

# MIDDLESEX COUNTY

Department of Planning and Community Development

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## 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.

- Completed CBPA Permitted Encroachment application.
- CBPA Permitted Encroachment application fee of \$100.
- A sketch of the site showing:
  - Property lines,
  - Streets and roads,
  - Well and sewage disposal systems or reserve drainfield sites,
  - Existing and proposed structures,
  - Water bodies,
  - Boundary of the Resource Protection Area,
  - Type and location of proposed best management practices to mitigate the proposed encroachment,
  - Type and location of proposed erosion and sedimentation control devices,
  - 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 A-9-A of the Ordinance, the Planning Department staff shall not approve the CBPA Permitted Encroachment on lots recorded **prior to October 1, 1989** unless the following criteria have been satisfied:

- Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
- 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
- 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, the Planning Department staff shall not approve the CBPA Permitted Encroachment on lots recorded **between October 1, 1989 and March 1, 2002** unless the following criteria have been satisfied:

- Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
- 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
- The encroachment may not extend into the seaward 50 feet of the buffer area.
- Conditions or mitigation measures imposed through a previously approved CBPA Exception or variance shall be met;
- 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
- The lot or parcel was created as a result of a legal process conducted in conformity with Middlesex County's subdivision regulations.

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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 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.

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Applicant's Signature