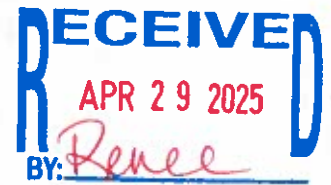




25040350



CBPEC 25-14

CHESAPEAKE BAY PRESERVATION ORDINANCE

Exception Process Guidance & Application

For CBPEC Activities in the Resource Protection Area (RPA)

Property owners interested in working in the Resource Protection Area (RPA) may be required to request a buffer reduction through the 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 at 804-693-1217, or stop by the office, 6489 Main Street, Gloucester, or visit our website <https://gloucesterva.gov/environmental-programs>.

Exception Process (Preservation & Erosion Commission), defined in Sec. 5.5-14; for variance to requirements for Sec. 5.5-7B and 5.5-9C, requiring Public Hearing: \$275.00 application fee. Meetings held the 2nd Wednesday of each month, application deadline the last working day of the month. Applications available online 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 (garages, pools, sheds, pads, impervious area, grade alteration, etc.).
3. Construction of, additions to, principal structures within the seaward 50' of RPA (between 0' -50').
4. Reviews, waiver appeals, and violation.

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

EXCEPTION APPLICATION

CBPEC 25-14

An application for Exception is required for new, non-water-dependent development, redevelopment, and construction within 50' of the Resource Protection Area (RPA). A Water Quality Impact Assessment is required for review of ALL activity in the RPA.

APPLICANT/AGENT INFORMATION:

Name: Donald R. + Dana H. Black Phone: 804-301-0612
Mailing Address: 8415 Oyster Cove Rd.
City/State/Zip: Hayes, VA 23072
Email: dhblack5@gmail.com

PROPERTY OWNER INFORMATION:

Name: Donald R + Dana H. Black Phone: 804-301-0612
Mailing Address: 8415 Oyster Cove Rd.
City/State/Zip: Hayes, VA 23072
Email: _____

PROPERTY INFORMATION:

Tax Map or RPC: 17871 B911 Street Address: 8415 Oyster Cove Rd.
Date Lot Recorded: 1/17/1991 Nearest Water Body: Sarah Creek
Distance to Feature 51' Sq Ft. of Encroachment: 1050 sq ft

DETAILS OF REQUEST: Pavers around pool

DIRECTIONS TO THE PROPERTY: Guinea Rd to Mark Pine to Ron Little England -
Right on Oyster Cove Rd. - House is on curve - Address marked - 2 Brick pillars.

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 Department of Environmental Quality, Virginia Marine Resource Commission, U.S. Army Corps of Engineers, Chesapeake Bay process, and/or Local 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 or persons who manage they 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, am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Don R. Black [Signature] 04/25/25
Printed Name Signature Date
Dana H. Black [Signature]
Dana H. Black

FOR GRANTING EXCEPTION

(Sec. 5.5-14)

Required by Code — please provide any input as to how your project complies.

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.

Silt fencing is presently installed. New plantings (4 units) will be added to site. No disturbance into natural areas is expected.

3. Granting waiver will not confer applicant any special privileges that are denied to other property owners subject to its provisions and are similarly situated.

Multiple surrounding properties have pools and patios within the RPA throughout the neighborhood.

4. Waiver is in harmony with purpose and intent of Ordinance and not of substantial detriment to water quality.

This remains true. We live on Sarah Creek and want the best water quality.

5. Waiver not based on self-imposed/created conditions or circumstances.
-

6. Other findings, as appropriate and required by Gloucester County.

2 Infiltration trenches installed.

Please use additional sheets if necessary for completing the questions above.



Project #: _____

WATER QUALITY IMPACT ASSESSMENT

Required for all development/redevelopment in the Resource Protection Area; CBPO 5.5-1.1

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

- ☐ Location of the components of the RPA, including the 100' buffer area;
- ☐ 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 drain field sites, and wells;
- ☐ Type and location of proposed best management practices to mitigate the proposed encroachment;
- ☐ 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 modifications; and
- ☐ Type, size, and location of replacement vegetation.
- ☐ Setbacks in accordance with Zoning regulations.

APPLICANT/AGENT INFORMATION:

Name: _____ Phone: _____

Mailing Address: _____

City/State/Zip: _____

Email: _____

PROPERTY OWNER INFORMATION:

Name: _____ Phone: _____

Mailing Address: _____

City/State/Zip: _____

Email: _____

PROPERTY INFORMATION:

Tax Map or RPC: _____ E911 Street Address: _____

Date Lot Recorded: _____ Nearest Water Body: _____



WATER QUALITY IMPACT ASSESSMENT

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

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

- ☒ Location of the components of the RPA, including the 100' buffer area;
- ☒ 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 drain field sites, and wells;
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- ☐ 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 modifications; and
- ☐ Type, size, and location of replacement vegetation.
- ☐ Setbacks in accordance with Zoning regulations.

APPLICANT/AGENT INFORMATION:

Name: Donald R. + Dana H. Black Phone: 804-301-0612
 Mailing Address: 8415 Oyster Cove Rd.
 City/State/Zip: Hayes, VA 23072
 Email: dhblack5@gmail.com

PROPERTY OWNER INFORMATION:

Name: Donald R. + Dana H. Black Phone: 804 301-0612
 Mailing Address: 8415 Oyster Cove Rd.
 City/State/Zip: Hayes, VA 23072
 Email: dhblack5@gmail.com

PROPERTY INFORMATION:

Tax Map or RPC: 17871 E911 Street Address: 8415 Oyster Cove Rd.
 Date Lot Recorded: 07/22/2014 Nearest Water Body: SARAH CREEK
Site Conditions (of site and adjacent lands):

Existing topography: Flat lawn area

Hydrology: _____

Soils: Sandy Loam

Geology: _____

Fill Materials (source and composition): STONE needed other than Backfill

Total Amount of Disturbed area (sq ft): 1050 sq ft ^{using 57 stones for paver base}

Total Amount of Cleared Area (sq ft): 0

Existing Vegetation:

Total Amount of Underbrush Removed (sq ft): 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: Currently 4 units must be installed.

