

**M I N U T E S**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, Virginia 23185**  
**September 9, 2020**  
**5:00 PM**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. MINUTES**

1. Minutes from August 12, 2020, Regular Meeting

**D. PUBLIC HEARINGS**

1. Case No. CBPA-20-0080 : 2844 Castling Crossing

**E. BOARD CONSIDERATIONS**

1. Case No. CBPA 19-0121 : 4053 South Riverside Drive

**F. MATTERS OF SPECIAL PRIVILEGE**

**G. ADJOURNMENT**

ITEM SUMMARY

DATE: 9/9/2020

TO: Chesapeake Bay Board

FROM: Michael Woolson, Chesapeake Bay Board Secretary

SUBJECT: Minutes from August 12, 2020, Regular Meeting

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ATTACHMENTS:

	Description	Type
	<a href="#">Minutes</a>	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	9/3/2020 - 10:52 AM
Chesapeake Bay Group	Small, Toni	Approved	9/3/2020 - 4:17 PM
Publication Management	Burcham, Nan	Approved	9/3/2020 - 4:21 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	9/3/2020 - 4:35 PM

**MINUTES**  
**JAMES CITY COUNTY CHESAPEAKE BAY BOARD**  
**REGULAR MEETING**  
**County Government Center, Building F**  
**101 Mounts Bay Road, Williamsburg, Virginia 23185**  
**August 12, 2020**  
**5:00 PM**

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**A. CALL TO ORDER**

The Chesapeake Bay Board meeting for August 12, 2020, 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  
Charles Roadley  
Larry Waltrip  
Michael O'Brien

**Board Members Absent:**

Halle Dunn

**Other Staff Present:**

Toni Small, Director, Stormwater and Resource Protection  
Liz Parman, Assistant County Attorney  
Michael Woolson, Senior Watershed Planner, Stormwater and Resource Protection  
Janice Petty, Stormwater Assistant, Stormwater and Resource Protection

**C. MINUTES**

1. Minutes from June 10, 2020, 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. Case No. CBPA 20-0053 : 146 Red Oak Landing Road

Mr. Michael Woolson, Senior Watershed Planner, presented the exception request submitted by Mr. Don Newsom, Delightful Gardens Landscape Company (Delightful Gardens), on behalf of Mr. C. Thomas Turbeville, Jr., for encroachments into the Resource Protection Area (RPA) buffer for the construction of a retaining wall located at 146 Red Oak Landing, within the Powhatan Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4730100033. The presentation described the current and proposed site conditions. 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.

Mr. Gussman inquired if erosion was occurring on-site.

Mr. Woolson replied in one corner, upslope side of the shed, but deferred to the applicant for answer.

Mr. Gussman opened the Public Hearing.

A. Mr. Don Newsom, Delightful Gardens, outlined the project to the Board.

Mr. Roadley inquired about the amount of sediment loss experienced on-site.

A. Mr. Newsom replied that there was some sediment loss because of the steep drop-off in that area.

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

Mr. Apperson made a motion to Adopt the resolution for Chesapeake Bay Board Case No. CBPA 20-0053 at 146 Red Oak Landing.

A motion to Approve with Conditions was made by Mr. Apperson, the motion result was:

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

AYES: Gussman, Apperson, Roadley, O'Brien, Waltrip

NAYS: None

ABSENT: Dunn

## **E. BOARD CONSIDERATIONS**

### **1. CBPA 19-0087 : 7612 Uncles Neck**

Mr. Michael Woolson presented the extension request requested by Ms. Theresa Whelan for encroachments into the RPA buffer for the grading of the bank for access to the beach and pier on the property located at 7612 Uncles Neck within the Yarmouth Creek watershed.

Mr. Roadley made a motion to grant the resolution for extension of Chesapeake Bay Board Case No. CBPA 19-0087 for 7612 Uncles Neck, extended to August 12, 2021.

A motion to Approve the resolution for extension was made by Mr. Roadley, the motion result was:

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

AYES: Gussman, Apperson, Roadley, O'Brien, Waltrip

NAYS: None

ABSENT: Dunn

### **2. Appeal - 4720 Yeardley Loop**

Mr. Michael Woolson presented the appeals. The first appeal was from Mr. Richard Cassell, 4720 Yeardley Loop, appealing an administrative decision to remove all improvements on the easement property behind his house, replanting the disturbed area, and a one-time payment of a civil charge.

Staff was alerted in April 2020, that there was some unauthorized tree clearing and removal in the Natural Open Space Easement which is homeowners' association (HOA) property, behind

4720 Yeardeley Loop. Staff went out and investigated, took some pictures, and sent a Notice of Violation to the HOA. Mr. Cassell was also sent a Notice of Violation.

The Deed for Natural Open Space was recorded October 30, 2008, and was put in place for Stormwater purposes. Condition No. 4 of the easement states that the easement property shall remain in its natural condition with respect to natural leaf litter, understory, and tree canopy vegetation.

Mr. Woolson showed pictures of the violation.

Mr. Roadley inquired if the Open Space Easement was to offset any pollutant load that would be otherwise treated by best management practices (BMPs).

Mr. Woolson replied that in this instance it was used to offset conventional BMPs for that portion of the property.

Mr. Roadley noted that there are two appellants. He inquired if recommendations were for each or total.

Mr. Woolson replied that his recommendations are separate.

Mr. Roadley noted that the total fine in this case could be \$10,000.

**A.** Mrs. Monika Cassell and Mr. Richard Cassell, 4720 Yeardeley Loop, addressed the Board with their concerns asking for an appeal. They are not the owners of the easement property. The Cassell's fence is within three feet of the property line, and where they have grass planted is technically their property. They do not know who cut the trees down.

Mr. Gussman reminded everyone that this is a legal proceeding and it is being recorded.

Mr. Gussman asked if the Cassells cut down any of the trees in the easement. He also inquired if the Cassells had hired anyone to cut down the trees.

**A.** Mrs. Monika Cassell replied no to both inquiries.

Mr. Gussman inquired if the Cassells know who cut down any of the trees. Discussion ensued about children walking the trails, fruit trees planted, and neighbors getting firewood.

