

MIDDLESEX COUNTY

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

CBPA PERMITTED ENCROACHMENT SUBMISSION REQUIREMENTS

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

A CBPA Permitted Encroachment applies when the application of the 100 foot buffer area would result in the loss of a buildable area on a lot or parcel either recorded prior to October 1, 1989 **or** between October 1, 1989 and March 1, 2002.

- a. Completed CBPA Permitted Encroachment application.
- b. CBPA Permitted Encroachment 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 A-9-A of the Ordinance, when the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to **October 1, 1989**, the Zoning Administrator may permit encroachments into the buffer area in accordance with **Section 4A-11** and the following criteria:

1. Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
2. Where practicable, a vegetative area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel; and
3. The encroachment may not extend into the seaward 50 feet of the buffer area.

As outlined in Article 4, Section A-9-B of the Ordinance, when the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded between **October 1, 1989 and March 1, 2002**, the Zoning Administrator may permit encroachments into the buffer area in accordance with **Section 4A-11** and the following criteria:

1. Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
2. Where practicable, a vegetative area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel; and
3. The encroachment may not extend into the seaward 50 feet of the buffer area.
4. Conditions or mitigation measures imposed through a previously approved CBPA Exception or variance shall be met;
5. If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and
6. The lot or parcel was created as a result of a legal process conducted in conformity with Middlesex County's subdivision regulations.

CERTIFICATION:

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

Applicant's Signature

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CBPA PERMITTED USE / ENCROACHMENT PERMIT APPLICATION

This land development request is only applicable for permitted uses and encroachments into the 100-foot Resource Protection Area (RPA) buffer as outlined in Article 4A, Sections 4A-4 and 4A-9 of the Middlesex County Zoning Ordinance.

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: _____

PERMITTED USE / ENCROACHMENT REQUEST

Please answer the following questions:

- Distance of proposed development to the nearest RPA feature: _____
- Type of Land Development:
 Water Dependant Facility Redevelopment Private Roadways and Driveways
 Land Development Involving Loss of Buildable Lot Area on Parcel Recorded Prior to October 1, 1989
 Land Development Involving Loss of Buildable Lot Area on Parcel Recorded Between October 1, 1989 and March 1, 2002.

Please describe the proposed development. _____

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:**

- | | |
|--|--|
| <input 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: _____ Number of New Shrubs Proposed: _____

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 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

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 Land Development Permit 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 Permitted Use / Encroachment Permit 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 Permitted Use / Encroachment Permit null and void.