

A G E N D A
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road, Williamsburg, VA 23185
August 14, 2019
5:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes from July 10, 2019, Regular Meeting

D. PUBLIC HEARINGS

1. CBPA 19-0055 : 10025 Sycamore Landing Road
2. CBPA 19-0066 : 3124 Sapling Drive
3. CBPA 19-0065 : 2529 William Tankard Drive
4. CBPA 19-0087 : 7612 Uncles Neck

E. BOARD CONSIDERATIONS

1. CBPA 18-0134 : 500 Thompson Lane
2. CBPA 18-0108 : 2917 Leatherleaf Drive

F. MATTERS OF SPECIAL PRIVILEGE

G. ADJOURNMENT

ITEM SUMMARY

DATE: 8/14/2019
TO: Chesapeake Bay Board
FROM: Michael Woolson, Chesapeake Bay Board Secretary
SUBJECT: Minutes from July 10, 2019, regular meeting

ATTACHMENTS:

	Description	Type
📎	Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	7/30/2019 - 12:55 PM
Chesapeake Bay Group	Small, Toni	Approved	7/30/2019 - 12:57 PM
Publication Management	Daniel, Martha	Approved	7/30/2019 - 1:25 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/8/2019 - 9:02 AM

MINUTES
JAMES CITY COUNTY CHESAPEAKE BAY BOARD
REGULAR MEETING
County Government Center, Building F
101 Mounts Bay Road Williamsburg, VA 23185
July 10, 2019
5:00 PM

A. CALL TO ORDER

The Chesapeake Bay Board meeting for July 10, 2019, 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:

David Gussman, Chair
William Apperson, Vice chair
John Hughes
Charles Roadley
Halle Dunn, Alternate

Board Members Absent:

Larry Waltrip

Other Staff Present:

Michael Woolson, Secretary to the Board, Senior Watershed Planner,
Stormwater and Resource Protection
Toni Small, Director, Stormwater and Resource Protection
Liz Parman, Assistant County Attorney
Trevor Long, Watershed Planner, Stormwater and Resource Protection
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

C. MINUTES

1. Minutes form June 12, 2019, regular meeting

A Motion to Approve the minutes was made by Mr. Gussman. The minutes were approved on a voice vote.

D. PUBLIC HEARINGS

1. CBPA 19-0055 : 10025 Sycamore Landing Road

Watershed Planner, Mr. Trevor Long, presented the exception request submitted by Mr. Jeffrey Miller for encroachments into the Resource Protection Area (RPA) buffer for the construction of a detached garage on property located at 10025 Sycamore Landing Road, within the Sycamore Landing subdivision, and the Ware Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0720400007. The presentation described the current and proposed site conditions. Staff determined the impacts associated

with this project to be major and did not recommend approval. However, if the Board approved the request, staff asked that the attached conditions be incorporated into the approval. The Board deliberated on the pros and cons of this application and asked staff questions.

Mr. Gussman opened the Public Hearing.

A. Mr. Jeffrey Miller, property owner, outlined the project to the Board.

Mr. Gussman inquired about relocating the garage outside the RPA to the greatest extent practicable.

A. Mr. Miller explained his reasoning for the location of the garage and asked for a deferral until the next meeting.

Mr. Gussman stated that the Public Hearing was to remain Open.

Mr. Roadley made a motion to defer application for Case No. CBPA 19-0055 at 10025 Sycamore Landing Road until August 14, 2019.

A motion to Defer was made by Mr. Roadley.

The motion results was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Apperson, Hughes, Roadley, Dunn

Absent: Waltrip

2. CBPA 19-0058 : 105 South Turnberry

Watershed Planner, Mr. Michael Woolson, presented the exception request submitted by Mr. Aaron Williams, Williams Landscaping & Design, Inc., on behalf of Ms. Betty Lambuth for encroachments into the RPA buffer for the importing of fill to construct a drainage network on the property located at 105 South Turnberry, within the Ford's Colony subdivision, and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 3721000055. The presentation described the current and proposed site conditions. Staff determined the impacts associated with this project to be major and recommended approval with the conditions. The Board deliberated on the pros and cons of this application and asked staff questions.

Mr. Gussman opened the Public Hearing.

A. Mr. Aaron Williams, Willams Landscaping & Design, Inc., outlined the project to the Board.

Mr. Roadley inquired if the plantings were native species.

A. Mr. Williams responded affirmatively.

Mr. Gussman closed the Public Hearing, as no one else wished to speak.

Mr. Dunn made a motion to adopt the resolution for Chesapeake Bay Board Case No. CBPA 19-0058 at 105 South Turnberry.

A motion to Approve with Conditions was made by Mr. Dunn.

The motion result was:

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Apperson, Hughes, Roadley, Dunn

Absent: Waltrip

E. BOARD CONSIDERATIONS

1. Emergency Procedures

Potential emergency procedures were discussed.

F. MATTERS OF SPECIAL PRIVILEGE

1. Brickyard Landing

Discussion was held supporting Brickyard Landing purchase.

Mr. Gussman made a motion to adopt the resolution for the support of the acquisition of Brickyard Landing site.

A motion was made to Adopt the resolution by Mr. Gussman.

The motion result was: AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 1

Ayes: Gussman, Apperson, Hughes, Roadley, Dunn

Absent: Waltrip

G. ADJOURNMENT

A Motion to adjourn was made by Mr. Hughes. Approved on a voice vote.

The meeting adjourned at 6:08 p.m.

ITEM SUMMARY

DATE: 8/14/2019
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBPA 19-0055 : 10025 Sycamore Landing Road

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site Plan, Revised	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/12/2019 - 9:20 AM
Chesapeake Bay Group	Small, Toni	Approved	8/12/2019 - 9:56 AM
Publication Management	Daniel, Martha	Approved	8/12/2019 - 10:02 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/12/2019 - 11:18 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 19-0055. 10025 Sycamore Landing Road
Staff Report for the August 14, 2019, Chesapeake Bay Board Public Hearing**

This staff report is prepared by 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. Jeffrey Miller

Agent: None

Location: 10025 Sycamore Landing Road

Tax Map/Parcel No.: 0720400007

Parcel: Sycamore Landing

Lot Size: 1.23 acres

Area of Lot in Resource Protection Area (RPA): 0.50 acres +/- (40%)

Watershed: Ware Creek (HUC YO 62)

Floodplain: Zone AE (Elevation 7) - The special flood hazard area subject to 1% annual chance flood.

Proposed Activity: Construction of a detached garage

Impervious Cover: 250 square feet

RPA Encroachment: 250 square feet, landward 50-foot RPA buffer

Staff Contact: Trevor Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Jeffrey Miller has applied for a Chesapeake Bay Exception for encroachments into the RPA buffer for the construction of a detached garage on property located at 10025 Sycamore Landing Road within the Sycamore Landing subdivision and the Ware Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0720400007. The parcel was platted on June 10, 1926, prior to the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 1.23 acres, of which 40% is located within the RPA. The applicant has proposed the construction of a detached garage equating to 2,080 square feet of which approximately 250 square feet impact the RPA. This case appeared before the July 10, 2019, Chesapeake Bay Board meeting and has been revised to reposition the proposed shed further out of the RPA. The proposed detached garage will be constructed out of two Conex box containers adjoined by a roof and will also serve as storage for the existing house and shed. Due to the natural grade of the property, the garage will be elevated by rear supports and a gabion retaining wall with the remainder of the area underneath to be graveled.

This amount of impact would equate to one planting unit to which the applicant has verbally agreed. The applicant has provided plans for a vegetated swale and a dripline irrigation trench to offset runoff from the impervious impacts from the garage.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a detached garage and finds that the application meets the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the garage is more than necessary to afford relief. Therefore, this request must be considered by the Board following a public hearing under the formal exception process. Per Sections 23-11 and 23-14 of the County Ordinance, a Water Quality Impact Assessment was submitted for the proposed project.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception No. CBPA 19-0055 as outlined and presented above and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

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 does recommend approval for this exception request; however, if the Board wishes to approve this request, staff recommends the following conditions be incorporated into the approval:

1. The applicant must obtain all other necessary federal, state, and local permits as required for the project;
2. The applicant must submit a mitigation plan that details the size, location, and name of the required plant materials, which shall be one canopy tree and three shrubs or equivalent;
3. The applicant must submit an erosion and sediment control plan for review and approval. If applicable, the applicant must apply for a land disturbing permit;
4. A surety of \$500 to be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney, to ensure the mitigation requirements;
5. This exception request approval shall become null and void if construction has not begun by August 14, 2020; and
6. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than July 3, 2020, six weeks prior to the expiration date.

TL/md

CBPA19-55-10025SycamLdg

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 19-0055. 10025 SYCAMORE LANDING ROAD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Jeffrey Miller (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on August 14, 2019, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 0720400007 and further identified as 10025 Sycamore Landing Road (the “Property”) as set forth in the application CBPA 19-0055 for the purpose of constructing a detached garage; and

WHEREAS, the Board has listened to the arguments presented and has 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, by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
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.
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.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a. The applicant must obtain all other necessary federal, state, and local permits required for the project; and
 - b. The applicant must submit a mitigation plan that details the size, location, and name of the required plant materials, which shall be one canopy tree and three shrubs or equivalent; and
 - c. The applicant must submit an erosion and sediment control plan for review and approval. If applicable, the applicant must apply for a land disturbing permit; and

- d. A surety of \$500 to be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney, to ensure the mitigation requirements; and
- e. This exception request approval shall become null and void if construction has not begun by August 14, 2020; and
- f. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than July 3, 2020, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of August, 2019.

