - 826 SF TOTAL
- REMOVING**
- 144 SF REMOVE ACCESSORY BLDG
 - 15 SF STOOP @ SIDEYARD
 - 68 SF SIDEWALK AT REAR
 - 65 SF CANOPY
 - 312 SF TOTAL
- MITIGATION**
- 1,653 SF MITIGATED LANDSCAPE
 - 112 SF NEW RAIN GARDEN
 - 102 SF CONVERTED POND TO RAIN GARDEN

REVISIONS

BY

THE DESIGNS AND PLANS SHOWN HERE WERE DEVELOPED FOR USE ON THIS PROJECT ONLY AND ARE THE PROPERTY OF ARC DESIGN GROUP, INC. THE DESIGNS AND PLANS SHOWN HERE SHALL NOT BE USED BY ANY INDIVIDUAL, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF THIS OFFICE.

COMMONWEALTH OF VIRGINIA
AHMED H. HASSAN
No. 016168
AUGUST 8, 2024
ARCHITECT

AH2 LLC
Architecture-Planning-Development
112 DUNES WILLIAMSBURG VIRGINIA 23188
PHONE: (757) 206-0577
WEB SITE: www.ah2studio.com

architecture
planning-development
AH2
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P 757-206-0577

SITE CONCEPT MITIGATION PLAN

RESIDENTIAL
KEN BROWN RESIDENCE
112 LANSEND
WILLIAMSBURG VIRGINIA 23188

DATE **8/1/2024**

SCALE **As Noted**

PROJ. MGR. **AHH**

PROJECT NO. .

SHEET .
A101
OF .



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Williamsburg, VA 23188
757-259-4080

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

ADCOCK, DANNY & MICHELLE
115 LANDS END DR
WILLIAMSBURG, VA 23185-3125

RE: CBPA-24-0108
112 Lands End Drive
Construction of deck, pool, and
out-building

November 21, 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. Ahmed Hassan, on behalf of Mr. Kenneth Brown, for encroachments into the Resource Protection Area buffer for the construction of a deck, pool and out-building. The project is located at 112 Lands End Drive, JCC Tax Map Parcel No. 4730500067.

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, December 11, 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
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Ahmed Hassan
112 Dunes
Williamsburg, VA 23188

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BROWN, KENNETH T
112 LANDS END DR
WILLIAMSBURG, VA 23185-3158

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Construction of deck, pool, and
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BURDEN, JAMES A TRUSTEE
108 LANDS END DR
WILLIAMSBURG, VA 23185-3158

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GOLDEN, HEATHER E TRUSTEE
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HONEYCUTT, JOHN BRANDON
117 LANDS END DR
WILLIAMSBURG, VA 23185-3125

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112 Lands End Drive
Construction of deck, pool, and
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November 21, 2024

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IANNUZZI, MARK P TRUSTEE
113 LANDS END DR
WILLIAMSBURG, VA 23185-3125

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112 Lands End Drive
Construction of deck, pool, and
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November 21, 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. Ahmed Hassan, on behalf of Mr. Kenneth Brown, for encroachments into the Resource Protection Area buffer for the construction of a deck, pool and out-building. The project is located at 112 Lands End Drive, JCC Tax Map Parcel No. 4730500067.

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, December 11, 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



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

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

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-259-6670

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

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

MURPHY, BRYAN K SR TRUSTEE &
114 LANDS END DR
WILLIAMSBURG, VA 23185-3158

RE: CBPA-24-0108
112 Lands End Drive
Construction of deck, pool, and
out-building

November 21, 2024

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SUTTON, MATTHEW WAYNE & RIDGEWAY,
118 LANDS END DR
WILLIAMSBURG, VA 23185-3158

RE: CBPA-24-0108
112 Lands End Drive
Construction of deck, pool, and
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November 21, 2024

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WALKER, JOHN DOUGLAS & LYNN B
116 LANDS END DR
WILLIAMSBURG, VA 23185-3158

RE: CBPA-24-0108
112 Lands End Drive
Construction of deck, pool, and
out-building

November 21, 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-24-0108

PIN	Last Name	Address Line 1	City	State	Zip Code
4730500062	ADCOCK, DANNY & MICHELLE	115 LANDS END DR	WILLIAMSBURG	VA	23185-3125
	Ahmed Hassan	112 Dunes	Williamsburg	VA	23188
4730500067	BROWN, KENNETH T	112 LANDS END DR	WILLIAMSBURG	VA	23185-3158
4730500069	BURDEN, JAMES A TRUSTEE	108 LANDS END DR	WILLIAMSBURG	VA	23185-3158
4730500068	GOLDEN, HEATHER E TRUSTEE	110 LANDS END DR	WILLIAMSBURG	VA	23185-3158
4730500063	HONEYCUTT, JOHN BRANDON	117 LANDS END DR	WILLIAMSBURG	VA	23185-3125
4730500061	IANNUZZI, MARK P TRUSTEE	113 LANDS END DR	WILLIAMSBURG	VA	23185-3125
4730500066	MURPHY, BRYAN K SR TRUSTEE &	114 LANDS END DR	WILLIAMSBURG	VA	23185-3158
4730500064	SUTTON, MATTHEW WAYNE & RIDGEWAY,	118 LANDS END DR	WILLIAMSBURG	VA	23185-3158
4730500065	WALKER, JOHN DOUGLAS & LYNN B	116 LANDS END DR	WILLIAMSBURG	VA	23185-3158



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, DECEMBER 11, 2024, AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0108: Mr. Ahmed Hassan, on behalf of Mr. Kenneth Brown, has applied for a Chesapeake Bay Exception for the construction of a deck, pool and out-building on property located at 112 Lands End Drive, JCC Real Estate Tax Map Parcel No. 4730500067.

CBPA-24-0122: Mr. Lance Frost, Country Village MHP, on behalf of Darel Crumpler, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 19 Windjammer Court, JCC Real Estate Tax Map Parcel No. 5920100001.

CBPA-24-0128: Mr. Gregory Griffin and Ms. Karin Rhodes, have applied for a Chesapeake Bay Exception for the construction of a patio and walkway on property located at 4376 Landfall Drive, JCC Real Estate Tax Map Parcel No. 4732400035.

CBPA-24-0153: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Brian D. and Ms. Mary O. Knapp, has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 105 Murcar, JCC Real Estate Tax Map Parcel No. 3710800079.

CBPA-24-0160: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 136 Freshwater Bay, JCC Real Estate Tax Map Parcel No. 3131500024.

CBPA-24-0163: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Peter H. and Ms. Barbara B. Douglas, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling with deck on property located at 223 St. Cuthbert, JCC Real Estate Tax Map Parcel No. 3721000049.

CBPA-24-0152: Mr. Larry Stroup, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 223 Sherwood Forest, JCC Real Estate Tax Map Parcel No. 1730200011.

CBPA-24-0164: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Susan Anton, has applied for a Chesapeake Bay Exception for the construction of a deck on property located at 16 Whittakers Mill Road, JCC Real Estate Tax Map Parcel No. 5040300016.

CBPA-24-0165: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception for the construction of a patio and fire pit on property located at 141 Macaulay Road, JCC Real Estate Tax Map Parcel No. 5030200136.

CBPA-24-0169: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Darnel Covil and Ms. Hillary Brown, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 109 Brancaster, JCC Real Estate Tax Map Parcel No. 3810300033.



