

# Middlesex County Board of Zoning Appeals Meeting Agenda

Board Room, Historic Courthouse, 865 General Puller Hwy, Saluda VA 23149

Monday March 16, 2026, 6:00 P.M.

- I. Call to order.
- II. Approval of the Minutes, Tuesday January 20, 2026
- III. Public Hearing
  1. CBPA Exception No. 2026-01 submitted by Bay Design Group C/O Patrick Sims, requesting an exception to Zoning Ordinance Article 4A, Section 4A-4-A.4, Chesapeake Bay Preservation (CBP) District for the encroachment into the 100' Buffer for a proposed pool. The application requests a Twenty-Six and Five Tenths (26.5) foot exception from the minimum One Hundred (100) foot Resource Protection Area (RPA) setback requirement of Zoning Ordinance Section 4A-7, Chesapeake Bay Preservation (CBP) District. The property for which the exception is requested is located at 1621 Stampers Bay Road, Hartfield, VA 23071; it is further identified as Tax Map Parcel # 43-25B in the Pinetop Magisterial District.
  2. CBPA Exception No. 2026-03 submitted by Bay Design Group C/O Lance Shores, requesting an exception to Zoning Ordinance Article 4A, Section 4A-4-A.4, Chesapeake Bay Preservation (CBP) District for the encroachment into the 100' Buffer for a proposed pool and pool apron. The application requests a Forty-Seven and One Tenth (47.1) foot exception from the minimum One Hundred (100) foot Resource Protection Area (RPA) setback requirement of Zoning Ordinance Section 4A-7, Chesapeake Bay Preservation (CBP) District. The property for which the exception is requested is located at 42 Waterford Drive, Urbanna, VA 23175; it is further identified as Tax Map Parcel # 19-16-48 in the Saluda Magisterial District.
- V. Old Business
- VI. New Business
- VII. Adjournment

## PUBLIC HEARING PROCEDURES

1. Presentation of Application by Staff.
2. Presentation by Applicant.
3. Chairman opens the Hearing for comments from the public.
  - A. Each speaker will give his or her name and address for the record.
  - B. Each speaker or individual will be given one opportunity to speak.
  - C. All comments and/or remarks will be addressed to the Board of Zoning Appeals, not to the audience or the applicant.
  - D. Comments from individuals - allowed three (3) minutes each.
  - E. Comments from speaker(s) representing a group:
    - i. Must represent four (4) or more individuals;
    - ii. Individuals must stand and acknowledge that they are being represented by the speaker and that they forfeit their individual time to speak;
    - iii. Are allowed 12 minutes to make their presentation(s);
4. Chairman closes hearing for comments from public.
5. Questions and discussion by Board members.

AT A SPECIAL CALLED MEETING OF THE MIDDLESEX COUNTY BOARD OF ZONING APPEALS HELD ON Monday January 20, 2026, IN THE BOARDROOM OF THE HISTORIC COURTHOUSE, SALUDA, VIRGINIA

Present: Charles Townes  
Theodore Kenyear  
Jackie Taylor

Absent: Ryan Ingram

Marc Longest – Environmental Planner and Codes Compliance Officer  
Jody Collier – Office Manager, Community Development/Building

**CALL TO ORDER**

Marc Longest called the January 20, 2026, meeting to order at 6:00 P.M.

**ORGANIZATIONAL MEETING**

**A. Nomination and Election of Chairman**

Ms. Taylor nominated Mr. Townes for the office of Chairman of the BZA.

On a motion by Ms. Taylor, seconded by Mr. Kenyear, Charles Townes was nominated and unanimously elected Chairman for calendar year 2026.

**B. Nomination and Election of Vice-Chairman**

On a motion by Mr. Townes, seconded by Mr. Kenyear, Ms. Taylor was elected Vice Chairman for calendar year 2026.

**C. Nomination and Election Secretary**

On a motion by Mr. Townes, seconded by Ms. Taylor, Mr. Longest was elected Secretary for the calendar year 2026.

**D. Establishment of Meeting Time & Date**

On a motion by Mr. Townes, seconded by Ms. Taylor, the Board of Zoning Appeals unanimously voted to have the monthly meeting date on the third Monday of every month at 6:00 p.m., in the Boardroom of the Historic Courthouse, Saluda, Virginia.

**APPROVAL OF MINUTES**

On a motion by Ms. Taylor, seconded by Mr. Kenyear, and carried by unanimous vote, the minutes of the December 15, 2025, meeting were accepted.

## PUBLIC HEARING

- 1. Variance Application No. 2025-05 submitted by Perry E. Jones. The application request is for a Nine (9) foot variance from the minimum Ten (10') foot Side Yard setback requirement of Zoning Ordinance Article 9, Section 9-6, Residential (R) District. The purpose of the variance is to comply with the Ordinance for an existing Shed. The property for which the variance is requested is located at 140 Circle Drive, Deltaville, VA 23043; it is further identified as Tax Map Parcel # 40-27-10 in the Pinetop Magisterial District.**

Chairman Townes introduced Variance Application #2025-05

Mr. Longest presented the staff report for Variance Application #2025-05 recommending approval.

Chairman Townes opened the hearing for comments from the public.

Collin Stanley, Contractor, spoke on behalf of Perry Jones. He said they had several designs. He noticed they were out of the setbacks and had used an old survey. He brought it to Mr. Longest's attention to fix the situation.

There being no further comments, Chairman Townes closed the public hearing.

On a motion made by Ms. Taylor to accept as recommended, seconded by Mr. Townes, and carried by a vote of three yes, Variance Application #2025-05 was approved as submitted.

- 2. CBPA Exception No. 2025-30 submitted by Perry E. Jones, requesting an exception to Zoning Ordinance Article 4A, Section 4A-4-A.4, Chesapeake Bay Preservation (CBP) District for the encroachment into the 100' Buffer with an existing shed. The application requests a Twenty (20) foot exception from the minimum One Hundred (100) foot Resource Protection Area (RPA) setback requirement of Zoning Ordinance Section 4A-7, Chesapeake Bay Preservation (CBP) District. The property for which the exception is requested is located at 140 Circle Drive, Deltaville, VA 23043; it is further identified as Tax Map Parcel # 40-27-10 in the Pinetop Magisterial District.**

Chairman Townes introduced CBPA Exception #2025-30

Mr. Longest presented the staff report for CBPA Exception #2025-30 recommending approval with the following:

1. Clearing and grading shall be limited to areas shown on the proposed plan of development.
2. A CBPA BMP Agreement shall be recorded with the Middlesex County Clerk's Office prior to issuance of a building permit.
3. All storm water management BMPs shall be maintained according to Device Maintenance which is included in the recorded BMP Agreement. .
4. All necessary erosion and sediment controls shall be installed prior to any land disturbance and shall remain in place and properly maintained until the project is complete.
5. The applicant shall obtain a Building and Zoning Permit within one (1) year of approval of the Board of Zoning Appeals per Section 4A-15.F of the Zoning Ordinance.

Chairman Townes opened the hearing for comments from the public.

Raymond Boehling approached the Board. He said the placement of the pool is in the best location as far from the water as they can put it because of the septic, marsh and uneven property.

There being no further comments, Chairman Townes closed the public hearing.

On a motion made by Mr. Kenyear to accept as recommended, seconded by Ms. Taylor, and carried by a vote of three yes, CBPA Exception #2025-30 was approved as submitted.

**OLD BUSINESS:**

**ADJOURNMENT**

With there being no further business, a motion to adjourn was made by Ms. Taylor, seconded by Mr. Kenyear, and carried by unanimous vote. The meeting was adjourned at 6:23 p.m.

Respectfully submitted,

\_\_\_\_\_  
Marc Longest, Secretary

\_\_\_\_\_  
Date

# MIDDLESEX COUNTY

Department of Planning and Community Development  
P.O. Box 427, Saluda, VA 23149  
Phone: 804-758-3382 Fax: 804-758-0061

## CBPA EXCEPTION APPLICATION

*This exception request is applicable for new encroachments into the 100-foot Resource Protection Area (RPA) buffer.*

OFFICE USE ONLY			
Application #:	<u>2026-01</u>	Application Fee:	<input checked="" type="checkbox"/> \$500
Tax Query:	<u>3/11/24</u> <input checked="" type="checkbox"/> Current <input type="checkbox"/> Delinquent	Surety Amount:	\$ _____
Reviewing Authority:	<u>BZA</u>	Hearing Date:	<u>3/16/24</u>
Zoning Decision:	<input type="checkbox"/> Approval <input type="checkbox"/> Denied	E & S Decision:	<input type="checkbox"/> Approval <input type="checkbox"/> Denied
Conditions/Comments: _____ _____ _____			
Zoning Administrator Signature	Date	Expiration Date	

### APPLICANT INFORMATION

Name: Bay Design Group c/o Jason Swift  
Address: P.O. Box 51 City/State/Zip: Urbanna, VA 23175  
Phone: 804-693-2993 Fax: \_\_\_\_\_  
Email: jswift@baydesigngroup.com

### PROPERTY OWNER INFORMATION

Name: Patrick Sims  
Address: 1621 Stampers Bay Rd. City/State/Zip: Hartfield, VA 23071  
Phone: 202-734-8084 Fax: \_\_\_\_\_  
Email: simspj@gmail.com

### PROJECT INFORMATION

Parcel Number: T.M. 43 Parcel 25B E911/Street Address: 1621 Stampers Bay Rd.  
Magisterial District: Pine Top District Zoning District: LDR (Low Density Rural)  
Existing Land Use: Residential

### EXCEPTION REQUEST

*Please answer the following questions:*

- Distance of proposed development to the nearest RPA feature: 73.5'
- Describe the exception requested. construction of proposed pool.  
\_\_\_\_\_  
\_\_\_\_\_

3. Explain why you must encroach into the Resource Protection Area 100-foot buffer. Due to the property constraints and location of the existing improvements.

4. Describe why you cannot make other arrangements to comply with the Zoning Ordinance without a CBPA Exception. Preferred location due to intended used of proposed improvements.

### WATER QUALITY IMPACT ASSESSMENT

A. Total Lot Area (ft <sup>2</sup> ):	113,692
B. Total Existing Impervious Surface (ft <sup>2</sup> ):	15,043
Principal Structure(s) (i.e. Dwellings) (ft <sup>2</sup> ):	2,420
Accessory Structure(s) (i.e. Sheds, Garages, Outbuildings, Pools) (ft <sup>2</sup> ):	247
Driveway and Parking Areas (ft <sup>2</sup> ): and walks	11,686
Other: Porches, Steps, Shower, Hot Tub	690
C. Total Proposed Impervious Surface (ft <sup>2</sup> ):	880
New Principal Structure(s) (ft <sup>2</sup> ):	0
Expansion of Principal Structure(s) (ft <sup>2</sup> ):	0
New Accessory Structure(s) (ft <sup>2</sup> ):	0
Expansion of Accessory Structure(s) (ft <sup>2</sup> ):	0
Driveway and Parking Areas (ft <sup>2</sup> ):	0
Other: Pool and Pool Deck	880
D. Percent Existing Impervious Surface ( B / A ):	13.4
E. Percent Proposed Impervious Surface ( ( B + C ) / A ):	14.2

F. Impacts on Existing Vegetation:

Total Amount of Underbrush Removed (ft<sup>2</sup>): 0 Number of Healthy Trees Removed: 0

Number of Trees Limbed or Pruned: 0 Number of Dead/Dying/Diseased Trees Removed: 0

G. Proposed Erosion and 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: _____                |  |

H. Proposed Mitigation Measures:

Number of New Trees Proposed: 0 Number of New Shrubs Proposed: 27

I. Proposed Best Management Practices:

- |  |   |
|--|---|
| <input type="checkbox"/> Vegetated Filter Strip(s) | <input type="checkbox"/> Grass Swale(s)                     |
| <input type="checkbox"/> Dry Well(s)               | <input checked="" type="checkbox"/> Infiltration Trench(es) |
| <input type="checkbox"/> Other: _____              |   |

## SITE DRAWING

*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; and sewage disposal systems or reserve drainfield sites;
3. Type and location of proposed best management practices to mitigate the proposed encroachment;
4. Type and location of proposed erosion and sedimentation control devices;
5. Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification; and
6. Type and location of proposed replacement vegetation.

## APPLICANT STATEMENT

I hereby certify that I have the authority to make the foregoing application, that the information given is complete and correct to the best of my knowledge, and that development and/or construction will conform with the regulations as set forth in the Middlesex County Zoning Ordinance as written and also with the description contained in this application.

\_\_\_\_\_  
Applicant's Signature (if not Property Owner)

\_\_\_\_\_  
Date

1/9/26

\_\_\_\_\_  
Applicant's Signature (if not Property Owner)

\_\_\_\_\_  
Date

## PROPERTY OWNER(S) STATEMENT

I hereby certify that I/we own the above described property, that the information given is complete and correct to the best of my knowledge, and that the above person(s), group, corporation or agent has the full and complete permission of the undersigned owner(s) to make application for CBPA Exception approval as set forth in the Middlesex County Zoning Ordinance as written.

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

1/8/2026

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

## CONDITIONS

1. This permit application is not valid unless all property owner(s) signatures are affixed and dated.
2. All permit application charges are nonrefundable, regardless of whether the permit application is approved or denied once submitted. All checks for payment should be made payable to Middlesex County.
3. Any approval of a CBPA Exception is issued on the basis of plans and applications approved and authorizes only the use, arrangement and construction set forth in such approved plans and applications. Any deviations from the plans and applications submitted shall render an approved CBPA Exception null and void.

# MIDDLESEX COUNTY

Department of Planning and Community Development  
P.O. Box 428, Saluda, VA 23149  
Phone: 804-758-3382 Fax: 804-758-0061

## CBPA EXCEPTION SUBMISSION REQUIREMENTS

In order to expedite the review of CBPA Exception applications, please be sure that all of the following items have been included in your CBPA Exception application. Please return this completed checklist with the application to assure that all items have been addressed. All CBPA Exception applications must adhere to the regulations found in the Middlesex County Zoning Ordinance.

- a.  Completed CBPA Exception application.
- b.  CBPA Exception application fee of \$500.
- c.  The location of all Chesapeake Bay Preservation Act features, including the Resource Protection Area (RPA) and Resource Management Area (RMA).
  - a.  Delineation of the RPA boundary.
  - b.  Delineation of required buffer areas;
  - c.  Delineation of RMA wetlands;
  - d.  Delineation of RMA boundary;
  - e.  Plat or plan note providing that no land disturbance or vegetation removal is allowed in the buffer area without review and approval by the Zoning Administrator.
  - f.  Plat or plan note providing that on-site septic systems must be pumped out every five years, or that a certification must be submitted by a sewage handler permitted by the Virginia Department of Health that the septic system has been inspected, is functioning properly, and the tank does not need to have the solids pumped out;
  - g.  Plat or plan note providing that a 100% reserve drain field is required for on-site sewage treatment systems; and
  - h.  Plat or plan note of the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas, including the 100-foot-wide buffer area.
  - i.  Plat or plan depiction indicating the buildable area. All subdivision plats shall include a notation that setbacks and yards shown hereon are based on current district requirements at the time of approval but shall not take precedence over any subsequently adopted setback requirements related to any rezoning action or district regulation amendments.
  - j.  Any additional requirements specified in the subsections below.
  - k.  Property lines,
  - l.  Streets and roads,
  - m.  Well and sewage disposal systems or reserve drainfield sites,
  - n.  Existing and proposed structures,
  - o.  Water bodies,
  - p.  Type and location of proposed best management practices to mitigate the proposed encroachment,
  - q.  Type and location of proposed erosion and sedimentation control devices,
  - r.  Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification.
- Any other information that the Zoning Administrator may reasonably determine to be necessary for the proper evaluation of the application.

As outlined in Article 4, Section 4A-15-C of the Ordinance, the Board of Zoning Appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the Zoning Ordinance if the Board of Zoning Appeals finds:

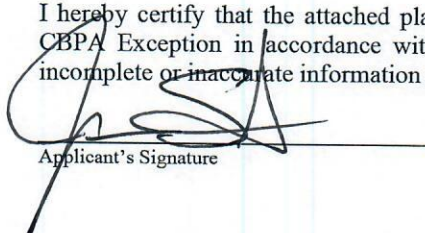
1. Granting the exception will not confer upon the applicant any special privileges denied by this Article to other property owners in the Overlay District
2. The exception is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
3. The exception request is the minimum necessary to afford relief;
4. The exception request will be in harmony with the purpose and intent of the Overlay District, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and

5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality as warranted, that will prevent the waiver from causing a degradation of water quality.

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**CERTIFICATION:**

I hereby certify that the attached plans and this completed application form contain all the required information for a CBPA Exception in accordance with the Middlesex County Zoning Ordinance. I understand that the submission of incomplete or inaccurate information may delay the processing of this CBPA Exception.

  
Applicant's Signature

David W. Kretz, L.S.  
Director



P.O. Box 428  
Saluda, Virginia 23149

County of Middlesex  
Department of Planning and Community Development

AFFIDAVIT

RE: PUBLIC NOTIFICATION

I hereby certify that the adjoining property owners (see attached list),

Case # CBPA Exception 2026-01

Applicant Sims

Request Pool

Were notified of a public hearing on this matter with the:

- Board of Zoning Appeals
- Planning Commission
- Wetlands Board
- Board of Supervisors
- Other \_\_\_\_\_  
(write in)

Via letter(s) sent first class mail on 2/24/26  
Date

[Signature]  
Department Representative

2/24/26  
Date

2/24/26  
Date

[Signature]  
Notary

3/31/26  
Commission Expires



David W. Kretz, L.S.  
Director

PO Box 428  
Saluda VA 23149



**County of Middlesex**  
**Office of Planning and Zoning**  
**February 23, 2026**

FIRST CLASS MAIL

Dear Property Owner:

The Middlesex County Planning Department has received the following **CBPA Exception** application:

1. **CBPA Exception No. 2026-01** submitted by Bay Design Group C/O Patrick Sims, requesting an exception to Zoning Ordinance Article 4A, Section 4A-4-A.4, Chesapeake Bay Preservation (CBP) District for the encroachment into the 100' Buffer for a proposed pool. The application requests a Twenty-Six and Five Tenths (26.5) foot exception from the minimum One Hundred (100) foot Resource Protection Area (RPA) setback requirement of Zoning Ordinance Section 4A-7, Chesapeake Bay Preservation (CBP) District. The property for which the exception is requested is located at 1621 Stampers Bay Road, Hartfield, VA 23071; it is further identified as Tax Map Parcel # 43-25B in the Pinetop Magisterial District.

Pursuant to Section 15.2-2204 of the Code of Virginia, the Middlesex County Board of Zoning Appeals will hold a public hearing on the proposed application on **Monday, March 16, 2026, at 6:00 P.M.** in the Boardroom of the Historic Courthouse, 865 General Puller Hwy, Saluda VA 23149.

Information concerning the application is available for public inspection at the Middlesex County Planning Department (located on the first floor of the Historic Courthouse, 865 General Puller Hwy, Saluda VA 23149) during normal business hours (8:30 A.M. to 4:30 P.M., Monday through Friday). You may attend the public hearing to present your comments in person, or you may submit written comments concerning this application to the Middlesex County Planning Department at any time prior to the public hearing.