CBPA19-10025SycamLdg-res

VEFF 4 ANNE MILLER
10025 SYCAMORE LANDING RD
WILMANSBURG VA 23188

063010005
SCP-VTL
STONE HOUSE
OWNER R LLC



072040006A
MILLER, JAMES & ELIZABETH C
10031 SYCAMORE LANDING RD

072040008
CODY TRUSTEE
10021 SYCAMORE LANDING ROAD

REMOVE EXISTING SHED (802 F2)

PROPOSED NEW CONSTRUCTION

EXISTING GARAGE

EXISTING

10031 SYCAMORE LANDING ROAD

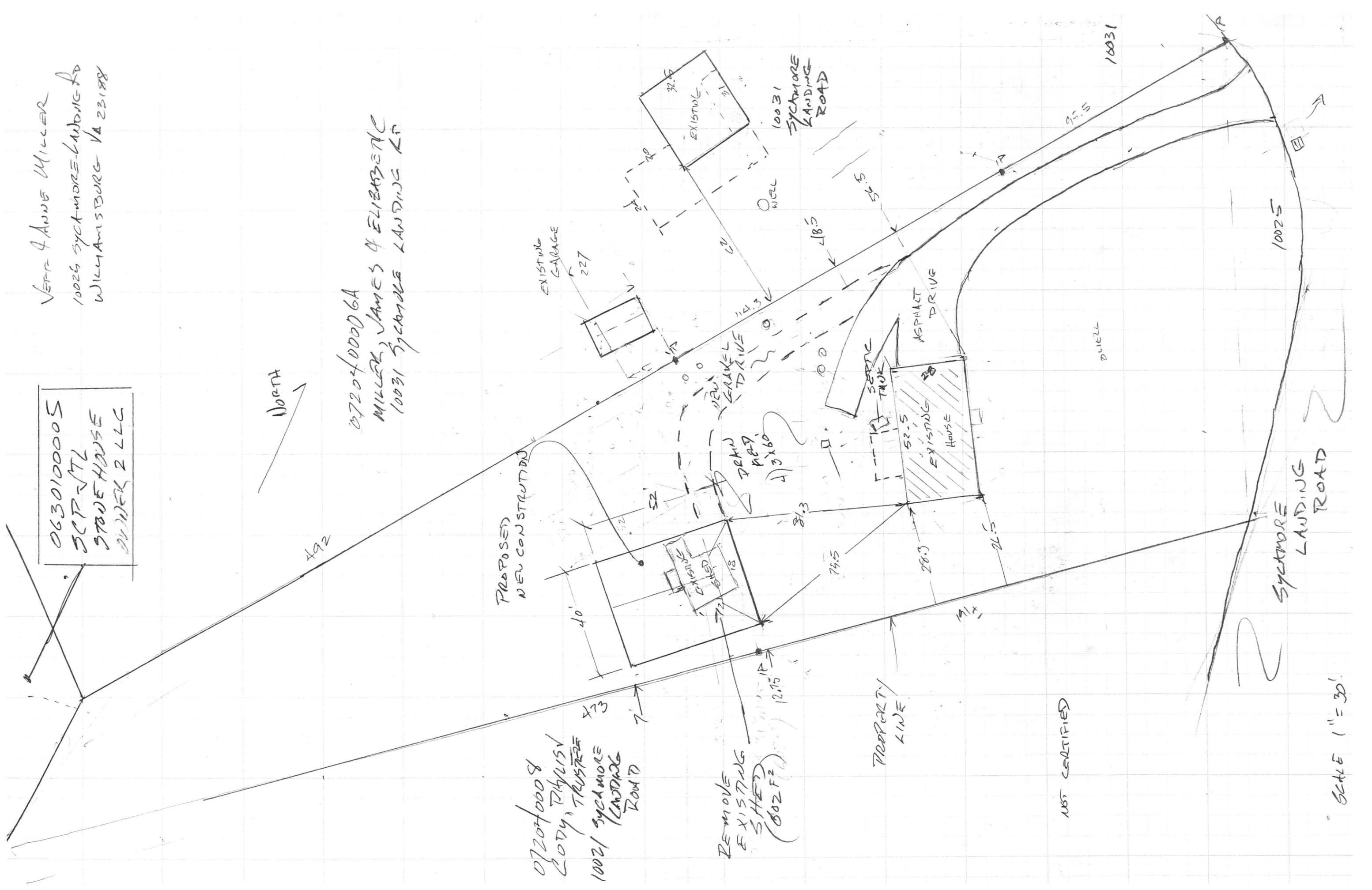
PROPERTY LINE

ASPHALT DRIVE

SYCAMORE LANDING ROAD

NOT CERTIFIED

SCALE 1" = 30'



ITEM SUMMARY

DATE: 8/14/2019
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBPA 19-0066 : 3124 Sapling Drive

Williams Landscape and Design, on behalf of Richard and Carole Summerville, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall at 3124 Sapling Drive in the Stonehouse subdivision, JCC Parcel 0520400025.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site Plan	Backup Material
☐	Public Advertisement	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/12/2019 - 9:20 AM
Chesapeake Bay Group	Small, Toni	Approved	8/12/2019 - 9:56 AM
Publication Management	Daniel, Martha	Approved	8/12/2019 - 10:05 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/12/2019 - 11:19 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 19-0066. 3124 Sapling Drive
Staff Report for the August 14, 2019, Chesapeake Bay Board Public Hearing**

This staff report is prepared by 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. Richard Summerville and Mrs. Carole Summerville

Agent: Mr. Bob Root, Williams Landscaping

Location: 3124 Sapling Drive

Tax Map/Parcel No.: 0520400025

Parcel: Lot 25, Section 3, Bent Tree Stonehouse

Lot Size: 2.00 acres

Area of Lot in Resource Protection Area (RPA): 0.96 acres +/- (48%)

Watershed: Ware Creek (HUC YO 62)

Floodplain: None affecting property

Proposed Activity: Construction of a retaining wall

Impervious Cover: Approximately 226 square feet

RPA Encroachment: 65 square feet within the landward 50-foot RPA buffer

Staff Contact: Trevor Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Bob Root, Williams Landscaping, has applied for a Chesapeake Bay Exception on behalf of Mr. Richard Summerville and Mrs. Carole Summerville for encroachments into the RPA buffer for the construction of a retaining wall on property located at 3124 Sapling Drive within the Bent Tree section of the Stonehouse subdivision and the Ware Creek watershed. The property is further identified as James City County Tax Map Parcel No. 0520400025. The parcel was platted in 2007, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 2.00 acres, of which 48% is located within the RPA. The applicant is proposing the construction of a 65-square-foot retaining wall within the RPA. The proposed retaining wall will also disturb approximately 600 square feet of steep slopes during the construction. While the applicant has not yet submitted a mitigation plan, required mitigation for this amount of impervious encroachments equates to one planting unit.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of a retaining wall and finds that the application meets the conditions in Sections 23-11 and 23-14 and that the application should be

heard by the Board because the construction of a retaining wall is considered accessory in nature. Therefore, this request must be considered by the Board following a public hearing under the formal exception process. Per Sections 23-11 and 23-14 of the County Ordinance, a Water Quality Impact Assessment was submitted for the proposed project.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception No. CBPA 19-0066 as outlined and presented above and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

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 of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state, and local permits as required for the project;
2. The applicant provide a mitigation plan equating to one planting unit;
3. A surety of \$250 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney, to ensure the mitigation requirements;
4. This exception request approval shall become null and void if construction has not begun by August 14, 2020; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than July 3, 2020, six weeks prior to the expiration date.

TL/md
CBPA19-66-3124SaplingDr

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 19-0066. 3124 SAPLING DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Richard and Mrs. Carole Summerville (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on August 14, 2019, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 0520400025 and further identified as 3124 Sapling Drive (the “Property”) as set forth in the application CBPA 19-0066 for the purpose of constructing a retaining wall; and

WHEREAS, the Board has listened to the arguments presented and has 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, by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
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.
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.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a. The applicant must obtain all other necessary federal, state, and local permits required for the project; and
 - b. The applicant provide a mitigation plan equating to one planting unit; and
 - c. A surety of \$250 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney, to ensure the mitigation requirements; and

- d. This exception request approval shall become null and void if construction has not begun by August 14, 2020; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than July 3, 2020, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

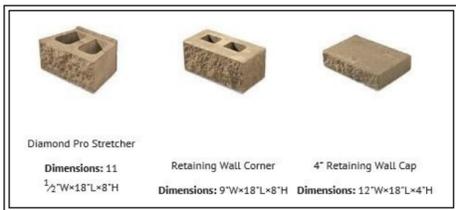
Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of August, 2019.