PUBLIC HEARING NOTICE

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 – November 27, 2024 and December 4, 2024

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0165. 141 Macaulay Road
Staff Report for the December 11, 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:	Olsen Fine Homebuilding	
Agent:	Mr. Chase Grogg, Landtech Resources, Inc.	
Location:	141 Macaulay Road	
Parcel Identification No.:	5030200136	
Parcel:	Lot 136, Section 2, Southall Quarter	
Lot Size:	1.02 acres	
Area of Lot in Resource Protection Area (RPA):	0.78 acres (77%)	
Watershed:	College Creek (JL34)	
Floodplain:	None	
Proposed Activity:	The construction of two decks, a patio, and a firepit	
Impervious Cover:	702 square feet for the decks, patio, and firepit (legislative) 1,695 square feet for the residence (administrative approval only)	
RPA Encroachment:	702 square feet, landward 50-foot RPA	
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 Olsen Fine Homebuilding for encroachments into the RPA buffer for the construction of two decks, a patio, and a firepit located at 141 Macaulay Road within the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 5030200136. The parcel was platted in 1976, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 1.02 acres, of which 77% is located within the RPA. The applicant is proposing to construct two decks, a patio, and a firepit totaling 702 square feet. Total impacts to the RPA associated with this proposal equate to 702 square feet in the landward 50-foot RPA. Required mitigation for this amount of impervious impacts equals two planting units for the proposed accessory structures. The applicant has provided a mitigation plan equaling six planting units (one canopy tree, eight understory trees, and 46 shrubs); therefore, satisfying County mitigation requirements for both the home and accessory structures.

STAFF EVALUATION

Staff has evaluated the application and exception request for the decks, patio, and firepit. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be heard by the Board because construction of the decks, patio, and firepit are considered accessory in nature.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

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

1. The exception request is the minimum necessary to afford relief; and
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity; and
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code and is not of substantial detriment to water quality; and
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances, either permitted or 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 \$4,500 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling six planting units (one canopy tree, eight understory trees, and 46 shrubs); and
3. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 2025, six weeks prior to the expiration date.

EG/ap
CBPA24-165_141Macaulay

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-24-0165. 141 MACAULAY ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Olsen Fine Homebuilding (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 141 Macaulay Road (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 5030200136, as set forth in the application CBPA-24-0165 for the purpose of the construction of two decks, a patio, and a firepit; 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-24-0165, 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 \$4,500 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling six planting units (one canopy tree, eight understory trees, and 46 shrubs); and
3. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
4. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 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 11th day of December, 2024.

CBPA24-165_141MacaulyApp-res

RESOLUTION

CASE NO. CBPA-24-0165. 141 MACAULAY ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Olsen Fine Homebuilding (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 141 Macaulay Road (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 5030200136, as set forth in the application CBPA-24-0165 for the purpose of the construction of two decks, a patio, and a firepit; 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-24-0165.

Charles Roadley
Chair, Chesapeake Bay Board

Michael Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of December, 2024.

CBPA24-165_141MacaulyDny-res

GENERAL NOTES

- THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND REFLECTS ONLY THOSE ENCUMBRANCES, EASEMENTS AND SETBACKS AS SHOWN IN P.B. 34, PG. 11.
- RPA AS SHOWN IS MEASURED FROM EDGE OF WATER AT TIME OF SURVEY (SEE NOTE 8).
- WETLANDS, IF ANY, WERE NOT RESEARCHED OR LOCATED FOR THIS PLAT.
- THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES.
- PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0206D, DATED DECEMBER 16, 2015.
- LOT SERVED BY PUBLIC WATER AND SEWER. CONTRACTOR TO COORDINATE CONNECTIONS WITH JAMES CITY COUNTY UTILITIES.
- CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM BUILDINGS SHOWN HEREON.
- TOPOGRAPHIC DATA AS SHOWN WAS DONE BY A FIELD SURVEY AND PROVIDED BY AES WITH PERMISSION OF USE FOR THIS FIRM.
- CONTRACTOR SHALL DETERMINE EXACT FINISHED FLOOR ELEVATION AFTER EXCAVATION.
- PROPOSED RESIDENCE SHOWN BASED OFF OF PLANS PROVIDED BY CLIENT. ALL DIMENSIONS TO BE CONFIRMED BY CONTRACTOR PRIOR TO CONSTRUCTION.
- A 7.5' DRAINAGE EASEMENT RUNS PARALLEL TO AND ALONG EACH SIDE OF LOT LINES PER P.B.34 PG.11.
- CONTRACTOR TO STABILIZE 2:1 SLOPE PER VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK TO PREVENT EROSION.

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 1.5-STORY FRAME WITH WALKOUT BASEMENT
PROPOSED GARAGE IS COURTYARD LOADING

SITE INFORMATION

PARCEL ID: 5030200136
TOTAL AREA: 44,514 S.F. / 1.02 AC.
IMPERVIOUS AREA TOTAL: 6,004 S.F. / 0.14 AC.
IMPERVIOUS WITHIN 50' RPA : 0 S.F. / 0 AC.
IMPERVIOUS WITHIN 100' RPA: 2,397 S.F. / 0.055 AC.
DISTURBED AREA: 19,342 S.F. / 0.444 AC.
DISTURBED AREA WITHIN 50' RPA: 0 S.F. / 0 AC.
DISTURBED AREA WITHIN 100' RPA: 10,544 S.F. / 0.24 AC.
RECREATIONAL IMPERVIOUS WITHIN 100' RPA TOTAL: 702 S.F. / 0.016 AC.
DECK(S): 355 S.F. / 0.008 AC.
PATIO: 275 S.F. / 0.006 AC.
FIREPIT: 72 S.F. / 0.001 AC.

ZONING DISTRICT: R4
EXISTING SITE IS WOODED AS SHOWN

BUILDING SETBACK (SBL)

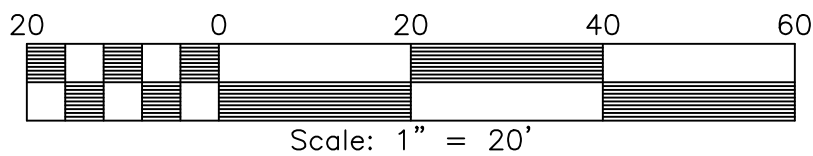
BUILDING SETBACK LINES ARE TO BE CONFIRMED
WITH KINGSMILL HOA / ARC

EXISTING ADDRESS:

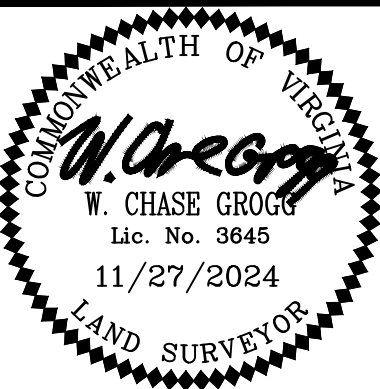
141 MACAULAY ROAD
JAMES CITY COUNTY, VIRGINIA

LEGEND

IRF = IRON ROD FOUND
DHF = DRILL HOLE FOUND
☐ HVAC * SUBJECT TO CHANGE LOCATION
CE = CONSTRUCTION ENTRANCE
SF = SILT FENCE



*NOTE
WATER METER AND SEWER
CLEAN OUT NOT FOUND AT
TIME OF SURVEY. CONTRACTOR TO
COORDINATE WITH JCSA FOR LOCATION
AND CONNECTION