**B.** William Sleeth, III, Esquire, Gordon Rees Scully Mansukhani, LLP, legal counsel to The Pointe Homes Association residential homeowners association for the neighborhood. The HOA notified the County that trees had been cut down.

**C.** Ms. Margo Zechman, Treasurer of the HOA Board at The Pointe at Jamestown, 4731 Yeardeley Loop. The HOA did not contact the neighbors on either side of 4720 Yeardeley Loop. She noted trees do come down during storms.

Mr. Roadley inquired concerning the responsible party for a violation on a property.

Mr. Woolson replied that the County always starts with the property owner.

**A.** Mrs. Monika Cassell and Mr. Richard Cassell responded to remarks. The Cassells provided current pictures to the Board, showing that the picnic table is no longer there. Mrs. Cassell did reach out to Mr. Hamilton, the HOA President and to Ms. Tabitha Clark of Chesapeake Bay Management Inc., (CBM) asking when the last neighborhood inspection had been conducted. Prior to this she understood that there were to be quarterly inspections by

CBM. Ms. Clark informed Mrs. Cassell that the last inspection had been in February 2020.

**B.** Mr. William Sleeth, III, asked if Ms. Jennifer Smith, the community manager would speak.

**D.** Ms. Jennifer Smith, work address, 603 Pilot House Drive, Suite 300, Newport News, VA 23606, responded to questions from the Board.

Mr. Roadley inquired if the land was eroding or showing anything detrimental that would contribute to degraded water quality.

Mr. Woolson replied that the loss of canopy cover has prompted herbaceous growth across the course of the summer.

**E.** Ms. Liz Parham, Assistant County Attorney, described options that the Board could take, including holding either, neither, or both parties responsible. The Board could also modify or add additional conditions and surety.

Mr. O'Brien inquired if the civil penalty would be considered a surety.

**E.** Liz Parham, replied yes, the penalty can be waived and required as surety instead of a fine, noting whatever conditions were felt appropriate were attached.

Discussion ensued among the Board members.

Mr. Gussman made a motion to grant the Appeal of a Notice of Violation for 4720 Yeardeley Loop.

A motion to Grant the Appeal was made by Mr. Gussman, the motion result was:

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

AYES: Gussman, Apperson, Roadley, O'Brien, Waltrip

NAYS: None

ABSENT: Dunn

**3. Appeal - Natural Open Space, Phase 2B, The Pointe at Jamestown**

Mr. Michael Woolson presented the appeal of Mr. William Sleeth, III, on behalf of The Pointe Homes Association, of an administrative decision to remove all improvements in the easement property behind 4720 Yeardeley Loop, replanting the disturbed area, and a one-time payment of a civil charge.

Mr. Apperson made a motion to deny the Appeal of Notice of Violation for Natural Open Space, Phase 2B, The Pointe at Jamestown.

A motion to Deny the Appeal was made by Mr. Apperson, the motion result was:

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

AYES: Gussman, Apperson, Roadley, O'Brien, Waltrip

NAYS: None

ABSENT: Dunn

**F. MATTERS OF SPECIAL PRIVILEGE**

None

**G. ADJOURNMENT**

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

The meeting adjourned at 6:59 p.m.

ITEM SUMMARY

DATE: 9/9/2020

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Case No. CBPA-20-0080 : 2844 Castling Crossing

Mr. Alan Moore has filed an exception request for encroachments into the RPA buffer for a sunroom at 2844 Castling Crossing, JCC Parcel 4812300018.

ATTACHMENTS:

	Description	Type
☐	<a href="#">Staff Report</a>	Staff Report
☐	<a href="#">Resolution</a>	Resolution
☐	<a href="#">Presentation</a>	Presentation
☐	<a href="#">Site Plan</a>	Backup Material
☐	<a href="#">2015 Aerial Photography</a>	Backup Material
☐	<a href="#">2019 Aerial Photograph</a>	Backup Material
☐	<a href="#">Public Advertisement</a>	Backup Material
☐	<a href="#">APO Letter</a>	Backup Material
☐	<a href="#">APO Mailing List</a>	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	9/3/2020 - 10:52 AM
Chesapeake Bay Group	Small, Toni	Approved	9/3/2020 - 4:17 PM
Publication Management	Daniel, Martha	Approved	9/3/2020 - 4:30 PM
Chesapeake Bay Group	Secretary, ChesBay	Approved	9/3/2020 - 4:35 PM



**CHESAPEAKE BAY BOARD EXCEPTION No. CBPA-20-0080. 2844 Castling Crossing  
Staff Report for the September 9, 2020, Chesapeake Bay Board Public Hearing**

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*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.*

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**EXISTING SITE DATA AND INFORMATION**

Applicants: Mr. Alan and Mrs. Julie Moore

Agent: Mr. Brian Duval, Elite Comfort Mechanical

Location: 2844 Castling Crossing

Parcel Identification No.: 4812300018

Parcel: Lot 18, Part 1, Lake Powell Forest

Lot Size: 0.14 acres

Area of Lot in Resource Protection Area (RPA): 0.14 acres +/- (100%)

Watershed: Mill Creek (HUC JL 33)

Floodplain: None affecting this property

Proposed Activity: Construction of a sunroom

Impervious Cover: 374 square feet (+/-)

RPA Encroachment: 374 square feet (+/-)

Staff Contact: Michael D. Woolson, Senior Watershed Planner Phone: 253-6823

**BRIEF SUMMARY AND DESCRIPTION OF ACTIVITIES**

Mr. Brian Duval, Elite Comfort Mechanical, has applied for a Chesapeake Bay Exception on behalf of Mr. Alan and Mrs. Julie Moore for encroachments into the RPA buffer for the construction of a sunroom on property located at 2844 Castling Crossing within the Mill Creek watershed. The property is further identified as James City County Tax Map Parcel No. 4812300018. The parcel was platted in 1998, prior to the 2004 changes in the Ordinance.

The total lot size of this property is 0.14 acres, of which 100% is located within the RPA. The applicants are proposing to convert an existing deck on the property into a sunroom. The existing deck is the result of a deck expansion constructed in 2016. Staff is not in receipt of any Chesapeake Bay Preservation Area exception request for the expansion. Mitigation requirements for the original request would have equated to the plantings of one canopy tree, two understory trees, and three shrubs. Because there were no approvals for the existing deck to be renovated, mitigation requirements for the proposed renovation equate to two canopy trees, four understory trees, and six shrubs.