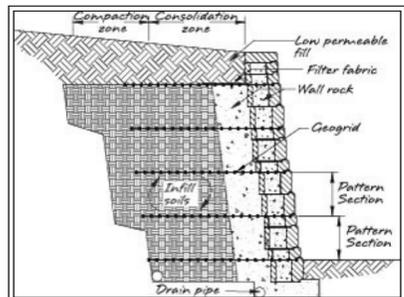
CBPA19-66-3124SaplingDr-res



EpHenry Diamond Pro Wall



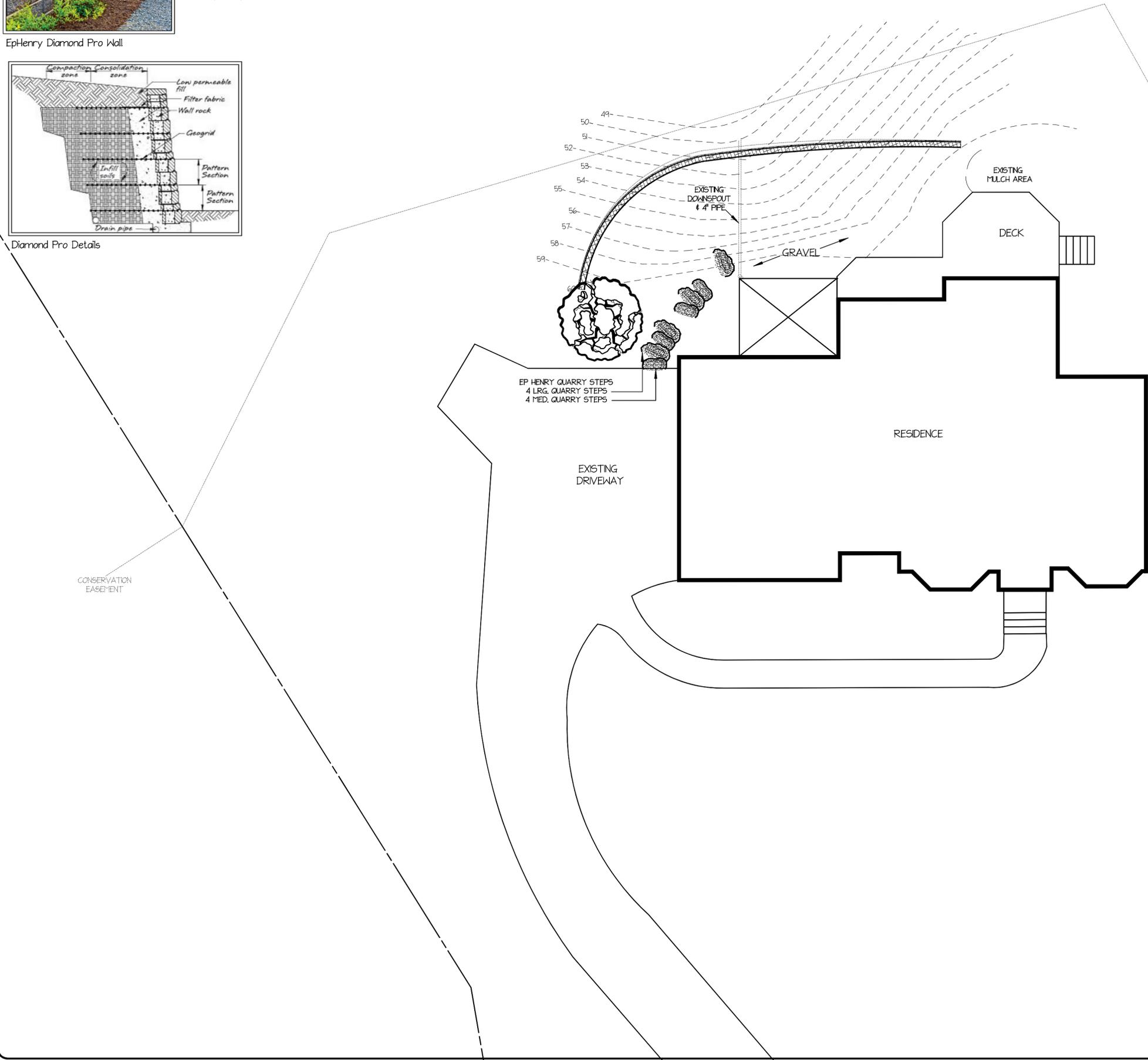
EpHenry Diamond Pro Blocks



Diamond Pro Details

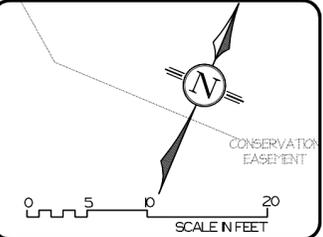
#

NOTES
 RETAINING WALL
 EP HENRY DIAMOND PRO
 WALL BLOCK & CAPS
 (APX. 65 L' @ MAX. 10' HT.)
 STAMPED ENGINEERING DRAWINGS NEEDED
 TO BE PROVIDED BY OTHERS
 BEFORE APPROVAL BY COUNTY



CONSERVATION EASEMENT

REV	DATE	DESCRIPTION
-01	6/09	REVISED WALL LAYOUT



SUMMERVILLE RESIDENCE
 3124 SAPLING DR.
 LOT # 25 SEC. III BENT TREE
 STONEHOUSE
 TOANO, VA.

SCALE 1" = 10'	PROJECT NO. PRJ # -01
DRAWN BY	SHEET NO.
CHECKED BY	
DATE 12.28.08	
DATE OF PRINT	



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY AUGUST 14, 2019 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA 19-0032/VMRC 19-1124: Mid-Atlantic Resource Consulting, on behalf of Theresa Whelan, has applied for a wetlands permit for a breakwater, beach nourishment, pier, boat house and lift at 7612 Uncles Neck in the Uncles Neck subdivision, JCC Parcel No 2030200028.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING EXCEPTION REQUESTS FOR ENCROACHMENT INTO THE RPA BUFFER:

CBPA 19-0087: Mid-Atlantic Resource Consulting, on behalf of Theresa Whelan, has filed an exception request for encroachments into the RPA buffer for bank grading and beach access at 7612 Uncles Neck in the Uncles Neck subdivision, JCC Parcel No 2030200028.

CBPA 19-0065: H. H. Hunt Homes, on behalf of Amanda Stallings, has filed an exception request for encroachments into the RPA buffer for the construction of a pool at 2529 William Tankard Drive in the Landfall Village subdivision, JCC Parcel 4640800015.

CBPA 19-0066: Williams Landscape and Design, on behalf of Richard and Carole Summerville, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall at 3124 Sapling Drive in the Stonehouse subdivision, JCC Parcel 0520400025.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – July 31 and August 7, 2019.

ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

COPIES: PLANNING

ASSISTANT COUNTY ATTORNEY
WETLANDS/CHESAPEAKE BAY BOARD MEMBERS



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
757-253-6670

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

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

July 24, 2019

RE: CBPA-19-0066
3124 Sapling Drive
Retaining Wall

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 Bob Root of Williams Landscape & Design, Inc. on behalf of Richard & Carole Summerville for encroachment into the Resource Protection Area (RPA) buffer associated with construction of a retaining wall. The project is located at 3124 Sapling Drive and further identified as JCC Parcel No. 0520400025.

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, August 14, 2019 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,

Janice Petty

Janice Petty
Stormwater Assistant
757-253-6790
janice.petty@jamescitycountyva.gov

cc: Williams Landscape & Design, Inc.
Attn: Mr. Bob Root

Mailing List for: CBPA-19-0066 – 3124 Sapling Drive –RW

Owner: 0520400025

Summerville, Richard M & Carole E
3124 Sapling Drive
Toano, VA 23168-9623

Contractors:

Williams Landscape & Design, Inc.
Attn: Mr. Bob Root
1554 Penniman Road
Williamsburg, VA 23185-5821

0520400026

Roberts, Charles E & Crystal S
3128 Sapling Drive
Toano, VA 23168-9623

0511300029

McCue, Jean O, Trustee
3115 Sapling Drive
Toano, VA 23168-9623

0520400024

Gilbert, Alison R & Ryder, Lawrence J
3120 Sapling Drive
Toano, VA 23168-9623

0520400001A-Common Area S-3 Bent Tree, Stonehouse
The Association at Stonehouse, Inc.
9701 Mill Pond Run
Toano, VA 23168-9606

ITEM SUMMARY

DATE: 8/14/2019

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: CBPA 19-0065 : 2529 William Tankard Drive

H. H. Hunt Homes, on behalf of Amanda Stallings, has filed an exception request for encroachments into the RPA buffer for the construction of a pool at 2529 William Tankard Drive in the Landfall Village subdivision, JCC Parcel 4640800015.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site Plan	Backup Material
☐	Public Advertisement	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/12/2019 - 9:20 AM
Chesapeake Bay Group	Small, Toni	Approved	8/12/2019 - 9:57 AM
Publication Management	Daniel, Martha	Approved	8/12/2019 - 10:04 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/12/2019 - 11:19 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 19-0065. 2529 William Tankard
Staff Report for the August 14, 2019, Chesapeake Bay Board Public Hearing**

This staff report is prepared by 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. Amanda Stallings
Agent: Mr. Jonathan Cramer
Location: 2529 William Tankard Drive
Tax Map/Parcel No.: 4640800015
Parcel: Lot 15, Landfall Village
Lot Size: 0.36 acres
Area of Lot in Resource Protection Area (RPA): 0.09 acres +/- (25%)
Watershed: Powhatan Creek (HUC JL 31)
Floodplain: None affecting property
Proposed Activity: Construction of an in-ground pool
Impervious Cover: Approximately 226 square feet
RPA Encroachment: 226 square feet within the landward 50-foot RPA buffer
Staff Contact: Trevor Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Mr. Jonathan Cramer, HH Hunt Homes, has applied for a Chesapeake Bay Exception on behalf of Ms. Amanda Stallings for encroachments into the RPA buffer for the construction of an in-ground pool on property located at 2529 William Tankard within the Landfall Village subdivision and the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4640800015. The parcel was platted in 2007, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 0.36 acres, of which 25% is located within the RPA. The applicant is proposing the construction of a 462-square-foot in-ground pool, of which 226 square feet will impact the RPA. Currently, there is no existing community pool that residents of Landfall Village are able to access. Required mitigation for this amount of impervious encroachments equates to one planting unit. The applicant has proposed the plantings of three canopy trees, six understory trees, and nine shrubs, therefore exceeding County mitigation requirements.

STAFF EVALUATION

Staff has evaluated the application and exception request for the construction of an in-ground pool and finds that the application meets the conditions in Sections 23-11 and 23-14 and that the application should be

heard by the Board because the construction of an in-ground pool is considered accessory in nature. Therefore, this request must be considered by the Board following a public hearing under the formal exception process. Per Sections 23-11 and 23-14 of the County Ordinance, a Water Quality Impact Assessment was submitted for the proposed project.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception No. CBPA 19-0065 as outlined and presented above and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

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 of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state, and local permits as required for the project;
2. A surety of \$250 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney, to ensure the mitigation requirements;
3. This exception request approval shall become null and void if construction has not begun by August 14, 2020; and
4. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than July 3, 2020, six weeks prior to the expiration date.

TL/md
CBPA19-65-2529WmTankard

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 19-0065. 2529 WILLIAM TANKARD

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Amanda Stallings (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on August 14, 2019, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 4640800015 and further identified as 2529 William Tankard (the “Property”) as set forth in the application CBPA 19-0065 for the purpose of constructing a swimming pool; and

WHEREAS, the Board has listened to the arguments presented and has 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, by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
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.
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.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a. The applicant must obtain all other necessary federal, state, and local permits required for the project; and
 - b. A surety of \$250 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney, to ensure the mitigation requirements; and
 - c. This exception request approval shall become null and void if construction has not begun by August 14, 2020; and

- d. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than July 3, 2020, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of August, 2019.

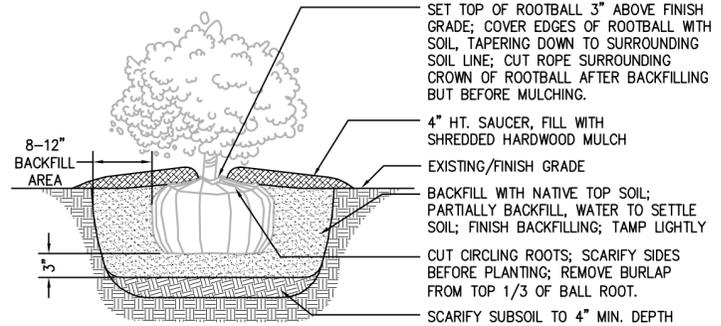
CBPA19-65-2529WmTankard-res

LOT 15 PLANT SCHEDULE

CANOPY TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
NS	3	NYSSA SYLVATICA	BLACK GUM	1-1/2" CAL.	B&B/CONT.	SINGLE STEM
UNDERSTORY TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
CF	3	CORNUS FLORIDA	EASTERN DOGWOOD	8' HT.	B&B/CONT.	SINGLE STEM
MV	3	MAGNOLIA VIRGINIANA	SWEET BAY	8' HT.	B&B/CONT.	SINGLE STEM
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
IV	6	ITEA VIRGINICA 'HENRY'S GARNET'	HENRY'S GARNET SWEETSPIRE	22" HT./W.	CONT.	DENSE, FULL
PO	3	PRUNUS LAUROCERASUS 'OTTO LUYKEN'	LUYKENS LAUREL	18" HT./W.	CONT.	DENSE, FULL