DATE: 11/01/2024
DRAWN BY: AEQ
PROJECT No. 24-201
FILE NAME: 24-201.DWG
REFERENCES:
P.B. 34, PG. 11

PLOT PLAN OF
LOT 136 SECTION II
SOUTHALL QUARTER - KINGSMILL
FOR
OLSEN FINE HOMEBUILDING

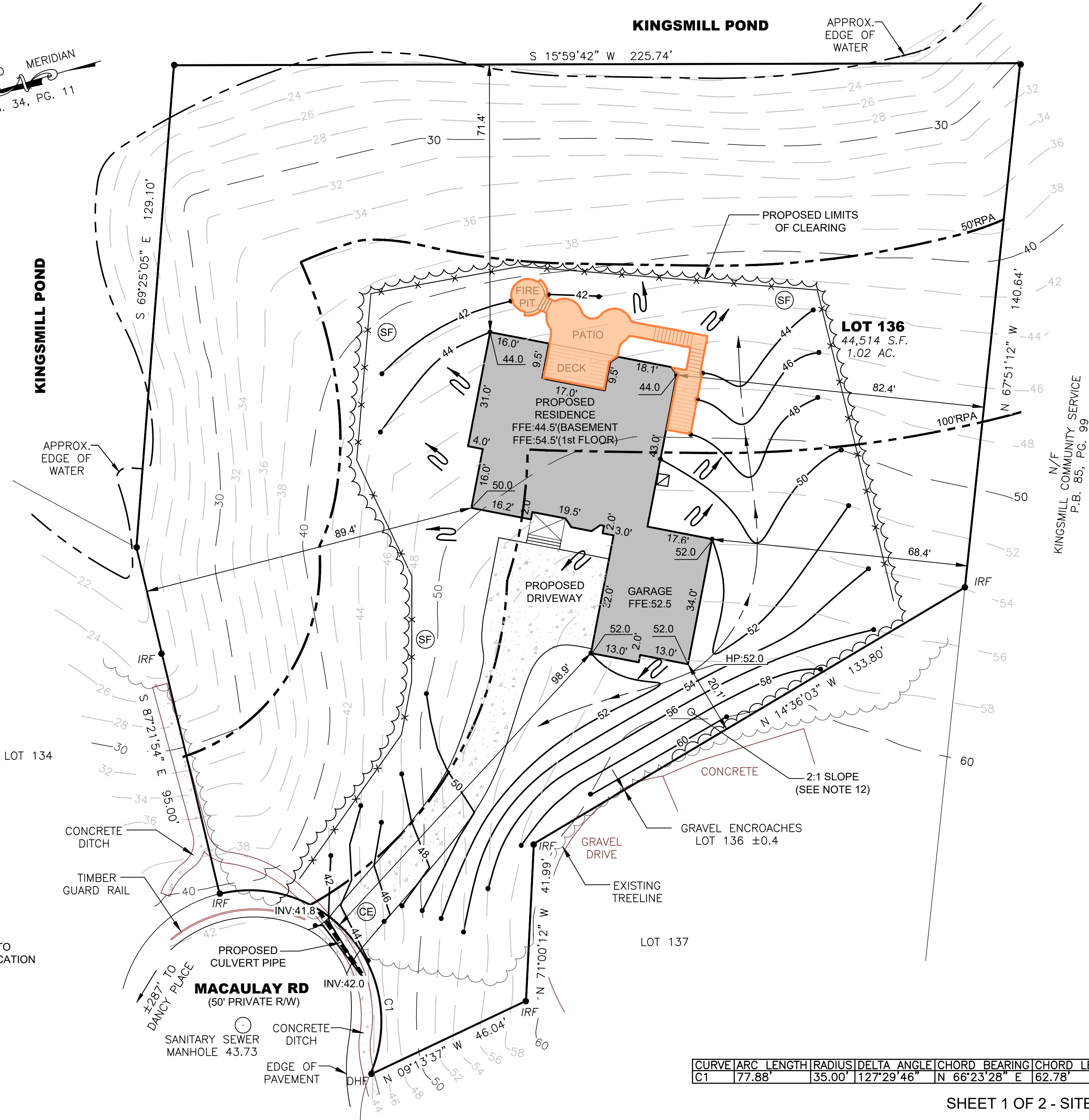
JAMES CITY COUNTY

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
2	11/27/2024	CORRECTED MITIGATION CALCULATION
1	11/13/2024	ADDED SETBACK DIMENSION TIES

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



SHEET 1 OF 2 - SITE PLAN

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BUILDING SETBACK (SBL)

BUILDING SETBACK LINES ARE TO BE CONFIRMED
WITH KINGSMILL HOA / ARC

EXISTING ADDRESS:

141 MACAULAY ROAD
JAMES CITY COUNTY, VIRGINIA

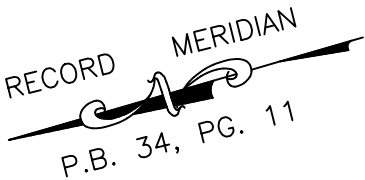
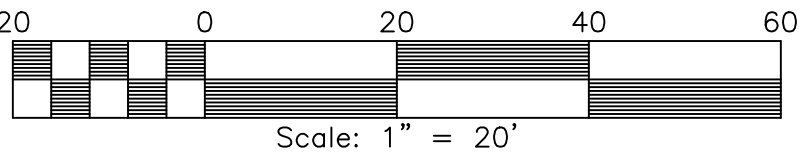
MITIGATION TABLE: 2,397 S.F. / 400 S.F. = 5.99 CREDITS

MITIGATION MEASURE	QTY.(NEEDED)	QTY. SHOWN
NATIVE CANOPY TREES	6	1
NATIVE UNDERSTORY TREES	12	8
NATIVE SHRUBS	18	46

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

MITIGATION LEGEND

-  CANOPY
-  UNDERSTORY
-  SHRUB



KINGSMILL POND

KINGSMILL POND

APPROX.
EDGE OF
WATER

APPROX.
EDGE OF
WATER

S 69°25'05" E 129.10'

S 15°59'42" W 225.74'

50'RPA

100'RPA

N 67°51'12" W 140.64'

LOT 136
44,514 S.F.
1.02 AC.

N/F
KINGSMILL COMMUNITY SERVICE
P.B. 85, PG. 99

IRF

S 87°21'54" E 95.00'

IRF

±287' TO
DANCY PLACE

MACAULAY RD
(50' PRIVATE R/W)

SANITARY SEWER
MANHOLE 43.73

CONCRETE
DITCH

GRAVEL
DRIVE

CONCRETE

LOT 137

IRF

N 71°00'12" W 41.99'

N 14°36'03" W 133.80'

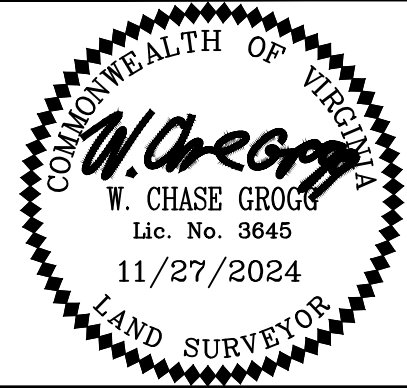
IRF

IRF

N 09°13'37" W 46.04'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	77.88'	35.00'	127°29'46"	N 66°23'28" E	62.78'

SHEET 2 OF 2 - MITIGATION



DATE: 11/01/2024
DRAWN BY: AEQ
PROJECT No. 24-201
FILE NAME: 24-201.DWG
REFERENCES:
P.B. 34, PG. 11

PLOT PLAN OF
LOT 136 SECTION II
SOUTHALL QUARTER - KINGSMILL
FOR
MITCHELL HOMES

JAMES CITY COUNTY

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
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1	11/13/2024	ADDED SETBACK DIMENSION TIES



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



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

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

Fleet
103 Tewning Road
Williamsburg, VA 23188
757-259-4122

**Stormwater and
Resource Protection**
101-E Mounts Bay Road
Williamsburg, VA 23185
757-259-6670

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

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

BOST, STEPHEN A & DEE A
144 MACAULAY RD
WILLIAMSBURG, VA 23185-5554

RE: CBPA-24-0165
141 Macaulay Road
Construction of a patio, and fire pit

November 21, 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 , for encroachments into the Resource Protection Area buffer for the construction of a patio and fire pit. The project is located at 141 Macaulay Road, JCC Tax Map Parcel No. 5030200136.

