

MIDDLESEX COUNTY

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

CBPA NONCONFORMING USE WAIVER SUBMISSION REQUIREMENTS

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

A CBPA Nonconforming Use Waiver provides for the remodeling, alteration, or addition to a principal structure, which existed on March 1, 2003 and which is currently not in conformity with the provisions of the Chesapeake Bay Preservation District. Also, accessory structures are **not** eligible for waivers under any circumstances.

- a. Completed CBPA Nonconforming Use Waiver application.
- b. CBPA Nonconforming Use Waiver application fee of \$200.
- 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.
- d. 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-13-D of the Ordinance, an application for the expansion of a legal principal nonconforming structure shall be approved by the Zoning Administrator through an administrative review process provided that the following findings are made:

1. The request for the waiver is the minimum necessary to afford relief;
2. Granting the waiver will not confer upon the applicant any specific privileges that are denied by this Article to other property owners in similar situations;

3. The waiver is in harmony with the purpose and intent of the Zoning Ordinance and does not result in water quality degradation;
4. The waiver is not based on conditions or circumstances that are self-created or self-imposed;
5. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;
6. Other findings, as appropriate and required by the Zoning Administrator are met; and
7. **In no case shall this provision apply to accessory structures.**

CERTIFICATION:

I hereby certify that the attached plans and this completed application form contain all the required information for a CBPA Nonconforming Use Waiver 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 Nonconforming Use Waiver.

Applicant's Signature

MIDDLESEX COUNTY

Department of Planning and Community Development

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CBPA NONCONFORMING USE WAIVER APPLICATION

This waiver request is only applicable for nonconforming structure(s) on legal nonconforming parcels to provide for remodeling, alterations or additions to such nonconforming structures. Please note that accessory structures are not eligible for a CBPA nonconforming use waiver.

OFFICE USE ONLY

Application #: _____ Application Fee: \$ 200

Tax Query: Current Delinquent Surety Amount: \$ _____

Zoning Decision: Approval Denied E & S Decision: Approval Denied

Conditions/Comments: _____

Zoning Administrator Signature

Date

Expiration Date

APPLICANT INFORMATION

Name: _____

Address: _____ City/State/Zip: _____

Phone: _____ Fax: _____

Email: _____

PROPERTY OWNER INFORMATION

Name: _____

Address: _____ City/State/Zip: _____

Phone: _____ Fax: _____

Email: _____

PROJECT INFORMATION

Parcel Number: _____ E911/Street Address: _____

Magisterial District: _____ Zoning District: _____

Existing Land Use: _____

WAIVER REQUEST

Please answer the following questions:

1. Distance of proposed development to the nearest RPA feature: _____

2. Describe the waiver requested. _____

3. Describe why you cannot make other arrangements to comply with the Zoning Ordinance without a waiver. _____

WATER QUALITY IMPACT ASSESSMENT

A. Total Lot Area (ft²): _____

B. Total Existing Impervious Surface (ft²): _____

Principal Structure(s) (i.e. Dwellings) (ft²): _____

Accessory Structure(s) (i.e. Sheds, Garages, Outbuildings, Pools) (ft²): _____

Driveway and Parking Areas (ft²): _____

Other: _____

C. Total Proposed Impervious Surface (ft²): _____

New Principal Structure(s) (ft²): _____

Expansion of Principal Structure(s) (ft²): _____

New Accessory Structure(s) (ft²): _____

Expansion of Accessory Structure(s) (ft²): _____

Driveway and Parking Areas (ft²): _____

Other: _____

D. Percent Existing Impervious Surface (B / A): _____

E. Percent Proposed Impervious Surface ((B + C) / A): _____

F. Impacts on Existing Vegetation:

Total Amount of Underbrush Removed (ft²): _____ Number of Healthy Trees Removed: _____

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

G. Proposed Erosion and Sedimentation Control Practices:

Silt Fencing Temporary Construction Entrance

Straw Bale Barrier(s) Inlet Protection

Temporary/Permanent Seeding Mulching

Tree Protection Sediment Trap

Other: _____

H. Proposed Mitigation Measures:

Number of New Trees Proposed: _____ Number of New Shrubs Proposed: _____

I. Proposed Best Management Practices:

Vegetated Filter Strip(s) Grass Swale(s)

Dry Well(s) Infiltration Trench(es)

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 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

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 Nonconforming Use Waiver approval as set forth in the Middlesex County Zoning Ordinance as written.

Property Owner's Signature

Date

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 Nonconforming Use Waiver 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 Waiver null and void.