Sincerely,

Marc Longest  
Environmental & Codes Compliance Officer

cc: Patrick Sims  
Agent: Bay Design Group  
File - CBPA# 2026-01

Phone: (804) 758-3382 Fax: (804) 758-0061  
[www.co.middlesex.va.us](http://www.co.middlesex.va.us)

County of Middlesex  
Department of Planning & Zoning

Adjoining Property Owners (APO's)  
CBPA Exception # 2026-01

Patrick Sims

Tax Map #(s):43-25B

Tax Map No.	APO	
43-25B	Patrick Sims 1621 Stamper Bay Road Hartfield, VA 23043	Property Owner/Applicant
	Bay Design Group C/O Jason Swift P.O. BOX 51 Urbanna, VA 23175	Agent
43-12	Extra	APO
43-16	VA Baptist General Board General Delivery Hartfield, VA 23071	APO
43-25A	Howell H. Henderson, III Julie A. Henderson 2525 Chastain Lane Midlothian, VA 23113	APO
43-25C	Daniel L. & Aspen S. Sowers 1650 Holly Hills Road Powhatan, VA 23139	APO

02 MID MIDDLESEX CO  
Rec# 0016853 01

Property Card Inquiry

PINE TOP

SIMS PATRICK & AVELYN AUSTIN R/S

Map No 43 25B

Acct 16853

1621 STAMPERS BAY RD

GIS#

Acreege 2.61 Class 2 HARTFIELD

VA 23071

-----  
WILTON  
2.61 AC  
DB15-1109,SL54-11,12,D17-714,  
D21-297

Property Location:  
01621 STAMPERS BAY RD  
HARTFIELD VA 23071

Parent R#/M#:

Assessed Value		Land Use		& Value		
Year	1/01/2022	Type	Acres	Price	Adj	Value
Land	191,000	HS WATER	1.00	150,000		162,000
Impr	377,100	WATERFRON	1.61	18,000		28,980
Minr1						
Tot	568,100					
Use						

Front	Depth	Dp	Fac	Area	Unit	Rate	Adj
-------	-------	----	-----	------	------	------	-----

Min Val Under Dev-

Min Val Not Under Dev-

Enter Next Screen F1 Return to Search F3 Exit F12 Next Record

F24 More Keys MID

02 MID MIDDLESEX CO  
Rec# 0016852 01

Property Card Inquiry

PINE TOP

Map No 43 25A  
Acct 16852  
GIS#

HENDERSON HOWELL H III R/S  
HENDERSON JULIE A R/S  
2525 CHASTAIN LANE

Acres 2.50 Class 2 MIDLOTHIAN VA 23113

WILTON  
2.50 AC LOT1 ON PLAT  
D15-1109,SL54-11,12

Property Location:  
01655 STAMPERS BAY RD  
HARTFIELD VA 23071

Parent R#/M#:

Assessed Value		Land Use		& Value			
Year	1/01/2022	Type	Acres	Price	Adj	Value	
Land	192,000	HS WATER	1.00	150,000		162,000	
Impr	329,100	WATERFRON	1.50	20,000		30,000	
Minr1							
Tot	521,100						
Use							
Front	Depth	Dp	Fac	Area	Unit	Rate	Adj

Min Val Under Dev- Min Val Not Under Dev- MID  
Enter Next Screen F1 Return to Search F3 Exit F12 Next Record F24 More Keys

02 MID MIDDLESEX CO  
Rec# 0009975 01

Property Card Inquiry

PINE TOP

VA BAPTIST GENERAL BOARD

Map No 43 16

Acct 9975

GENERAL DELIVERY

GIS#

Acres 57.306 Class 76 HARTFIELD

VA 23071

R A CAMP PIANKATANK

57.306 AC

DB78-269,216-689,07-2849,SL9-15

D9-2274,D10-658

Property Location:

01586 STAMPERS BAY RD

HARTFIELD VA 23071

Parent R#/M#:

Assessed Value

Land Use

& Value

Year 1/01/2022

Type

Acres

Price

Adj

Value

Land 573,100

EXEMPT SI

57.306

10,000

573,060

Impr 1,916,300

Minr1

Tot 2,489,400

Use

Front

Depth

Dp

Fac

Area Unit

Rate

Adj

Min Val Under Dev-

Min Val Not Under Dev-

Enter Next Screen F1 Return to Search F3 Exit F12 Next Record

MID  
F24 More Keys

02 MID MIDDLESEX CO  
Rec# 0009973 01

Property Card Inquiry

PINE TOP

INACTIVE

Map No 43 12

EXTRA

Acct 9973

GIS#

Acres Class 9

00000

Property Location:  
00000

Parent R#/M#:  
& Value

Assessed Value	Land Use	Parent R#/M#	Adj	Value
Year	Acres	Price		
1/01/2022	Type			
Land				
Impr				
Minrl				
Tot				
Use				
Front	Depth	Dp	Fac	Area
				Unit
				Rate
				Adj

Min Val Under Dev-

Min Val Not Under Dev-

Enter Next Screen F1 Return to Search F3 Exit F12 Next Record

F24 More Keys MID

02 MID MIDDLESEX CO  
Rec# 0016854 01

Property Card Inquiry

PINE TOP

SOWERS DANIEL L & ASPEN S R/S

Map No 43 25C

Acct 16854

1650 HOLLY HILLS RD

GIS#

Acreage 3.47

Class 2 POWHATAN

VA 23139

WILTON  
3.47 AC  
DB15-1109,SL54-11,12,D17-242

Property Location:  
00000

Parent R#/M#:  
& Value

Assessed Value	Land Use	Parent R#/M#:	Price	Adj	Value
Year 1/01/2022	Type				
Land 187,100	HS WATER 1.00		150,000		150,000
Impr	WATERFRON 2.47		15,000		37,050
Minr1					
Tot 187,100					
Use					
Front	Depth Dp Fac	Area Unit	Rate	Adj	

Min Val Under Dev-

Min Val Not Under Dev-

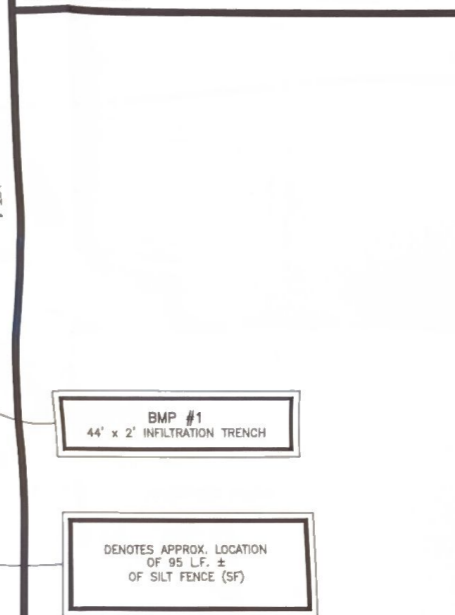
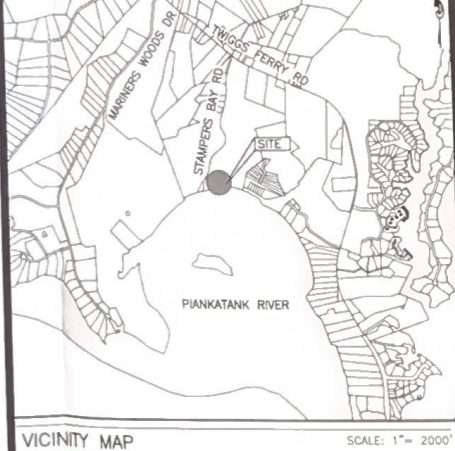
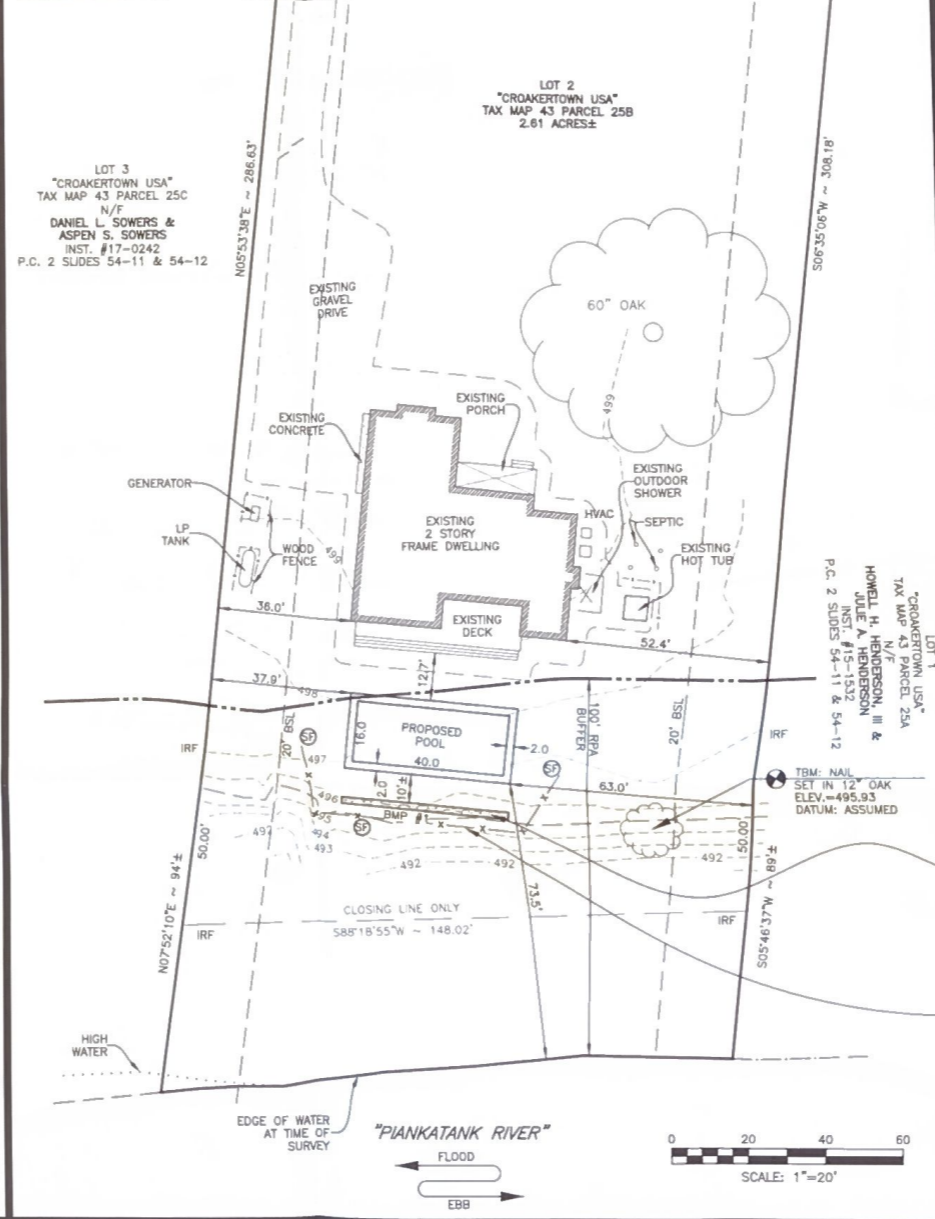
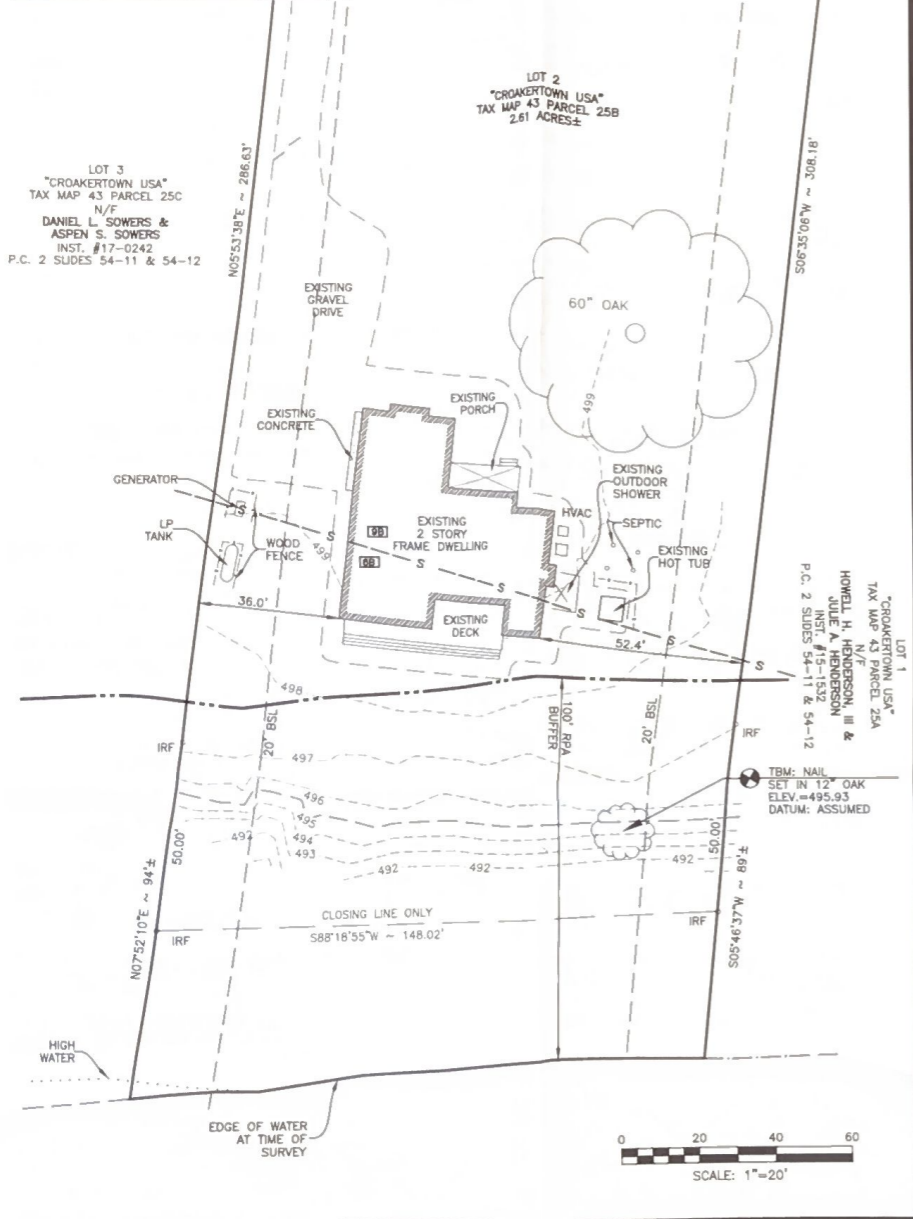
Enter Next Screen F1 Return to Search F3 Exit F12 Next Record

MID  
F24 More Keys



**EXIST. CONDITIONS**

**PROPOSED LAYOUT**



**GENERAL NOTES:**

- THE LAND DELINEATED HEREON IS LOCATED ON COUNTY TAX MAP NO. 43 AS PARCEL 25B AND IS 2.61± AC.
- CURRENT OWNER & PROPERTY REFERENCES:  
PATRICK SIMS & AVELYN AUSTIN AND WILLIAM AUSTIN & DIANA AUSTIN  
1621 STAMPERS BAY ROAD  
HARTFIELD, VA 23071  
INST. #21-0297; INST. #17-0826; P.C. 2 SLIDES 54-11 & 54-12; P.C. 2 SLIDE 54-2
- EDGE OF WATER SHOWN HEREON IS AS OF TIME OF SURVEY AND NO EFFORT IS MADE BY THIS PLAN TO ESTABLISH OWNERSHIP OR ANY OTHER RIGHTS BEYOND THIS LINE.
- THIS PARCEL LIES IN ZONE X, AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AND ZONE AE (EL. 7) AREAS DETERMINED TO HAVE BASE FLOOD ELEVATIONS, AS DEFINED ON THE NATIONAL FLOOD INSURANCE RATE MAP PANEL NO. 510098 0220 F, DATED MAY 17, 2022. THE ZONE LINES SHOWN ARE APPROXIMATE AND SCALED FROM SAID MAP.
- SITE IS ZONED: LDR (LOW DENSITY RURAL)
- SETBACKS SHOWN HEREON ARE PER MIDDLESEX COUNTY ZONING ORDINANCE.

**WATER QUALITY IMPACT CALCULATIONS:**

**1. SITE IMPERVIOUS ANALYSIS**

EXISTING PRE-DEVELOPMENT IMPERVIOUS AREA	IN 100' RPA	ON SITE
EXISTING DWELLING	0 S.F.	2,420 S.F.
EXISTING GRAVEL DRIVEWAY/WALKS	0 S.F.	11,686 S.F.
EXISTING PORCHES, STEPS, SHOWER, HOT TUB	0 S.F.	890 S.F.
EXISTING SHED	0 S.F.	247 S.F.
<b>TOTAL PRE-DEVELOPMENT IMPERVIOUS AREA</b>	<b>0 S.F.</b>	<b>15,043 S.F.</b>
		<b>(0.35 AC; 13.4% OF SITE)</b>

**PROPOSED POST-DEVELOPMENT IMPERVIOUS AREA**

PROPOSED POOL & POOL DECK	+ 874 S.F.	+ 880 S.F.
<b>TOTAL POST-DEVELOPMENT IMPERVIOUS AREA</b>	<b>874 S.F.</b>	<b>15,923 S.F.</b>
		<b>(0.37 AC; 14.2% OF SITE)</b>

**2. SUMMARY OF RUNOFF REDUCTION METHOD / NEW DEVELOPMENT ANALYSIS**

- TOTAL SITE: 2.16 AC.
- IMPERVIOUS AREA: 0.02 AC.
- MANAGED TURF: 0.00 AC.
- FORESTED/OPEN SPACE: 0.00 AC.
- TP PROPOSED (PER RRM SPREADSHEET): 0.02 lb./yr.
- TP REDUCTION REQ'D (PER RRM SPREADSHEET): 0.01 lb./yr.
- TP REDUCTION ACHIEVED (PER RRM SPREADSHEET): 0.12 lb./yr. = 0.01 lb./yr.; THUS OK
- TP REMAINING (PER RRM SPREADSHEET): -0.10 lb./yr. / 0.02 lb x 100% = 0.00%

RUNOFF REDUCTION PRACTICES UTILIZED

- INFILTRATION TRENCH, LEVEL 1 7.0 CA = 0.02 AC. (IMPERVIOUS)
- SHEETFLOW TO CONSERVATION AREA, C/D +0.24 AC. (PERVIOUS)

**3. RPA ENCROACHMENT MITIGATION**

DUE TO ENCROACHMENT INTO THE CURRENTLY REQUIRED 100' R.P.A. FOR CONSTRUCTION OF AN ADDITION, PORCHES AND DECK AND THE REMOVAL OF A TREE AND SHRUBS WITHIN THE RPA, A 874 SF RIPARIAN MITIGATION IS TO BE PROVIDED WITH THE FOLLOWING PLANTING PER 400 SF: SEE C2.

- 1 CANOPY TREE (1-1/2" - 2" CALIPER) OR 6' EVERGREEN
- 2 UNDERSTORY (1/2" - 1-1/2" CALIPER) OR 4' EVERGREEN
- 3 SMALL SHRUBS OR GROUND COVER (15" TO 18")

JOB NO. 25105-02

THIS DRAWING IS THE PROPERTY OF BAY DESIGN GROUP AND IS NOT TO BE REPRODUCED OR USED FOR ANY PROJECT IN WHOLE OR IN PART WITHOUT EXPRESS WRITTEN PERMISSION.

PROJECT MANAGER: GLJ  
 DESIGNED: JPS  
 CAD: HDC/JPS  
 CHECKED: GLJ  
 FILED: 25105BAP  
 DATE: JANUARY 9, 2026  
 REVISED:



40 CROSS ST., SUITE 100  
 P.O. BOX 51  
 URBANNA, VA 23175  
 (804) 693-2993



PROJECT:  
**SIMS RESIDENCE**  
 PINETOP DISTRICT  
 MIDDLESEX COUNTY, VIRGINIA  
 SHEET:

**BAY ACT DEVELOPMENT PLAN**

SHEET NO:

C1 OF 2

JOB NO. 25105-02

EROSION CONTROL NOTES

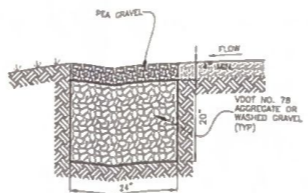
- 1. UNLESS OTHERWISE INDICATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENTATION CONTROL PRACTICES WILL BE CONSTRUCTED AND MAINTAINED ACCORDING TO THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK AND VIRGINIA REGULATION 12CFR60-8-10. EROSION AND SEDIMENT CONTROL REGULATIONS WHICH CONFLICT WITH THE HANDBOOK OR THE REGULATIONS SHALL TAKE PRECEDENCE.