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, December 11, 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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757-565-0971

CROSS, TRACY L & JENNIFER R
133 MACAULAY RD
WILLIAMSBURG, VA 23185-5521

RE: CBPA-24-0165
141 Macaulay Road
Construction of a patio, and fire pit

November 21, 2024

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Williamsburg, VA 23188
757-565-0971

MORELLI, CARRIE P & GERARD J
164 W LANDING
WILLIAMSBURG, VA 23185-8255

RE: CBPA-24-0165
141 Macaulay Road
Construction of a patio, and fire pit

November 21, 2024

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Mr. Chase Grogg
LandTech Resources, Inc.
205-E Bulifants Blvd
Williamsburg, VA 23188

RE: CBPA-24-0165
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SHRIVER, SARAH ELIZABETH & SMOTHERS,
137 MACAULAY RD
WILLIAMSBURG, VA 23185-5521

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November 21, 2024

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Michael Woolson

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

Adjacent Property Owner Mailing List for Case Number: CBPA-24-0165

PIN	Last Name	Address Line 1	City	State	Zip Code
5030200134	BOST, STEPHEN A & DEE A	144 MACAULAY RD	WILLIAMSBURG	VA	23185-5554
5030200138	CROSS, TRACY L & JENNIFER R	133 MACAULAY RD	WILLIAMSBURG	VA	23185-5521
5030200136	MORELLI, CARRIE P & GERARD J	164 W LANDING	WILLIAMSBURG	VA	23185-8255
	Mr. Chase Grogg LandTech Resources, Inc.	205-E Bulifants Blvd	Williamsburg	VA	23188
5030200137	SHRIVER, SARAH ELIZABETH & SMOTHERS,	137 MACAULAY RD	WILLIAMSBURG	VA	23185-5521



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, DECEMBER 11, 2024, AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0108: Mr. Ahmed Hassan, on behalf of Mr. Kenneth Brown, has applied for a Chesapeake Bay Exception for the construction of a deck, pool and out-building on property located at 112 Lands End Drive, JCC Real Estate Tax Map Parcel No. 4730500067.

CBPA-24-0122: Mr. Lance Frost, Country Village MHP, on behalf of Darel Crumpler, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 19 Windjammer Court, JCC Real Estate Tax Map Parcel No. 5920100001.

CBPA-24-0128: Mr. Gregory Griffin and Ms. Karin Rhodes, have applied for a Chesapeake Bay Exception for the construction of a patio and walkway on property located at 4376 Landfall Drive, JCC Real Estate Tax Map Parcel No. 4732400035.

CBPA-24-0153: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Brian D. and Ms. Mary O. Knapp, has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 105 Murcar, JCC Real Estate Tax Map Parcel No. 3710800079.

CBPA-24-0160: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 136 Freshwater Bay, JCC Real Estate Tax Map Parcel No. 3131500024.

CBPA-24-0163: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Peter H. and Ms. Barbara B. Douglas, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling with deck on property located at 223 St. Cuthbert, JCC Real Estate Tax Map Parcel No. 3721000049.

CBPA-24-0152: Mr. Larry Stroup, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 223 Sherwood Forest, JCC Real Estate Tax Map Parcel No. 1730200011.

CBPA-24-0164: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Susan Anton, has applied for a Chesapeake Bay Exception for the construction of a deck on property located at 16 Whittakers Mill Road, JCC Real Estate Tax Map Parcel No. 5040300016.

CBPA-24-0165: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception for the construction of a patio and fire pit on property located at 141 Macaulay Road, JCC Real Estate Tax Map Parcel No. 5030200136.

CBPA-24-0169: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Darnel Covil and Ms. Hillary Brown, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 109 Brancaster, JCC Real Estate Tax Map Parcel No. 3810300033.



PUBLIC HEARING NOTICE

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 – November 27, 2024 and December 4, 2024

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-24-0164. 16 Whittakers Mill Road
Staff Report for the December 11, 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: Ms. Diane Giordano

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

Location: 16 Whittakers Mill Road

Parcel Identification No.: 5040300016

Parcel: Lot 16, Section 1, Whittaker Mill

Lot Size: 0.74 acres

Area of Lot in Resource Protection Area (RPA): 0.54 acres (73%)

Watershed: College Creek (JL34)

Floodplain: None

Proposed Activity: Construction of a deck

Impervious Cover: 256 square feet, legislative impervious in the 50-foot landward RPA
1,189 square feet, administrative impervious in the 50-foot landward RPA
1,445 square feet total new impervious in the RPA

RPA Encroachment: 6,630 square feet, disturbance within the 50-foot landward RPA
109 square feet, disturbance within the 50-foot seaward RPA
6,630 square feet total disturbance within the RPA

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 Ms. Diane Giordano for encroachments into the RPA buffer for the construction of a deck located at 16 Whittakers Mill Road within the Kingsmill subdivision and the College Creek watershed. The property is further identified as James City County Real Estate Tax Map Parcel No. 5040300016. The parcel was platted in 1973, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.74 acres, of which 73% is located within the RPA. The applicant is proposing to construct a deck. Total impacts to the RPA associated with this proposal equate to 256 square feet of legislative impacts to the 50-foot landward RPA and 1,189 square feet of administrative impacts to the 50-foot landward RPA for a total of 1,445 square feet of impacts to the RPA. Required mitigation for this amount of impervious impacts equals four planting units (four canopy trees, eight understory trees, and 12 shrubs). The applicant has submitted a mitigation plan equaling two canopy trees, two understory trees,

and 23 shrubs. This does not satisfy County mitigation requirements and the submission of a mitigation plan equaling four planting units (four canopy trees, eight understory trees, and 12 shrubs) will be required prior to the issuance of a building permit.

Additionally, the applicant is proposing two infiltration trench stormwater Best Management Practices (BMPs) to manage drainage on the lot. Prior to the issuance of a final Certificate of Occupancy, the applicant must submit a Letter of Installation from a qualified professional to the Stormwater and Resource Protection Division. No surveyed as-built drawings are required, but this letter must verify compliance with all approved construction plans for stormwater BMP facilities. Staff is also requesting that an affidavit be recorded in the Williamsburg/James City County Courthouse due to the environmental sensitivity of the lot.

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 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 moderate for the proposed development. Staff recommends approval for this exception request and if the Board wishes to approve the request, staff recommends the following conditions be incorporated into the approval:

1. The 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 \$3,000 in a form acceptable to the James City County Attorney's Office to guarantee the mitigation plan equaling four planting units (four canopy trees, eight understory trees, and 12 shrubs) and the construction of two infiltration trench BMP facilities; and
3. The Applicant must submit a mitigation plan equaling four planting units (four canopy trees, eight understory trees, and 12 shrubs) prior to the issuance of a building permit; and

4. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
5. The Applicant must submit a Letter of Installation from a qualified professional to the Stormwater and Resource Protection Division prior to the issuance of a final Certificate of Occupancy. This letter must verify compliance with all approved construction plans for stormwater BMP facilities. No surveyed as-built drawings are required; and
6. This exception request approval will become null and void if construction has not begun by December 11, 2025; and
7. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 2025, six weeks prior to the expiration date.

EG/md
CBPA24-164_16WhtMill

Attachments:
1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA-24-0164. 16 WHITTAKERS MILL ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Chase Grogg, Landtech Resources, Inc., on behalf of Ms. Diane Giordano (the “Applicant”), has applied to the Chesapeake Bay Board of James City County (the “Board”) on December 11, 2024, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property located at 16 Whittakers Mill Road (the “Property”) and further identified as James City County Real Estate Tax Map Parcel No. 5040300016, as set forth in the application CBPA-24-0164 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-24-0164, 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 \$3,000 in a form acceptable to the James City County Attorney’s Office to guarantee the mitigation plan equaling four planting units (four canopy trees, eight understory trees, and 12 shrubs) and the construction of two infiltration trench Best Management Practices (BMP) facilities; and
3. The Applicant must submit a mitigation plan equaling four planting units (four canopy trees, eight understory trees, and 12 shrubs) prior to the issuance of a building permit; and
4. An affidavit must be recorded in the Williamsburg/James City County Courthouse prior to the issuance of a building permit; and
5. The Applicant must submit a Letter of Installation from a qualified professional to the Stormwater and Resource Protection Division prior to the issuance of a final Certificate of Occupancy. This letter must verify compliance with all approved construction plans for stormwater BMP facilities. No surveyed as-built drawings are required; and
6. This exception request approval will become null and void if construction has not begun by December 11, 2025; and

7. Written requests for an extension to an exception must be submitted to the Stormwater and Resource Protection Division no later than October 30, 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 11th day of December, 2024.