GENERAL NOTES

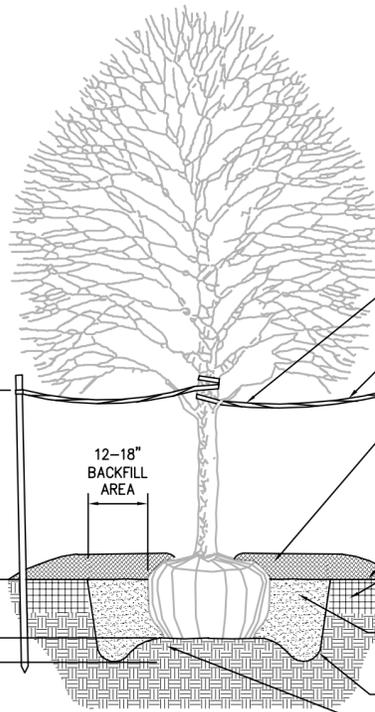
- ALL PLANT STOCK SHALL MEET THE MINIMUM STANDARDS & SPECIFICATIONS DESCRIBED IN THE "AMERICAN STANDARD FOR NURSERY STOCK," LATEST EDITION, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
- ALL PLANT MATERIAL SHALL BE INSTALLED AS SPECIFIED IN THE VNLA STANDARDIZED LANDSCAPE SPECIFICATIONS, LATEST EDITION.
- THE CONTRACTOR SHALL SUPPLY ALL NEW PLANT MATERIAL IN QUANTITIES SUFFICIENT TO COMPLETE ALL PLANTING SHOWN ON THE DRAWINGS. WHERE DISCREPANCIES EXIST BETWEEN THE PLANS & THE PLANT LIST, THE PLANS SHALL TAKE PRECEDENCE.
- GROUPINGS OF PLANTS SHALL BE MULCHED IN CONTINUOUS PLANT BEDS.
- AREAS DISTURBED BY CONSTRUCTION, NOT OTHERWISE WITHIN PLANT BEDS OR COVERED IN SITE CONTRACT, ARE TO BE SODDED OR SEEDDED WITH A STATE CERTIFIED TURF-TYPE TALL FESCUE VARIETY SELECTED FROM THE FOLLOWING LIST:
Biltmore, Bingo, Cochise III, Constitution, Coyote II, Crossfire II, Endeavor, Fidelity, Good-en, Grande, Greenkeeper WAF, Inferno, Kalahari, Magellan, Masterpiece, Onyx, Padre, Picasso, Penn 1901, Quest, Raptor, Rebel Exeda, Rembrandt, Rendition, SR 8250, SR 8300, Tarheel, Titanium, Watchdog, Wolfpack, WPEZE.
- TREES SUPPORT STAKING IS OPTIONAL FOR TREES THAT ARE 1" CAL. OR 6' HT. OR LESS. ALL TREE STAKING SHALL BE REMOVED AFTER 1-2 GROWING SEASONS.
- ALL TREES ARE TO BE PLANTED SO TOP OF ROOT BALL IS 3" ABOVE FINISHED GRADE.
- TREE SHALL BE INSTALLED PLUMB & STRAIGHT.
- PRUNE ALL SUCKERS, RUBBING OR CROSSED BRANCHES, CODOMINANT LEADERS, NARROW CROTCH ANGLES, WATER SPROUTS, BROKEN BRANCHES.
- DO NOT PRUNE CENTRAL LEADER OR BRANCH TIPS.
- REMOVE TAGS, LABELS & PLASTIC SLEEVING.
- DO NOT WRAP TRUNK.
- IF PLANT MATERIAL IS CONTAINER-GROWN, REMOVE TOP OF WIRE BASKET, OR REMOVE CONTAINER & CUT CIRCLING ROOT; IF FIELD-GROWN, CUT ROPE SURROUNDING BOTTOM OF TREE TRUNK AFTER BACKFILLING BUT BEFORE MULCHING & REMOVE BURLAP FROM TOP 1/3 OF BALL ROOT.
- REMOVE ALL STAKES, STRAPS, WIRES, RUBBER HOSES, ETC. AFTER 1-2 GROWING SEASONS.
- PLANT SUBSTITUTIONS SHALL NOT BE MADE WITHOUT THE WRITTEN CONSENT OF THE OWNER OR THE OWNER'S DESIGNATED REPRESENTATIVE PRIOR TO INSTALLATION.
- ALL INSTALLED PLANT MATERIAL SHALL BE SUBJECT TO REGULAR MAINTENANCE, INCLUDING FERTILIZATION, PRUNING, REPLACEMENT, INSECT AND DISEASE CONTROL, WATERING, MULCHING, AND WEED CONTROL.
- CONTRACTORS ARE RESPONSIBLE FOR LOCATING ALL UTILITIES PRIOR TO THE BEGINNING OF WORK AND AVOIDING THEM DURING LANDSCAPING OPERATIONS.
- ALL B&B AND CONTAINER PLANTS SHALL BE PLANTED BETWEEN MARCH 15-JUNE 30 OR SEPTEMBER 15-NOVEMBER 15. GRASSES SHALL BE PLANTED IN THE SPRING.
- ACCEPTABLE SURVIVAL RATES AT THE END OF A GROWING SEASON FOR ALL WOODY PLANT MATERIAL IS 100% AND 85% FOR ALL HERBACEOUS PLANT MATERIAL.



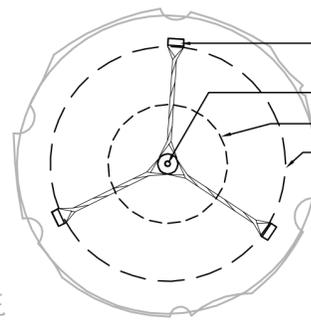
SECTION VIEW
SHRUB PLANTING

- NOTES:
- SPACE AS SHOWN ON PLAN OR AS INDICATED ON PLANT CHART.
 - WATER IMMEDIATELY AFTER PLANTING.

NOT TO SCALE



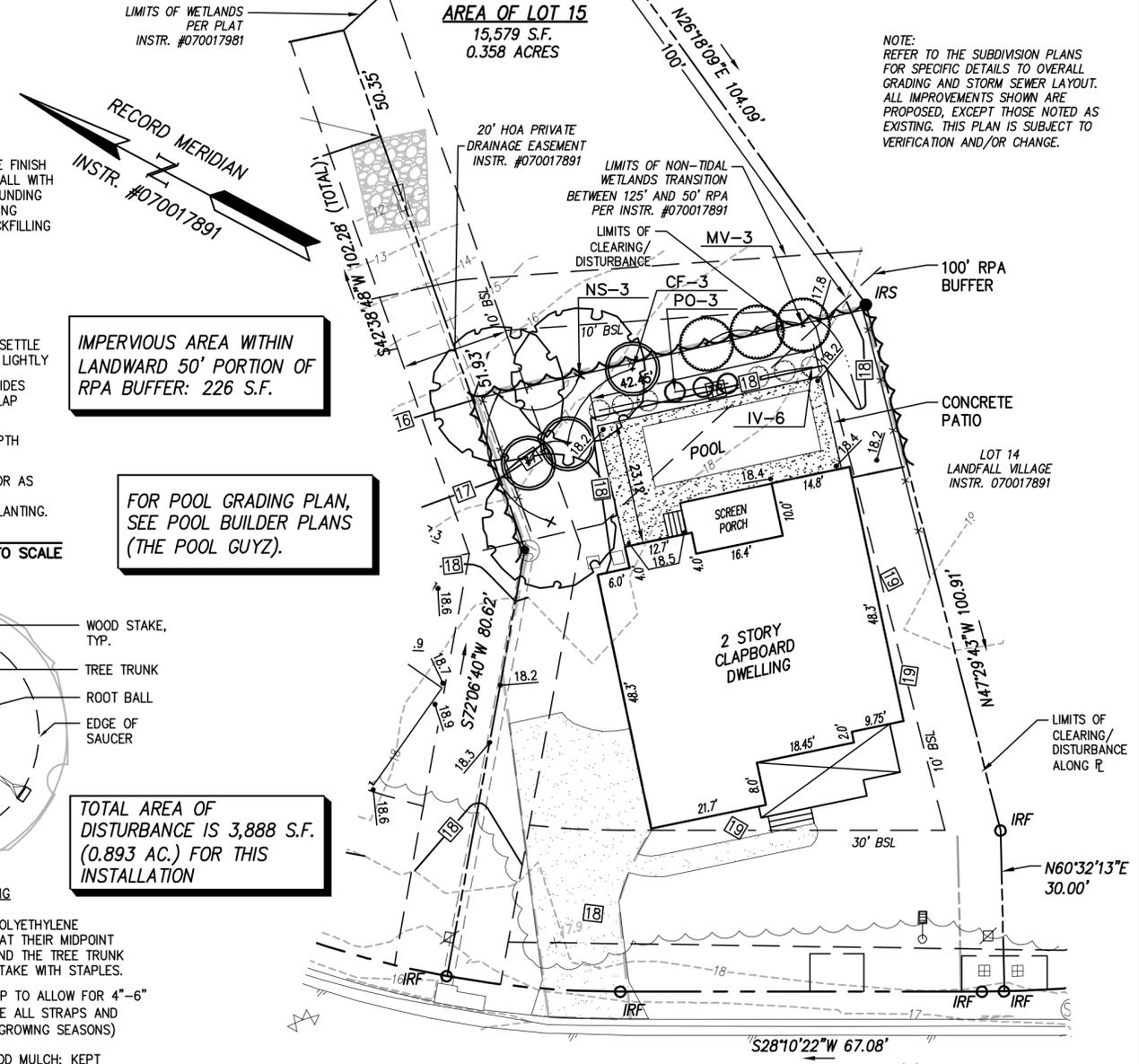
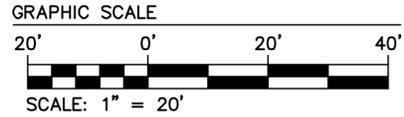
SECTION VIEW
TREE PLANTING



PLAN VIEW FOR STAKING

- WOOD STAKE, TYP.
- TREE TRUNK
- ROOT BALL
- EDGE OF SAUCER
- 2"-3" WIDE WEBBING OR POLYETHYLENE STRAPS TWISTED LOOSELY AT THEIR MIDPOINT AND WRAPPED ONCE AROUND THE TREE TRUNK FLAT. ATTACHED TO THE STAKE WITH STAPLES.
- LOOSELY TWIST EACH STRAP TO ALLOW FOR 4"-6" OF TRUNK FLEXING (REMOVE ALL STRAPS AND STAKING AFTER 1-2 FULL GROWING SEASONS)
- 3" HT. SHREDDED HARDWOOD MULCH; KEPT AWAY FROM TRUNK. DO NOT COVER THE ROOT COLLAR WITH TOP SOIL OR MULCH.
- 6"-8" WOOD STAKES, 3 PER TREE. STAKES TO BE SAME HEIGHT, DRIVEN IN ON A SLIGHT ANGLE.
- EXISTING/FINISH GRADE
- TILL 18" WIDTH AT TOP EDGE HOLE TO A 8"-12" DEPTH
- BACKFILL WITH NATIVE TOP SOIL; PARTIALLY BACKFILL, WATER TO SETTLE SOIL; FINISH BACKFILLING; TAMP LIGHTLY
- ROUGHEN HOLE WALLS AND BOTTOM
- TRENCH AROUND PERIMETER OF MOUND TO DEPTH SHOWN.