SEEDING NOTES

- 1. ALL STABILIZATION/SEEDING WILL BE ACCOMPLISHED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK.

EROSION AND SEDIMENT CONTROL NARRATIVE

PROJECT DESCRIPTION: THIS PROJECT CONSISTS OF CONSTRUCTION OF A POOL. THE TOTAL LAND DISTURBANCE AS A RESULT OF THE INSTALLATION WILL BE APPROXIMATELY 0.02 AC ON THE 2.815-ACRE PARCEL.



BMP #1:(44'L) INFILTRATION TRENCH

SCALE: NONE

RIPARIAN BUFFER LANDSCAPE PLAN:

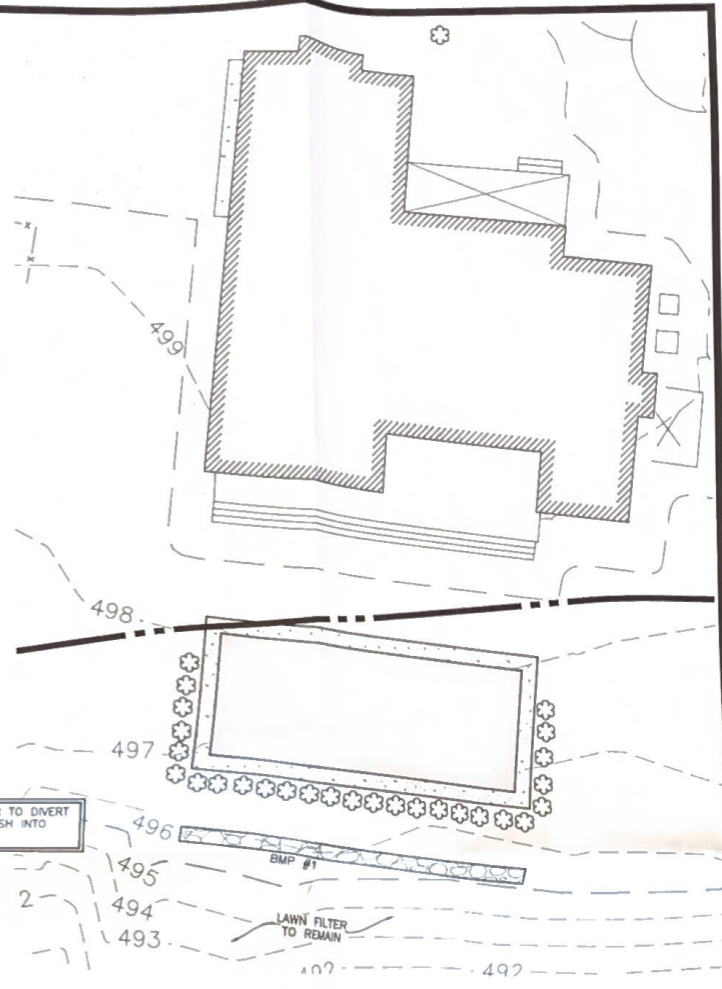
- (1) A 874 SF RIPARIAN MITIGATION AREA IS REQUIRED.
- (2) RETAIN EXISTING TREES WITHIN RIPARIAN MITIGATION AREA AS SHOWN AND PLANT ADDITIONAL NURSERY STOCK (AS FOLLOWS):



- 3 CANOPY TREES (1-1/2" - 2" CALIPER) (SUBSTITUTE 9 SHRUBS FOR 3 CANOPY TREES)
- 6 UNDERSTORY TREES (3/4" - 1 1/2" CALIPER) (SUBSTITUTE 9 SHRUBS FOR 3 CANOPY TREES)
- 27 SMALL SHRUBS GROUND COVER PLANTS (15" TO 18" INKERRY (Ilex glabra)

- (3) LOCATION OF INDIVIDUAL TREES AND SHRUBS TO BE AS SHOWN ON THIS PLAN, UNLESS OTHERWISE APPROVED BY THE MIDDLESEX COUNTY.

NOTE: CONTRACTOR TO DIVERT ALL POOL BACKWASH INTO BMP #1



RPA RIPARIAN MITIGATION PLAN

SCALE: 1"=20'

MANAGEMENT STRATEGIES

- 1. CONSTRUCTION WILL BE SEQUENCED SO THAT GRADING OPERATIONS CAN BEGIN AND END AS QUICKLY AS POSSIBLE.

CONSTRUCTION SEQUENCE

- 1. INSTALL SILT FENCE.
- 2. CONSTRUCT POOL.
- 3. FINE GRADE, SEDIMENT BERM ALL DISTURBED AREAS WITH PERMANENT SEEDING.

PERMANENT STABILIZATION

ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE STABILIZED WITH PERMANENT SEEDING IMMEDIATELY FOLLOWING GRADING. SEEDING SHALL BE DONE WITH KENTUCKY 31 TALL FESCUE ACCORDING TO STD & SPEC 332. PERMANENT SEEDING OF THE HANDBOOK. EROSION CONTROL BLANKETS WILL BE INSTALLED OVER FILL SLOPES WHICH HAVE BEEN BROUGHT TO FINAL GRADE AND HAVE BEEN SEED TO REED THE SLOPES FROM RILL AND GULLY EROSION AND TO ALLOW SEED TO GERMINATE PROPER BUSH (STRAW OR FIBER) WILL BE USED ON RELATIVELY FLAT AREAS. IN ALL SEEDING OPERATIONS FERTILIZER AND LIME WILL BE APPLIED PRIOR TO MULCHING.

STORM WATER MANAGEMENT

THERE WILL BE AN IMPERVIOUS AREA AS A RESULT OF THE CONSTRUCTION COMPARED TO THE CURRENTLY DRIPED CONDITION. A STRUCTURAL BMP FACILITY IS PROPOSED THAT WILL REDUCE THE TOTAL STORM BY 70.4 CF. THE REMAINING RUNOFF IS DIRECTED TO THE PIANKATAK RIVER BY GRADE SHEET FLOW. A RIPARIAN MITIGATION AREA WILL BE INSTALLED TO FURTHER ENHANCE STORMWATER RUNOFF QUALITY.

MAINTENANCE

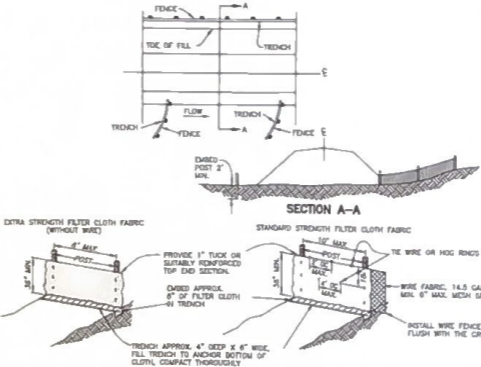
- IN GENERAL, ALL EROSION AND SEDIMENT CONTROL MEASURES WILL BE CHECKED DAILY AND AFTER EACH SIGN-OFF PROCEEDING RAINFALL. THE FOLLOWING ITEMS WILL BE CHECKED IN PARTICULAR:

STANDARD NOTES

- 1. ALL CONSTRUCTION AND MATERIALS SHALL CONFORM WITH THE LATEST EDITION OF STANDARDS AND SPECIFICATIONS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION, EXCEPT WHERE COUNTY STANDARDS ARE APPLICABLE.

DEVICE MAINTENANCE

- IN GENERAL, ALL EROSION AND SEDIMENT CONTROL MEASURES WILL BE CHECKED DAILY AND AFTER EACH SIGN-OFF PROCEEDING RAINFALL. THE FOLLOWING ITEMS WILL BE CHECKED IN PARTICULAR:



SILT FENCE INSTALLATION

SCALE: NONE



THIS DRAWING IS THE PROPERTY OF BAY DESIGN GROUP AND IS NOT TO BE REPRODUCED OR USED FOR ANY PROJECT IN WHOLE OR IN PART WITHOUT EXPRESS WRITTEN PERMISSION.

PROJECT MANAGER:

GLJ

DESIGNED:

JPS

CAD:

HDC/JPS

CHECKED:

GLJ

FILED:

25105BAP

DATE:

JANUARY 9, 2026

REVISED:

REVISED:



Engineering Surveying & Land Planning

www.baydesigngroup.com

40 CROSS ST., SUITE 100  
P.O. BOX 51  
URBANVA, VA 25175  
(804) 693-2993



PROJECT:

SIMS RESIDENCE

PINETOP DISTRICT  
MIDDLESEX COUNTY, VIRGINIA  
SHEET:

BAY ACT DEVELOPMENT PLAN

SHEET NO:

C2 OF 2



## Middlesex County Board of Zoning Appeals Report

**MEETING DATE:** March 16, 2026

**PREPARER:** Marc Longest

---

### **CBPA Exception 2026-01**

#### **Request:**

CBPA Exception No. 2026-01 submitted by Bay Design Group C/O Patrick Sims, requesting an exception to Zoning Ordinance Article 4A, Section 4A-4-A.4, Chesapeake Bay Preservation (CBP) District for the encroachment into the 100' Buffer for a proposed pool. The application requests a Twenty-Six and Five Tenths (26.5) foot exception from the minimum One Hundred (100) foot Resource Protection Area (RPA) setback requirement of Zoning Ordinance Section 4A-7, Chesapeake Bay Preservation (CBP) District. The property for which the exception is requested is located at 1621 Stampers Bay Road, Hartfield, VA 23071; it is further identified as Tax Map Parcel # 43-25B in the Pinetop Magisterial District.

#### **Property Data:**

Tax Map Lot Numbers- 43-25B

Property Address: 1621 Stampers Bay Road

Existing Land Use: Residential

Current Zoning: Low Density Rural (LDR)

Comprehensive Plan: Future Land Use Map depicts this parcel as Agricultural Conservation

Property Size: 2.61 Acres

**Survey Record: Recorded July 23, 2015 (Deed Instrument # 150001109)**

#### **Surrounding Land Uses:**

North- Low Density Rural (LDR)

East- Low Density Rural (LDR)

South- Water

West- Low Density Rural (LDR)

#### **ANALYSIS:**

The Applicant is requesting an Exception for a proposed pool. The requested use is considered an accessory use and would require an Exception to be granted as they are located within the 100' RPA Buffer. The placement of the pool is placed in front of an existing structure built in 2020. The plat of record showing the subdivision of the property was recorded on July 23, 2015. This would place the property as a post Bay Act subdivision parcel. The lot was created under the rules of the Middlesex County Subdivision Ordinance, with consideration of the Chesapeake

Bay Act, additionally requiring the minimal parcel size of 2.5 Acres. The home was placed beyond the 100' buffer as any encroachment into the 100' Buffer of a primary structure would not meet the requirements of a permitted encroachment as the property was divided having to meet the requirements of buildable area under the Bay Act. Placement of the home would have required an exception should the owners have wished to encroach into the 100' buffer in 2020. With placement of the home, there is no space to accommodate a pool that would be outside of the 100' buffer, which staff feels is a self-created hardship based on the recordation of the plat and the existing requirements of the Chesapeake Bay Preservation Act as it relates to development with the 100' Resource Protection Area.

#### **4A-15. Exceptions.**

C. The Board of Zoning Appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the Zoning Ordinance if the Board of Zoning Appeals finds:

1. Granting the exception will not confer upon the applicant any special privileges denied by this Article to other property owners in the Overlay District;
  - a. **This parcel was created to allow the buildable area outside of the 100' buffer.**
  - b. **Other properties created within this subdivision must adhere to the same restrictions on encroachment.**
2. 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;
  - a. **Staff will note that the placement of the home has created a self-imposed hardship by not allowing any space between the structure and the 100' buffer for placement of any structures.**
  - b. **Staff feel that this is self-created due to the placement of structures.**
3. The exception request is the minimum necessary to afford relief;
  - a. **The request will meet Zoning Setbacks for the Low Density Rural District as indicated in the plans.**
  - b. **Placement of the pool should be placed outside of the 100' buffer due to the establishment of the parcel post Bay Act recorded on July 23, 2015.**
4. The exception request will be in harmony with the purpose and intent of the Overlay District, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and;
  - a. **Run-off calculations have been provided that will collect and disperse water into a BMP before entering the watershed.**
  - b. **Calculations have been provided to reduce the amount of runoff to the Piankatank River, thus improving water quality.**
  - c. **Additional vegetation plantings are proposed on the perimeter of the pool before reaching the watershed.**
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.
  - a. **The Water Quality Impact Assessment Report shows an improvement in water quality as required with the structural and vegetative BMP's.**
  - b. **A BMP Agreement will be required along with adherence to the BMP Maintenance Schedule provided with the engineered plans should the Board Approve Request.**

**Staff Recommendation:**

**Staff Recommends Denial of CBPA Exception No. 2026-01 submitted by Bay Design Group C/O Patrick Sims, requesting an exception to Zoning Ordinance Article 4A, Section 4A-4-A.4, Chesapeake Bay Preservation (CBP) District for the encroachment into the 100' Buffer for a proposed pool. The application requests a Twenty-Six and Five Tenths (26.5) foot exception from the minimum One Hundred (100) foot Resource Protection Area (RPA) setback requirement of Zoning Ordinance Section 4A-7, Chesapeake Bay Preservation (CBP) District. The property for which the exception is requested is located at 1621 Stampers Bay Road, Hartfield, VA 23071; it is further identified as Tax Map Parcel # 43-25B in the Pinetop Magisterial District.**

**The Following conditions should be required should Board Approve the Request:**

1. Clearing and grading shall be limited to areas shown on the proposed plan of development.
2. A CBPA BMP Agreement shall be recorded with the Middlesex County Clerk's Office prior to issuance of a building permit.
3. All storm water management BMP's shall be maintained according to Device Maintenance which is included in the recorded BMP Agreement.
4. All necessary erosion and sediment controls shall be installed prior to any land disturbance and shall remain in place and properly maintained until the project is complete.
5. The applicant shall obtain a Building and Zoning Permit within one (1) year of approval of the Board of Zoning Appeals per Section 4A-15.F of the Zoning Ordinance.

Staff reminds the board that the five findings of fact listed in Article 4A-15 must be satisfied in order to take action for approval or denial.

Staff also reminds the Board that additional conditions may be placed on the project should the Board so decide in the event of approval.

**Board Zoning Appeals Action Required:**

- Approve application as submitted; or
- Approve application with conditions and any additional conditions required by the Board; or
- Deny the application with reasons for denial.

**Attachments:**

Application, maps, plans and legal documentation.

151109

MIDDLESEX COUNTY

Department of Planning and Community Development
P.O. Box 428, Saluda, VA 23149
Phone: 804-758-3382 Fax: 804-758-0061

SUBDIVISION APPLICATION

OFFICE USE ONLY

Application #: SUB-2015-09
Subdivision Classification/Fee: [ ] Major (\$400 + \$25 per lot) [x] Minor (\$150 + \$15 per lot): \$240
[ ] Lot Line Vacation (\$25 + \$1 per lot):
[ ] Lot Line Adjustment (\$25 + \$1 per lot):
[ ] Family Exemption (\$150 + \$15 per lot):
Reviewing Authority: Administration Hearing Date:
Decision: [x] Approved [ ] Denied Tax Query: [x] Current [ ] Delinquent
Conditions/Comments:

Subdivision Agent Signature: [Signature] Date: 07/20/2015
Catherine Altica Shifflett
Notary Public 342071
Commonwealth of Virginia
My Commission Expires December 31, 2016
Subscribed and sworn before me this 20th day of July 2015
My commission expires: 12-31-2016 NOTARY PUBLIC Catherine Altica Shifflett

APPLICANT INFORMATION
Name: Larry C. Brownley, Jr. (BAY DESIGN GROUP)
Address: 14833 George Washington Mem. Hwy. City/State/Zip: Glens, VA, 23149
Phone: 804-693-2993 Fax:

PROPERTY OWNER INFORMATION
Name: Douglas R. & Susan S. Sowers
Address: 3800 Oakbridge Ct. City/State/Zip: Powhatan, Va, 23139
Phone: 804-514-9490 Fax:

PROJECT INFORMATION
Parcel Number: Tax Map 43 Parcel 25 E911/Street Address: NONE
Magisterial District: Pine top Zoning District: LDR
Original Lot Size (in Acres): 69.50 AC +/- CRPA District:
Number of Old Parcels: 1 Number of New Parcels: 5
Type of Proposed Street(s): [ ] Public [ ] Private [x] None
Width of Existing/Proposed Street(s): Variable
Type of Proposed Drainfield(s): [x] New Primary and Reserve [ ] New Primary [ ] Existing [ ] None

X:\Msoffice\CountyFiles\Planning\Applications and Publications\Apps for Web\Minor Subdivision Application - 06-02-10.doc

**APPLICANT STATEMENT**

I hereby certify that I have the authority to make the foregoing application, that the information given is complete and correct to the best of my knowledge, and that the plat conforms to the regulations as set forth in the Middlesex County Subdivision and Zoning Ordinances as written and also with the description contained in this application.

[Signature] Date 6/4/15  
Applicant's Signature (if not Property Owner)

\_\_\_\_\_  
Applicant's Signature (if not Property Owner) Date

**HEATHER D. CALLOWAY**  
NOTARY PUBLIC  
COMMONWEALTH OF VIRGINIA  
REGISTRATION #7234356  
MY COMMISSION EXPIRES SEPT. 30, 2018

Subscribed and sworn before me this 5th day of June 2015  
My commission expires: 9-30-18 NOTARY PUBLIC: [Signature]

**PROPERTY OWNER STATEMENT**

I hereby certify that I/we own the above described property, that the information given is complete and correct to the best of my knowledge, that the plat conforms to the regulations as set forth in the Middlesex County Subdivision and Zoning Ordinances as written and also with the description contained in this application, and that the above person(s), group, corporation or agent has the full and complete permission of the undersigned owner(s) to make application for a subdivision as set forth in the Middlesex County Subdivision and Zoning Ordinances as written.

[Signature] Date 6/4/15  
Property Owner's Signature

\_\_\_\_\_  
Property Owner's Signature Date

**HEATHER D. BRUNK**  
Notary Public  
Commonwealth of Virginia  
Reg. #7234356  
My Commission Exps. Sept. 30, 2017

Subscribed and sworn before me this 4th day of June 2015  
My commission expires: 9-30-17 NOTARY PUBLIC: [Signature]

PC 2 Slide  
54-11 E  
54-12

INSTRUMENT #150001109  
RECORDED IN THE CLERK'S OFFICE OF  
COUNTY OF MIDDLESEX ON  
JULY 23, 2015 AT 11:54AM

**CONDITIONS**

- 1. This permit application is not valid unless all property owner(s) signatures are affixed and dated.
- 2. All permit application charges are nonrefundable, regardless of whether the permit application is approved or denied once submitted. All checks for payment should be made payable to Middlesex County.

LYNN L. DUNLEVY, CLERK  
RECORDED BY: RKH



---

Middlesex County Health Department  
PO BOX 415  
Saluda, Virginia 23149  
(804) 758-0330 Voice  
758-8390 Fax

---

July 15, 2015

Mr. David Kretz  
Middlesex County Zoning and Environmental Officer

Re: Review of Proposed Subdivision Plat for Individual Onsite Sewage Systems  
Croakertown USA Subdivision, Tax Map/GPIN: Mdsx 43-25 Lots 1-6

Dear Mr. Kretz:

On June 24, 2015 the County of Middlesex requested that the Virginia Department of Health, via the Middlesex County Health Department, review the proposed subdivision plat identified above.

This letter is to inform you that the above referenced subdivision plat is **approved** for individual onsite systems in accordance with the provisions of the *Code of Virginia*, the *Sewage Handling and Disposal Regulations* (12 VAC 5-610-10 et seq.), and the *Alternative Onsite Sewage System Regulations* (12 VAC 5-613 et seq.,).

This request for subdivision review was submitted pursuant to the provisions of Section 32.1-163.5 of the *Code of Virginia*, which authorizes the health Department to accept private soil evaluations and designs from an Onsite Soil Evaluator (OSE) or a Professional Engineer working in consultation with an OSE for residential development. This subdivision was certified as being in compliance with the Board of Health's regulations by . This subdivision approval is issued in reliance upon that certification.