**STAFF EVALUATION**

Staff has evaluated the application and exception request for proposed renovation of the existing deck into a sunroom. This application meets the Ordinance conditions in Sections 23-11 and 23-14 and should be

heard by the Board because the addition is proposed within the seaward 50-foot RPA and because the original construction was not approved by the Board.

### **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 non-conforming 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's view of this application is that it does meet all five of the conditions as presented above. Should the Board also find that the exception request meets all five of the conditions above, staff suggests 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. A mitigation plan equating to the plantings of two canopy trees, four understory trees, and six shrubs be submitted to the James City County Stormwater and Resource Protection Division; and
3. A surety of \$1,000 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney's Office; and
4. This exception request approval shall become null and void if construction has not begun by September 9, 2021; and
5. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than July 29, 2021, six weeks prior to the expiration date.

MDW/md  
CBPA20-80-2844CastlingXing

#### Attachments:

1. Resolution
2. Site Plan

## **RESOLUTION**

**CASE NO. CBPA 20-0080. 2844 CASTLING CROSSING**

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

WHEREAS, Mr. Alan and Mrs. Julie Moore (the “Applicants”) have applied to the Chesapeake Bay Board of James City County (the “Board”) on August 11, 2020, 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 Map Parcel No. 4812300018 and further identified as 2844 Castling Crossing (the “Property”) as set forth in the application CBPA 20-0080 for the purpose of constructing a sunroom; 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. A mitigation plan equating to the plantings of two canopy trees, four understory trees, and six shrubs be submitted to the James City County Stormwater and Resource Protection Division; and
  - c. A surety of \$1,000 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney’s Office; and

- d. This exception request approval shall become null and void if construction has not begun by September 9, 2021; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than July 29, 2021, six weeks prior to the expiration date.

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David Gussman  
Chair, Chesapeake Bay Board

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Michael D. Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of September, 2020.

