

ADOPTED

MAR 22 2011

ORDINANCE NO. 183A-7

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 23, CHESAPEAKE BAY PRESERVATION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING SECTION 23-17, APPEALS.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 23, Chesapeake Bay Preservation, is hereby amended and reordained by amending Section 23-17, Appeals.

Chapter 23. Chesapeake Bay Preservation

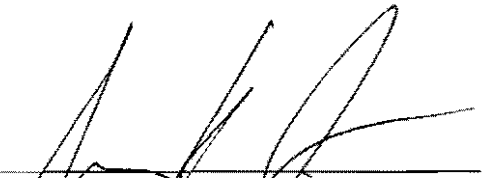
Section 23-17. Appeals.

- (a) An owner of property subject to an administrative decision, order or requirement under this chapter may appeal by submitting a written application for review to the board no later than 30 days from the rendering of such decision, order or requirement. The board shall hear the appeal as soon as practical after receipt of the application. The appellant, the board of supervisors, the manager, the planning director and any person or agency expressing an interest in the matter shall be notified by the board not less than ten days prior to the date of the hearing. Published notice of the board's public meetings shall state that appeals from decision under the Chesapeake Bay Preservation Ordinance may be heard.
- (b) In rendering its decision, the board shall balance the hardship to the property owner with the purpose, intent and objectives of this chapter. The board shall not decide in favor of the appellant unless it finds:
 - (1) The hardship is not generally shared by other properties in the vicinity;
 - (2) The Chesapeake Bay, its tributaries and other properties in the vicinity will not be adversely affected; and
 - (3) The appellant acquired the property in good faith and the hardship is not self-inflicted.

- (c) The board may impose conditions to the granting of any waiver, ~~or~~ exception *or appeal* as it may deem necessary in the public interest, and may, to ensure compliance with the imposed conditions, require a cash escrow, bond with surety, letter of credit or other security as is acceptable to the county attorney.

- (d) An owner of a property subject to a board decision, order or requirement may appeal to the Circuit Court of James City County *no later than 30 days from the rendering of such decision, order or requirement.*

State law reference—Code of Va, § 10.1-2109 (F).



Mary K. Jones, Chairman
Board of Supervisors

<u>SUPERVISOR</u>	<u>VOTE</u>
KENNEDY	AYE
GOODSON	AYE
MCGLENNON	AYE
ICENHOUR	AYE
JONES	AYE

ATTEST:



Robert C. Middaugh
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, on this 22nd day of March,
2011.