Pursuant to Section 360 of the *Regulations* this approval is not an assurance that Sewage Disposal System Construction Permits will be issued for any lot in the subdivision identified above *unless* that lot is specifically identified on the above referenced plat as having an approved site for an onsite sewage disposal system, and unless all conditions and circumstances are present at the time of application for a permit as are present at the time of this approval. This subdivision may contain lots that do not have approved sites for onsite sewage systems.

This subdivision approval is issued in reliance upon the certification that approved lots are suitable for "traditional systems," however actual system design may be different at the time construction permits are issued.

This subdivision approval has been issued in accordance with applicable regulations based on the information and materials provided at the time of application. There may be other local, state, or federal laws or regulations that apply to the proposed construction of this onsite sewage system. The owner is responsible at all times for complying with all applicable local, state, and federal laws and regulations. If you have any questions, please contact me at (804) 758-0330.

Sincerely,

John W. Hollowell, Jr.  
Environmental Health Specialist, Sr.

cc: Larry W. Madison, Jr

**OWNER'S CONSENT:**

THIS SUBDIVISION, AS IT APPEARS ON THIS PLAT, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S), PROPRIETORS AND TRUSTEES, IF ANY.

Douglas R. Sowers 6/17/15  
DOUGLAS R. SOWERS DATE

Susan S. Sowers 6/17/15  
SUSAN S. SOWERS DATE

COMMONWEALTH OF VIRGINIA  
COUNTY OF MIDDLESEX TO-WIT:  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 17th DAY OF June, 2015

Heather M. Carmichael  
NOTARY PUBLIC

MY COMMISSION EXPIRES: January 31, 2016



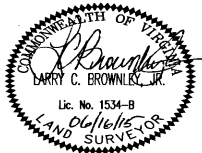
**LEGEND:**

- ⊕ IRON ROD FOUND (IRF) OR IRON PIPE FOUND (IPF)
- ⊕ T-BAR FOUND (TBF)
- ⊕ CONCRETE MONUMENT FOUND
- ⊕ IRON ROD SET
- ⊕ CONCRETE MONUMENT SET
- ⊕ POWER POLE
- TJB TELEPHONE JUNCTION BOX
- OUL OVERHEAD UTILITY LINE
- O/M OLD MARK
- N/F NOW OR FORMERLY
- R/W RIGHT-OF-WAY
- NR NON RADIAL
- RPA RESOURCE PROTECTION AREA
- RMA RESOURCE MANAGEMENT AREA
- D.B. DEED BOOK
- P.B. PLAT BOOK
- P.C. PLAT CABINET
- W.B. WILL BOOK
- ⊕ SOIL BORING

**CERTIFICATE OF CERTIFIED LAND SURVEYOR:**

THE SUBDIVISION AS SHOWN ON THIS PLAT, CONTAINING 69.50 ACRES, MORE OR LESS, SITUATED IN THE PINETOP MAGISTERIAL DISTRICT, IN THE COUNTY OF MIDDLESEX, VIRGINIA, HAVING BEEN CONVEYED TO DOUGLAS R. SOWERS & SUSAN S. SOWERS BY INSTRUMENT DATED MAY 26, 2015 AND OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF MIDDLESEX COUNTY, VIRGINIA IN INST. NO 15-0721.

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND IS BASED ON A CURRENT FIELD SURVEY.



**PROPERTY LINE TABLE**

LINE	BEARING	DISTANCE
L1	N 09°00'14" E	2.59'
L2	N 26°06'21" E	102.08'
L3	N 32°33'01" E	59.43'
L4	N 20°39'32" E	74.13'
L5	N 20°48'51" E	31.31'
L6	N 05°54'54" E	100.50'
L7	N 15°21'34" E	76.91'
L8	N 23°47'51" E	108.36'
L9	N 28°29'28" E	45.70'
L10	N 45°14'02" E	73.96'
L11	N 47°34'01" E	69.29'
L12	N 51°42'18" E	100.00'
L13	N 57°24'56" E	50.25'
L14	N 47°33'33" E	69.16'
L15	N 21°19'22" W	87.90'

**CLOSING LINE TABLE**

LINE	BEARING	DISTANCE
L100	N 69°06'51" W	240.67'
L101	N 84°49'05" W	147.81'
L102	N 87°00'44" W	147.91'
L103	S 88°18'55" W	148.02'
L104	S 79°24'08" W	151.60'

**CURVE TABLE**

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	TANGENT	CHORD BEARING	CHORD LENGTH
C1	109.28'	406.97'	15°22'56"	54.96'	N 29°40'49" E	108.93'
C2	153.79'	343.29'	89°05'03"	337.85'	N 07°09'57" E	481.59'
C3	88.00'	256.64'	19°38'45"	44.44'	N 08°19'53" W	87.57'

**GENERAL NOTES:**

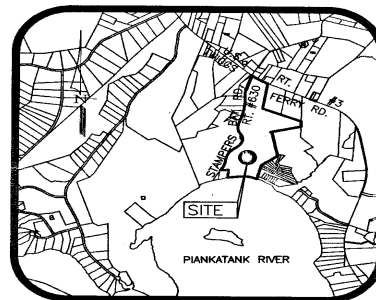
- THIS PLAT WAS PREPARED WITH THE BENEFIT OF A TITLE REPORT AND DOES SHOW ALL EASEMENTS, SERVITUDES AND COVENANTS OF RECORD PER TITLE REPORT PREPARED BY OLD REPUBLIC NATIONAL TITLE FILE NO. PT 15-1201 DATED MARCH 25, 2015.
- THE LAND DELINEATED HEREON IS LOCATED ON COUNTY TAX MAP NO. 43 PARCEL 25.
- PROPERTY ADDRESS:  
NO STRUCTURES ON PARCEL
- REFERENCES:  
INST. NO. 15-0721  
P.C. 2 SLIDE 54-2  
D.B. 411 @ PG. 318  
D.B. 402 @ PG. 684  
D.B. 213 @ PG. 622
- EDGE OF WATER SHOWN HEREON IS AS OF TIME OF SURVEY AND NO EFFORT IS MADE BY THIS PLAT TO ESTABLISH OWNERSHIP OR ANY OTHER RIGHTS BEYOND THIS LINE.
- THESE PARCELS LIE IN ZONE X, AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ZONE X, AREAS OF 0.2% ANNUAL CHANCE FLOOD AND ZONE AE (EL.6), AREA DETERMINED TO HAVE BASE FLOOD ELEVATIONS, AS DEFINED ON THE NATIONAL FLOOD INSURANCE RATE MAP NO. 51119C0220D DATED MAY 3, 2010. THE ZONE LINES SHOWN ARE APPROXIMATE AND SCALED FROM SAID MAP.
- NO LAND DISTURBANCE IS ALLOWED IN THE RPA BUFFER AREA WITHOUT REVIEW AND APPROVAL BY THE DIRECTOR OF CODES COMPLIANCE OR HIS DESIGNEE.
- SITE IS ZONED: LDR  
BUILDING SETBACKS  
FRONT= 75' (SECONDARY ROAD)  
SIDE= 35'  
REAR= 100' RPA BUFFER
- THE DRAINFIELD AREAS SHOWN HEREON ARE FOR SUBDIVISION APPROVAL ONLY AND DOES NOT LIMIT THE INDIVIDUAL LOT OWNER FROM OBTAINING DIFFERENT OR ADDITIONAL DRAINFIELD SITES SUBJECT TO HEALTH DEPARTMENT APPROVAL.
- THE RESOURCE PROTECTION AREA (RPA) LOCATED WITHIN THE LIMITS OF THIS SUBDIVISION IS REGULATED UNDER ARTICLE 44A, CHESAPEAKE BAY PRESERVATION (CBP) DISTRICT OF MIDDLESEX COUNTY ZONING ORDINANCE. NO DEVELOPMENT, MODIFICATION OR VEGETATION REMOVAL SHALL BE PERMITTED WITHOUT PRIOR AUTHORIZATION OF THE ZONING ADMINISTRATOR AND SHALL BE LIMITED TO THE MODIFICATIONS LISTED IN ARTICLE 4A.
- ALL LOTS HAVE BEEN COMPUTED TO ESTABLISH A MINIMUM 200' LOT WIDTH AT THE BUILDING SETBACK LINE AND A MINIMUM 150' HORIZONTAL DISTANCE FROM PROPERTY LINE TO PROPERTY LINE AT THE INTERSECTION OF THE MEAN LOW WATER LINE AND THE PROPOSED PROPERTY LINES.

**CERTIFICATE OF APPROVAL:**

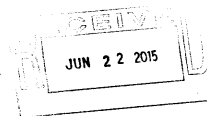
THIS PLAT IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS, INCLUDING THE MIDDLESEX COUNTY SUBDIVISION AND ZONING ORDINANCES, AND MAY BE COMMITTED TO RECORD.

07/20/2015 DATE  
[Signature] SUBDIVISION AGENT OF MIDDLESEX COUNTY, VIRGINIA

07/15/2015 DATE  
[Signature] HEALTH OFFICER



VICINITY MAP  
SCALE: 1" = 1/2 MILE

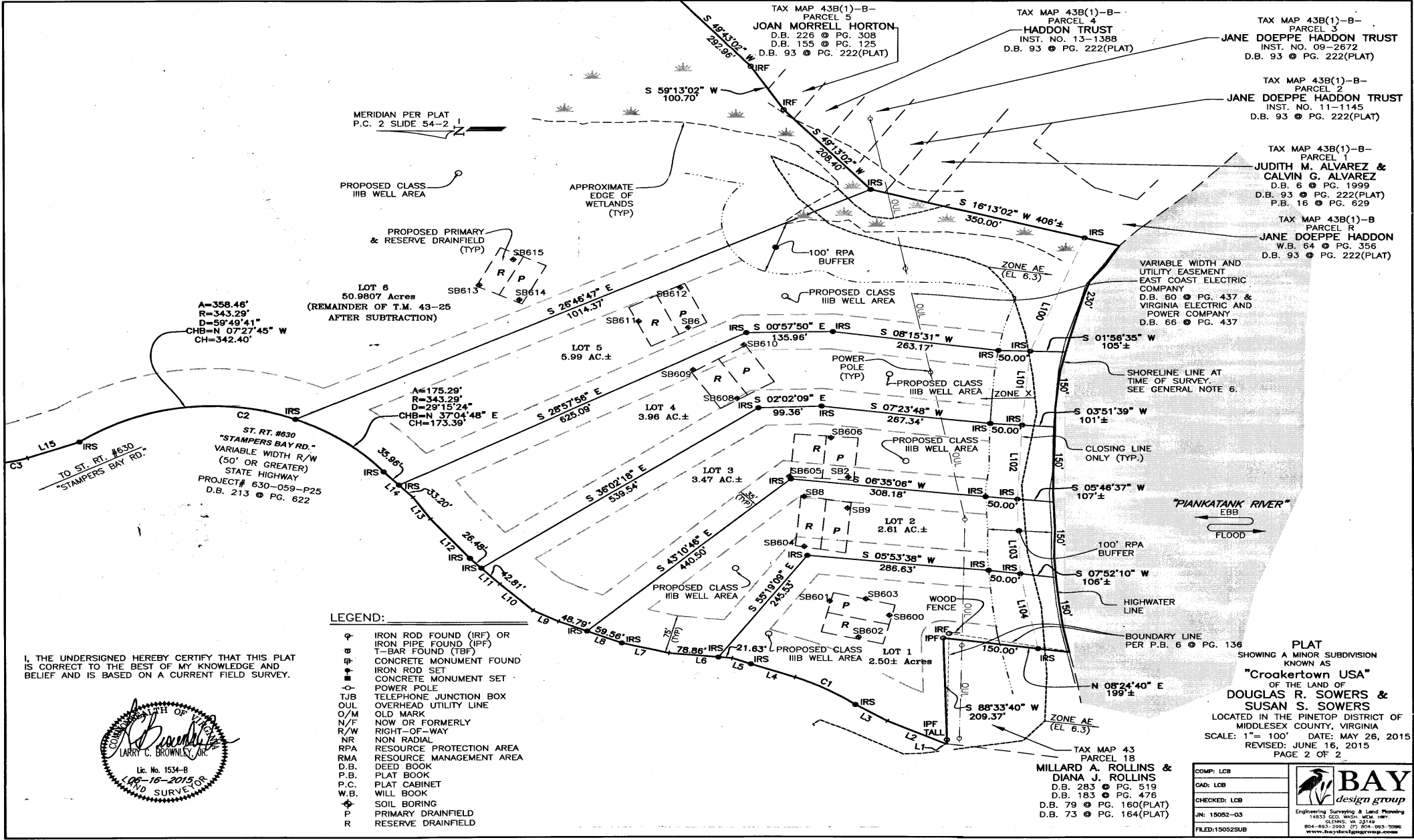


PLAT  
SHOWING A MINOR SUBDIVISION  
KNOWN AS  
"Croakertown USA"  
OF THE LAND OF  
DOUGLAS R. SOWERS &  
SUSAN S. SOWERS  
LOCATED IN THE PINETOP DISTRICT OF  
MIDDLESEX COUNTY, VIRGINIA  
SCALE: 1"= 100' DATE: MAY 26, 2015  
REVISED: JUNE 16, 2015  
PAGE 1 OF 2

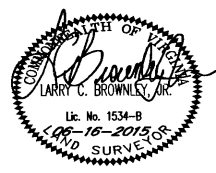
COMP: LCB  
CAD: LCB  
CHECKED: LCB  
JN: 15052-03  
FILED: 15052SUB



Inst 15-1109 PC2 Slide 59-11



I, THE UNDERSIGNED HEREBY CERTIFY THAT THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND IS BASED ON A CURRENT FIELD SURVEY.



- LEGEND:**
- ⊕ IRON ROD FOUND (IRF) OR IRON PIPE FOUND (IPF)
  - ⊖ T-BAR FOUND (TBF)
  - ▣ CONCRETE MONUMENT FOUND
  - ⊙ IRON ROD SET
  - ⊙ CONCRETE MONUMENT SET
  - ⊙ POWER POLE
  - ⊙ TJB TELEPHONE JUNCTION BOX
  - ⊙ OUL OVERHEAD UTILITY LINE
  - ⊙ O/M OLD MARK
  - ⊙ N/F NOW OR FORMERLY
  - ⊙ R/W RIGHT-OF-WAY
  - ⊙ NR NON RADIAL
  - ⊙ RPA RESOURCE PROTECTION AREA
  - ⊙ RMA RESOURCE MANAGEMENT AREA
  - ⊙ D.B. DEED BOOK
  - ⊙ P.B. PLAT BOOK
  - ⊙ P.C. PLAT CABINET
  - ⊙ W.B. WILL BOOK
  - ⊙ S SOIL BORING
  - ⊙ P PRIMARY DRAINFIELD
  - ⊙ R RESERVE DRAINFIELD

MILLARD A. ROLLINS & DIANA J. ROLLINS  
 D.B. 283 @ PG. 519  
 D.B. 183 @ PG. 476  
 D.B. 79 @ PG. 160(PLAT)  
 D.B. 73 @ PG. 164(PLAT)

COMP: LCB
CAD: LCB
CHECKED: LCB
JN: 15052-03
FILED: 15052SUB



TAX MAP 43B(1)-B- PARCEL 3  
**JANE DOEPE HADDON TRUST**  
 INST. NO. 09-2672  
 D.B. 93 @ PG. 222(PLAT)

TAX MAP 43B(1)-B- PARCEL 2  
**JANE DOEPE HADDON TRUST**  
 INST. NO. 11-1145  
 D.B. 93 @ PG. 222(PLAT)

TAX MAP 43B(1)-B- PARCEL 1  
**JUDITH M. ALVAREZ & CALVIN G. ALVAREZ**  
 D.B. 6 @ PG. 1999  
 D.B. 93 @ PG. 222(PLAT)  
 P.B. 16 @ PG. 629

TAX MAP 43B(1)-B- PARCEL 2  
**JANE DOEPE HADDON**  
 W.B. 64 @ PG. 356  
 D.B. 93 @ PG. 222(PLAT)

VARIABLE WIDTH AND UTILITY EASEMENT  
 EAST COAST ELECTRIC COMPANY  
 D.B. 60 @ PG. 437 & VIRGINIA ELECTRIC AND POWER COMPANY  
 D.B. 66 @ PG. 437

SHORELINE LINE AT TIME OF SURVEY. SEE GENERAL NOTE 6.

CLOSING LINE ONLY (TYP.)

BOUNDARY LINE PER P.B. 6 @ PG. 136

PLAT SHOWING A MINOR SUBDIVISION KNOWN AS  
**"CROAKERTOWN USA"**  
 OF THE LAND OF  
**DOUGLAS R. SOWERS & SUSAN S. SOWERS**  
 LOCATED IN THE PINETOP DISTRICT OF MIDDLESEX COUNTY, VIRGINIA  
 SCALE: 1" = 100' DATE: MAY 26, 2015  
 REVISED: JUNE 16, 2015  
 PAGE 2 OF 2

Inst 15-1169 PL2 Slide 54B



03/05/2026 15:21



03/05/2026 15:21



03/05/2026 15:20



03/05/2026 15:20



03/05/2026 15:20



03/05/2026 15:20



03/05/2026 15:20



03/05/2026 15:23



03/05/2026 15:23



03/05/2026 15:21



03/05/2026 15:19

# MIDDLESEX COUNTY

Department of Planning and Community Development  
P.O. Box 427, Saluda, VA 23149  
Phone: 804-758-3382 Fax: 804-758-0061

## CBPA EXCEPTION APPLICATION

*This exception request is applicable for new encroachments into the 100-foot Resource Protection Area (RPA) buffer.*

### OFFICE USE ONLY

Application #: 2020-03 Application Fee:  \$500  
Tax Query:  Current  Delinquent Surety Amount: \$ \_\_\_\_\_  
Reviewing Authority: BZA Hearing Date: March 16, 2020  
Zoning Decision:  Approval  Denied E & S Decision:  Approval  Denied  
Conditions/Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Zoning Administrator Signature \_\_\_\_\_ Date \_\_\_\_\_ Expiration Date \_\_\_\_\_

### APPLICANT INFORMATION

Name: Bay Design Group c/o Jason Swift  
Address: P.O. Box 51 City/State/Zip: Urbanna, VA 23175  
Phone: 804-693-2993 Fax: \_\_\_\_\_  
Email: jswift@baydesigngroup.com

### PROPERTY OWNER INFORMATION

Name: Lance Shores  
Address: P.O. Box 518 City/State/Zip: Urbanna, VA 23175  
Phone: 804-824-4909 Fax: \_\_\_\_\_  
Email: lanceshores@gmail.com

### PROJECT INFORMATION

Parcel Number: 19-16-47 19-16-48 E911/Street Address: 42 Waterford Dr.  
Magisterial District: Saluda Zoning District: Residential General  
Existing Land Use: Residential

### EXCEPTION REQUEST

*Please answer the following questions:*

1. Distance of proposed development to the nearest RPA feature: 52.9'
2. Describe the exception requested. Proposed pool and pool apron inside the RPA.  
\_\_\_\_\_  
\_\_\_\_\_

3. Explain why you must encroach into the Resource Protection Area 100-foot buffer. \_\_\_\_\_  
Due to lot size, location of RPA buffer and existing development.
4. Describe why you cannot make other arrangements to comply with the Zoning Ordinance without a CBPA Exception. \_\_\_\_\_  
There is no other feasible location on-site to locate the improvements.