CBPA20-80-2844CastlingXing-res



# **Chesapeake Bay Board of James City County, Virginia**

**September 9, 2020**

**CBPA 20-0080**

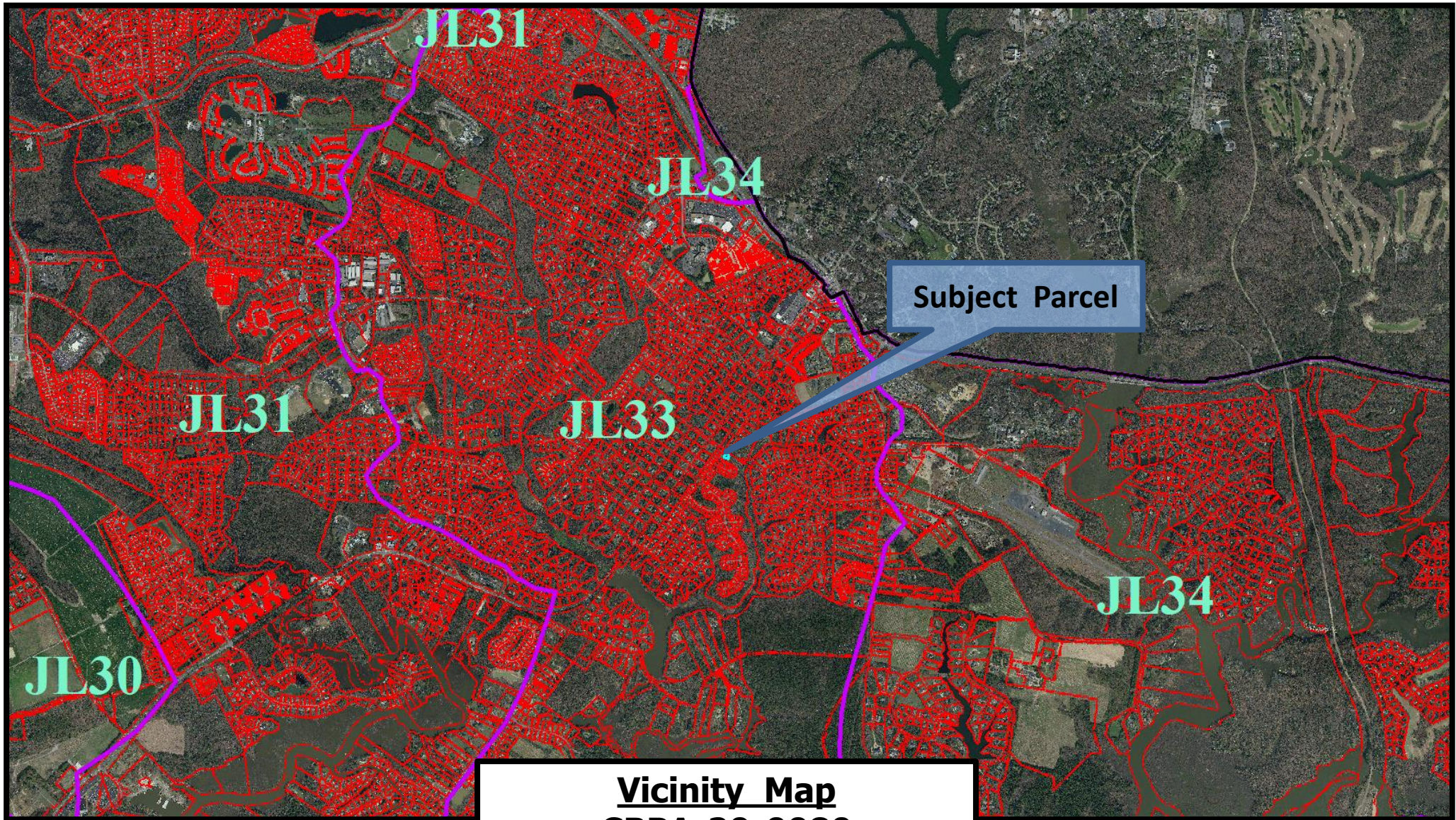
**Alan and Julie Moore**

**2844 Castling Crossing**

# Applicant Request

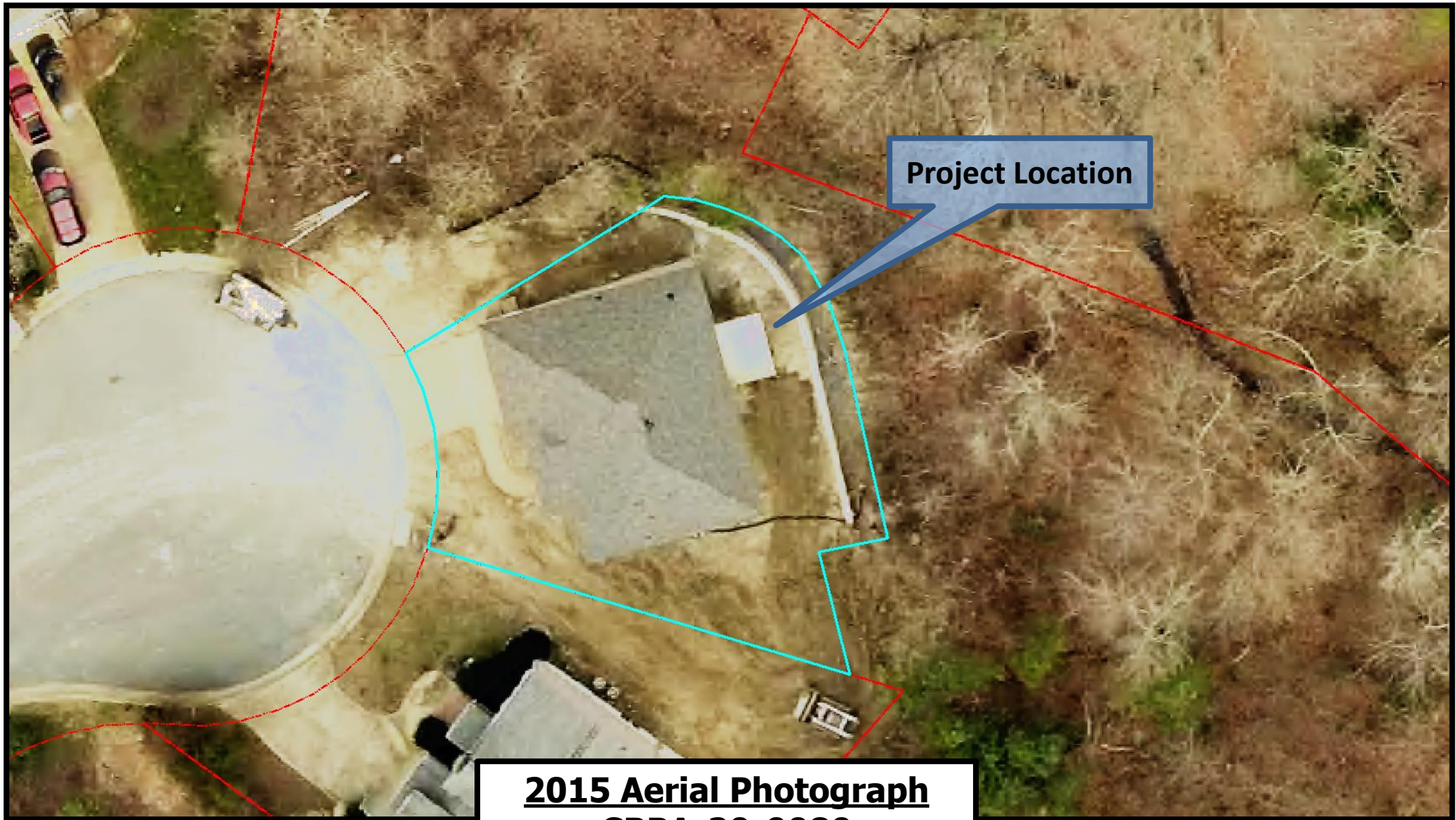
- ✓ Construction of a sunroom.





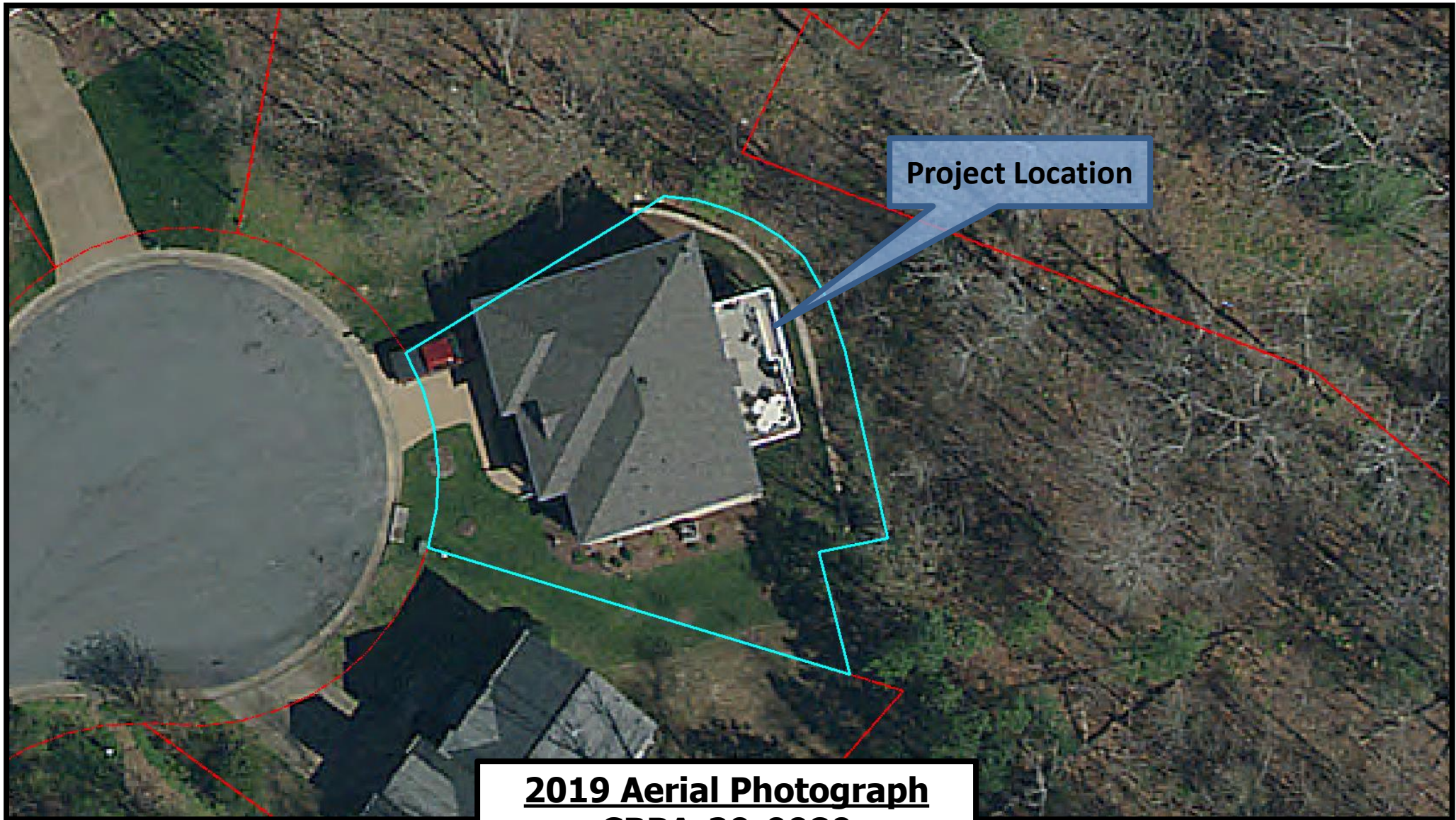
**Vicinity Map**  
**CBPA-20-0080**  
**2844 Castling Crossing**