CBPA24-164_16WhtMillApp-res

RESOLUTION

CASE NO. CBPA-24-0164. 16 WHITTAKERS MILL ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

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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-24-0164.

Charles Roadley
Chair, Chesapeake Bay Board

Michael Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 11th day of December, 2024.

CBPA24-164_16WhtMillDny-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. 31, PG. 22-23.
2. ELEVATIONS SHOWN HEREON ARE IN FEET AND ARE GPS DERIVED (NAVD88).
3. A 7.5' DRAINAGE EASEMENT RUNS PARALLEL TO EACH LOT LINE PER P.B.31 PG.22.
4. WETLANDS, IF ANY, WERE NOT RESEARCHED OR LOCATED FOR THIS PLAT. RPA SHOWN IS BASED ON GIS ONLY.
5. THIS FIRM MADE NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES. UNDERGROUND UTILITIES AS SHOWN WERE LOCATED AND MARKED BY MISS UTILITY THEN FIELD LOCATED BY THIS FIRM.
6. PARCEL LIES IN F.I.R.M. ZONE "X" ACCORDING TO COMMUNITY PANEL #51095C0117D, DATED DECEMBER 16, 2015.
7. LOT SERVED BY PUBLIC WATER AND SEWER. CONTRACTOR TO COORDINATE CONNECTIONS WITH JAMES CITY COUNTY UTILITIES.
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 RESIDENCE SHOWN BASED OFF OF PLANS PROVIDED BY CLIENT. ALL DIMENSIONS TO BE CONFIRMED BY CONTRACTOR PRIOR TO CONSTRUCTION.
11. INFILTRATION TRENCHES HAVE BEEN DESIGNED PER YORK COUNTY INFILTRATION TRENCH DETAIL SEE SHEET 3.

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 1-STORY BRICK FRAME WITH WALKOUT BASEMENT
PROPOSED GARAGE IS SIDE LOADING
PROPOSED FIRST FLOOR SQUARE FOOT IS 2,554

SITE INFORMATION

PARCEL ID: 5040300016

TOTAL AREA: 32,253 S.F. / 0.74 AC.

IMPERVIOUS AREA TOTAL: 5,879 S.F. / 0.13 AC.

IMPERVIOUS WITHIN 50' RPA: 0 S.F. / 0 AC.

*MULCH PATH FALLS WITHIN 50' RPA AND IS 109 S.F. / 0.002 AC.

IMPERVIOUS WITHIN 100' RPA: 1,058 S.F. / 0.02 AC.

DECK: 256 S.F. / 0.006 AC.

IMPERVIOUS WITHIN RPA TOTAL: 1,058 S.F. / 0.02 AC.

DISTURBED AREA TOTAL: 19,544 S.F. / 0.45 AC.

DISTURBED AREA WITHIN 50' RPA: 0 S.F. / 0 AC.

DISTURBED AREA WITHIN 100' RPA: 6,630 S.F. / 0.15 AC.

ZONING DISTRICT: R4 RESIDENTIAL PLANNED COMMUNITY

EXISTING SITE IS MOSTLY WOODED AS SHOWN

BUILDING SETBACK (SBL)

SETBACKS TO BE CONFIRMED BY KCSA

FRONT: 40'

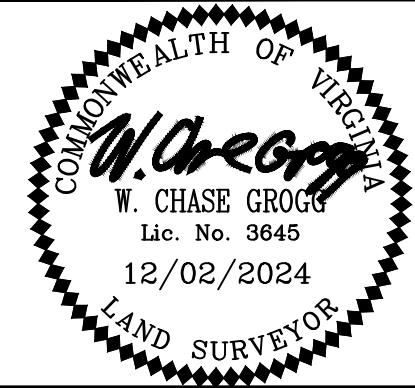
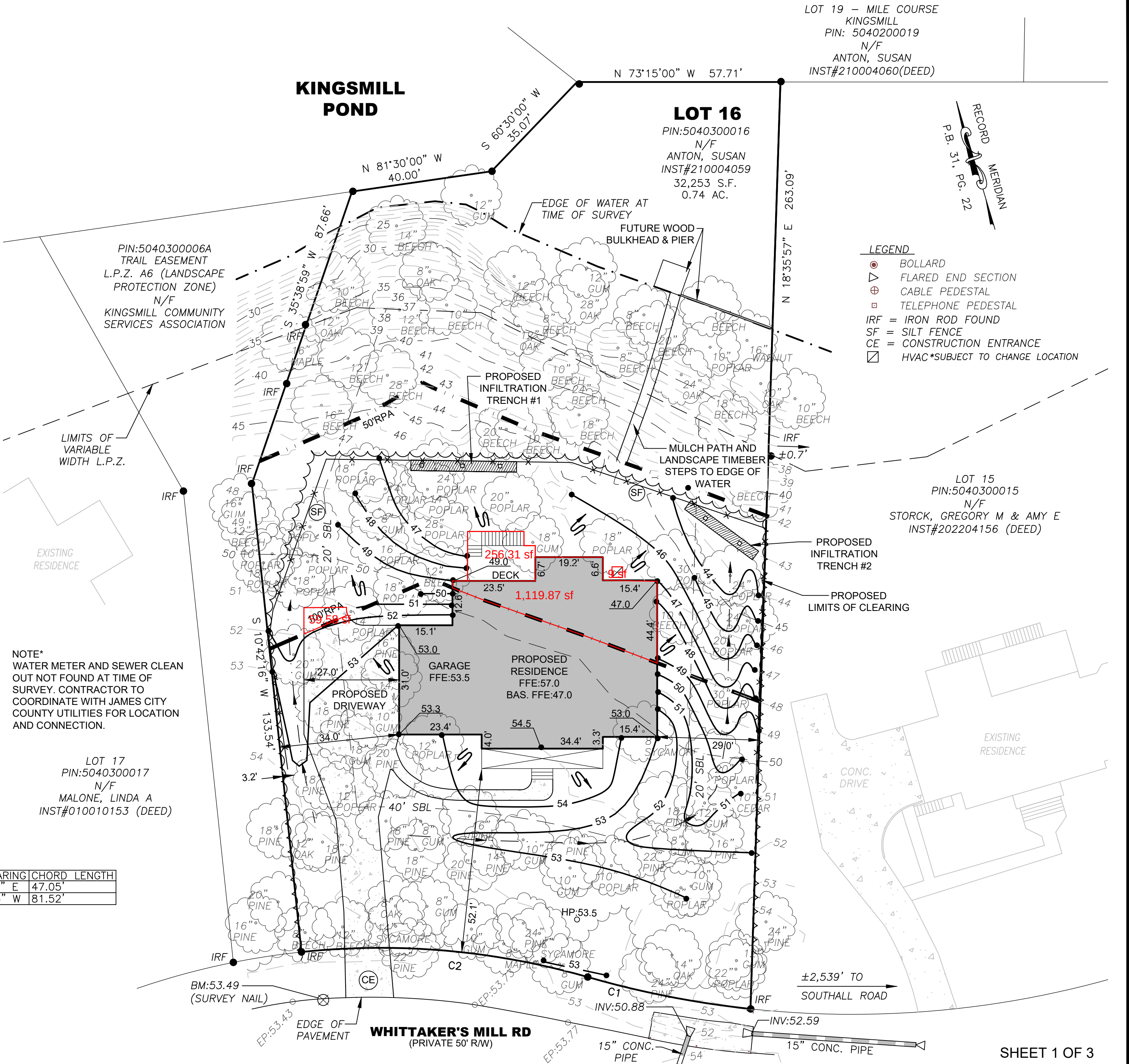
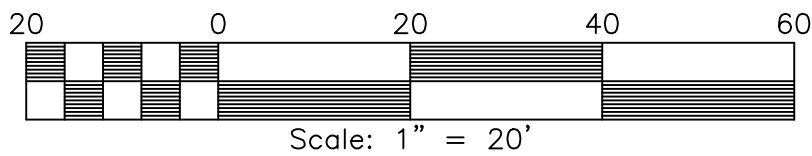
REAR: 30'