### WATER QUALITY IMPACT ASSESSMENT

<b>A. Total Lot Area (ft<sup>2</sup>):</b>	<u>60,5533</u>
<b>B. Total Existing Impervious Surface (ft<sup>2</sup>):</b>	<u>13,141</u>
Principal Structure(s) (i.e. Dwellings) (ft <sup>2</sup> ):	<u>3,221</u>
Accessory Structure(s) (i.e. Sheds, Garages, Outbuildings, Pools) (ft <sup>2</sup> ):	<u>1,146</u>
Driveway and Parking Areas (ft <sup>2</sup> ):	<u>6,984</u>
Other: <u>Walkway</u>	<u>1,790</u>
<b>C. Total Proposed Impervious Surface (ft<sup>2</sup>):</b>	<u>791</u>
New Principal Structure(s) (ft <sup>2</sup> ):	<u>0</u>
Expansion of Principal Structure(s) (ft <sup>2</sup> ):	<u>0</u>
New Accessory Structure(s) (ft <sup>2</sup> ):	<u>0</u>
Expansion of Accessory Structure(s) (ft <sup>2</sup> ):	<u>0</u>
Driveway and Parking Areas (ft <sup>2</sup> ):	<u>0</u>
Other: <u>Pool, pool apron and sidewalk</u>	<u>791</u>
<b>D. Percent Existing Impervious Surface ( B / A ):</b>	<u>21.6</u>
<b>E. Percent Proposed Impervious Surface ( ( B + C ) / A ):</b>	<u>23.0</u>

**F. Impacts on Existing Vegetation:**

Total Amount of Underbrush Removed (ft<sup>2</sup>): 0 Number of Healthy Trees Removed: 0  
 Number of Trees Limbed or Pruned: 0 Number of Dead/Dying/Diseased Trees Removed: 0

**G. Proposed Erosion and 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: _____                |  |

**H. Proposed Mitigation Measures:**

Number of New Trees Proposed: 0 Number of New Shrubs Proposed: 18

**I. Proposed Best Management Practices:**

- |  |   |
|--|---|
| <input type="checkbox"/> Vegetated Filter Strip(s) | <input type="checkbox"/> Grass Swale(s)                     |
| <input type="checkbox"/> Dry Well(s)               | <input checked="" type="checkbox"/> Infiltration Trench(es) |
| <input type="checkbox"/> Other: _____              |   |

## SITE DRAWING

*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; and sewage disposal systems or reserve drainfield sites;
3. Type and location of proposed best management practices to mitigate the proposed encroachment;
4. Type and location of proposed erosion and sedimentation control devices;
5. Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification; and
6. Type and location of proposed replacement vegetation.

## APPLICANT STATEMENT

I hereby certify that I have the authority to make the foregoing application, that the information given is complete and correct to the best of my knowledge, and that development and/or construction will conform with the regulations as set forth in the Middlesex County Zoning Ordinance as written and also with the description contained in this application.

\_\_\_\_\_  
Applicant's Signature (if not Property Owner)

\_\_\_\_\_  
Date

2/3/26

\_\_\_\_\_  
Applicant's Signature (if not Property Owner)

\_\_\_\_\_  
Date

## PROPERTY OWNER(S) STATEMENT

I hereby certify that I/we own the above described property, that the information given is complete and correct to the best of my knowledge, and that the above person(s), group, corporation or agent has the full and complete permission of the undersigned owner(s) to make application for CBPA Exception approval as set forth in the Middlesex County Zoning Ordinance as written.

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

2/3/2026

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date

## CONDITIONS

1. This permit application is not valid unless all property owner(s) signatures are affixed and dated.
2. All permit application charges are nonrefundable, regardless of whether the permit application is approved or denied once submitted. All checks for payment should be made payable to Middlesex County.
3. Any approval of a CBPA Exception is issued on the basis of plans and applications approved and authorizes only the use, arrangement and construction set forth in such approved plans and applications. Any deviations from the plans and applications submitted shall render an approved CBPA Exception null and void.

# MIDDLESEX COUNTY

Department of Planning and Community Development  
P.O. Box 428, Saluda, VA 23149  
Phone: 804-758-3382 Fax: 804-758-0061

## CBPA EXCEPTION SUBMISSION REQUIREMENTS

In order to expedite the review of CBPA Exception applications, please be sure that all of the following items have been included in your CBPA Exception application. Please return this completed checklist with the application to assure that all items have been addressed. All CBPA Exception applications must adhere to the regulations found in the Middlesex County Zoning Ordinance.

- a.  Completed CBPA Exception application.
- b.  CBPA Exception application fee of \$500.
- c.  The location of all Chesapeake Bay Preservation Act features, including the Resource Protection Area (RPA) and Resource Management Area (RMA).
  - a.  Delineation of the RPA boundary.
  - b.  Delineation of required buffer areas;
  - c.  Delineation of RMA wetlands;
  - d.  Delineation of RMA boundary;
  - e.  Plat or plan note providing that no land disturbance or vegetation removal is allowed in the buffer area without review and approval by the Zoning Administrator.
  - f.  Plat or plan note providing that on-site septic systems must be pumped out every five years, or that a certification must be submitted by a sewage handler permitted by the Virginia Department of Health that the septic system has been inspected, is functioning properly, and the tank does not need to have the solids pumped out;
  - g.  Plat or plan note providing that a 100% reserve drain field is required for on-site sewage treatment systems; and
  - h.  Plat or plan note of the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas, including the 100-foot-wide buffer area.
  - i.  Plat or plan depiction indicating the buildable area. All subdivision plats shall include a notation that setbacks and yards shown hereon are based on current district requirements at the time of approval but shall not take precedence over any subsequently adopted setback requirements related to any rezoning action or district regulation amendments.
  - j.  Any additional requirements specified in the subsections below.
  - k.  Property lines,
  - l.  Streets and roads,
  - m.  Well and sewage disposal systems or reserve drainfield sites,
  - n.  Existing and proposed structures,
  - o.  Water bodies,
  - p.  Type and location of proposed best management practices to mitigate the proposed encroachment,
  - q.  Type and location of proposed erosion and sedimentation control devices,
  - r.  Location of existing vegetation onsite, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification.
- Any other information that the Zoning Administrator may reasonably determine to be necessary for the proper evaluation of the application.

As outlined in Article 4, Section 4A-15-C of the Ordinance, the Board of Zoning Appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the Zoning Ordinance if the Board of Zoning Appeals finds:

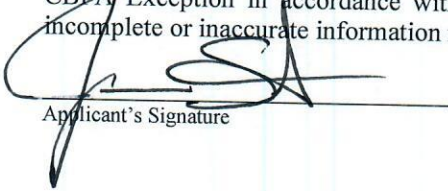
1. Granting the exception will not confer upon the applicant any special privileges denied by this Article to other property owners in the Overlay District
2. The exception is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
3. The exception request is the minimum necessary to afford relief;
4. The exception request will be in harmony with the purpose and intent of the Overlay District, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and

5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality as warranted, that will prevent the waiver from causing a degradation of water quality.

---

**CERTIFICATION:**

I hereby certify that the attached plans and this completed application form contain all the required information for a CBPA Exception in accordance with the Middlesex County Zoning Ordinance. I understand that the submission of incomplete or inaccurate information may delay the processing of this CBPA Exception.

A handwritten signature in black ink, appearing to be 'J. S.', written over a horizontal line.

Applicant's Signature

David W. Kretz, L.S.  
Director



P.O. Box 428  
Saluda, Virginia 23149

County of Middlesex  
Department of Planning and Community Development

AFFIDAVIT  
RE: PUBLIC NOTIFICATION

I hereby certify that the adjoining property owners (see attached list),

Case # CBPA 2020e-03

Applicant Shores

Request Pool

Were notified of a public hearing on this matter with the:

- Board of Zoning Appeals
- Planning Commission
- Wetlands Board
- Board of Supervisors
- Other \_\_\_\_\_  
(write in)

Via letter(s) sent first class mail on 2/24/20  
Date

[Signature]  
Department Representative

2/24/20  
Date

2/24/20  
Date

[Signature]  
Notary

3/31/20  
Commission Expires



David W. Kretz, L.S.  
Director



PO Box 428  
Saluda VA 23149

**County of Middlesex**  
Office of Planning and Zoning  
March 11, 2026

Dear Property Owner:

FIRST CLASS MAIL

The Middlesex County Planning Department has received the following **CBPA Exception** application:

1. **CBPA Exception No. 2026-03** submitted by Bay Design Group C/O Lance Shores, requesting an exception to Zoning Ordinance Article 4A, Section 4A-4-A.4, Chesapeake Bay Preservation (CBP) District for the encroachment into the 100' Buffer for a proposed pool and pool apron. The application requests a Forty-Seven and One Tenth (47.1) foot exception from the minimum One Hundred (100) foot Resource Protection Area (RPA) setback requirement of Zoning Ordinance Section 4A-7, Chesapeake Bay Preservation (CBP) District. The property for which the exception is requested is located at 42 Waterford Drive, Urbanna, VA 23175; it is further identified as Tax Map Parcel # 19-16-48 in the Saluda Magisterial District.

Pursuant to Section 15.2-2204 of the Code of Virginia, the Middlesex County Board of Zoning Appeals will hold a public hearing on the proposed application on **Monday, March 16, 2026, at 6:00 P.M.** in the Boardroom of the Historic Courthouse, 865 General Puller Hwy, Saluda VA 23149.

Information concerning the application is available for public inspection at the Middlesex County Planning Department (located on the first floor of the Historic Courthouse, 865 General Puller Hwy, Saluda VA 23149) during normal business hours (8:30 A.M. to 4:30 P.M., Monday through Friday). You may attend the public hearing to present your comments in person, or you may submit written comments concerning this application to the Middlesex County Planning Department at any time prior to the public hearing.

Sincerely,

  
Marc Longest  
Environmental & Codes Compliance Officer

cc: Lance Shores  
Agent : Bay Design Group  
File - CBPA# 2026-03

Phone: (804) 758-3382 Fax: (804) 758-0061  
[www.co.middlesex.va.us](http://www.co.middlesex.va.us)

02 MID MIDDLESEX CO  
Rec# 0002229 01

Property Card Inquiry

SALUDA

RICE RONALD L & JANET W R/S

Map No 19 16 49

Acct 2229

PO BOX 604

GIS#

Acreage 1.73

Class 2 URBANNA

VA 23175

REMLIK HALL-CEDAR POINTE

LOT 49 1.73 AC P10-38

42,200-344,223-806

D22-1359, D25-219

Property Location:

00060 WATERFORD DR

URBANNA VA 23175

Parent R#/M#:

Assessed Value

Year 1/01/2022

Land 241,200

Impr 335,900

Minr1

Tot 577,100

Use

Front

Type

HS WATER

OPEN

Land Use

Acres

1

.73

& Value

Price

200,000

40,000

Adj

Value

212,000

29,200

Min Val Under Dev-

Enter Next Screen F1

Min Val Not Under Dev-

Return to Search F3 Exit F12 Next Record

MID  
F24 More Keys

02 MID MIDDLESEX CO  
Rec# 0003608 01

Property Card Inquiry

SALUDA

Map No 19 16 48  
Acct 3608  
GIS#

SHORES LANCE SCOTT & WENDY S R/S  
P O BOX 518

Acreage 1.53 Class 2 URBANNA VA 23175 0518

REMLIK HALL-CEDAR POINTE  
LOT 48 1.53 AC  
DB182-563, PL10-38, 211-448, 299-771  
344-231, 344-645, 375-770

Property Location:  
00042 WATERFORD DR  
URBANNA VA 23175  
Parent R#/M#:

Assessed Value		Land Use		& Value		
Year	1/01/2022	Type	Acres	Price	Adj	Value
Land	233,200	HS WATER	1	200,000		212,000
Impr	449,900	OPEN	.53	40,000		21,200
Minrl						
Tot	683,100					
Use						

Front	Depth	Dp	Fac	Area	Unit	Rate	Adj
-------	-------	----	-----	------	------	------	-----

Min Val Under Dev-

Min Val Not Under Dev-

Enter Next Screen F1 Return to Search F3 Exit F12 Next Record

MID  
F24 More Keys

02 MID MIDDLESEX CO  
Rec# 0007011 01

Property Card Inquiry

SALUDA

Map No 19 16 47  
Acct 7011  
GIS#

ELLIS ALFRED R & JULIE L R/S

20 WATERFORD DRIVE

Acreage 2.74

Class 2 URBANNA

VA 23175

REMLIK HALL-CEDAR POINTE  
2.74 AC  
D211-448,212-298,244-696  
D290-661,P11-255

Property Location:  
00020 WATERFORD DR  
URBANNA VA 23175  
Parent R#/M#:

Assessed Value			Land Use		& Value		
Year	1/01/2022	Type	Acres	Price	Adj	Value	
Land	214,200	HS WATER	1	150,000		162,000	
Impr	397,000	OPEN	1.74	30,000		52,200	
Minr1							
Tot	611,200						
Use							
Front	Depth	Dp Fac	Area	Unit	Rate	Adj	

Min Val Under Dev-

Min Val Not Under Dev-

Enter Next Screen F1 Return to Search F3 Exit F12 Next Record

MID  
F24 More Keys

02 MID MIDDLESEX CO  
Rec# 0003576 01

Property Card Inquiry

SALUDA

Map No 19 16 A  
Acct 3576  
GIS#

CEDAR POINTE HOMEOWNERS ASSOC INC  
C/O JOHN NEWCOMB  
263 CEDAR PT DR

Acreage 19.68 Class 7 URBANNA

VA 23175

REMLIK HALL-CEDAR POINTE  
19.68 ROADS AND OPEN  
D182-563,211-448,P10-38,D310-430,  
D350-892

Property Location:  
01301 REMLIK DR  
URBANNA VA 23175

Parent R#/M#:

Assessed Value	Land Use	& Value
Year 1/01/2022	Type COMMON SI	Acres 8.76
Land Impr	COMMON SI	10.92
Minr1		
Tot		
Use		

Price	Adj	Value

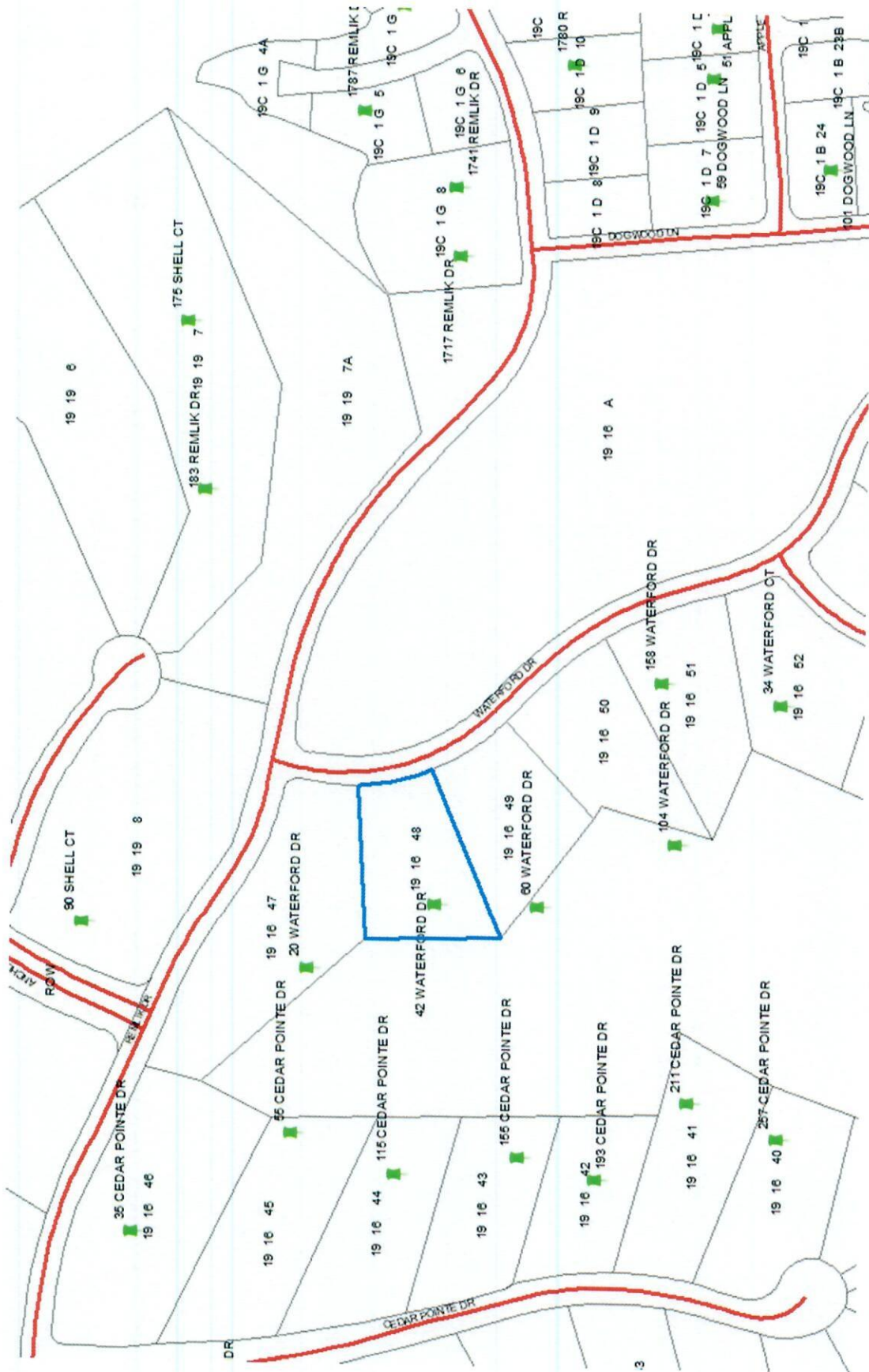
Front	Depth	Dp	Fac	Area	Unit	Rate	Adj

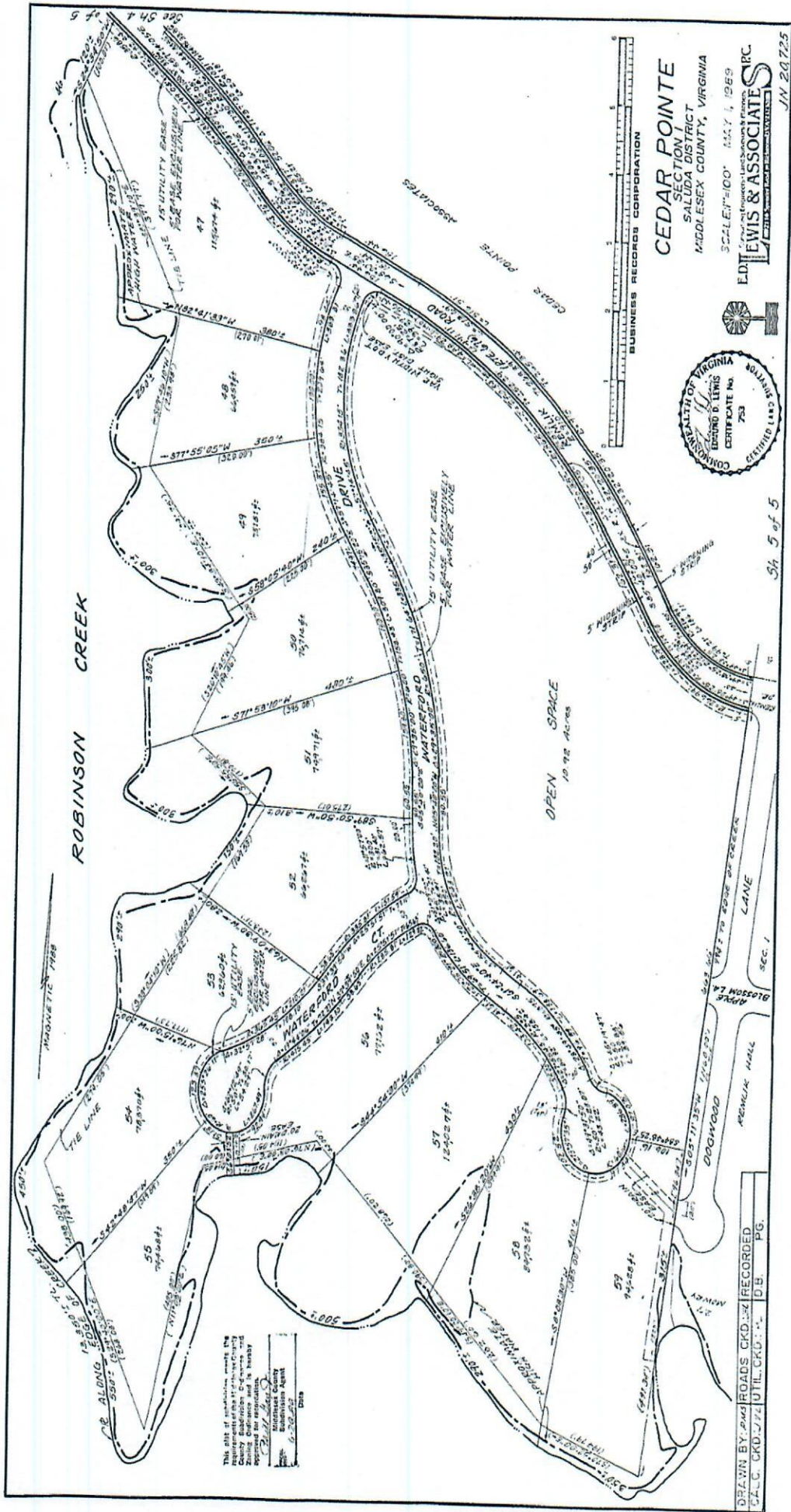
Min Val Under Dev-

Min Val Not Under Dev-

Enter Next Screen F1 Return to Search F3 Exit F12 Next Record

F24 More Keys MID





This plat of subdivision meets the requirements of the Subdivision Control Act, Chapter 13.1, Code of Virginia, and is hereby approved by the Board of Supervisors of Middlesex County, Virginia.