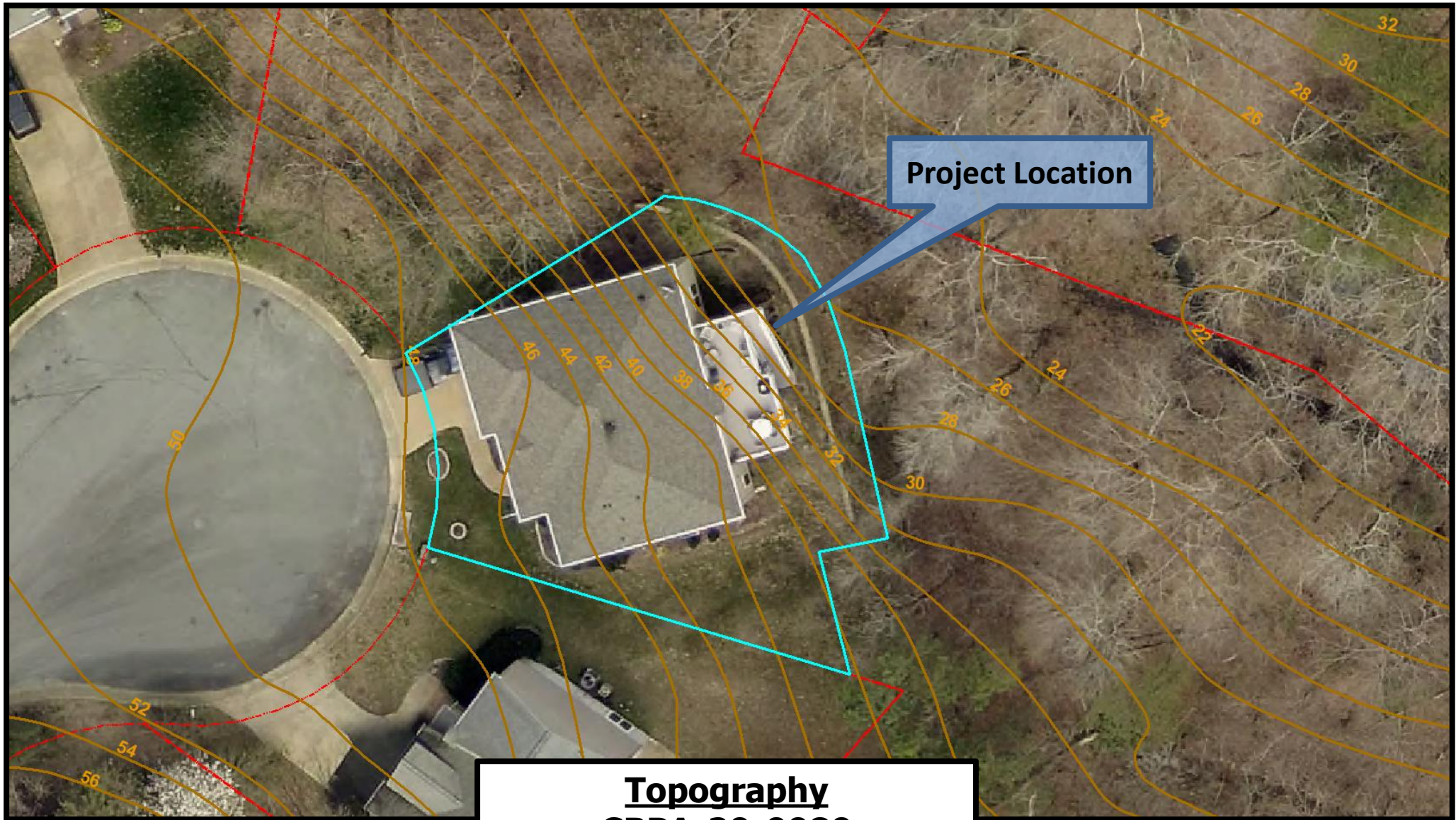
**2015 Aerial Photograph**  
**CBPA-20-0080**  
**2844 Castling Crossing**





