

24120029

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BY: Renee

CHESAPEAKE BAY PRESERVATION ORDINANCE

Waiver and Exception Process Guidance for Activities in the Resource Protection Area (RPA)

Property owners interested in working in the Resource Protection Area (RPA) may be required to request a variance through the Waiver or Exception process. The following are general guidelines and are not intended to represent every possible activity within the RPA. Please contact the Department of Environmental Programs for specific inquiries @1-804-693-1217, stop by the Office at 6489 Main Street, Gloucester, or visit our Web Site at <http://www.gloucesterva.info/codes/Environment/envhome.htm>.

Waiver Process (Staff Review), defined in Sec. 5.5-12; for variance to requirements of Sec. 5.5-9B (may include areas beyond the RPA); \$50 application review fee. Applications available on-line or in the Department of Environmental Programs.

1. Additions to or modifications of a non-conforming principle structure (existing before County adoption of the Bay Act October 15, 1991), outside the seaward 50 feet of RPA (between 50 & 100 feet).
2. New construction on an undeveloped, non-conforming lot (existing before October 15, 1991) with no other buildable area outside of the Resource Protection Area, outside the seaward 50 feet of RPA (between 50 & 100 feet).
3. Passive recreational uses / structures such as trails, community/instructional gazebos (e.g. Gloucester Point Beach), community trail system (e.g. Riverwatch Community).

Exception Process (Preservation and Erosion Commission), defined in Sec. 5.5-14; for variance to requirements of Sec. 5.5-7B and 5.5-9C, requiring Public Hearing; \$275 application fee. Meetings held 2nd Wednesday of each month, application deadline 1st working day of month for following months meeting. Applications available on-line or in the Department of Environmental Programs.

1. New construction on an undeveloped, non-conforming lot (existing before October 15, 1991) with buildable area outside of the Resource Protection Area.
2. Construction of, additions to, accessory structures (garage, pools, sheds, pads, impervious areas, grade alteration, etc.).
3. Construction of, additions to, principle structures within the seaward 50 feet of RPA (between 0 & 50 feet).
4. Reviews, waiver appeals, and violation.

Administrative (Staff) Review

1. Reasonable sight lines; access paths; woodlot management; and Best Management Practices.
2. Removal of diseased, dead, dying trees and tree thinning (Sec. 5.5-9C1c).
3. Shoreline erosion control projects.
4. Casualty loss replacement of principle structure with no increase in impervious area and no advancing encroachment.

A Water Quality Impact Assessment is required for review of all activity in the RPA (Sec. 5.5-11).



Chesapeake Bay Preservation Ordinance Exception Application

24120029
PEC-24 - 47

Public Hearing Process through the CB Preservation and Erosion Commission (\$275.00 App. Fee)

Application Type: Exception Appeal (to _____)

An application for exception is required for new, non water-dependent development, redevelopment, and construction within fifty-feet of resource feature. A Water Quality Impact Assessment shall be submitted for all activity occurring in Resource Protection Areas.

APPLICANT/AGENT INFORMATION:

Name: Matthew Stewart Phone: 202-641-6609
Address: 5301 Merganser Circle
City/State/Zip: Gloucester, VA 23061
Email: mstewart32@gmail.com

PROPERTY OWNER INFORMATION:

Name: Matthew Stewart
Mailing Address: 5301 Merganser Circle Phone: 202-641-6609
City/State/Zip: Gloucester, VA 23061

PROPERTY INFORMATION:

Tax Map/
RPC #: 038/J10/7/31170 *RPC 31170* E911/Street Address: 5301 Merganser Circle
Date Lot Recorded: _____ Nearest Water Body: Carter's Creek
Distance to nearest RPA feature: _____ Sq. ft. of encroachment: _____

DETAILS OF REQUEST: To add 8'x20' pergola to existing pool/deck plan, which was approved by the CPBEC on 4/12/23. The pergola will be located within the footprint of the prior approved pool/deck plan. Please see prior approved docs for mitigation measures, surety payment, etc.