SIDE: 20'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	47.11'	271.56'	9°56'25"	S 62°10'35" E	47.05'
C2	82.03'	212.66'	22°06'01"	N 68°14'45" W	81.52'

EXISTING ADDRESS:

16 WHITTAKER'S MILL ROAD
JAMES CITY COUNTY, VIRGINIA



DATE: 10/30/2024
DRAWN BY: AEQ
PROJECT No. 24-420
FILE NAME: 24-420.DWG
REFERENCES:
P.B. 31, PG. 22-23

PLOT PLAN OF
LOT 16 SECTION 1
WHITTAKER'S MILL - KINGSMILL
FOR
DIANE GIORDANO

JAMES CITY COUNTY

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
1	12/02/2024	REVISED PER COUNTY COMMENTS

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

SITE INFORMATION

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IMPERVIOUS AREA TOTAL: 5,879 S.F. / 0.13 AC.
IMPERVIOUS WITHIN 50' RPA: 0 S.F. / 0 AC.
IMPERVIOUS WITHIN 100' RPA: 1,058 S.F. / 0.02 AC.
IMPERVIOUS WITHIN RPA TOTAL: 1,058 S.F. / 0.02 AC.
DISTURBED AREA TOTAL: 19,544 S.F. / 0.45 AC.
DISTURBED AREA WITHIN 50' RPA: 0 S.F. / 0 AC.
DISTURBED AREA WITHIN 100' RPA: 6,630 S.F. / 0.15 AC.
ZONING DISTRICT: R4 RESIDENTIAL PLANNED COMMUNITY
EXISTING SITE IS MOSTLY WOODED AS SHOWN

BUILDING SETBACK (SBL)

SETBACKS TO BE CONFIRMED BY KCSA
FRONT: 40'
REAR: 30'
SIDE: 20'

EXISTING ADDRESS:

16 WHITTAKER'S MILL ROAD
JAMES CITY COUNTY, VIRGINIA

MITIGATION LEGEND

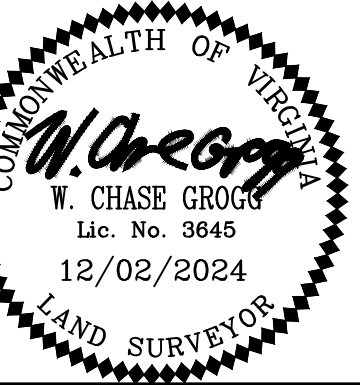
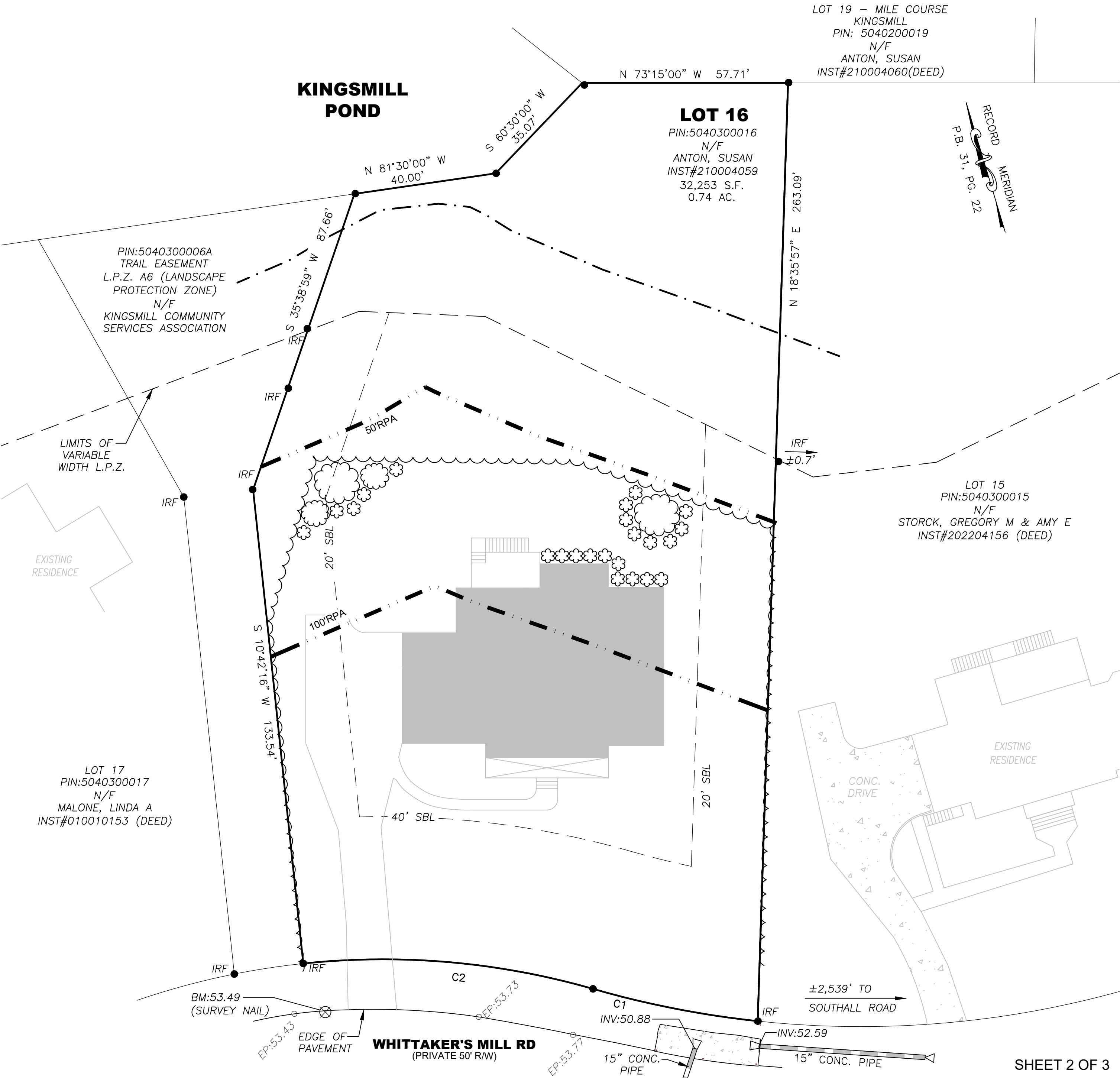
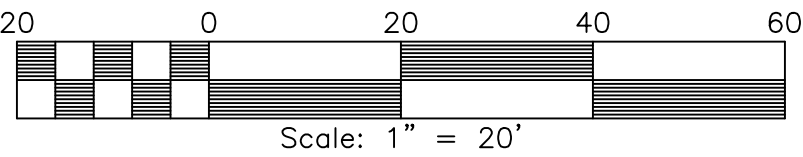
- CANOPY
- UNDERSTORY
- SHRUB