Number of New Canopy Trees Proposed: Y Types: Evergreen

Number of New Understory Trees Proposed: _____ Types: Evergreen

Number of New Shrubs Proposed: _____ Types: Evergreen/Deciduous

Proposed Erosion & Sedimentation Control Practices:

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Silt Fencing | <input type="checkbox"/> Temporary Construction Entrance | <input type="checkbox"/> Straw Bale Barrier(s) |
| <input type="checkbox"/> Inlet Protection | <input type="checkbox"/> Temporary/Permanent Seeding | <input type="checkbox"/> Mulching |
| <input type="checkbox"/> Tree Protection | <input type="checkbox"/> Sediment Trap | <input type="checkbox"/> Other: _____ |

Proposed Best Management Practices:

- | | | | |
|--------------------------------------|---|--|---|
| <input type="checkbox"/> Dry Well(s) | <input checked="" type="checkbox"/> Infiltration Trench(es) <u>x2</u> | <input type="checkbox"/> Vegetated Filter Strip(s) | <input type="checkbox"/> Grass Swale(s) |
|--------------------------------------|---|--|---|
- ☒ Other: Area of disturbance is very flat. Existing lawn & perimeter plantings are dense and will not be disturbed. Additional plantings should offset disturbed area.

* All existing plants around screened porch (pool area) have been transplanted elsewhere within the RPA.

Wastewater (Septic) Element:

Attach legible, clean copy of Health Department approval information – to include calculations and dimensions.

Description of potential impacts of the proposed wastewater systems including and proposed mitigated measures for these impacts:

No impact to our wastewater system.

We are expanding the previous pavers from the permit 10' L shape to 10' all around the pool area.

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CERTIFICATION: I am hereby applying for all permits typically issued by the DEA, 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 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.

Dana H. Black

Dana H. Black

Donald R. Black

[Signature]

04/25/25

Printed Name

Signature

Date

OFFICE USE ONLY

Project #: _____ Received by: _____ Fee Paid: _____ Receipt #: _____

Date Received: _____ Reviewing Authority: _____

Lot recordation date verified with Clerk's Office YES ☐ Date: _____

Project Meets Zoning Setbacks: Yes _____ No _____ Date Verified: _____

STAFF DECISION:

APPROVED: _____ (Approval is valid for 36 months from the date of approval)

CODE REFERENCE/COMMENTS:

DENIED: _____

****Please be advised, you may appeal the Staff decision, in writing, and apply for Exception to be heard in front of the Chesapeake Bay Preservation & Erosion Commission (new application and fees apply)**

CODE REFERENCE/COMMENTS:

Environmental Staff 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 surety released: _____

Date posted: _____ Receipt #: _____

Payor Name: _____ Phone #: _____

Payor Address: _____

Site Conditions (of site and adjacent lands):

Existing topography: _____

Hydrology: _____

Soils: _____

Geology: _____

Fill Materials (source and composition): _____

Total Amount of Disturbed area (sq ft): _____

Total Amount of Cleared Area (sq ft): _____

Existing Vegetation:

Total Amount of Underbrush Removed (sq ft): _____ Types: _____

Number of Healthy Trees Removed: _____ Types: _____

Number of Trees Limbed or Pruned: _____ Types: _____

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

Proposed Vegetation Mitigation Measures:

Number of New Canopy Trees Proposed: _____ Types: _____

Number of New Understory Trees Proposed: _____ Types: _____

Number of New Shrubs Proposed: _____ Types: _____

Proposed Erosion & Sedimentation Control Practices:

☐ Silt Fencing ☐ Temporary Construction Entrance ☐ Straw Bale Barrier(s)

☐ Inlet Protection ☐ Temporary/Permanent Seeding ☐ Mulching

☐ Tree Protection ☐ Sediment Trap ☐ Other: _____

Proposed Best Management Practices:

☐ Dry Well(s) ☐ Infiltration Trench(es) ☐ Vegetated Filter Strip(s) ☐ Grass Swale(s)

☐ Other: _____

Wastewater (Septic) Element:

Attach legible, clean copy of Health Department approval information — to include calculations and dimensions.

Description of potential impacts of the proposed wastewater systems including and proposed mitigated measures for these impacts:

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 DEA, 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 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.

Printed Name

Signature

Date

STAFF ANALYSIS (OFFICE USE ONLY)

Staff responses to applicant information provided on reverse page

1.

2.

3.

4.

5.

6.

Reviewed by: _____ Date: _____

OFFICE USE ONLY

Project #: 25040350 Received by: Renee Fee Paid: \$275.00 Receipt #: 202091395

Date Received: 4-29-25 Reviewing Authority: Staff/CBPEC

Lot recordation date verified with Clerk's Office YES ☒ Date: 4-29-25

Project Meets Zoning Setbacks: Yes ☒ No ☐ Date Verified: 4-29-25

STAFF DECISION:

APPROVED: _____ (Approval is valid for 36 months from the date of approval)

CODE REFERENCE/COMMENTS:

DENIED: _____

**Please be advised, you may appeal the Staff decision, in writing, and apply for Exception to be heard in front of the Chesapeake Bay Preservation & Erosion Commission (new application and fees apply)

CODE REFERENCE/COMMENTS:

Environmental Staff 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 surety released: _____

Date posted: _____ Receipt #: _____

Payor Name: _____ Phone #: _____

Payor Address: _____