DIRECTIONS TO THE PROPERTY: _____

PRIVACY ACT STATEMENT: Information provided in the Chesapeake Bay application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, U.S. Army Corps of Engineers, Chesapeake Bay process, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit. In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Matthew Stewart
Name (Printed)

[Signature]
Signature

12/24/24
Date

Conditions for granting exception (Sec. 5.5-14):

1. Requirements shall be minimum necessary to afford relief
2. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.
3. Granting exception will not confer applicant any special privileges that are denied to other property owners subject to its provisions and are similarly situated.
4. Exception is in harmony with purpose and intent of Ordinance and not of substantial detriment to water quality.
5. Exception not based on self-imposed/created conditions or circumstances.
6. Other finding, as appropriate and required by County.

OFFICE USE ONLY

Pentamation # 24120029 Application Rec'd by Renee Fee Paid \$275.00 Receipt # 10187164

Date Rec'd 12/12/24 Reviewing Authority: _____ Hearing Date: _____

COMMISSION DECISION:

APPROVED: _____ *Approval is valid for 36 months from date of approval.*

Conditions/Comments: _____

DENIED: _____

***Please be advised that you may appeal the Chesapeake Bay Preservation & Erosion Commission's decision, in writing, to the Circuit Court of Gloucester County within 30 days of the date of this Commission's decision.*

Comments: _____

Commission Chairman Signature **Date**

Mitigation plan required: YES NO _____ Square foot Minimum

Mitigation plan approved: _____ Entitled: _____
Dated: _____

Date Mitigation Completed: _____ Inspected By: _____

Amount of Surety Required: \$ _____ Date Posted: _____ Receipt#: _____

Date Surety Released: _____

Chesapeake Bay Program Administrator **Date**



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24120029

WATER QUALITY IMPACT ASSESSMENT

Project # 24120030

(Required for all development/redevelopment in the Resource Protection Area; CBPO 5.5-11)

An engineer or design professional may be required to conduct this water quality impact assessment if the proposed land disturbance is greater than 10,000 square feet or the proposed encroachment is into the seaward 50 feet of the 100-foot Resource Protection Area (RPA) buffer.

Application Type: CBPA Waiver CBPA Exception RPA Modification (Admin. Process)

Application # (OFFICE USE ONLY): _____

Tax Map#: 038/J10/7 RPC#: 31170

Applicant: Matthew Stewart

Phone #(s): 202-641-6609 Email address: mstewart32@gmail.com

Property Owner: Matthew Stewart Street Address: 5301 Merganser Cir, Gloucester, VA 23061

A site drawing, which shows the following, must be attached to this water quality impact assessment:

1. Location of the components of the RPA, including the 100-foot buffer area;
2. Location and nature of any proposed encroachment into the buffer area, including, type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; sewage disposal systems or reserve drainfield sites; and wells.
3. Type and location of proposed best management practices to mitigate the proposed encroachment;
4. Location of existing vegetation onsite, including the number, type of trees, caliper and other vegetation to be removed in the buffer to accommodate the encroachment or modification; and
5. Type, size, and location of replacement vegetation.

Site Conditions (of site and adjacent lands):

Existing Topography: _____ Hydrology: _____

Soils: _____ Geology: _____

Fill Material (source and composition): _____

Total Amount of Disturbed Area (ft²): _____ Total Amount of Cleared Area (ft²): _____

Existing Vegetation:

Total Amount of Underbrush Removed (ft²): 0 Types: _____

Number of Healthy Trees Removed: 0 Types: _____

Number of Trees Limbed or Pruned: 0 Types: _____

Number of Dead/Dying/Diseased Trees Removed: 0 Types: _____

Proposed Vegetation Mitigation Measures:

Number of New Canopy Trees Proposed: 0 Types: _____

Number of New Understory Trees Proposed: 0 Types: _____

Number of New Shrubs Proposed: 0 Types: _____

OFFICE USE ONLY

Pentamation #: 24120030 Application Rec'd by Renee Date Rec'd 12/12/24

DECISION: _____ Review by Staff: _____

APPROVED: _____ Conditions/Comments: _____

DENIED: _____ Comments: _____

Mitigation plan required: YES NO _____ Square foot Minimum _____

Mitigation plan approved: _____ Entitled: _____

Dated: _____

Date Mitigation Completed: _____ Inspected By: _____

Amount of Surety Required: \$ _____ Date Posted: _____

Receipt#: _____

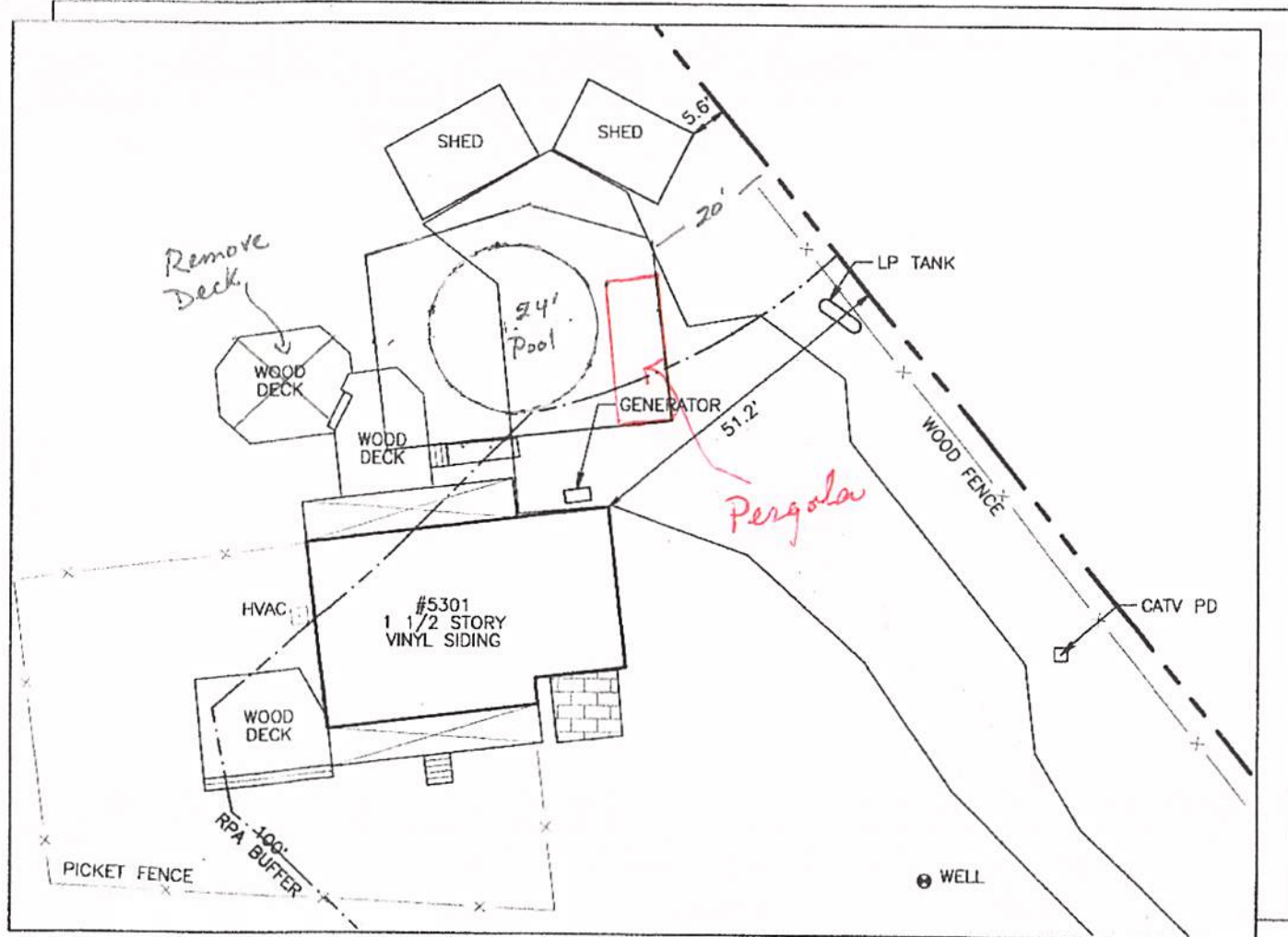
Date Surety Released: _____

Chesapeake Bay Administrator: _____ Date: _____

Signature _____

TAX MAP 38J PARCEL (10)-9
N/F SUSAN K. FRISHKORN
D.B. 341 PG. 533
C.P.B. 21 PG. 1089

3' 11" W 145' +/-



HOUSE DETAIL SCALE: 1" = 25'



SL
LOT 7
CAR

PETSWORTH
GLOUCEST
SCALE: 1" =
SF

AJR
ALISTAIR J.
7319 MARTIN STREET SUITE