

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 2nd Wednesday of each month, application deadline 1st 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 (ft²): _____ Total Amount of Cleared Area (ft²): _____

Existing Vegetation:

Total Amount of Underbrush Removed (ft²): _____ 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: _____

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 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