Prepared by: *[Signature]*  
 Submitted to: Board of Supervisors  
 Middlesex County  
 Virginia  
 Date: 5-22-69

**CEDAR POINTE**  
 SALUDA DISTRICT  
 MIDDLESEX COUNTY, VIRGINIA  
 SCALE 1" = 100' MAY 1, 1969  
**ED. LEWIS & ASSOCIATES, P.C.**  
 ENGINEERS AND SURVEYORS

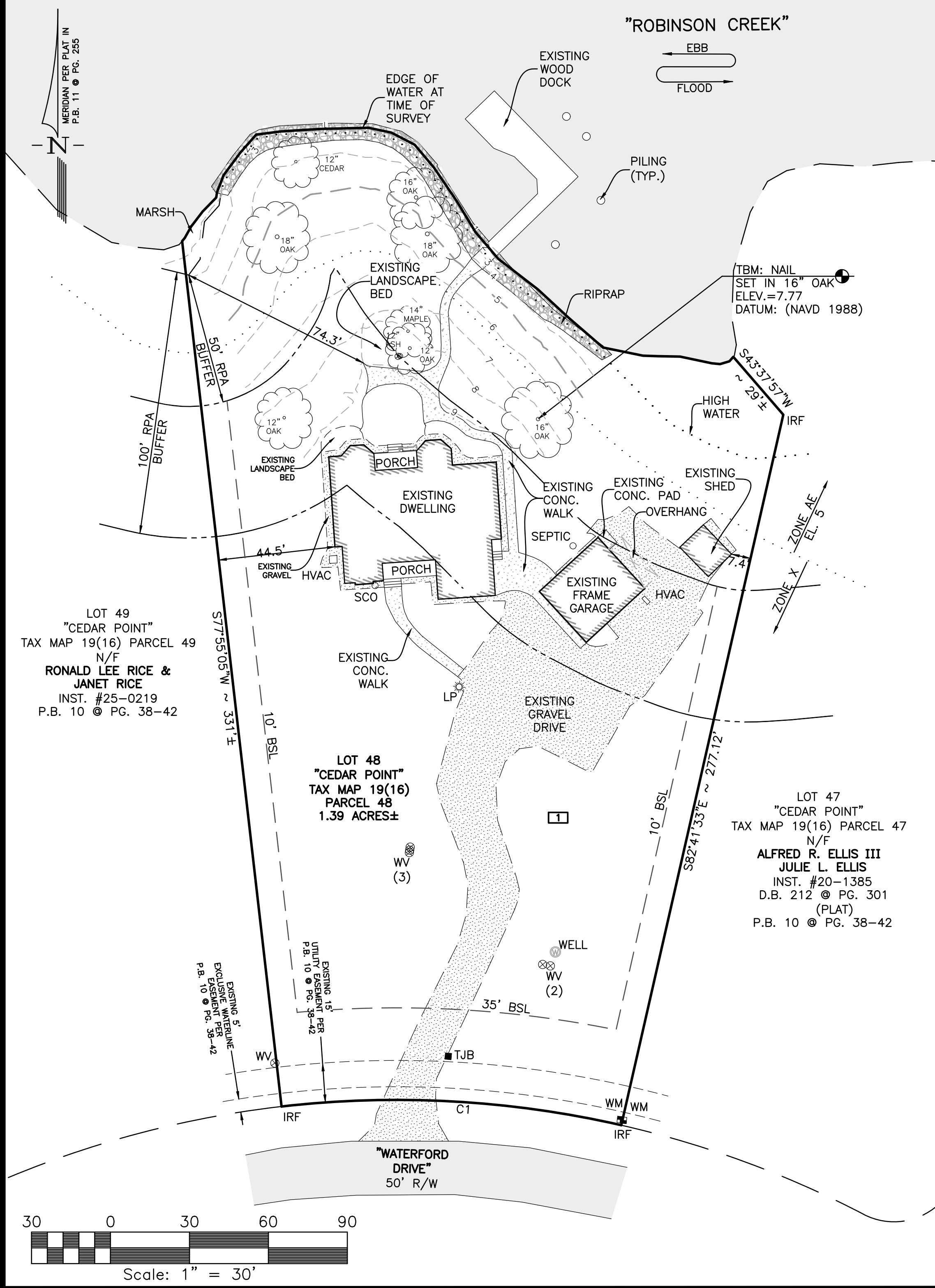


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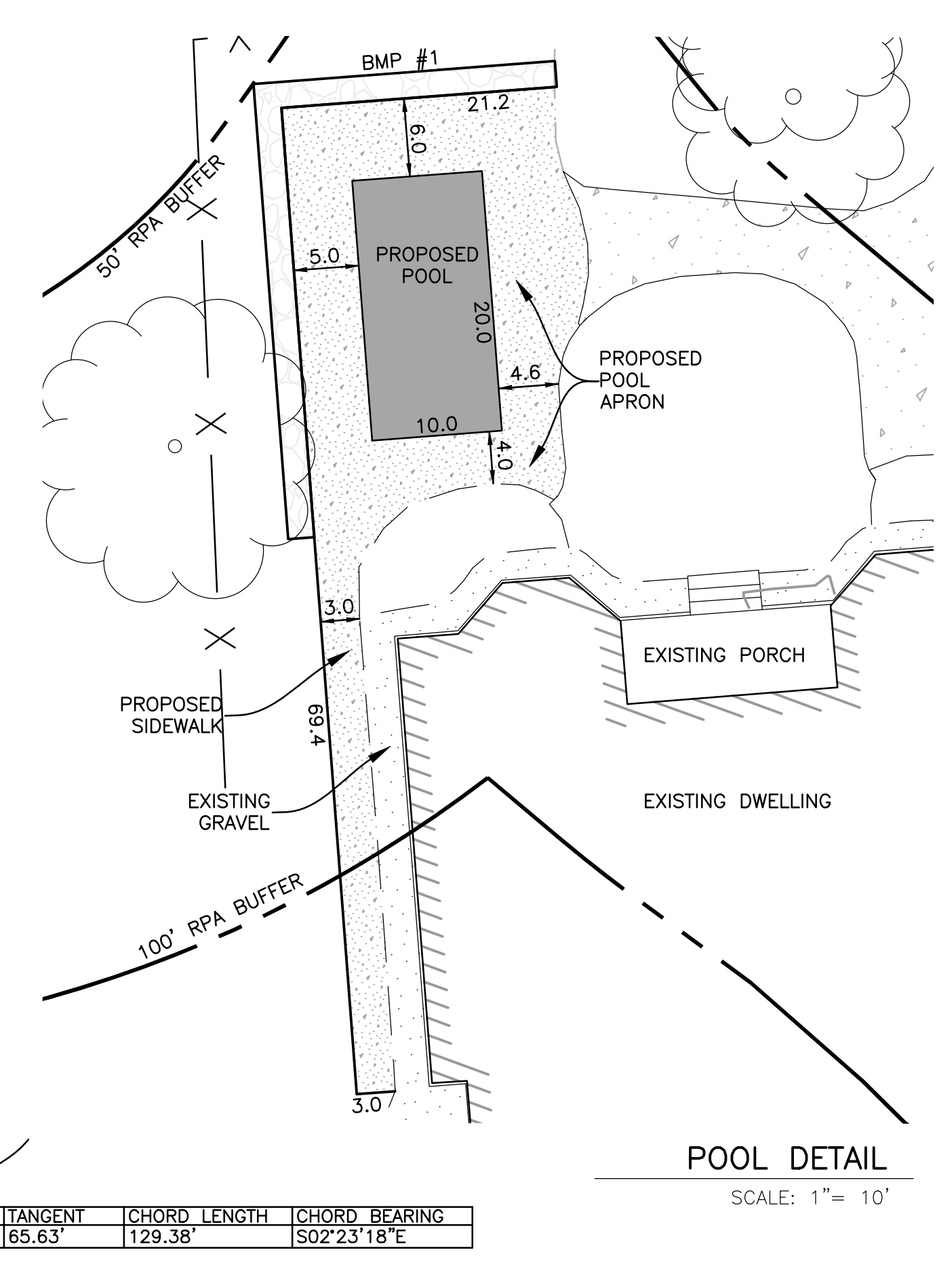
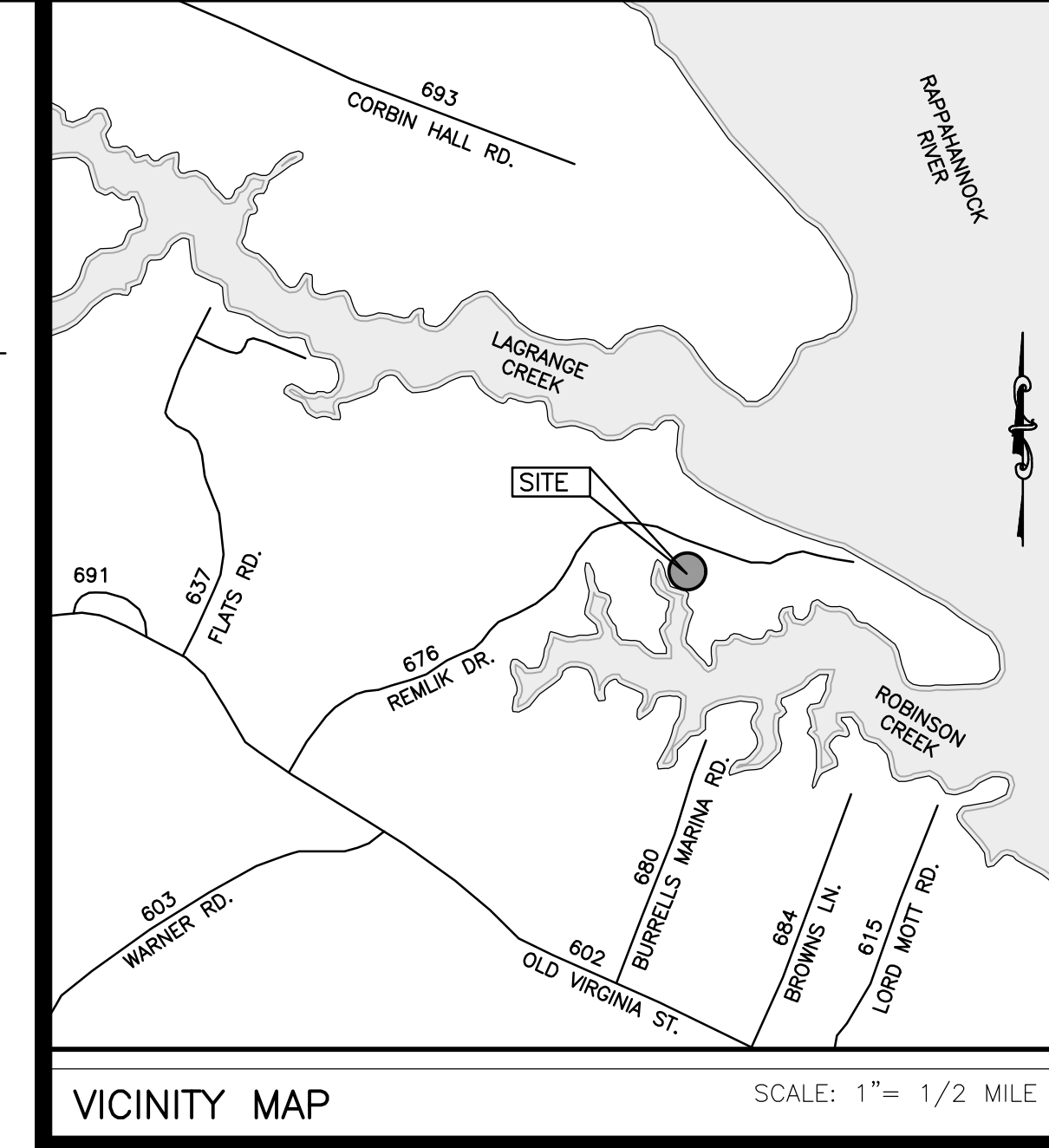
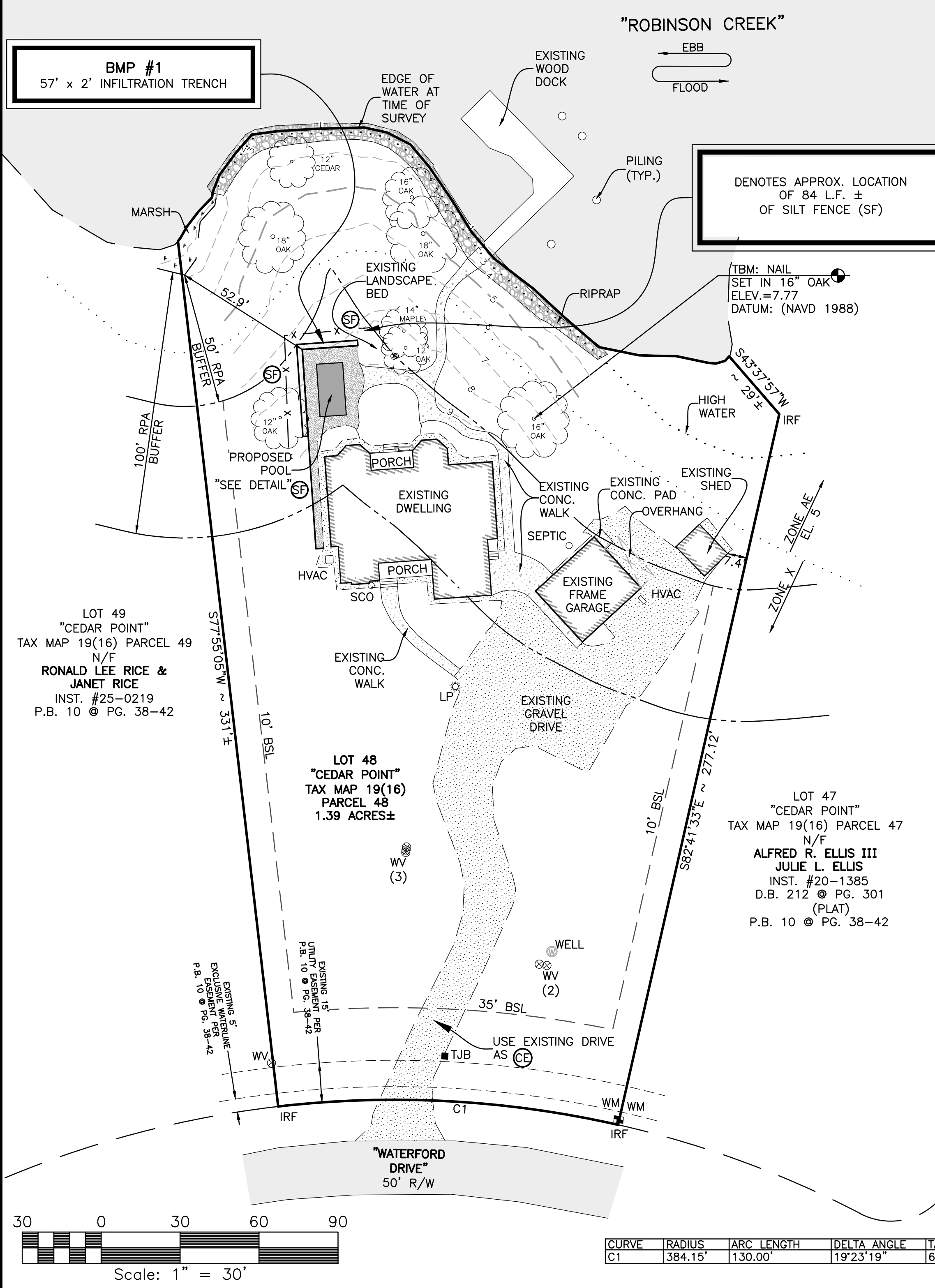
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JAN 24 1969

**EXIST. CONDITIONS**



**PROPOSED LAYOUT**



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	TANGENT	CHORD LENGTH	CHORD BEARING
C1	384.15'	130.00'	19°23'19"	65.63'	129.38'	S02°23'18"E

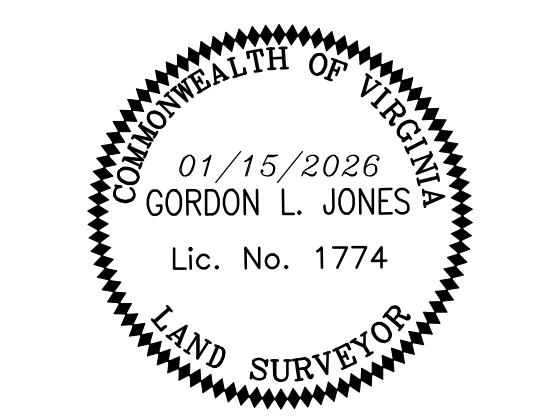
JOB NO. 25038-02

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PROJECT MANAGER: \_\_\_\_\_  
 DESIGNED: JPS  
 CAD: JPS  
 CHECKED: GLJ  
 FILED: 25038BAP  
 DATE: JANUARY 15, 2026  
 REVISED: \_\_\_\_\_  
 REVISED: \_\_\_\_\_



40 CROSS ST., SUITE 100  
 P.O. BOX 51  
 URBANNA, VA 23175  
 (804) 693-2993



PROJECT: \_\_\_\_\_

**SHORES RESIDENCE**

SALUDA DISTRICT  
 MIDDLESEX COUNTY, VIRGINIA  
 SHEET: \_\_\_\_\_

**BAY ACT DEVELOPMENT PLAN**

SHEET NO: \_\_\_\_\_

JOB NO. 25038-02

**GENERAL NOTES:**

- THE LAND DELINEATED HEREON IS LOCATED AT 42 WATERFORD DRIVE, AND IS ON COUNTY TAX MAP NO. 19(16) AS PARCEL 48 AND IS 1.39± AC.
- CURRENT OWNER & PROPERTY REFERENCES:  
 LANCE SCOTT SHORES & WENDY S. SHORES  
 PO BOX 518  
 URBANNA, VA 23175  
 D.B. 375 @ PG. 770; P.B. 10 @ PG. 38-42; D.B. 212 @ PG. 301 (PLAT)
- EDGE OF WATER SHOWN HEREON IS AS OF TIME OF SURVEY AND NO EFFORT IS MADE BY THIS PLAN TO ESTABLISH OWNERSHIP OR ANY OTHER RIGHTS BEYOND THIS LINE.
- THIS PARCEL LIES IN ZONE X, AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AND ZONES AE (EL. 5) AREA DETERMINED TO HAVE BASE FLOOD ELEVATIONS, AS DEFINED ON THE NATIONAL FLOOD INSURANCE RATE MAP PANEL NO. 510098 0115 F DATED MAY 17, 2022. THE ZONE LINES SHOWN ARE APPROXIMATE AND SCALED FROM SAID MAP.
- SITE IS ZONED: R-1 (RESIDENTIAL GENERAL)
- COUNTY SETBACKS: FRONT: 35'  
 SIDE: 10'  
 REAR: 10'