NOT TO SCALE



IMPERVIOUS AREA WITHIN LANDWARD 50' PORTION OF RPA BUFFER: 226 S.F.

FOR POOL GRADING PLAN, SEE POOL BUILDER PLANS (THE POOL GUYZ).

TOTAL AREA OF DISTURBANCE IS 3,888 S.F. (0.893 AC.) FOR THIS INSTALLATION

RPA BUFFER REVEGETATION:	
AREA OF IMPACT:	1,177 SF
REVEGETATION REQUIREMENTS	1 MITIGATION CELL* PER 400 SF IMPACT
*MITIGATION CELL - 1 CANOPY TREE, 2 UNDERSTORY TREES AND 3 SHRUBS	
MITIGATION CELLS REQUIRED	3 CELLS
3 CANOPY TREES	
6 UNDERSTORY TREES	
9 SHRUBS	
MITIGATION CELLS PROVIDED	3 CELLS
3 CANOPY TREES	
6 UNDERSTORY TREES	
9 SHRUBS	

SITE ADDRESS: #2529 WILLIAM TANKARD DRIVE
PARCEL ID: #4640800015

PORTIONS OF PROPOSED LIMITS OF DISTURBANCE & HOUSE ARE WITHIN THE 50' LANDWARD RPA AND WILL REQUIRE APPROVAL/MITIGATION BY JAMES CITY COUNTY DIRECTOR OF ENGINEERING AND RESOURCE PROTECTION DIVISION.

NOTE: REFER TO THE SUBDIVISION PLANS FOR SPECIFIC DETAILS TO OVERALL GRADING AND STORM SEWER LAYOUT. ALL IMPROVEMENTS SHOWN ARE PROPOSED, EXCEPT THOSE NOTED AS EXISTING. THIS PLAN IS SUBJECT TO VERIFICATION AND/OR CHANGE.

HHH Hunt Homes
825 Diligence Drive, Suite 114
Newport News, Virginia 23606

Rev.	Date	Description	Revised By



AES
CONSULTING ENGINEERS
5248 Olde Towne Road, Suite 1
Williamsburg, Virginia 23188
Phone: (757) 253-0040
Fax: (757) 220-8994
www.aesva.com
Hampton Roads | Central Virginia | Middle Peninsula

RPA BUFFER MITIGATION PLANTING PLAN WITH
POOL AREA ADDITION AND EXISTING CONDITIONS
LOT 15
LANDFALL VILLAGE
PREPARED FOR HHHUNT HOMES
BERKELEY DISTRICT JAMES CITY COUNTY VIRGINIA

Project Contacts:	PCJ/SDC
Project Number:	W10487-00
Scale:	1"=20'
Date:	06-08-2018
Sheet Number	1 of 1



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY AUGUST 14, 2019 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA 19-0032/VMRC 19-1124: Mid-Atlantic Resource Consulting, on behalf of Theresa Whelan, has applied for a wetlands permit for a breakwater, beach nourishment, pier, boat house and lift at 7612 Uncles Neck in the Uncles Neck subdivision, JCC Parcel No 2030200028.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING EXCEPTION REQUESTS FOR ENCROACHMENT INTO THE RPA BUFFER:

CBPA 19-0087: Mid-Atlantic Resource Consulting, on behalf of Theresa Whelan, has filed an exception request for encroachments into the RPA buffer for bank grading and beach access at 7612 Uncles Neck in the Uncles Neck subdivision, JCC Parcel No 2030200028.

CBPA 19-0065: H. H. Hunt Homes, on behalf of Amanda Stallings, has filed an exception request for encroachments into the RPA buffer for the construction of a pool at 2529 William Tankard Drive in the Landfall Village subdivision, JCC Parcel 4640800015.

CBPA 19-0066: Williams Landscape and Design, on behalf of Richard and Carole Summerville, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall at 3124 Sapling Drive in the Stonehouse subdivision, JCC Parcel 0520400025.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – July 31 and August 7, 2019.

ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

COPIES: PLANNING

ASSISTANT COUNTY ATTORNEY
WETLANDS/CHESAPEAKE BAY BOARD MEMBERS



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 757-253-6670	Facilities & Grounds 113 Tewning Road Williamsburg, VA 23188 757-259-4080	Solid Waste 1204 Jolly Pond Road Williamsburg, VA 23188 757-565-0971
--------------------------------------------------------------------------------	---------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------	-------------------------------------------------------------------------------

July 24, 2019

RE: CBPA-19-0065
 2529 William Tankard Drive
 Inground Pool

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 Jonathan Cramer of H H Hunt Homes on behalf of Jamie & Amanda L Stallings for encroachment into the Resource Protection Area (RPA) buffer associated with construction of an in-ground swimming pool. The project is located at 2529 William Tankard Drive and further identified as JCC Parcel No. 4640800015.

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, August 14, 2019 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,

Janice Petty

Janice Petty
 Stormwater Assistant
 757-253-6790
 janice.petty@jamescitycountyva.gov

cc: H H Hunt Homes.
 Attn: Mr. Jonathan Cramer

The Pool Guyz
 Attn: Mr. Ric Reineke



Mailing List for: CBPA-19-0065 – 2529 William Tankard Drive –Inground Pool

Owner: 4640800015

Stallings, Jamie & Amanda L
2529 William Tankard Drive
Williamsburg, VA 23185-2327

Contractors:

H H Hunt Homes
Attn: Jonathan Cramer
11237 Nuckols Road
Glen Allen, VA 23059

4640800016

Vahey, Michael & Kathleen Major
2525 William Tankard Drive
Williamsburg, VA 23185-2327

H H Hunt Homes
Attn: Jonathan Cramer
825 Dilligence Drive, Suite 114
Newport News, VA 23606

4640800014-2537 William Tankard Drive

Curtis, Ronald Builders, L.L.C.
22 Whittakers Mill Road
Williamsburg, VA 23185-5534

The Pool Guyz
Attn: Ric Reineke
500 Central Drive
Virginia Beach, VA 23454

4640800003

Ring, Larah E Lease & David L
2528 William Tankard Drive
Williamsburg, VA 23185-2327

4640800001A-2510 William Tankard Drive
Landfall at Jamestown Community Association
103 Bulifants Boulevard, Suite A
Williamsburg, VA 23188-5722

4640800004

Frazier, Joshua W & Lisa M
2532 William Tankard Drive
Williamsburg, VA 23185-2327

ITEM SUMMARY

DATE: 8/14/2019
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBPA 19-0087 : 7612 Uncles Neck

Mid-Atlantic Resource Consulting, on behalf of Theresa Whelan, has filed an exception request for encroachments into the RPA buffer for bank grading and beach access at 7612 Uncles Neck in the Uncles Neck subdivision, JCC Parcel No 2030200028.

ATTACHMENTS:

	Description	Type
☐	Staff Report	Staff Report
☐	Resolution	Resolution
☐	Site Plan	Backup Material
☐	Public Advertisement	Backup Material
☐	APO Letter	Backup Material
☐	APO Mailing List	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	8/12/2019 - 9:21 AM
Chesapeake Bay Group	Small, Toni	Approved	8/12/2019 - 9:56 AM
Publication Management	Daniel, Martha	Approved	8/12/2019 - 10:07 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/12/2019 - 11:19 AM

**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA 19-0087. 7612 Uncles Neck
Staff Report for the August 14, 2019, Chesapeake Bay Board Public Hearing**

This staff report is prepared by 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. Theresa Whelan

Agent: Ms. Karla Havens, Mid-Atlantic Resource Consulting

Location: 7612 Uncles Neck

Tax Map/Parcel No.: 2030200028

Parcel: Lot 28, Rivers Bend at Uncles Neck

Lot Size: 3.25 acres

Area of Lot in Resource Protection Area (RPA): 0.57 acres +/- (17%)

Watershed: Yarmouth Creek (HUC JL 28)

Floodplain: Zone AE - The special flood hazard area subject to the 1% annual chance flood. No base flood elevation determined.

Proposed Activity: Grading of the bank for access to the beach and pier

Impervious Cover: Approximately 500 square feet

RPA Encroachment: 900 square feet within the landward 50-foot RPA buffer

Staff Contact: Trevor Long, Watershed Planner Phone: 253-6789

BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES

Ms. Karla Havens, Mid-Atlantic Resource Consulting, has applied for a Chesapeake Bay Exception on behalf of Ms. Theresa Whelan for encroachments into the RPA buffer for the grading of the bank for access to the beach and pier on property located at 7612 Uncles Neck within the Uncles Neck subdivision and the Yarmouth Creek watershed. The property is further identified as James City County Tax Map Parcel No. 2030200028. The parcel was platted in 2008, after the adoption of the Chesapeake Bay Preservation Ordinance in 1990.

The total lot size of this property is 3.25 acres, of which 17% is located within the RPA. The applicant is proposing the grading of the existing bank in order to provide access to the beach and pier within the RPA. The proposed bank grading will be done at a 3:1 slope in the area of the access path and will equate to approximately 900 square feet of disturbance with 500 square feet accounting for the access path. Bank grading will be concentrated only in the area of the access trail and will include the removal of three trees in the process. Staff met with the applicant in early 2019 in order to discuss the configuration of the access path and grading in order to minimize the amount of impacts to the RPA.

STAFF EVALUATION

Staff has evaluated the application and exception request for the grading of the bank for access to the beach and pier and finds that the application meets the conditions in Sections 23-11 and 23-14 and that the application should be heard by the Board because the bank grading is considered accessory in nature. Therefore, this request must be considered by the Board following a public hearing under the formal exception process. Per Sections 23-11 and 23-14 of the County Ordinance, a Water Quality Impact Assessment was submitted for the proposed project.

CONSIDERATION BY THE CHESAPEAKE BAY BOARD

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14. The Chesapeake Bay Board should fully consider Chesapeake Bay Exception No. CBPA 19-0087 as outlined and presented above and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chesapeake Bay Preservation Ordinance.

