

# CHESAPEAKE BAY PRESERVATION ORDINANCE

## *Waiver and Exception Process Guidance*

### for Activities in the Resource Protection Area (RPA)

Property owners interested in working in the Resource Protection Area (RPA) may be required to request a variance through the Waiver or Exception process. The following are general guidelines and are not intended to represent every possible activity within the RPA. Please contact the office of Environmental Programs for specific inquiries @ 1-804-693-1217, stop by the Office at 6489 Main Street, Gloucester, or visit our Web Site at <http://www.gloucesterva.info/codes/Environment/envhome.htm>.

**Waiver Process (Staff Review)**, defined in Sec. 5.5-12; for variance to requirements of Sec. 5.5-9B (may include areas beyond the RPA); \$50 application review fee. Applications available on-line or in the office of Environmental Programs.

1. Additions to or modifications of a non-conforming principle structure (existing before County adoption of the Bay Act October 15, 1991), outside the seaward 50 feet of RPA (between 50 & 100 feet).
2. New construction on an undeveloped, non-conforming lot (existing before October 15, 1991) with no other buildable area outside of the Resource Protection Area, outside the seaward 50 feet of RPA (between 50 & 100 feet).
3. Passive recreational uses / structures such as trails, community/instructional gazebos (e.g. Gloucester Point Beach), community trail system (e.g. Riverwatch Community).

**Exception Process (Preservation and Erosion Commission)**, defined in Sec. 5.5-14; for variance to requirements of Sec. 5.5-7B and 5.5-9C, requiring Public Hearing: \$275 application fee. Meetings held 2<sup>nd</sup> Wednesday of each month, application deadline 1<sup>st</sup> working day of month for following months meeting. Applications available on-line or in the office of Environmental Programs.

1. New construction on an undeveloped, non-conforming lot (existing before October 15, 1991) with buildable area outside of the Resource Protection Area.
2. Construction of, additions to, accessory structures (garage, pools, sheds, pads, impervious areas, grade alteration, etc.).
3. Construction of, additions to, principle structures within the seaward 50 feet of RPA (between 0 & 50 feet).
4. Reviews, waiver appeals, and violation.

#### **Administrative (Staff) Review**

1. Reasonable sight lines; access paths; woodlot management; and Best Management Practices.
2. Removal of diseased, dead, dying trees and tree thinning (Sec. 5.5-9C1c).
3. Shoreline erosion control projects.
4. Casualty loss replacement of principle structure with no increase in impervious area and no advancing encroachment.

A Water Quality Impact Assessment is required for review of all activity in the RPA (Sec. 5.5-11).



# Chesapeake Bay Preservation Ordinance Waiver Application

CBW \_\_\_\_\_ - \_\_\_\_\_

Public Hearing Process through the CB Preservation and Erosion Commission (\$50.00 App. Fee)

Application Type:  Waiver  Appeal (to \_\_\_\_\_)

*An application for exception is required for new, non water-dependent development, redevelopment, and construction within fifty-feet of resource feature. A Water Quality Impact Assessment shall be submitted for all activity occurring in Resource Protection Areas.*

**APPLICANT/AGENT INFORMATION:**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Email: \_\_\_\_\_

**PROPERTY OWNER INFORMATION:**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

**PROPERTY INFORMATION:**

Tax Map/

RPC #: \_\_\_\_\_ E911/Street Address: \_\_\_\_\_

Date Lot Recorded: \_\_\_\_\_ Nearest Water Body: \_\_\_\_\_

Distance to nearest RPA feature: \_\_\_\_\_ Sq. ft. of encroachment: \_\_\_\_\_

**DETAILS OF REQUEST:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**DIRECTIONS TO THE PROPERTY:** \_\_\_\_\_

\_\_\_\_\_

**PRIVACY ACT STATEMENT:** Information provided in the Chesapeake Bay application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

**CERTIFICATION:** I am hereby applying for all permits typically issued by the DEQ, VMRC, U.S. Army Corps of Engineers, Chesapeake Bay process, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit. In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Conditions for granting waiver (Sec. 5.5-14):**

1. Requirements shall be minimum necessary to afford relief
2. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.
3. Granting waiver will not confer applicant any special privileges that are denied to other property owners subject to its provisions and are similarly situated.
4. Waiver is in harmony with purpose and intent of Ordinance and not of substantial detriment to water quality.
5. Waiver not based on self-imposed/created conditions or circumstances.
6. Other finding, as appropriate and required by County.