**WATER QUALITY IMPACT CALCULATIONS:**

	IN 100' RPA	ON SITE
<b>1. SITE IMPERVIOUS ANALYSIS</b>		
<b>EXISTING PRE DEVELOPMENT IMPERVIOUS AREA</b>		
EXISTING DWELLING/PORCHES/STAIRS	2,218 S.F.	3,221 S.F.
EXISTING GRAVEL DRIVEWAY	2,246 S.F.	6,984 S.F.
EXISTING GARAGE	954 S.F.	954 S.F.
EXISTING WALKS	1,375 S.F.	1,790 S.F.
EXISTING SHED	192 S.F.	192 S.F.
<b>TOTAL PRE DEVELOPMENT IMPERVIOUS AREA</b>	<b>6,985 S.F.</b>	<b>13,141 S.F.</b>
		<b>(0.30± AC.; 21.6% OF SITE)</b>
<b>PROPOSED POST-DEVELOPMENT IMPERVIOUS AREA</b>		
PROPOSED POOL, POOL APRON & SIDEWALK	+ 738 S.F.	+ 791 S.F.
<b>TOTAL POST DEVELOPMENT IMPERVIOUS AREA</b>	<b>7,723 S.F.</b>	<b>13,932 S.F.</b>
		<b>(0.32 AC.; 23.0% OF SITE)</b>

**2. SUMMARY OF RUNOFF REDUCTION METHOD / NEW DEVELOPMENT ANALYSIS**

- TOTAL SITE	1.39 AC.
- IMPERVIOUS AREA	0.02 AC.
- MANAGED TURF	0.00 AC.
- FORESTED/OPEN SPACE	0.00 AC.
- TP PROPOSED (PER RRM SPREADSHEET)	0.02 lb./yr.
- TP REDUCTION REQ'D (PER RRM SPREADSHEET)	0.01 lb./yr.
- TP REDUCTION ACHIEVED (PER RRM SPREADSHEET)	0.01 lb./yr. = 0.01 lb./yr.; THUS OK
- TP REMAINING (PER RRM SPREADSHEET)	0.00 lb./yr. / 0.02 lb x 100% = 0.0%

RUNOFF REDUCTION PRACTICES UTILIZED  
 - INFILTRATION TRENCH, LEVEL 1 7.0 CA = 0.02 AC. (IMPERVIOUS)

**3. RPA ENCROACHMENT MITIGATION**

- DUE TO ENCROACHMENT INTO THE CURRENTLY REQUIRED 100' R.P.A. FOR CONSTRUCTION OF AN POOL, POOL APRON, SIDEWALK AND THE REMOVAL OF A TREE WITHIN THE RPA, 738 SF RIPARIAN MITIGATION IS TO BE PROVIDED WITH THE FOLLOWING PLANTING PER 400 SF: SEE SHEET C2
- 1 CANOPY TREE (1-1/2" - 2" CALIPER) OR 6' EVERGREEN
  - 2 UNDERSTORY (3/4" - 1-1/2" CALIPER) OR 4' EVERGREEN
  - 3 SMALL SHRUBS OR GROUND COVER (15" TO 18")

- LEGEND:**
- ⊕ IRON ROD FOUND (IRF) OR IRON PIPE FOUND (IPF)
  - ⊕ CONCRETE MONUMENT FOUND (CMF)
  - IRON ROD OR PIPE SET
  - CONCRETE MONUMENT SET
  - POWER POLE
  - TJB TELEPHONE JUNCTION BOX
  - OUL OVERHEAD UTILITY LINE
  - N/F NOW OR FORMERLY
  - R/W RIGHT-OF-WAY
  - PP POWER POLE
  - RPA RESOURCE PROTECTION AREA
  - WV WATER VALVE
  - RPA LIMITS
  - SOIL LINE
  - SOIL TYPE
  - ▨ AREAS TO BE REMOVED

**EROSION CONTROL NOTES**

- UNLESS OTHERWISE INDICATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENTATION CONTROL PRACTICES WILL BE CONSTRUCTED AND MAINTAINED ACCORDING TO THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK AND VIRGINIA REGULATION VEC-2-840-40 EROSION AND SEDIMENT CONTROL REGULATIONS. WHEN THE HANDBOOK CONFLICTS WITH THE REGULATIONS, THE REGULATIONS SHALL TAKE PRECEDENCE.
- A COPY OF THE APPROVED EROSION AND SEDIMENT CONTROL PLAN SHALL BE MAINTAINED ON THE SITE AT ALL TIMES.
- PRIOR TO LAND DISTURBING ACTIVITIES IN AREAS OTHER THAN INDICATED ON THESE PLANS OR OFF-SITE FILL ACTIVITIES, THE CONTRACTOR SHALL SUBMIT A SUPPLEMENTARY EROSION CONTROL PLAN TO THE OWNER FOR REVIEW AND APPROVAL BY THE LOCAL JURISDICTION AT NO ADDITIONAL COST TO THE OWNER.
- THE CONTRACTOR IS RESPONSIBLE FOR INSTALLATION OF ANY ADDITIONAL EROSION CONTROL MEASURES NECESSARY TO PREVENT EROSION AND SEDIMENTATION AS DETERMINED BY THE LOCAL JURISDICTION AT NO ADDITIONAL COST TO THE OWNER.
- SITE GRADING IS TO DRAIN TO THE PERMETER CONTROLS AT ALL TIMES DURING LAND DISTURBING ACTIVITIES AND CONSTRUCTION, UNTIL FINAL STABILIZATION IS ACHIEVED.
- DURING DEWATERING, WATER WILL BE PUMPED INTO SEDIMENT BASINS OR SILT TRAPS.
- THE CONTRACTOR SHALL INSPECT ALL EROSION CONTROL MEASURES DAILY AND AFTER EACH RUNOFF PRODUCING RAINFALL. ANY NECESSARY REPAIRS OR CLEANUP TO MAINTAIN THE EFFECTIVENESS OF THE EROSION CONTROL DEVICES SHALL BE MADE IMMEDIATELY. A RECORD WILL BE MAINTAINED OF THE INSPECTIONS AND MAINTENANCE.
- SOIL STOCK PILES SHALL BE STABILIZED AND PROTECTED WITH SEDIMENT TRAPPING MEASURES.
- PERMANENT OR TEMPORARY SOIL STABILIZATION SHALL BE APPLIED TO DENUDED AREAS WITHIN 7 DAYS AFTER FINAL GRADE IS CONSTRUCTED ON ANY PORTION OF THE SITE. TEMPORARY SOIL STABILIZATION SHALL BE APPLIED WITHIN SEVEN DAYS TO DENUDED AREAS THAT MAY NOT BE FINAL GRADE OR WILL REMAIN DORMANT (UNDISTURBED) FOR LONGER THAN 30 DAYS. PERMANENT STABILIZATION SHALL BE APPLIED TO AREAS THAT ARE TO BE LEFT DORMANT FOR MORE THAN 1 YEAR.
- EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AS A FIRST STEP AND BE MADE FUNCTIONAL BEFORE ANY LAND DISTURBING ACTIVITIES AND SHALL MAINTAIN FUNCTION THROUGHOUT THE DURATION OF THE PROJECT TO FINAL APPROVAL AND RELEASE.
- STABILIZATION MEASURES SHALL BE APPLIED TO EARTHEN STRUCTURES SUCH AS DAMS, DIKES AND DIVERSIONS IMMEDIATELY AFTER INSTALLATION.
- BEFORE NEWLY CONSTRUCTED STORMWATER CONVEYANCE CHANNELS ARE MADE OPERATIONAL, ADEQUATE PROTECTION AND ANY REQUIRED TEMPORARY OR PERMANENT CHANNEL LINING SHALL BE INSTALLED IN BOTH THE CONVEYANCE CHANNEL AND RECEIVING CHANNEL.
- ALL TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED WITHIN 30 DAYS AFTER FINAL SITE STABILIZATION IS ACHIEVED, AS DETERMINED BY THE COUNTY ENVIRONMENTAL INSPECTOR.
- ALL MINIMUM STANDARDS (MS) OF THE VIRGINIA EROSION AND SEDIMENT CONTROL REGULATIONS APPLY TO THIS PROJECT.

**SEEDING NOTES**

- ALL STABILIZATION/SEEDING WILL BE ACCOMPLISHED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK.
- ANY DISTURBED AREA NOT PAVED, SODOED, OR BUILT UPON WILL HAVE A MINIMUM OF 80% VEGETATIVE COVER PRIOR TO FINAL INSPECTION, AND IN THE OPINION OF THE DIVISION OF SOIL AND WATER CONSERVATION WILL BE MATURE ENOUGH TO CONTROL SOIL EROSION SATISFACTORILY AND SURVIVE SEVERE WEATHER CONDITIONS.
- STREAM DIVERSION AREAS, WATERWAYS, BANKS AND RELATED AREAS WILL BE SEEDED AND MULCHED AFTER WORK IN WATERCOURSE IS COMPLETED.
- WATERWAY - ANY DISTURBED AREA NOT PAVED, SODOED OR BUILT UPON BY OCTOBER 15 IS TO BE SEEDED AND MULCHED ON THAT DATE UNLESS WAIVED BY THE DECISION OF SOIL AND WATER CONSERVATION.
- TEMPORARY SEEDING WILL BE APPLIED WITHIN 7 DAYS TO DENUDED AREAS WHICH MAY NOT BE AT FINAL GRADE BUT WILL REMAIN DORMANT (UNDISTURBED) FOR LONGER THAN 14 DAYS. FOR TEMPORARY SEEDING USE 50% OF THE RECOMMENDED RATES OF FERTILIZER, LIME AND FULL AMOUNT OF SEED AND MULCH REQUIRED FOR REGULAR SEEDING.
- ELECTRIC POWER, TELEPHONE, AND GAS SUPPLY TRENCHES ARE TO BE COMPLETED, SEEDED AND MULCHED WITHIN 7 DAYS AFTER BACKFILL.
- ALL TEMPORARY BARRIERS, DIVERSIONS, AND DAMS ARE TO BE MULCHED AND SEEDED FOR VEGETATIVE COVER IMMEDIATELY AFTER GRADING. STRAW OR HAY MULCH IS REQUIRED. THE SAME APPLIES TO ALL STOCKPILES ON SITE AS WELL AS SOIL INTENTIONALLY TRANSPORTED FROM THE PROJECT SITE.
- PERMANENT SEEDING MIXTURE:
 

KENTUCKY 31 TALL FESCUE	93-108 lbs./Ac.
RED TOP GRASS	2 lbs./Ac.
SEASONAL NURSE CROP	20 lbs./Ac.
COMMON BERMUDAGRASS**	0-15 lbs./Ac.
SERICEA LESPEDEZ**	20 lbs./Ac.
<b>TOTAL</b>	<b>150 lbs./Ac.</b>
- SEASONAL NURSE CROP:
 

FEBRUARY - MARCH THRU APRIL - ANNUAL RYE
MAY 1 THRU AUGUST - FOXTAIL MILLET
SEPTEMBER, OCTOBER THRU NOVEMBER 15 - ANNUAL RYE
NOVEMBER 16 THRU JANUARY - WINTER RYE
- \*\* MAY THRU OCTOBER, USE HULLED SEED. ALL OTHER SEEDING PERIODS, USE UNHULLED SEED. WEEDING LOVEGRASS MAY BE ADDED TO ANY SLOPE OR LOW-MAINTENANCE MA DURING WARMER SEEDING PERIODS; ADD 10-20 lbs./Ac. IN MIXES.
- SEEDBED PREPARATION: LIME AND FERTILIZER IS TO BE INCORPORATED INTO THE TOP 4 TO 6 INCHES OF THE SOIL BY DISCING OR OTHER MEANS AT THE FOLLOWING RATE:
 

LIME - PULVERIZED AGRICULTURAL GRADE LIMESTONE (OR EQUIVALENT) 2 TONS/AC.
FERTILIZER - 10-20-10 (OR EQUIVALENT) 1000 lbs./Ac.
- MULCHING: ALL PERMANENT SEEDING MUST BE MULCHED IMMEDIATELY UPON COMPLETION OF SEED APPLICATION WITH STRAW, HAY OR WOOD CELLULOSE FIBER (OR EQUIVALENT) IN AN AMOUNT SUFFICIENT TO SHADE A MINIMUM OF 80% OF THE AREA SEEDED AND/OR AS MAY BE REQUIRED TO PREVENT "WASHOUT".

**STANDARD NOTES**

- ALL CONSTRUCTION AND MATERIALS SHALL CONFORM WITH THE LATEST EDITION OF STANDARDS AND SPECIFICATIONS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION, EXCEPT WHERE COUNTY STANDARDS ARE APPLICABLE.
- THE CONTRACTOR SHALL NOTIFY THE OWNER AT LEAST 48 HOURS PRIOR TO STARTING WORK ON THE PROJECT.
- ALL PERMITS, INSPECTIONS AND APPROVALS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND AT HIS EXPENSE.
- CONTRACTOR IS REQUIRED TO MAINTAIN ALL DITCHES, PIPE, AND OTHER DRAINAGE STRUCTURES FREE FROM OBSTRUCTION UNTIL ACCEPTED BY THE OWNER. CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGE CAUSED BY FAILURE TO MAINTAIN THE WATERWAYS IN OPERABLE CONDITION.
- CONTRACTOR SHALL DISPOSE OF ALL SURPLUS MATERIAL, OFF-SITE IN AN APPROVED AREA AND MANNER AND IN ACCORDANCE WITH AN APPROVED EROSION AND SEDIMENT CONTROL PLAN.
- THE LOCATION OF ALL EXISTING UTILITIES MAY OR MAY NOT BE SHOWN; AND WHERE SHOWN IS APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY THE LOCATION OF ALL EXISTING UTILITIES TO HIS SATISFACTION PRIOR TO EXCAVATION.
- THE CONTRACTOR SHALL PROVIDE PROPER NOTIFICATION TO "MISS UTILITY" (1-800-552-7001) PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- CONTRACTOR IS REQUIRED TO VISIT THE SITE PRIOR TO PRICING THE JOB. HE SHALL BRING TO THE ATTENTION OF THE ENGINEER ANY DISCREPANCIES NOTED IN HIS VISIT OR REVIEW OF THE CONTRACT DOCUMENTS.

**DEVICE MAINTENANCE**

- IN GENERAL, ALL EROSION AND SEDIMENT CONTROL MEASURES WILL BE CHECKED DAILY AND AFTER EACH RUN-OFF PRODUCING RAINFALL. THE FOLLOWING ITEMS WILL BE CHECKED IN PARTICULAR:
- THE GRAVEL OUTLETS AND INLETS TO ALL PIPES AND DRAINAGE STRUCTURES WILL BE CHECKED REGULARLY FOR SEDIMENT BUILDUP WHICH WILL PREVENT DRAINAGE. IF THE GRAVEL IS CLOGGED BY SEDIMENT, IT SHALL BE REMOVED AND CLEANED OR REPLACED. AT A MINIMUM, MONTHLY INSPECTIONS SHALL BE PERFORMED DURING THE FIRST YEAR AFTER INSTALLATION.
  - THE SILT FENCE BARRIER WILL BE CHECKED REGULARLY FOR UNDERMINING OR DETERIORATION OF THE FABRIC. SEDIMENT SHALL BE REMOVED WHEN THE LEVEL OF THE SEDIMENT DEPOSITION REACHES HALF WAY TO THE TOP OF THE BARRIER.
  - THE SEEDED AREAS WILL BE CHECKED REGULARLY TO ENSURE THAT A GOOD STAND IS MAINTAINED. AREAS WILL BE FERTILIZED AND RE-SEEDED AS NEEDED. MOWING OF ANY EMBANKMENTS WILL NOT OCCUR DURING THE FIRST YEAR OF GROWTH TO PERMIT SEEDED AREAS TO BECOME WELL ESTABLISHED.

**EROSION AND SEDIMENT CONTROL NARRATIVE**

**PROJECT DESCRIPTION**  
THIS PROJECT CONSISTS OF THE REMOVAL OF A PORTION OF AN EXISTING GRAVEL DRIVE, THE RELOCATION OF AN EXISTING SHED AND THE CONSTRUCTION OF A GARAGE APARTMENT. THE TOTAL LAND DISTURBANCE AS A RESULT OF THIS INSTALLATION WILL BE APPROXIMATELY 0.03± ACRES ON THE 1.39± ACRE PARCEL.

**EXISTING SITE CONDITIONS**  
THE EXISTING SITE IS PARTIALLY WOODED WITH R-1 (RESIDENTIAL GENERAL) ZONING. THE NATURAL TOPOGRAPHY OF THE SITE HAS SLOPES AND DRAINAGE PATTERNS LEADING TO ROBINSON CREEK, A TRIBUTARY OF THE RAPPAHANNOCK RIVER, WHICH LEADS TO THE CHESAPEAKE BAY.

**ADJACENT PROPERTY**  
THE SITE IS BOUNDED ON THE EAST BY WATERFORD DRIVE, WEST BY ROBINSON CREEK, AND NORTH AND SOUTH BY OTHER RESIDENTIAL PARCELS.

**OFF-SITE AREAS**  
THERE ARE NO OFFSITE AREAS NEEDED FOR THIS DEVELOPMENT.

**SOILS**  
1- ACKWATER SILT LOAM

**CRITICAL EROSION AREAS**  
THE POTENTIAL FOR EROSION WILL EXIST IN THE DISTURBANCE AREA THAT IS NECESSARY FOR CONSTRUCTION AND SITE GRADING. TEMPORARY SILT FENCE WILL BE PLACED SO THAT SEDIMENT LADEN WATER IS FILTERED BEFORE OUTFALL INTO ROBINSON CREEK. THE CONTRACTOR SHALL CHECK ALL CONTROL DEVICES REGULARLY FOR SIGNS OF ERODED MATERIALS AND NEEDED REPAIRS.

**EROSION AND SEDIMENT CONTROL MEASURES**  
UNLESS OTHERWISE INDICATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CONSTRUCTED AND MAINTAINED ACCORDING TO THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE HANDBOOK. THE MINIMUM STANDARDS OF THE VESCH SHALL BE ADHERED TO UNLESS OTHERWISE WAIVED OR APPROVED BY A VARIANCE.

**STRUCTURAL PRACTICES**

- SILT FENCE BARRIER - 3.05  
SILT FENCE SEDIMENT BARRIERS WILL BE INSTALLED DOWNSLOPE OF AREAS WITH MINIMAL GRADES TO FILTER SEDIMENT-LADEN RUNOFF FROM SHEET FLOW AS INDICATED ON THE PLANS.
- CONSTRUCTION ENTRANCE - 3.02  
THE EXISTING GRAVEL DRIVEWAY SHALL BE USED AS THE PROJECT CONSTRUCTION ENTRANCE. UNDERCARRIAGE WASHING MAY BE DETERMINED TO BE REQUIRED IF EXCESS SEDIMENT IS TRANSPORTED ONTO WATERFORD DR.

**VEGETATIVE PRACTICES**

- TOP SOILING  
TOPSOIL WILL BE STRIPPED FROM AREAS TO BE GRADED AND TEMPORARILY STORED ON SITE (WITHIN DISTURBANCE AREA) FOR RE-USE IN FINAL GRADING/SEEDING.
- TEMPORARY SEEDING - 3.31  
ALL DENUDED AREAS WHICH WILL BE LEFT DORMANT FOR EXTENDED PERIODS OF TIME SHALL BE SEEDED WITH FAST GERMINATING TEMPORARY VEGETATION IMMEDIATELY FOLLOWING GRADING. SELECTION OF THE SEED MIXTURE WILL DEPEND ON THE TIME OF YEAR IT IS APPLIED.
- EROSION CONTROL BLANKETS - 3.36 OR MULCH - 3.35  
EROSION CONTROL BLANKETS WILL BE INSTALLED OVER FILL SLOPES WHICH HAVE BEEN BROUGHT TO FINAL GRADE AND HAVE BEEN SEEDED TO PROTECT THE SLOPES FROM RILL AND GULLY EROSION AND TO ALLOW SEED TO GERMINATE PROPERLY. MULCH (STRAW OR FIBER) WILL BE USED ON RELATIVELY FLAT AREAS AND WILL BE APPLIED AS A SECOND STEP IN THE SEEDING OPERATION.

