

#26040339

# EXCEPTION APPLICATION

CBPEC 26-12

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: Jeremy Driskell / MHK Architecture Phone: 239-896-4646  
Mailing Address: 1 Augusta Street, Suite 203  
City/State/Zip: Greenville, SC 29601  
Email: jdriskell@mhkarchitecture.com

### PROPERTY OWNER INFORMATION:

Name: Matthew and Megan Brown Phone: 703-400-4959  
Mailing Address: 317 Club View Ct  
City/State/ Zip: Henrico, VA 23229  
Email: mattybrown9@hotmail.com

### PROPERTY INFORMATION:

Tax Map or RPC: 30310 E911 Street Address: 11356 Piankatank Drive  
Date Lot Recorded: 9/20/1958 Nearest Water Body: Piankatank River / Dancing Creek  
Distance to Feature: 32'/16' (new/existing) Sq Ft. of Encroachment: 1,958/4,407 (new/existing)

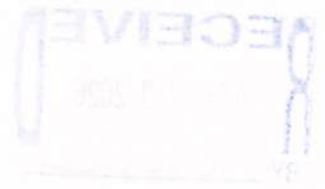
**DETAILS OF REQUEST:** Seeking approval for new single family residence structure over existing home footprint, which existing home footprint (with additional detached garage), septic system and driveway/paths/decks are already built into/past the 50' RPA. New proposed structure to reduce encroachment by 1,417 sq ft

**DIRECTIONS TO THE PROPERTY:** End of street (Piankatank Dr)

**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.

<u>Jeremy Driskell</u>	<u>Jeremy Driskell</u>	<u>4-23-26</u>
Printed Name	Signature	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

PLEASE SEE ATTACHED SHEET THAT REPLICATES THIS DOCUMENT SO THAT THE FONT IS MORE LEGIBLE

(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.

The requested exception represents the minimum necessary to allow reasonable use of the property while improving existing conditions. The proposed design consolidates multiple existing encroachments into a reduced footprint.

resulting in a net decrease of approximately 1,417 square feet of disturbance within the RPA buffer.

2. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.

The project incorporates multiple measures to prevent degradation of water quality, including removal of the existing septic system from the RPA buffer and relocation to an approved upland area, implementation of erosion

and sediment control measures during construction, and installation of substantial vegetative buffer plantings (including canopy, understory, and shrubs). These improvements reduce pollutant loading potential and enhance long-term filtration and

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.

Granting this exception does not confer special privileges but instead addresses an existing nonconforming condition common to older waterfront properties developed prior to current regulations. The proposal

reduces existing impacts and brings the property into greater compliance with current Chesapeake Bay Preservation standards.

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

The request is in harmony with the purpose and intent of the Chesapeake Bay Preservation Ordinance by reducing encroachment, improving water quality protections, relocating the septic system outside of the RPA,

and enhancing vegetative buffers. The project results in a net environmental benefit compared to existing conditions and avoids more intensive disturbance elsewhere on the site.

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

The need for the exception is not self-imposed but is the result of existing development patterns and legacy encroachments on the property. The current improvements

predate the proposed work and already extend into the RPA buffer. The project seeks to correct and reduce these impacts rather than expand them.

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

The proposed redevelopment avoids unnecessary clearing of mature vegetation in upland areas of the property by maintaining construction within previously disturbed zones. As noted in the Water Quality Impact Assessment,

the upland portions of the site contain denser tree cover, and developing in those areas would result in significantly greater environmental disturbance. The project also includes a comprehensive planting plan to enhance the RPA buffer and improv

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

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Granting this exception does not confer special privileges but instead addresses an existing nonconforming condition common to older waterfront properties developed prior to current regulations. The proposal reduces existing impacts and brings the property into greater compliance with current Chesapeake Bay Preservation standards.

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The proposed redevelopment avoids unnecessary clearing of mature vegetation in upland areas of the property by maintaining construction within previously disturbed zones. As noted in the Water Quality Impact Assessment, the upland portions of the site contain denser tree cover, and developing in those areas would result in significantly greater environmental disturbance. The project also includes a comprehensive planting plan to enhance the RPA buffer and improve ecological function over existing conditions.

Project #: \_\_\_\_\_



## 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;
- 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: Lane Stokes, Stokes Environmental Associates, Agent Phone: 757-322-7155  
Mailing Address: 3301 Colley Avenue  
City/State/Zip: Norfolk, Virginia 23508  
Email: Lstokes@stokesea.com

### PROPERTY OWNER INFORMATION:

Name: Brown, Matthew C. Phone: 703-400-4959  
Mailing Address: 317 Club View Court  
City/State/Zip: Richmond, Virginia 23229  
Email: Mattybrown9@hotmail.com

### PROPERTY INFORMATION:

Tax Map or RPC: 13-1 / 30316 E911 Street Address: 11356 Piankatank Drive  
Date Lot Recorded: 9/20/1958 Nearest Water Body: Piankatank River / Dancing Creek

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

Existing topography: 0-10 ft NAVD88, flat  
Soils: 12B—Kalmia sandy loam

Hydrology: Columnia Unconfined Aquifer, to SE  
Geology: Qsh - Shirley Formation, Quaternary Age

Fill Materials (source and composition): No fill materials proposed

Total Amount of Disturbed area (sq ft): 18,000 sf. in RPA Total Amount of Cleared Area (sq ft): 14,470 sf. in RPA

**Existing Vegetation:**

Total Amount of Underbrush Removed (sq ft): 2000 sf Types: Small shrubs  
Number of Healthy Trees Removed: 10 Types: All Crepe Myrtle  
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: 66 Types: > 5 species  
Number of New Understory Trees Proposed: 90 Types: > 10 species  
Number of New Shrubs Proposed: 135 Types: > 15 species

**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: Not Applicable

**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:

Existing septic system is seaward of the RPA - new design proposes removal of existing septic system and new septic system will be outside of the RPA

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

Lane Stokes	Lane Stokes	4-23-26
Printed Name	Signature	Date

**OFFICE USE ONLY**

Project #: 26040339 Received by: Renee Fee Paid: \$275 Receipt #: \_\_\_\_\_

Date Received: 4/23/20 Reviewing Authority: CBPEC

Lot recordation date verified with Clerk's Office YES  No \_\_\_\_\_ Date: 4/23/20

Project Meets Zoning Setbacks: Yes  No \_\_\_\_\_ Date Verified: 4/23/20

**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: \_\_\_\_\_