**OFFICE USE ONLY**

Pentamation # \_\_\_\_\_ Application Rec'd by \_\_\_\_\_ Fee Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

Date Rec'd \_\_\_\_\_ Reviewing Authority: \_\_\_\_\_ Review Date: \_\_\_\_\_

**COMMISSION DECISION:**

APPROVED: \_\_\_\_\_ *Approval is valid for 36 months from date of approval.*

Conditions/Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DENIED: \_\_\_\_\_

*\*\*Please be advised that you may appeal the Chesapeake Bay Preservation & Erosion Staff Review decision, in writing, to the Chesapeake Bay Preservation & Erosion Commission **within 30 days** of the date of this Staff's decision.*

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Staff Signature** **Date**

**Mitigation plan required:** YES  NO  \_\_\_\_\_ Square foot Minimum

Mitigation plan approved: \_\_\_\_\_ Entitled: \_\_\_\_\_

Dated: \_\_\_\_\_

Date Mitigation Completed: \_\_\_\_\_ Inspected By: \_\_\_\_\_

**Amount of Surety Required:** \$ \_\_\_\_\_ Date Posted: \_\_\_\_\_ Receipt#: \_\_\_\_\_

Date Surety Released: \_\_\_\_\_

\_\_\_\_\_  
**Chesapeake Bay Program Administrator** **Date**



# WATER QUALITY IMPACT ASSESSMENT

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

(Required for all development/redevelopment in the Resource Protection Area; CBPO 5.5-11)

*An engineer or design professional may be required to conduct this water quality impact assessment if the proposed land disturbance is greater than 10,000 square feet or the proposed encroachment is into the seaward 50 feet of the 100-foot Resource Protection Area (RPA) buffer.*

Application Type:  CBPA Waiver     CBPA Exception     RPA Modification (Admin. Process)

Application # (OFFICE USE ONLY): \_\_\_\_\_

Tax Map#: \_\_\_\_\_ RPC#: \_\_\_\_\_

Applicant: \_\_\_\_\_

Phone #(s): \_\_\_\_\_ Email address: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Street Address: \_\_\_\_\_

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

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

Existing Topography: \_\_\_\_\_ Hydrology: \_\_\_\_\_

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

Fill Material (source and composition): \_\_\_\_\_

Total Amount of Disturbed Area (ft<sup>2</sup>): \_\_\_\_\_ Total Amount of Cleared Area (ft<sup>2</sup>): \_\_\_\_\_

**Existing Vegetation:**

Total Amount of Underbrush Removed (ft<sup>2</sup>): \_\_\_\_\_ Types: \_\_\_\_\_

Number of Healthy Trees Removed: \_\_\_\_\_ Types: \_\_\_\_\_

Number of Trees Limbed or Pruned: \_\_\_\_\_ Types: \_\_\_\_\_

Number of Dead/Dying/Diseased Trees Removed: \_\_\_\_\_ Types: \_\_\_\_\_

**Proposed Vegetation Mitigation Measures:**

Number of New Canopy Trees Proposed: \_\_\_\_\_ Types: \_\_\_\_\_

Number of New Understory Trees Proposed: \_\_\_\_\_ Types: \_\_\_\_\_

Number of New Shrubs Proposed: \_\_\_\_\_ Types: \_\_\_\_\_

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

**Proposed Best Management Practices:**

- Dry Well(s)       Infiltration Trench(es)       Vegetated Filter Strip(s)       Grass Swale(s)
- Other: \_\_\_\_\_

**Wastewater (Septic) Element:**

Attach legible, clean copy of Health Department Approval Information- to include calculations and dimensions.

Description of potential impacts of the proposed wastewater systems including and proposed mitigated measures for these impacts: \_\_\_\_\_

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CERTIFICATION: I am hereby applying for all permits typically issued by the DEA, VMRC, U.S. Army Corps of Engineers, Chesapeake Bay process, and/or Local Wetlands boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing proposal to issue a permit and after permit issuance to determine compliance with the permit. In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

OFFICE USE ONLY

Pentamation # \_\_\_\_\_ Application Rec'd by \_\_\_\_\_ Date Rec'd \_\_\_\_\_

DECISION: \_\_\_\_\_ Review by Staff: \_\_\_\_\_

APPROVED: \_\_\_\_\_ Conditions/Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DENIED: \_\_\_\_\_ Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mitigation plan required: YES  NO  \_\_\_\_\_ Square foot Minimum \_\_\_\_\_

Mitigation plan approved: \_\_\_\_\_ Entitled: \_\_\_\_\_

Dated: \_\_\_\_\_

Date Mitigation Completed: \_\_\_\_\_ Inspected By: \_\_\_\_\_

Amount of Surety Required: \$ \_\_\_\_\_ Date Posted: \_\_\_\_\_

Receipt#: \_\_\_\_\_

Date Surety Released: \_\_\_\_\_

Chesapeake Bay Administrator: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_