



# 25070308

## EXCEPTION APPLICATION

CBPEC 25-19

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: Micah Miller Phone: 757-903-7927  
Mailing Address: 550 Wythe Creek Rd  
City/State/Zip: Poquoson, VA 23662  
Email: micah@easton-outdoors.com

PROPERTY OWNER INFORMATION:

Name: Donna Garrett Phone: 804-737-3235  
Mailing Address: 4510 Hermitage Lane  
City/State/ Zip: Gloucester County, VA 23061  
Email: imcrabbie@verizon.net

PROPERTY INFORMATION:

Tax Map or RPC: 51073C0180F E911 Street Address: \_\_\_\_\_  
Date Lot Recorded: October 21, 2021 Nearest Water Body: York River  
Distance to Feature: 21' Sq Ft. of Encroachment: 393

DETAILS OF REQUEST: Request to build a multi-teared retaining wall due to erosion on embankment. Wall will be a 3-tiered system with 48" rises and stone steps.

DIRECTIONS TO THE PROPERTY: Turn left on Hermitage Lane by Claybank Road. Proceed past Primrose Path. Home is roughly 1/4 mile after 90 degree turn.

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.

Donna F. Garrett  
Printed Name

[Signature]  
Signature

July 24, 2025  
Date



# 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 2<sup>nd</sup> 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).

# 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.  
Total disturbed area will be roughly 1700 sq ft. After soil is restored, only 390 sq ft will impervi  
impervious area does not include a reduction of 120 sq ft for the existing stair set.

2. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.  
The wall system will level the grade instead of a 12 foot drop over 26 feet.

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.  
Correct, similar mitigation has been done on neighboring properties.

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

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

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

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:

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Mailing Address: 550 Wythe Creek Rd  
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Email: micah@easton-outdoors.com

### PROPERTY OWNER INFORMATION:

Name: Donna Garrett Phone: 804-737-3235  
Mailing Address: 4510 Hermitage Lane  
City/State/Zip: Gloucester County, VA 23061  
Email: imcrabbie@verizon.net

### PROPERTY INFORMATION:

Tax Map or RPC: 51073C0180F E911 Street Address: \_\_\_\_\_  
Date Lot Recorded: October 21, 2021 Nearest Water Body: York River

**Site Conditions (of site and adjacent lands):**

Existing topography: Embankment above riprap

Hydrology: Steep slope

Soils: Sandy/loam

Geology: \_\_\_\_\_

Fill Materials (source and composition): Existing - soil, stone, and timber walls. New - stone wall system

Total Amount of Disturbed area (sq ft): 1700

Total Amount of Cleared Area (sq ft): 1700

**Existing Vegetation:**

Total Amount of Underbrush Removed (sq ft): 1300 Types: Vines and scraggly underbrush

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: 15 Types: 15 shrubs/35 grasses

**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: N/A

**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:

N/A

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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.

Donna F Garrett  
Printed Name

Donna F Garrett  
Signature

July 24, 2025  
Date

## OFFICE USE ONLY

Project #: 25070308 Received by: Renee Fee Paid: \$275.00 Receipt #: 10210981

Date Received: 7/24/25 Reviewing Authority: CBPEC

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:

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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:

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Environmental Staff Signature \_\_\_\_\_

\_\_\_\_\_ Date

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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: \_\_\_\_\_

**STAFF ANALYSIS (OFFICE USE ONLY)**

Staff responses to applicant information provided on reverse page

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Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_



