MITIGATION TABLE: 1,058 S.F. / 400 S.F. = 2.645 CREDITS

MITIGATION MEASURE	QTY.(NEEDED)	QTY. SHOWN
NATIVE CANOPY TREES	3	2
NATIVE UNDERSTORY TREES	6	2
NATIVE SHRUBS	9	23

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

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	47.11'	271.56'	9°56'25"	S 62°10'35" E	47.05'
C2	82.03'	212.66'	22°06'01"	N 68°14'45" W	81.52'



DATE: 10/30/2024
DRAWN BY: AEQ
PROJECT No. 24-420
FILE NAME: 24-420.DWG
REFERENCES:
P.B. 31, PG. 22-23

PLOT PLAN OF
LOT 16 SECTION 1
WHITTAKER'S MILL - KINGSMILL
FOR
DIANE GIORDANO

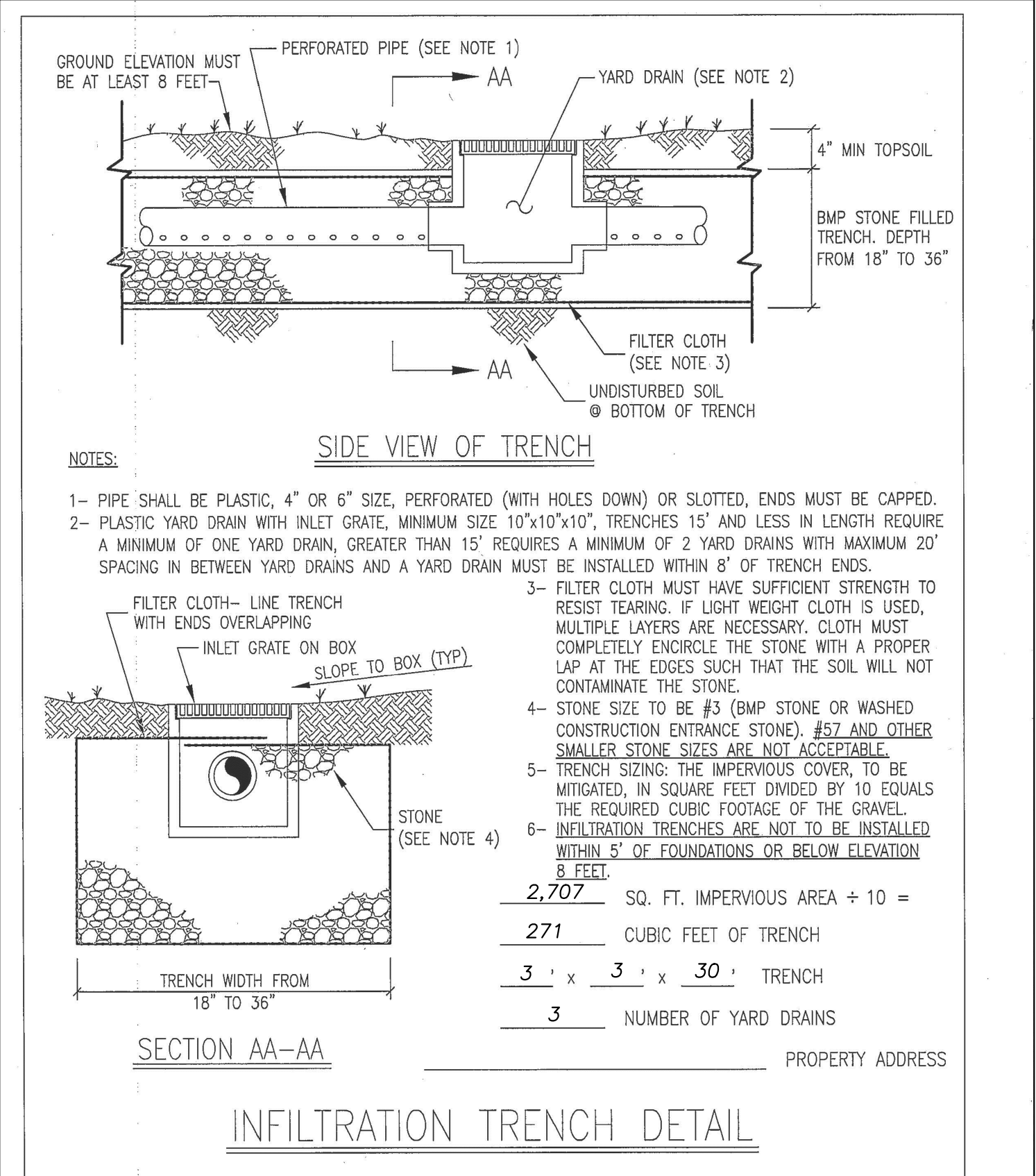
JAMES CITY COUNTY

VIRGINIA

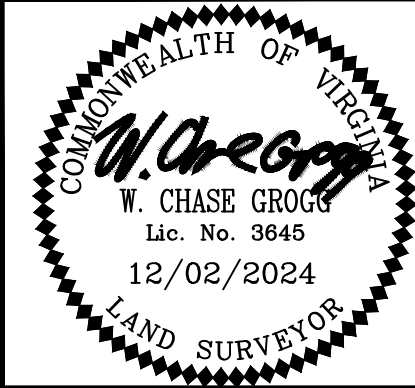
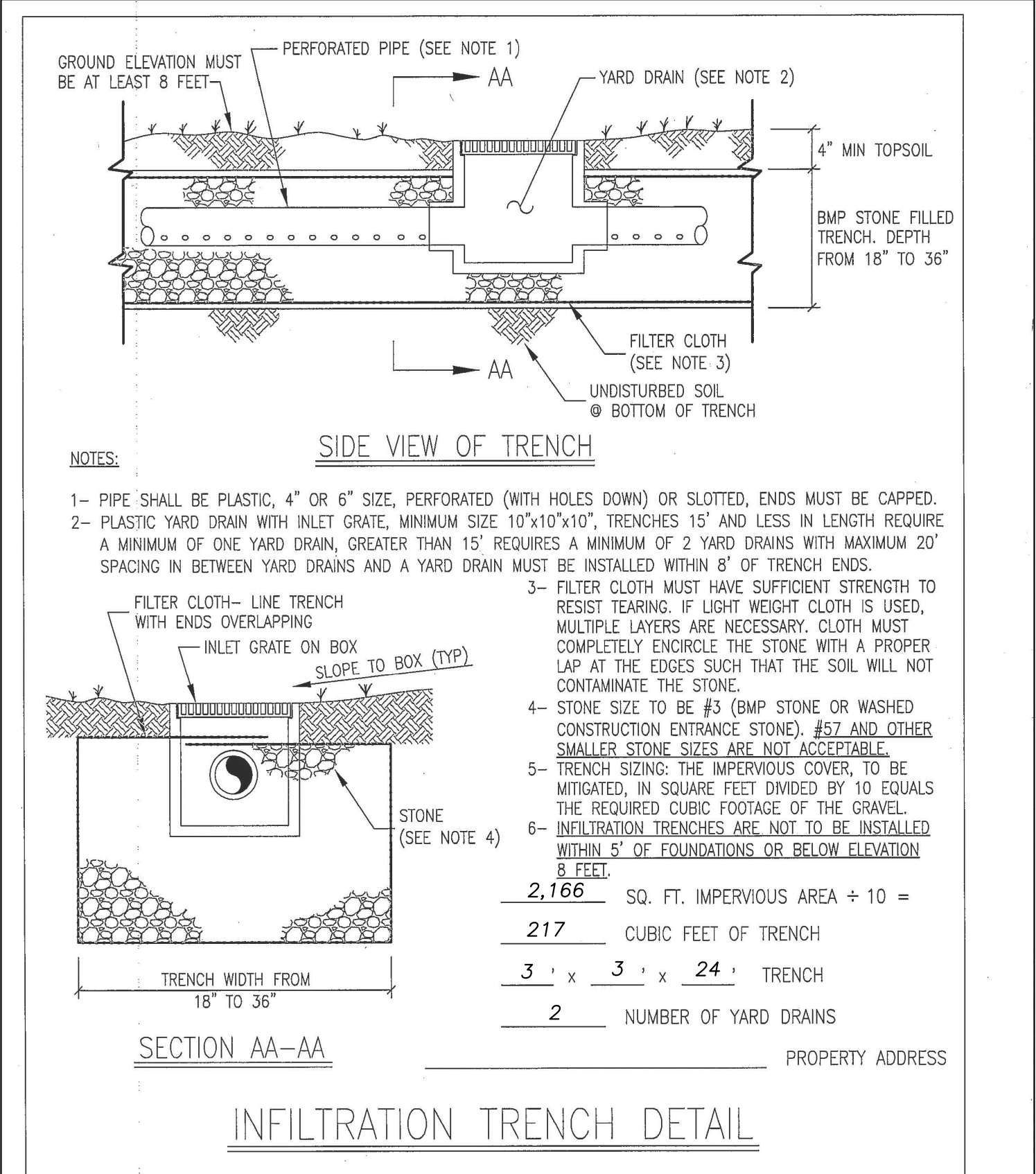
NO.	DATE	REVISION / COMMENT / NOTE
1	12/02/2024	REVISED PER COUNTY COMMENTS