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 of this exception request with the following conditions incorporated into the approval:

1. The applicant must obtain all other necessary federal, state, and local permits as required for the project;
2. A surety of \$500 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney, to ensure the mitigation requirements;
3. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities;
4. This exception request approval shall become null and void if construction has not begun by August 14, 2020; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than July 3, 2020, six weeks prior to the expiration date.

TJ/md
CBPA19-87-7612UnclesNk

Attachments:

1. Resolution
2. Site Plan

RESOLUTION

CASE NO. CBPA 19-0087. 7612 UNCLES NECK

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Ms. Theresa Whelan (the “Applicant”) has applied to the Chesapeake Bay Board of James City County (the “Board”) on August 14, 2019, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 2030200028 and further identified as 7612 Uncles Neck (the “Property”) as set forth in the application CBPA 19-0087 for the purpose of grading the bank; and

WHEREAS, the Board has listened to the arguments presented and has 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, by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
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.
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.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a. The applicant must obtain all other necessary federal, state, and local permits required for the project; and
 - b. A surety of \$500 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney, to ensure the mitigation requirements; and
 - c. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City

County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and

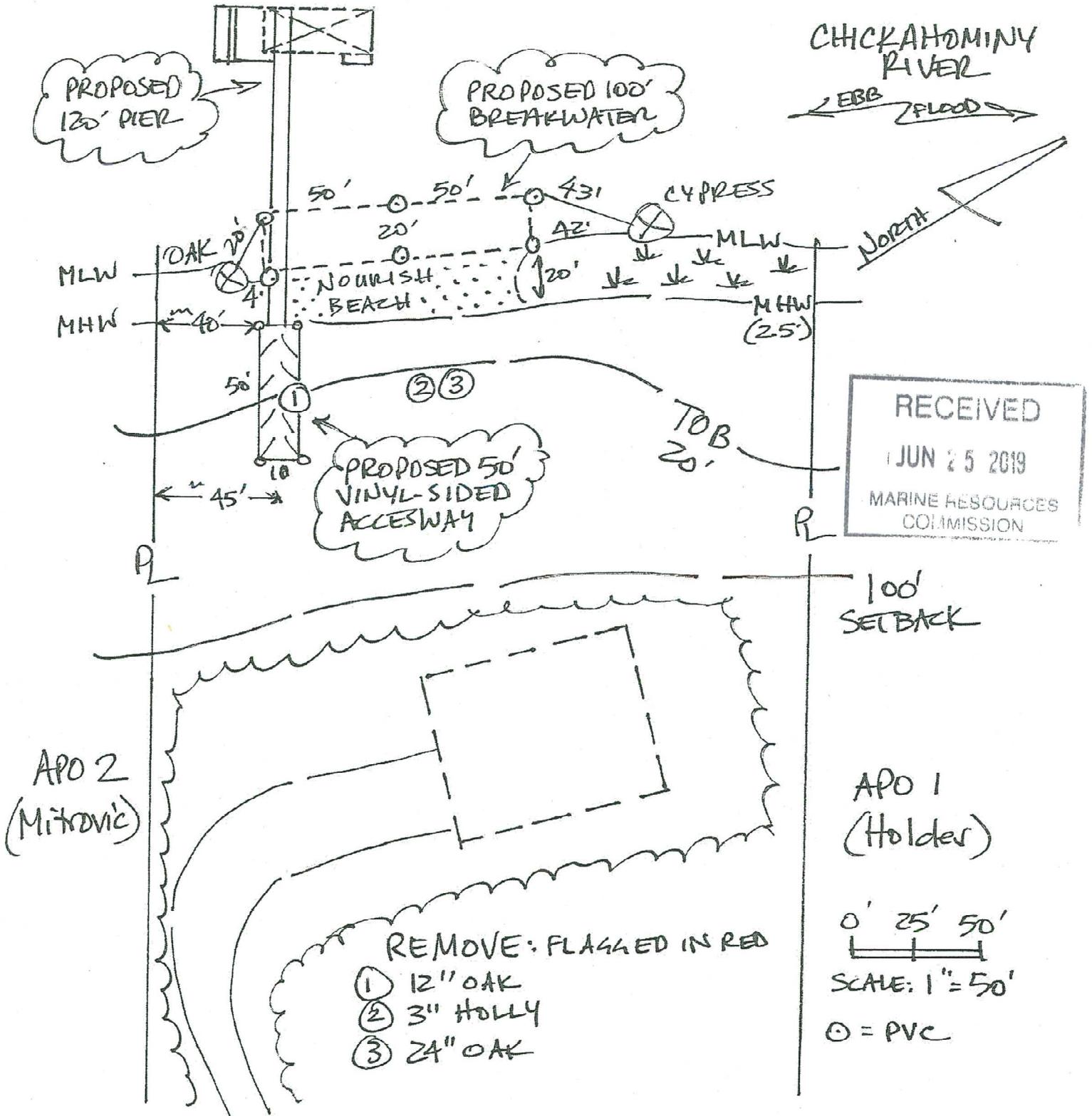
- d. This exception request approval shall become null and void if construction has not begun by August 14, 2020; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than July 3, 2020, six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of August, 2019.

CBPA19-87-7612UnclesNk-res



Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

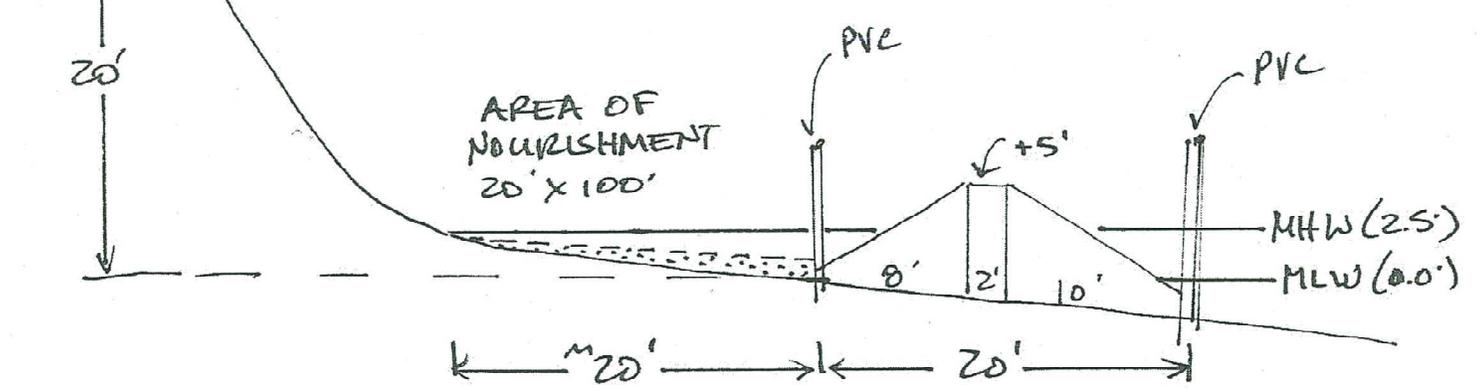
Adjacent Property Owners 1. Patrick M. & Lee S. Holder 2. Suzanne Stefler Mitrovic Trustee	SITE PLAN James City County PIN # 2030200028	THERESA M. WHELAN 6712 Uncle's Neck - Toano On the Chickahominy River Date: 6-14-19 Sheet 2 of 4
--------------------------------------------------------------------------------------------------	----------------------------------------------------	-----------------------------------------------------------------------------------------------------------

RECEIVED

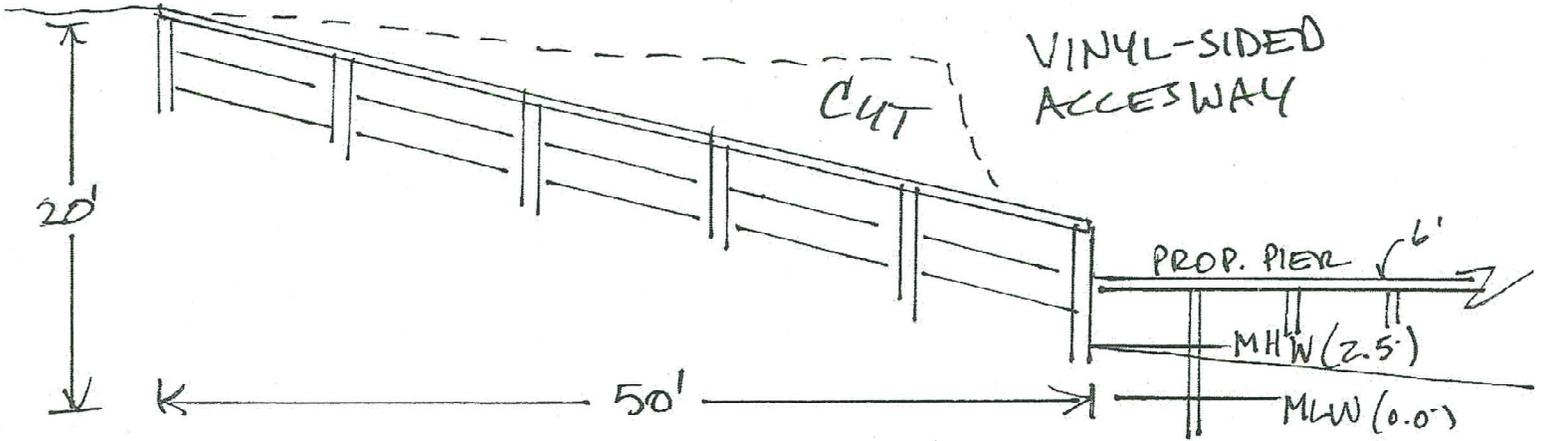
JUN 25 2019

MARINE RESOURCES COMMISSION

BREAKWATER & BEACH NOURISHMENT



- CLASS II QUARRY STONE CORE & ARMOR OVER FILTER CLOTH
 - NOURISHMENT AREA = 20' x 100' = 2,000 SF
 - BEACH QUALITY SAND FROM AN UPLAND SOURCE
- $$\frac{2,000 \times 1.0}{27} = 74 \text{ CU YDS}$$