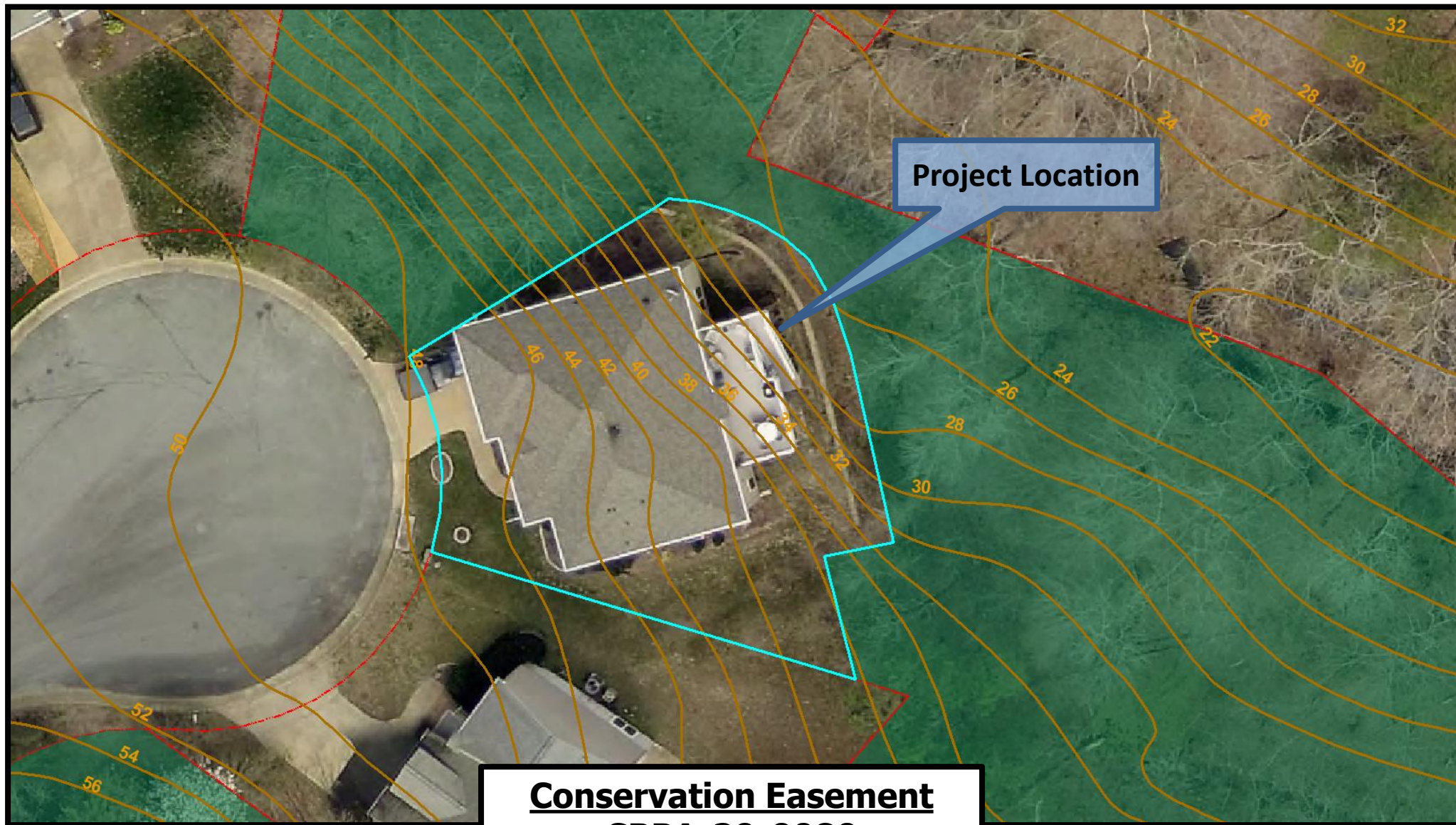
**2019 Aerial Photograph**  
**CBPA-20-0080**  
**2844 Castling Crossing**