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

PROPOSED INFILTRATION TRENCH #1



PROPOSED INFILTRATION TRENCH #2



DATE: 10/30/2024
DRAWN BY: AEQ
PROJECT No. 24-420
FILE NAME: 24-420.DWG
REFERENCES:
P.B. 31, PG. 22-23

PLOT PLAN OF
LOT 16 SECTION 1
WHITTAKER'S MILL - KINGSMILL
FOR
DIANE GIORDANO

JAMES CITY COUNTY

VIRGINIA

NO.	DATE	REVISION / COMMENT / NOTE
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Solid Waste
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Williamsburg, VA 23188
757-565-0971

ANTON, SUSAN
19 MILE CRSE
WILLIAMSBURG, VA 23185-5525

RE: CBPA-24-0164
16 Whittakers Mill Road
Construction of a deck

November 21, 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 Ms. Susan Anton, for encroachments into the Resource Protection Area buffer for the construction of a deck. The project is located at 16 Whittakers Mill Road, JCC Tax Map Parcel No. 5040300016.

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, December 11, 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
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CURTIS, RONALD T TRUSTEE & JOANNE H
22 WHITTAKERS MILL RD
WILLIAMSBURG, VA 23185-5534

RE: CBPA-24-0164
16 Whittakers Mill Road
Construction of a deck

November 21, 2024

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FAUNTEROY, FRANCIS HARVEY ESTATE
106 16TH ST SE
WASHINGTON, DC 20003-1503

RE: CBPA-24-0164
16 Whittakers Mill Road
Construction of a deck

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KINGSMILL COMMUNITY SERVICES ASSOCIATION
100 KINGSMILL RD
WILLIAMSBURG, VA 23185-5579

RE: CBPA-24-0164
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Construction of a deck

November 21, 2024

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MALONE, LINDA A
17 WHITTAKERS MILL RD
WILLIAMSBURG, VA 23185-5534

RE: CBPA-24-0164
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Construction of a deck

November 21, 2024

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Mr. Chase Grogg
LandTech Resources, Inc.
205-E Bulifants Blvd
Williamsburg, VA 23188

RE: CBPA-24-0164
16 Whittakers Mill Road
Construction of a deck

November 21, 2024

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STORCK, GREGORY M & AMY E
15 WHITTAKERS MILL RD
WILLIAMSBURG, VA 23185-5534

RE: CBPA-24-0164
16 Whittakers Mill Road
Construction of a deck

November 21, 2024

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Michael.Woolson@jamescitycountyva.gov

Adjacent Property Owner Mailing List for Case Number: CBPA-24-0164

PIN	Last Name	Address Line 1	City	State	Zip Code
5040300016	ANTON, SUSAN	19 MILE CRSE	WILLIAMSBURG	VA	23185-5525
5040300022	CURTIS, RONALD T TRUSTEE & JOANNE H	22 WHITTAKERS MILL RD	WILLIAMSBURG	VA	23185-5534
5040300021	FAUNTEROY, FRANCIS HARVEY ESTATE	106 16TH ST SE	WASHINGTON	DC	20003-1503
5040300006A	KINGSMILL COMMUNITY SERVICES ASSOCIATION	100 KINGSMILL RD	WILLIAMSBURG	VA	23185-5579
5040300017	MALONE, LINDA A	17 WHITTAKERS MILL RD	WILLIAMSBURG	VA	23185-5534
	Mr. Chase Grogg LandTech Resources, Inc.	205-E Bulifants Blvd	Williamsburg	VA	23188
5040300015	STORCK, GREGORY M & AMY E	15 WHITTAKERS MILL RD	WILLIAMSBURG	VA	23185-5534



PUBLIC HEARING NOTICE

THE WETLANDS AND CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA, WILL HOLD A PUBLIC HEARING ON **WEDNESDAY, DECEMBER 11, 2024, AT 5:00 P.M.** IN THE COUNTY GOVERNMENT CONFERENCE ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASES:

CBPA-24-0108: Mr. Ahmed Hassan, on behalf of Mr. Kenneth Brown, has applied for a Chesapeake Bay Exception for the construction of a deck, pool and out-building on property located at 112 Lands End Drive, JCC Real Estate Tax Map Parcel No. 4730500067.

CBPA-24-0122: Mr. Lance Frost, Country Village MHP, on behalf of Darel Crumpler, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 19 Windjammer Court, JCC Real Estate Tax Map Parcel No. 5920100001.

CBPA-24-0128: Mr. Gregory Griffin and Ms. Karin Rhodes, have applied for a Chesapeake Bay Exception for the construction of a patio and walkway on property located at 4376 Landfall Drive, JCC Real Estate Tax Map Parcel No. 4732400035.

CBPA-24-0153: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Brian D. and Ms. Mary O. Knapp, has applied for a Chesapeake Bay Exception for the construction of an attached deck on property located at 105 Murcar, JCC Real Estate Tax Map Parcel No. 3710800079.

CBPA-24-0160: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Walk Wright Construction, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 136 Freshwater Bay, JCC Real Estate Tax Map Parcel No. 3131500024.

CBPA-24-0163: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Peter H. and Ms. Barbara B. Douglas, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling with deck on property located at 223 St. Cuthbert, JCC Real Estate Tax Map Parcel No. 3721000049.

CBPA-24-0152: Mr. Larry Stroup, has applied for a Chesapeake Bay Exception for the construction of a shed on property located at 223 Sherwood Forest, JCC Real Estate Tax Map Parcel No. 1730200011.

CBPA-24-0164: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Ms. Susan Anton, has applied for a Chesapeake Bay Exception for the construction of a deck on property located at 16 Whittakers Mill Road, JCC Real Estate Tax Map Parcel No. 5040300016.

CBPA-24-0165: Mr. Chase Grogg, LandTech Resources, Inc., has applied for a Chesapeake Bay Exception for the construction of a patio and fire pit on property located at 141 Macaulay Road, JCC Real Estate Tax Map Parcel No. 5030200136.

CBPA-24-0169: Mr. Chase Grogg, LandTech Resources, Inc., on behalf of Mr. Darnel Covil and Ms. Hillary Brown, has applied for a Chesapeake Bay Exception for the construction of a single-family dwelling on property located at 109 Brancaster, JCC Real Estate Tax Map Parcel No. 3810300033.



PUBLIC HEARING NOTICE

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 – November 27, 2024 and December 4, 2024

ACCOUNT NO. CU00015112

VIRGINIA GAZETTE

1/8 PAGE, VERTICAL, B/W