**MANAGEMENT STRATEGIES**

- CONSTRUCTION WILL BE SEQUENCED SO THAT GRADING OPERATIONS CAN BEGIN AND END AS QUICKLY AS POSSIBLE.
- SEDIMENT FENCING MEASURES WILL BE INSTALLED AS A FIRST STEP IN GRADING.
- TEMPORARY SEEDING OR OTHER STABILIZATION WILL FOLLOW IMMEDIATELY AFTER GRADING.
- THE JOB SUPERINTENDENT SHALL BE RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL PRACTICES.
- AFTER ACHIEVING ADEQUATE STABILIZATION, THE TEMPORARY E & S CONTROLS WILL BE CLEANED UP AND REMOVED AND ANY AREAS DISTURBED DURING THIS OPERATION WILL BE FERTILIZED AND RESEEDED AS NEEDED.

**CONSTRUCTION SEQUENCE**

- HOLD PRE CONSTRUCTION MEETING.
- INSTALL SILT FENCE.
- TEMPORARY SEED ALL DENUDED AREAS PER STATE EROSION AND SEDIMENT CONTROL REQUIREMENTS AS NECESSARY PRIOR TO FINE GRADING AND FINAL SEEDING.
- REMOVE PORTIONS OF DRIVE AND RELOCATE SHED AND CONSTRUCT GARAGE AND BMP.
- FINE GRADE, SEED AND MULCH ALL DENUDED AREAS WITH PERMANENT SEEDING.
- ALLOW FOR PERMANENT SEEDING TO BECOME SUFFICIENTLY ESTABLISHED TO DETER EROSION.
- ALL REMAINING EROSION CONTROL DEVICES SHALL BE REMOVED AFTER PERMANENT SEEDING ESTABLISHED.

**PERMANENT STABILIZATION**

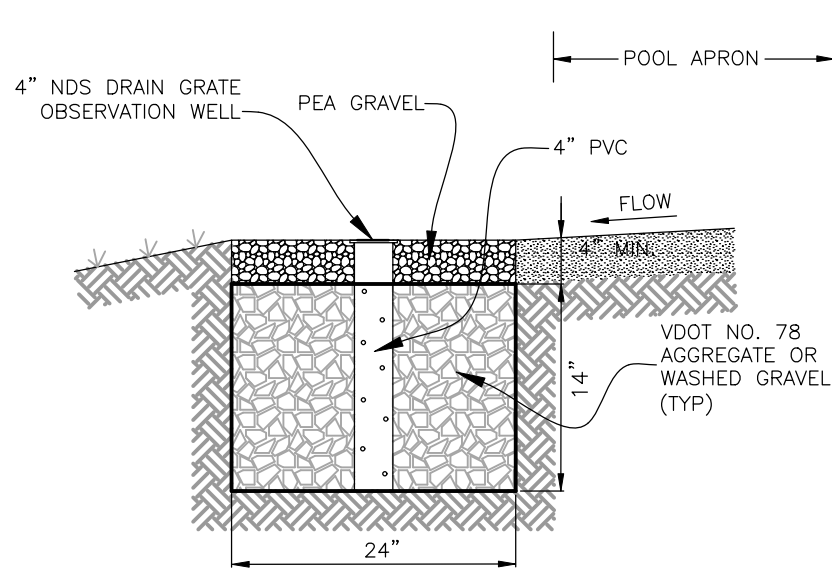
ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE STABILIZED WITH PERMANENT SEEDING IMMEDIATELY FOLLOWING FINAL GRADING. SEEDING SHALL BE DONE WITH KENTUCKY 31 TALL FESCUE ACCORDING TO STD. & SPEC. 3.32, PERMANENT SEEDING, OF THE HANDBOOK. EROSION CONTROL BLANKETS WILL BE INSTALLED OVER FILL SLOPES WHICH HAVE BEEN BROUGHT TO FINAL GRADE AND HAVE BEEN SEEDED TO PROTECT THE SLOPES FROM RILL AND GULLY EROSION AND TO ALLOW SEED TO GERMINATE PROPERLY. MULCH (STRAW OR FIBER) WILL BE USED ON RELATIVELY FLAT AREAS. IN ALL SEEDING OPERATIONS, SEED, FERTILIZER AND LIME WILL BE APPLIED PRIOR TO MULCHING.

**STORM WATER MANAGEMENT**

THERE WILL BE A SLIGHT INCREASE IN IMPERVIOUS AREA AS A RESULT OF THE CONSTRUCTION COMPARED TO THE CURRENTLY DEVELOPED CONDITION. HOWEVER, ONE STRUCTURAL BMP FACILITY IS UTILIZED THAT WILL REDUCE THE TOTAL RUNOFF BY 68 CF. THE RESULTANT TOTAL RUNOFF IS DIRECTED TO ROBINSON CREEK, A NATURAL TIDAL OUTFALL THAT IS CONSIDERED ADEQUATE. THUS, THE PROJECT IS IN COMPLIANCE WITH MS-19.

**MAINTENANCE**

- IN GENERAL, ALL EROSION AND SEDIMENT CONTROL MEASURES WILL BE CHECKED DAILY AND AFTER EACH SIGNIFICANT RAINFALL. THE FOLLOWING ITEMS WILL BE CHECKED IN PARTICULAR:
- THE SILT FENCE BARRIERS WILL BE CHECKED REGULARLY FOR UNDERMINING OR DETERIORATION OF THE FABRIC. SEDIMENT SHALL BE REMOVED WHEN THE LEVEL OF SEDIMENT DEPOSITION REACHES HALF WAY TO THE TOP OF THE BARRIER.
  - THE SEEDED AREAS WILL BE CHECKED REGULARLY TO ENSURE THAT A GOOD STAND IS MAINTAINED. AREAS SHOULD BE FERTILIZED AND RESEEDED AS NEEDED.



**BMP #1: (57'L) INFILTRATION TRENCH & OBSERVATION WELL DETAIL**

SCALE: NONE

**RIPARIAN BUFFER LANDSCAPE PLAN:**

(1) A 738 SF RIPARIAN MITIGATION AREA IS REQUIRED.  
(738 SF/400 SF (PLANTING UNIT)=1.84= 2 UNITS)

(2) RETAIN EXISTING TREES WITHIN RIPARIAN MITIGATION AREA AS SHOWN AND PLANT ADDITIONAL NURSERY STOCK (AS FOLLOWS):

- 2 CANOPY TREES (1-1/2" - 2" CALIPER)  
SUBSTITUTE 6 SHRUBS FOR 2 CANOPY TREES
- 4 UNDERSTORY TREES (3/4" - 1 1/2" CALIPER)  
SUBSTITUTE 6 SHRUBS FOR 4 UNDERSTORY TREES
- 18 SMALL SHRUBS GROUND COVER PLANTS  
(15" TO 18") INKBERRY (Ilex glabra)

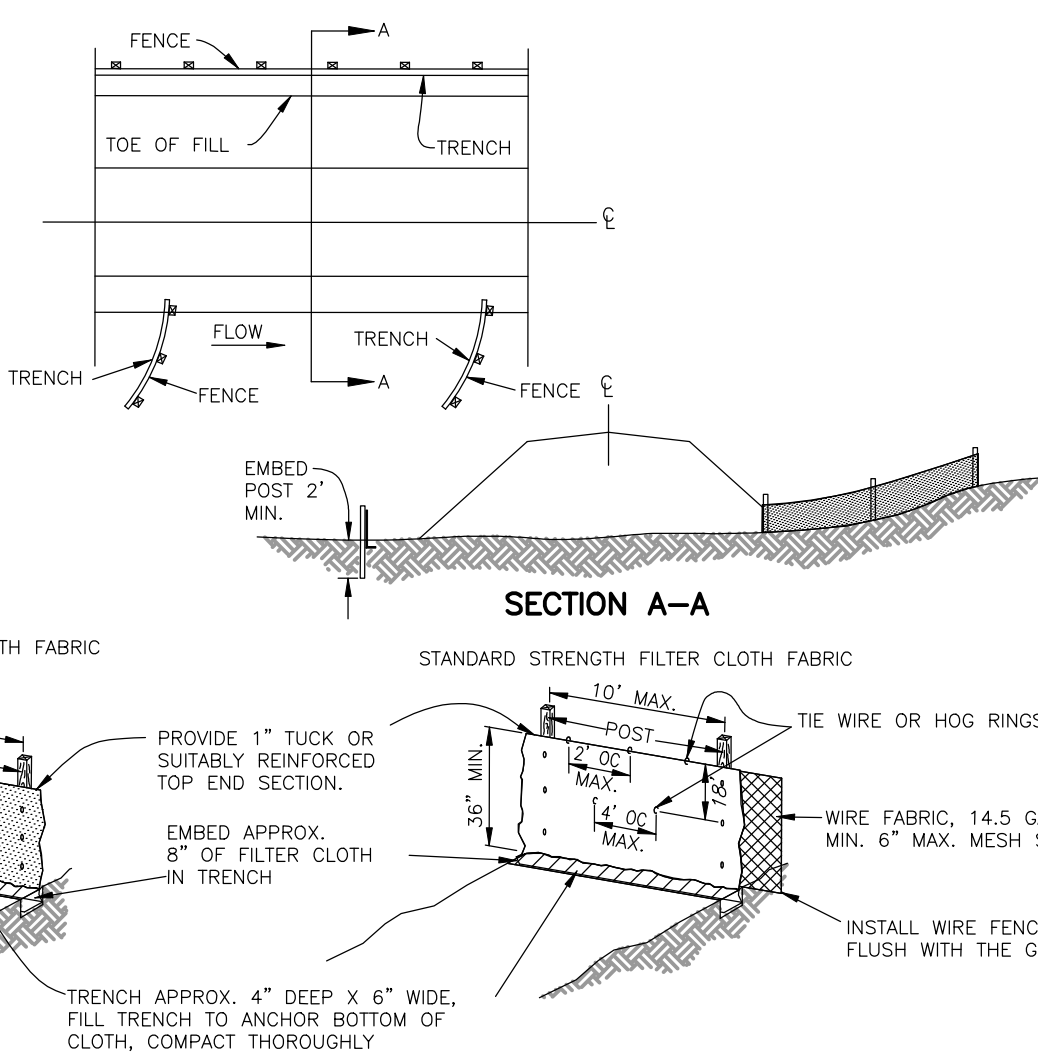
(3) LOCATION AND SPECIES OF INDIVIDUAL TREES AND SHRUBS TO BE AS SHOWN ON THIS PLAN, UNLESS OTHERWISE APPROVED BY MIDDLESEX COUNTY.

**BMP INSPECTION & MAINTENANCE**

**I. GENERAL**

- PERIODIC INSPECTIONS (BUT NO LESS THAN ANNUAL) ARE THE RESPONSIBILITY OF THE PROPERTY OWNER(S) AND SHALL BE CONDUCTED FOR THE BMP NOTED BELOW.
- INSPECTION REPORTS SHALL BE MAINTAINED ON-SITE AND PROVIDED TO MIDDLESEX COUNTY DEPARTMENT OF ENVIRONMENTAL PROGRAMS AS REQUESTED.
- INSPECTION RECORDS SHALL BE RETAINED FOR A MINIMUM OF 5 YEARS FROM INSPECTION DATE.

**II. MAINTENANCE IS LIMITED TO REMOVAL OF ANY ACCUMULATED DEBRIS ON THE SURFACE OF THE INFILTRATION TRENCH.**



**SILT FENCE INSTALLATION**

SCALE: NONE



**NOTES:**

- SILT FENCE AND FILTER MUST BE ENTRENCHED. POST FOR SILT FENCES SHALL BE EITHER 2.5 X 2 INCH DIAMETER WOOD OR 1.25 POUNDS PER LINEAR FOOT STEEL WITH A MINIMUM LENGTH OF 5 FEET. STEEL POST SHALL HAVE PROJECTIONS FOR FASTENING WIRE TO THEM.
- WIRE FENCE REINFORCEMENT FOR SILT FENCES USING STANDARD STRENGTH FILTER CLOTH SHALL BE A MINIMUM OF 42 INCHES IN HEIGHT, A MINIMUM OF 14 GAUGE AND SHALL HAVE A MAXIMUM MESH SPACING OF 6 INCHES.
- POST SHALL BE SPACED A MAXIMUM OF 10 FEET APART AT THE BARRIER LOCATION AND DRIVEN SECURELY INTO THE GROUND (MIN. OF 12 INCHES) WHEN EXTRA STRENGTH FABRIC IS USED. WITHOUT THE WIRE SUPPORT FENCE, POST SHALL NOT EXCEED 6 FEET.
- WHEN EXTRA STRENGTH FILTER FABRIC AND CLOSER POST SPACING ARE USED, THE WIRE MESH SUPPORT FENCE MAY BE ELIMINATED. IN SUCH A CASE, THE FILTER FABRIC IS STAPLED OR WIRED DIRECTLY TO THE POST.
- SEDIMENT MUST BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE-HALF THE HEIGHT OF THE BARRIER.
- ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE OR FILTER BARRIER IS NO LONGER REQUIRED SHALL BE DRESSED TO CONFORM WITH THE EXISTING GRADE, PREPARED AND SEEDED.
- UNDER NO CIRCUMSTANCES SHOULD SILT FENCE BE CONSTRUCTED IN LIVE STREAMS.
- SILT FENCE SHALL BE REMOVED UPON COMPLETION OF THE PROJECT.

THIS DRAWING IS THE PROPERTY OF BAY DESIGN GROUP AND IS NOT TO BE REPRODUCED OR USED FOR ANY PROJECT IN WHOLE OR IN PART WITHOUT EXPRESS WRITTEN PERMISSION.

**PROJECT MANAGER:** GLJ

**DESIGNED:** JPS

**CAD:** JPS

**CHECKED:** GLJ

**FILED:** 25038BAP

**DATE:** JANUARY 15, 2026

**REVISED:**

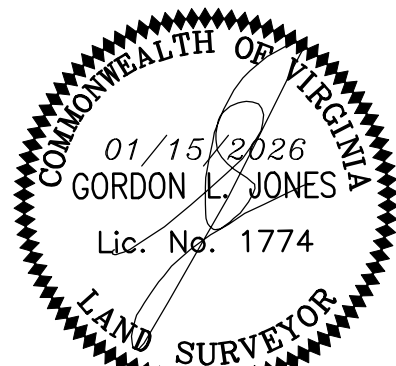
**REVISED:**



Engineering Surveying & Land Planning

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40 CROSS ST., SUITE 100  
P.O. BOX 51  
URBANA, VA 23175  
(804) 693-2993



**PROJECT:**

**SHORES RESIDENCE**

SALUDA DISTRICT  
MIDDLESEX COUNTY, VIRGINIA

**SHEET:**

**BAY ACT DEVELOPMENT PLAN**

**SHEET NO:**



## Middlesex County Board of Zoning Appeals Report

MEETING DATE: March 16, 2026

PREPARER: Marc Longest

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### CBPA Exception 2026-03

#### Request:

CBPA Exception No. 2026-03 submitted by Bay Design Group C/O Lance Shores, requesting an exception to Zoning Ordinance Article 4A, Section 4A-4-A.4, Chesapeake Bay Preservation (CBP) District for the encroachment into the 100' Buffer for a proposed pool and pool apron. The application requests a Forty-Seven and One Tenth (47.1) foot exception from the minimum One Hundred (100) foot Resource Protection Area (RPA) setback requirement of Zoning Ordinance Section 4A-7, Chesapeake Bay Preservation (CBP) District. The property for which the exception is requested is located at 42 Waterford Drive, Urbanna, VA 23175; it is further identified as Tax Map Parcel # 19-16-48 in the Saluda Magisterial District.

#### Property Data:

Tax Map Lot Numbers- 19-16-48

Property Address: 42 Waterford Drive, Urbanna, VA 23175

Existing Land Use: Residential

Current Zoning: Residential (R)

Comprehensive Plan: Future Land Use Map depicts this parcel as High Density Residential

Property Size: 1.39 +/- Acres

Lot Recorded: Recorded on or about June 26, 1989 (*Deed Book 182 Page 563*)

#### Surrounding Land Uses:

North- Water

East- Residential (R)

South- Residential (R)

West- Residential (R)

#### ANALYSIS:

The Applicant is requesting an Exception for a proposed pool and pool apron. The requested use is considered an accessory use and would require an Exception to be granted as they are located within the 100' RPA Buffer. The placement of the pool is placed such that it will meet building setbacks while maintaining minimal encroachment as possible given the current location placement of existing improvements. The proposed BMP is located around the perimeter of the

pool and pool apron to collect any runoff as the land sloped towards the existing marsh. Applicants have included a vegetation plan surrounding the proposed BMP to incorporate an additional avenue to offset the proposed impervious area.

#### **4A-15. Exceptions.**

C. The Board of Zoning Appeals shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the Zoning Ordinance if the Board of Zoning Appeals finds:

1. Granting the exception will not confer upon the applicant any special privileges denied by this Article to other property owners in the Overlay District;
  - a. **The hardship related to the 100' buffer noting existing conditions based off improvements.**
  - b. **Pool placement is least intrusive, remaining beyond the 50' shown on the plan provided to the RPA features.**
2. 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;
  - a. **The lot conditions exist as shown on the design from the Engineer.**
3. The exception request is the minimum necessary to afford relief;
  - a. **The request will meet Zoning Setbacks for the Residential District**
  - b. **Placement of the improvements appears to be the least intrusive on the property as it relates to existing conditions.**
4. The exception request will be in harmony with the purpose and intent of the Overlay District, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and;
  - a. **Run-off calculations have been provided that will collect and disperse water into a BMP before entering the watershed.**
  - b. **Calculations have been provided to reduce the amount of runoff to Robinson Creek, thus improving water quality.**
  - c. **Additional vegetation plantings are proposed on the perimeter of the pool before reaching the watershed.**
5. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.
  - a. **The Water Quality Impact Assessment Report shows an improvement in water quality as required with the structural and vegetative BMP's.**
  - b. **A BMP Agreement will be required along with adherence to the BMP Maintenance Schedule provided with the engineered plans.**

### **Staff Recommendation:**

**Staff Recommends Approval of CBPA Exception No. 2026-03 submitted by Bay Design Group C/O Lance Shores, requesting an exception to Zoning Ordinance Article 4A, Section 4A-4-A.4, Chesapeake Bay Preservation (CBP) District for the encroachment into the 100' Buffer for a proposed pool and pool apron. The application requests a Forty-Seven and One Tenth (47.1) foot exception from the minimum One Hundred (100) foot Resource Protection Area (RPA) setback requirement of Zoning Ordinance Section 4A-7, Chesapeake Bay Preservation (CBP) District. The property for which the exception is requested is located at 42 Waterford Drive, Urbanna, VA 23175; it is further identified as Tax Map Parcel # 19-16-48 in the Saluda Magisterial District with the following conditions:**

1. Clearing and grading shall be limited to areas shown on the proposed plan of development.
2. A CBPA BMP Agreement shall be recorded with the Middlesex County Clerk's Office prior to issuance of a building permit.
3. All storm water management BMP's shall be maintained according to Device Maintenance which is included in the recorded BMP Agreement.
4. All necessary erosion and sediment controls shall be installed prior to any land disturbance and shall remain in place and properly maintained until the project is complete.
5. The applicant shall obtain a Building and Zoning Permit within one (1) year of approval of the Board of Zoning Appeals per Section 4A-15.F of the Zoning Ordinance.

Staff reminds the board that the five findings of fact listed in Article 4A-15 must be satisfied in order to take action for approval or denial.

Staff also reminds the Board that additional conditions may be placed on the project should the Board so decide in the event of approval.

### **Board Zoning Appeals Action Required:**

- Approve application as submitted; or
- Approve application with conditions and any additional conditions required by the Board;  
or
- Deny the application with reasons for denial.

### **Attachments:**

Application, maps, plans and legal documentation.



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