**Topography**  
**CBPA-20-0080**  
**2844 Castling Crossing**

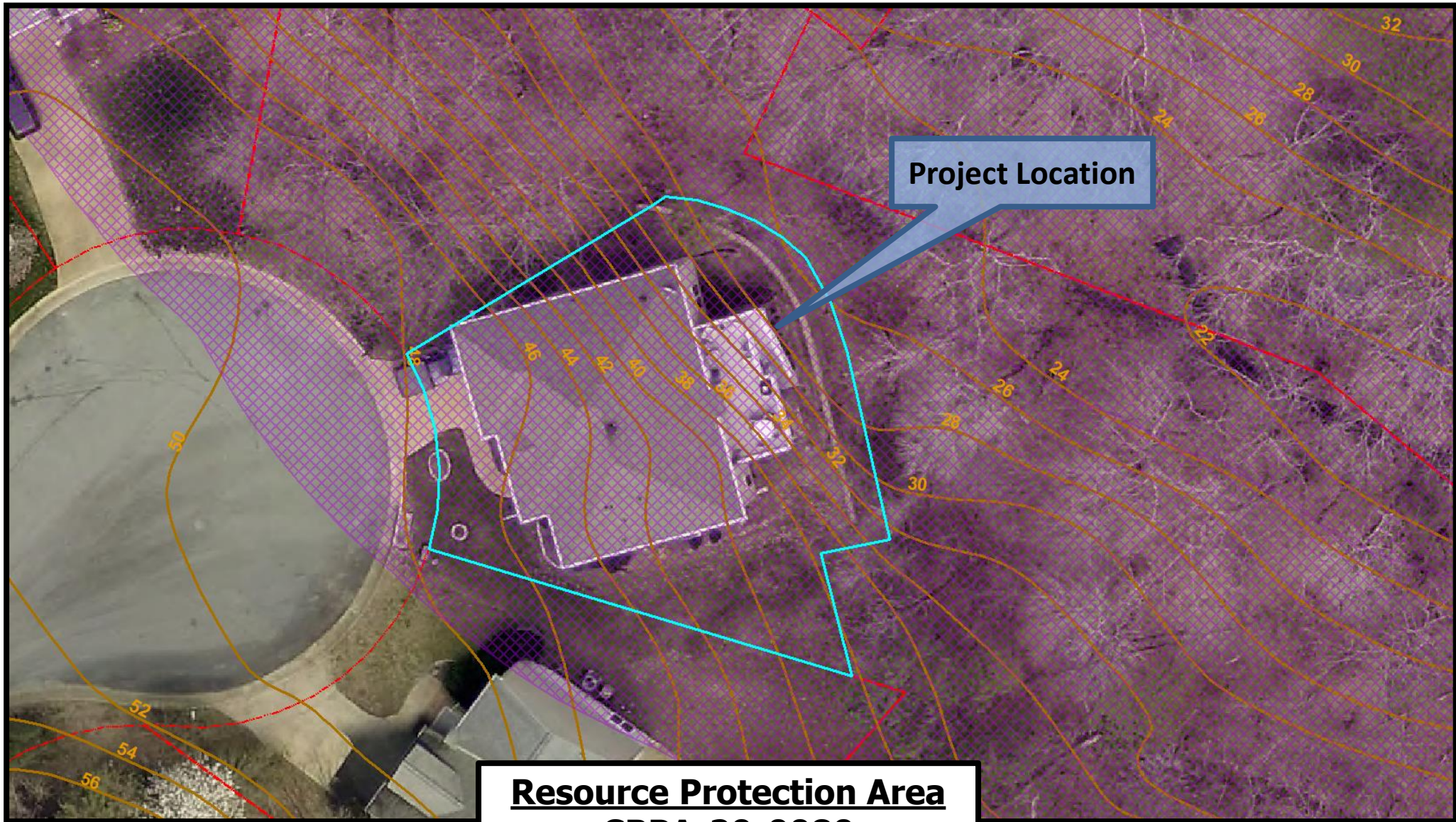




Project Location

**Conservation Easement**  
**CBPA-20-0080**  
**2844 Castling Crossing**





**Resource Protection Area**  
**CBPA-20-0080**  
**2844 Castling Crossing**



Site Plan showing  
proposed improvements,  
submitted July 29, 2020.  
For representative use  
only for presentation of  
case #CBPA-20-0080

100 foot Resource  
Protection Area



Proposed construction

**Site Plan - CBPA-20-0080**  
**2844 Castling Crossing**



**Site Photograph #1 - CBPA-20-0080**  
**2844 Castling Crossing**

# Permit Conditions



## Staff Recommendation – Approval

- ✓ All other necessary local, state and federal permits.
- ✓ A mitigation plan equating to the plantings of 2 canopy trees, 4 understory trees, and 6 shrubs be submitted to the Stormwater and Resource Protection Division.
- ✓ A surety of \$1,000 be paid and in place prior to the commencement of work, in a form acceptable to the James City County Attorney.

# Permit Conditions



## Staff Recommendation – Approval

- ✓ This exception request approval shall become null and void if construction has not begun by September 9, 2021.
- ✓ Written requests for extension submitted no later than July 29, 2021.

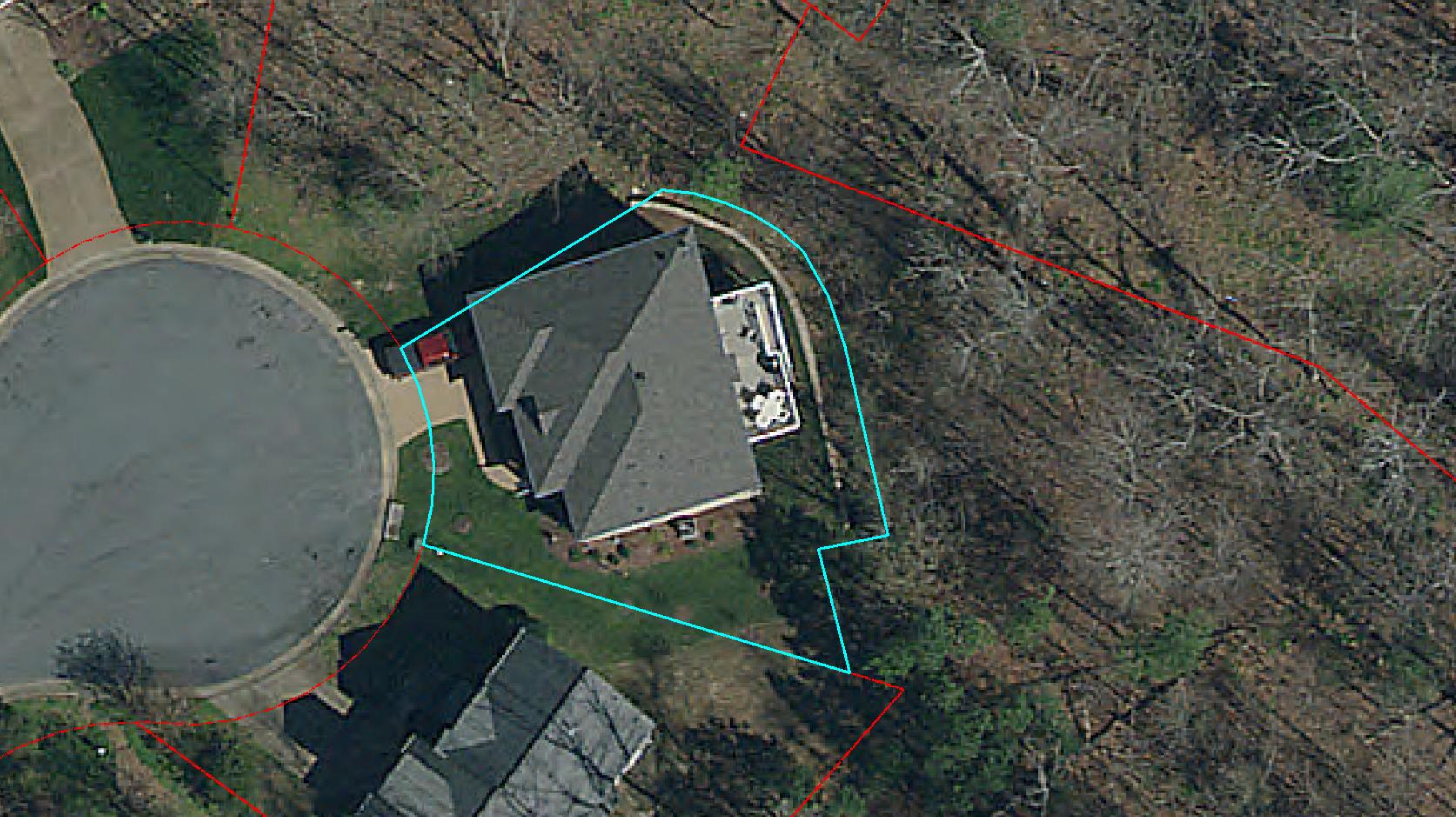
















## **PUBLIC HEARING NOTICE**

THE WETLANDS BOARD AND THE CHESAPEAKE BAY BOARD OF JAMES CITY COUNTY, VIRGINIA WILL HOLD A PUBLIC HEARING **WEDNESDAY SEPTEMBER 9, 2020 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 CASES:

WJPA 20-0032/VMRC 20-1199: Mr. Daniel Winall of Water's Edge Construction, on behalf of Mark and Maria Velleca, has applied for a wetlands permit for a pier at 6413 Conservancy, JCC Parcel 4930300004.