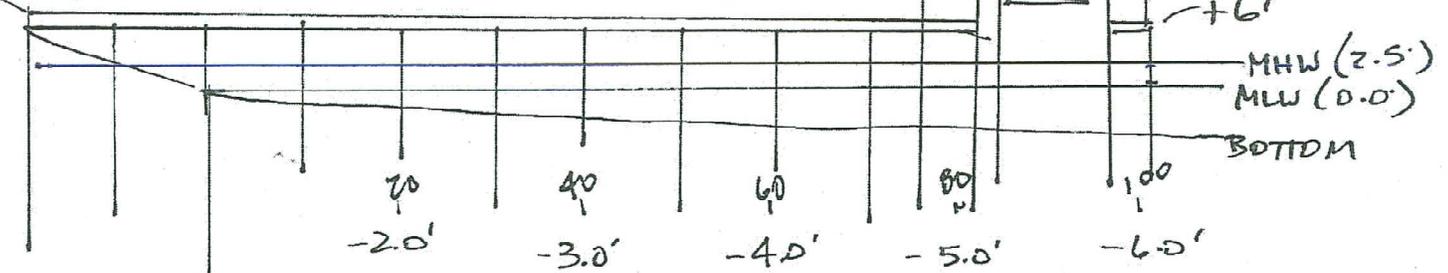
- H:V = 50' : 14' (~3:1) SLOPE
- VINYL SHEETING w/ TREATED TIMBER PILES & STRINGERS
- ALL HARDWARE H.D.G.
- ACCESSWAY TO BE MULCHED w/ NO LESS THAN 4 INCHES OF HARDWOOD MULCH

Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

Adjacent Property Owners 1. Patrick M. & Lee S. Holder 2. Suzanne Stefler Mitrovic Trustee	DETAIL James City County PIN # 2030200028	THERESA M. WHELAN 6712 Uncle's Neck - Toano On the Chickahominy River Date: 6-14-19 Sheet 3 of 4
--------------------------------------------------------------------------------------------------	-------------------------------------------------	-----------------------------------------------------------------------------------------------------------

- 1 TEMP. CONST. VESSEL
- 1 NET INCREASE IN PERM. NON-COMMERCIAL VESSELS

OPEN-SIDES
w/ 2' OVER HANG



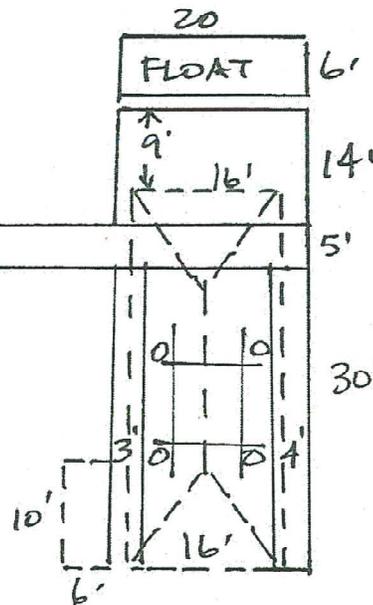
MHW
MLW

- MHW TO MHW > 500'

- NO LESS THAN 4'
BETWEEN DECKING &
WETLAND SUBSTRATE

5' x 120'

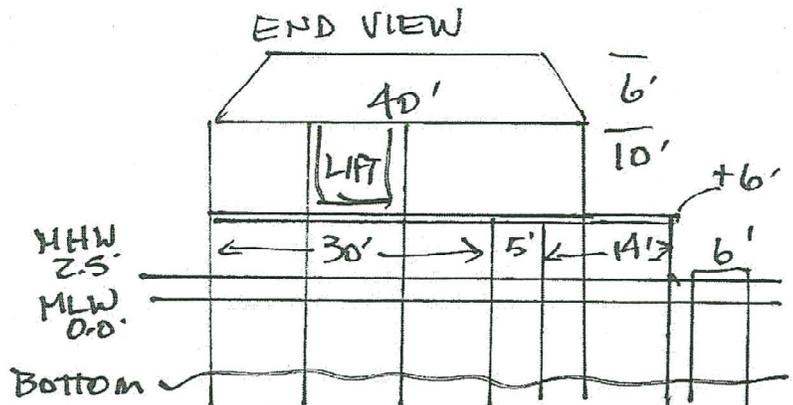
ROOF = 700 SF
 16 x 40 = 640
 6 x 10 = 60
 PLATFORM = 400 SF
 14 x 20 = 280
 6 x 20 = 120
 CATWALKS
 4' x 30
 3 x 30



RECEIVED
 JUN 25 2019
 MARINE RESOURCES
 COMMISSION

120' TOTAL PIER LENGTH
 120' TO MHW
 100 TO MLW

- 2 x 8 DECKING & STRINGERS
- ALL LUMBER TREATED
- ALL HARDWARE H.D.S.
- 50 10" DIAM. TIMBER PILES INSTALLED w/ VIBRATORY HAMMER



Note: Mid-Atlantic Resource Consulting is responsible only for applying to obtain local wetland, Virginia Marine Resources Commission and U.S. Army Corps of Engineers permits. Mid-Atlantic Resource Consulting is not responsible for any land disturbing activities or construction activities associated with the project.

Adjacent Property Owners 1. Patrick M. & Lee S. Holder 2. Suzanne Stetler Mitrovic Trustee	DETAIL James City County PIN # 2030200028	THERESA M. WHELAN 6712 Uncle's Neck - Toano On the Chickahominy River Date: 6-14-19 Sheet 4 of 4
------------------------------------------------------------------------------------------------------	-----------------------------------------------------	---------------------------------------------------------------------------------------------------------------



PUBLIC HEARING NOTICE

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY AUGUST 14, 2019 AT 5 P.M.** IN THE BOARD ROOM OF BUILDING F, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

THE WETLANDS BOARD WILL CONSIDER THE FOLLOWING CASE:

WJPA 19-0032/VMRC 19-1124: Mid-Atlantic Resource Consulting, on behalf of Theresa Whelan, has applied for a wetlands permit for a breakwater, beach nourishment, pier, boat house and lift at 7612 Uncles Neck in the Uncles Neck subdivision, JCC Parcel No 2030200028.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING EXCEPTION REQUESTS FOR ENCROACHMENT INTO THE RPA BUFFER:

CBPA 19-0087: Mid-Atlantic Resource Consulting, on behalf of Theresa Whelan, has filed an exception request for encroachments into the RPA buffer for bank grading and beach access at 7612 Uncles Neck in the Uncles Neck subdivision, JCC Parcel No 2030200028.

CBPA 19-0065: H. H. Hunt Homes, on behalf of Amanda Stallings, has filed an exception request for encroachments into the RPA buffer for the construction of a pool at 2529 William Tankard Drive in the Landfall Village subdivision, JCC Parcel 4640800015.

CBPA 19-0066: Williams Landscape and Design, on behalf of Richard and Carole Summerville, has filed an exception request for encroachments into the RPA buffer for the construction of a retaining wall at 3124 Sapling Drive in the Stonehouse subdivision, JCC Parcel 0520400025.

Appeals from decisions under the Chesapeake Bay Preservation Ordinance may also be heard.

All interested parties are invited to attend the meetings. The applications and plans are on file and may be viewed during normal office hours in the Stormwater and Resource Protection Division, 101-E Mounts Bay Road, James City County, Virginia.

NOT FOR PUBLICATION

DISPLAY: WEDNESDAY – July 31 and August 7, 2019.

ACCOUNT NO.: 0011350200 - VIRGINIA GAZETTE

COPIES: PLANNING

ASSISTANT COUNTY ATTORNEY
WETLANDS/CHESAPEAKE BAY BOARD MEMBERS



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
757-253-6670

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

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

July 24, 2019

RE: WJPA-19-0032
7612 Uncle's Neck
Boat House, Lift, Pier, Float & Breakwater

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 Wetlands Board by Ms. Karla S. Havens of Mid-Atlantic Resource Consulting on behalf of Ms. Theresa M. Whelan, for impacts to wetlands associated with the construction of a boathouse, lift, pier, float and breakwater. The project is located at 7612 Uncle's Neck and further identified as JCC Parcel No. 2030200028.

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 Wetlands Board will hold an advertised public hearing on **Wednesday, August 14, 2019 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,

Janice Petty

Janice Petty
Stormwater Assistant

cc: Mid-Atlantic Resource Consulting
Attn: Ms. Karla S. Havens

Jordan Marine Construction, Inc.
Attn: Mr. Wilbur Jordan

Mailing List for: WJPA-19-0032 – 7612 Uncles Neck– Whelan -Mid-Atlantic –Jordan Marine
-Boat House –Lift – Pier - Breakwater

Applicant: 2030200028-7612 Uncles Neck

Whelan, Theresa M
6573 McKenna Way
Alexandra, VA 22315-5573

Contractor:

Mid-Atlantic Resource Consulting
Attn: Karla S. Havens
1095 Cherry Row
Plainview, VA 23156-2027

2030200029

Mitrovic, Suzanne Stetler, Trustee
7616 Uncles Neck
Toano, VA 23168-8725

Jordan Marine Construction, Inc.

Attn: Mr. Wilbur Jordan
6604 Richmond Road
Williamsburg, VA 23188-7233

2030200027

Holder, Patrick M & Lee S
7608 Uncles Neck
Toano, VA 23168-8725

2010200001A-7400 Uncles Neck

Uncle's Neck Homeowners Association
c/o United Property Associates
103 Bulifants Boulevard, Suite A
Williamsburg, VA 23188-5722

Virginia Marine Resource Center

Attn: Allison Norris
380 Fenwick Road, Building 96
Fort Monroe, VA 23651-1064

Department of Game and Inland Fisheries

P.O Box 90778
Henrico, VA 23228-0778

VIMS Wetlands Program

Attn: Dawn Fleming
P.O. Box 1346
Gloucester Point, VA 23062-1346

State Water Control Board

c/o Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218-1105

VDOT

4451 Ironbound Road
Williamsburg, VA 23188-2621

Regulatory Branch Army Corps of Engineers

803 Front Street
Norfolk, VA 23510-1011

ITEM SUMMARY

DATE: 8/14/2019
TO: Chesapeake Bay Board
FROM: Michael Woolson, Senior Watershed Planner
SUBJECT: CBPA 18-0134 : 500 Thompson Lane

ATTACHMENTS:

	Description	Type
☐	Staff Memo	Cover Memo
☐	Resolution	Resolution
☐	Extension Request	Backup Material
☐	Signed Resolution	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	8/7/2019 - 5:01 PM
Chesapeake Bay Group	Small, Toni	Approved	8/7/2019 - 5:02 PM
Publication Management	Burcham, Nan	Approved	8/8/2019 - 8:01 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/8/2019 - 9:02 AM

MEMORANDUM

DATE: August 14, 2019
TO: The Chesapeake Bay Board
FROM: Michael D. Woolson, Senior Watershed Planner
SUBJECT: Chesapeake Bay Board Exception No. CBPA 18-0134. 500 Thompson Lane

Mr. Ross Thompson is requesting a one-year extension to CBPA 18-0134, originally granted on September 26, 2018, due to issues with getting the required permits. Staff concurs with this request, with the stipulation that all permit conditions, except the expiration date, be reauthorized and that the new date of expiration be September 26, 2020.

MDW/nb
CBPA18-0134-500ThompLn-mem

Attachment

RESOLUTION

CASE NO. CBPA-18-0134. 500 THOMPSON LANE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE

EXCEPTION EXTENSION

WHEREAS, Mr. Ross and Mrs. Amy Thompson (the “Applicants”) applied to the Chesapeake Bay Board of James City County (the “Board”) on September 26, 2018, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 3610100005 and further identified as 500 Thompson Lane (the “Property”) as set forth in the application CBPA-18-0134 for the purpose of the construction of a single-family dwelling, garage, new patio, two decks, retaining wall, and a barn tack room addition; and

WHEREAS, the Applicants have requested a one-year extension to the exception granted by the Board on September 26, 2018; and

WHEREAS, the Board has listened to the arguments presented and has 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, by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
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.
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.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a. The applicants must obtain all other necessary federal, state, and local permits required for the project; and

- b. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities; and
- c. A surety of \$3,000 in a form acceptable to the James City County Attorney to ensure the mitigation plantings and enrollment in the Turf Love program; and
- d. This exception request approval shall become null and void if construction has not begun by September 26, 2020; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael D. Woolson
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of August, 2019.

CBPA18-0134-500ThompLn-res

24 July 2019

Stormwater and Resource Protection Division

General Services Department

101-E Mounts Bay Road

Williamsburg, VA 23185

Request that the exception granted by the Chesapeake Bay Board in September 2018 for CBPA 18-0134 be extended. The first phase of construction has been delayed by design completion, permitting approvals, the receipt of proposals for construction, and the award of the construction contracts.

Thank you for your consideration and for the service provided to the county and its residents.

N. Ross Thompson III

500 Thompson Lane

Williamsburg, VA 23188

RESOLUTION

CASE NO. CBPA-18-0134. 500 THOMPSON LANE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Ross and Mrs. Amy Thompson (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on September 26, 2018, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 3610100005 and further identified as 500 Thompson Lane (the “Property”) as set forth in the application CBPA-18-0134 for the purpose of the construction of a single-family dwelling, garage, new patio, two decks, retaining wall and a barn tack room addition; and

WHEREAS, the Board has listened to the arguments presented and has 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, by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
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.
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.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a. The applicants must obtain all other necessary federal, state and local permits required for the project.
 - b. All development activities located in the special flood hazard area shall comply with Article VI, Division 3, Floodplain Area Regulations of the James City County Zoning Ordinance and receive all required approvals and permits prior to commencement of such activities.

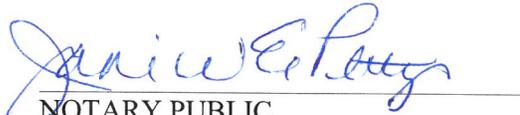
- c. A surety of \$3,000 in a form acceptable to the James City County Attorney to ensure the mitigation plantings and enrollment in the Turf Love program.
- d. This exception request approval shall become null and void if construction has not begun by September 26, 2019.
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.


David Gussman
Chair, Chesapeake Bay Board


Michael D. Woolson
Secretary, Chesapeake Bay Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 26th day of September, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 26 DAY OF September, 2018 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.


NOTARY PUBLIC

JANICE E. PETTY
NOTARY PUBLIC
COMMISSION #209699
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JANUARY 31, 2022

MY COMMISSION EXPIRES: January 31, 2022.

CBPA18-0134Thompson-res

ITEM SUMMARY

DATE: 8/14/2019
TO: Chesapeake Bay Board
FROM: Michael Woolson, Chesapeake Bay Board Secretary
SUBJECT: CBPA 18-0108 : 2917 Leatherleaf Drive

Extension request for CBPA 18-0108

ATTACHMENTS:

	Description	Type
☐	Staff Memo	Cover Memo
☐	Resolution	Resolution
☐	Extension Request	Backup Material
☐	Original Resolution	Backup Material
☐	Administrative Extension	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Small, Toni	Approved	8/7/2019 - 4:59 PM
Chesapeake Bay Group	Small, Toni	Approved	8/7/2019 - 4:59 PM
Publication Management	Burcham, Nan	Approved	8/8/2019 - 8:00 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	8/8/2019 - 9:02 AM

MEMORANDUM

DATE: August 14, 2019
TO: The Chesapeake Bay Board
FROM: Michael D. Woolson, Senior Watershed Planner
SUBJECT: Chesapeake Bay Board Exception No. CBPA 18-108. 2917 Leatherleaf Drive

Mr. Edwin Keusey is requesting a one-year extension to CBPA 18-108, originally granted on August 8, 2018, due to issues with getting the required building permits. Staff administratively extended the approval from August 8 to August 14, 2019, so that the Chesapeake Bay Board could act on the request. Staff concurs with this request, with the stipulation that all permit conditions, except the expiration date, be reauthorized and that the new date of expiration be August 14, 2020.

MDW/md
CBPA18-108Excpt-mem

Attachment

RESOLUTION

CASE NO. CBPA-18-108. 2917 LEATHERLEAF DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE

EXCEPTION EXTENSION

WHEREAS, Mr. Edwin Keusey (the “Applicant”) applied to the Chesapeake Bay Board of James City County (the “Board”) on August 8, 2018, to request an exception to use the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Parcel No. 0510200010 and further identified as 2917 Leatherleaf Drive (the “Property”) as set forth in the application CBPA-18-108 for the purpose of constructing an attached deck; and

WHEREAS, the Applicant has requested a one-year extension to the exception granted by the Board on August 8, 2018; and

WHEREAS, the Board has listened to the arguments presented and has 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, by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
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.
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.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a. The applicant must obtain all other necessary federal, state, and local permits required for the project; and

- b. The applicant submit a mitigation plan with two planting units, along with a \$1,000 surety to guarantee the plantings; and
- c. This exception request approval shall become null and void if construction has not begun by August 14, 2020; and
- d. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.

David Gussman
Chair, Chesapeake Bay Board

Michael Woolson
Senior Watershed Planner

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 14th day of August, 2019.

CBPA18-108Excpt-res

Michael Woolson

From: Trevor Long
Sent: Monday, July 22, 2019 4:57 PM
To: Michael Woolson
Subject: FW: Request for Extension: CBB: CBPA-18-108 2917 Leatherleaf Drive

FYI

From: Edwin Keusey [mailto:Ed@HighTechAttorneys.com]
Sent: Monday, July 22, 2019 4:50 PM
To: Trevor Long <Trevor.Long@jamescitycountyva.gov>
Subject: Request for Extension: CBB: CBPA-18-108 2917 Leatherleaf Drive

Dear Mr. Long,

Thank you for taking the time to follow-up on the August 8, 2018 CBPA Resolution indicating that construction should begin by August 8, 2019.

We have a concrete contractor who is ready to begin laying forms and pouring the footings sometime in August. As a precautionary measure, we would like to respectfully request an extension of time.

Toward the end of last year, when I checked with the Building Department they indicated that the continuous poured footing needed review by a P.E. We tried for several months but were unable to get a P.E. to visit the property, or assist with our review. Eventually, the continuous poured footing was replaced with prescriptive individual footings.

In April 2019, I was given instructions to set up a new PermitLink Account, which was completed by us within a day. After several follow-ups and visits, I was told the Building Permit had been automatically emailed to me by the system. When they reviewed the email, they noticed the addressee line was blank. They attempted to load the Permit onto my PermitLink Account and to date it is still not accessible. Eventually, they manually prepared an email and forwarded the Permit on May 23, 2019. Since that time we have been unable to access our stamped jobsite copy of the plans.

On May 24, 2019 we began the process of obtaining Stonehouse HOA approval. On June 20th we received HOA Approval, and have been trying to coordinate the start for the concrete contractor since that time.

We appreciate the patience and assistance afforded by all of the JCC staff over the past 16 months.

Please let me know if you need any further information.

Sincerely,

Ed Keusey

--

Keusey & Associates, P.C.
3309 Poplar Creek Lane
Williamsburg, VA 23188

Tel: (757) 345-6448

Email: Ed@HighTechAttorneys.com

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May be privileged, confidential or otherwise protected from disclosure.
The information is intended to be for the addressee only.
If you are not the addressee, any disclosure, copy, distribution or
use of the contents of this message is prohibited.
If you have received this electronic message in error, please notify
us immediately and destroy the original message and all copies.

RESOLUTION

CASE NO. CBPA-18-108. 2917 LEATHERLEAF DRIVE

JAMES CITY COUNTY CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION

WHEREAS, Mr. Edwin Keusey (the "Applicant") has applied to the Chesapeake Bay Board of James City County (the "Board") on August 8, 2018, to request an exception to use the Resource Protection Area (the "RPA") on a parcel of property identified as James City County Real Estate Tax Parcel No. 0510200010 and further identified as 2917 Leatherleaf Drive (the "Property") as set forth in the application CBPA-18-108 for the purpose of constructing an attached deck; and

WHEREAS, the Board has listened to the arguments presented and has 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, by a majority vote of its members FINDS that:

1. The exception request is the minimum necessary to afford relief.
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.
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.
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6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - a. The applicant must obtain all other necessary federal, state and local permits required for the project;
 - b. The applicant submit a mitigation plan with two planting units, along with a \$1,000 surety to guarantee the plantings;
 - c. This exception request approval shall become null and void if construction has not begun by August 8, 2019.

d. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than six weeks prior to the expiration date.



William Apperson
Vice-Chair, Chesapeake Bay Board



Michael Woolson
Senior Watershed Planner

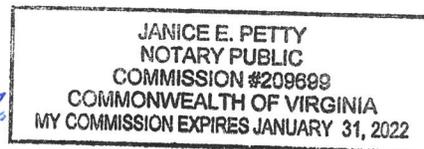
Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of August, 2018.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 8 DAY OF August, 2018 IN THE COMMONWEALTH OF VIRGINIA, IN THE COUNTY OF JAMES CITY.



NOTARY PUBLIC

MY COMMISSION EXPIRES: January 31, 2022



CBPA18-108LeatherleafDr-res

MEMORANDUM

DATE: July 30, 2019
TO: File
FROM: Michael D. Woolson, Senior Watershed Planner
SUBJECT: Chesapeake Bay Board Exception No. CBPA 18-0108. 2517 Leatherleaf Drive

Edwin Keusey is requesting a requesting a one-year extension to CBPA 18-0108, originally granted on August 8, 2018. He has submitted a request to the Chesapeake Bay Board for the August 14, 2019, however the original exception expires on August 8, 2019. To prevent the exception from expiring before the request can be heard by the Board, I administratively extend this approval to August 14, 2019, the next regularly scheduled Chesapeake Bay Board meeting to be held.