THE CHESAPEAKE BAY BOARD WILL CONSIDER THE FOLLOWING CASE:

CBPA 20-0080: Mr. Alan Moore has filed an exception request for encroachments into the RPA buffer for a sunroom at 2844 Castling Crossing, JCC Parcel 4812300018.

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

All interested parties are invited to attend the meetings. There is also a call-in option for the public hearings. To participate, call 757-253-6772 to record a comment that will be played during the meeting. Recorded comments must be submitted no later than noon on the day of the meeting. Please give your name and address for the public record and limit comments to five minutes or less. Questions? Call 757-253-6823.

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 – September 2 and September 9, 2020.  
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

now  
8/19/2020

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

August 19, 2020

RE: CBPA-20-0080  
2844 Castling Crossing  
Deck Conversion to Sunroom

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. Brian DuVal of Elite Comfort Mechanical on behalf of Mr. Alan Moore and Mrs. Julie Moore, for encroachment into the Resource Protection Area (RPA) buffer for the construction of a sunroom on top of an existing deck. The project is located at 2844 Castling Crossing and further identified as JCC Parcel No. 4812300018.

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, September 9, 2020 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 D. Woolson*

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

cc: Elite Comfort Mechanical  
Mr. Brian DuVal

MDW: jep

Mailing List for: CBPA-20-0080–2844 Castling Crossing – Conversion of Deck to Sunroom

Owner: 4812300018

Moore, Alan D & Julie W  
2844 Castling Crossing  
Williamsburg, VA 23185-3221

4812300001A- 23.58 A Conservation Area

Lake Powell Forest Owners Association  
544 Newtown Road, Suite 128  
Virginia Beach, VA 23462-5603

48123000019

Anderson, Donald L & Wanda L  
2840 Castling Crossing  
Williamsburg, VA 23185-3282

Contractor:

Elite Comfort Mechanical  
Attn: Mr. Brian DuVal  
2828 Frying Pan Farm Lane  
Hayes, VA 23072-3264

4812300016

Holbrook, Justin H & Shante N  
2843 Castling Crossing  
Williamsburg, VA 23185-3221

4812300015

Hovey, Christopher S & Tracey J  
2839 Castling Crossing  
Williamsburg, VA 23185-3221

ITEM SUMMARY

DATE: 9/9/2020

TO: Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Case No. CBPA 19-0121 : 4053 South Riverside Drive

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Mr. Bob Kaufmann has requested a 1-year extension to the approved Chesapeake Bay exception, granted November 13, 2019.

ATTACHMENTS:

	Description	Type
▢	<a href="#">Staff Memo</a>	Staff Report
▢	<a href="#">Resolution</a>	Resolution
▢	<a href="#">Extension Request</a>	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Chesapeake Bay Group	Woolson, Michael	Approved	9/3/2020 - 7:11 PM
Chesapeake Bay Group	Small, Toni	Approved	9/4/2020 - 10:24 AM
Publication Management	Burcham, Nan	Approved	9/4/2020 - 10:33 AM
Chesapeake Bay Group	Secretary, ChesBay	Approved	9/4/2020 - 1:51 PM

## MEMORANDUM

DATE: September 9, 2020

TO: The Chesapeake Bay Board

FROM: Michael Woolson, Senior Watershed Planner

SUBJECT: Chesapeake Bay Board Exception No. CBPA 19-0121. 4053 South Riverside Drive

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Mr. Bob Kaufman is requesting a one-year extension to CBPA 19-0121, originally granted on November 13, 2019. He has been unable to secure the necessary permits required for the project. Staff concurs with this request, with the stipulation that all permit conditions, except for the expiration date, be reauthorized and that the new date of expiration be November 13, 2021.



## **RESOLUTION**

**CASE NO. CBPA 19-0121. 4053 SOUTH RIVERSIDE DRIVE**

### **GRANTING AN EXTENSION OF AN EXCEPTION**

WHEREAS, Mr. Robert Kaufman (the “Applicant”) has requested an extension for the exception granted by the Chesapeake Bay Board of James City County (the “Board”) on November 13, 2019. The exception request is for the use of the Resource Protection Area (the “RPA”) on a parcel of property identified as James City County Real Estate Tax Map Parcel No. 1910500009 and further identified as 4053 South Riverside Drive (the “Property”) as set forth in the application CBPA 19-0121 for the purpose of constructing a 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 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. 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 \$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 planting mitigation requirements; and
- d. This exception request approval shall become null and void if construction has not begun by November 13, 2021; and
- e. Written requests for an extension to an exception shall be submitted to the Stormwater and Resource Protection Division no later than October 2, 2021, six weeks prior to the expiration date.

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David Gussman  
Chair, Chesapeake Bay Board

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Michael D. Woolson  
Secretary to the Board

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 9th day of September, 2020.

CBPA19-121SRvrside-res

## Michael Woolson

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**From:** Bob Kaufman <rbkauf@gmail.com>  
**Sent:** Tuesday, September 1, 2020 12:07 PM  
**To:** Michael Woolson  
**Subject:** [External] Extension Request

Mr. Woodson,

On November 13, 2019, Chesapeake Bay Board granted CBPA-19-0121, for the purpose of reconstruction of an addition to the single-family dwelling located at 4053 S Riverside Drive, Lanexa, VA.

I humbly request an extension due to our inability to secure a qualified contractor and the necessary permits required for the job to begin. Please contact me if any further information is required to help mitigate this extension. I appreciate your consideration in this matter.

Respectfully.

Bob Kaufman  
4053 S Riverside Dr, Lanexa, VA 23089  
804-937-9228