

# 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



Please describe the proposed development. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**WATER QUALITY IMPACT ASSESSMENT**

**A. Total Lot Area (ft<sup>2</sup>):** \_\_\_\_\_

**B. Total Existing Impervious Surface (ft<sup>2</sup>):** \_\_\_\_\_

Principal Structure(s) (i.e. Dwellings) (ft<sup>2</sup>): \_\_\_\_\_

Accessory Structure(s) (i.e. Sheds, Garages, Outbuildings, Pools) (ft<sup>2</sup>): \_\_\_\_\_

Driveway and Parking Areas (ft<sup>2</sup>): \_\_\_\_\_

Other: \_\_\_\_\_

**C. Total Proposed Impervious Surface (ft<sup>2</sup>):** \_\_\_\_\_

New Principal Structure(s) (ft<sup>2</sup>): \_\_\_\_\_

Expansion of Principal Structure(s) (ft<sup>2</sup>): \_\_\_\_\_

New Accessory Structure(s) (ft<sup>2</sup>): \_\_\_\_\_

Expansion of Accessory Structure(s) (ft<sup>2</sup>): \_\_\_\_\_

Driveway and Parking Areas (ft<sup>2</sup>): \_\_\_\_\_

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 (ft<sup>2</sup>): \_\_\_\_\_ 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 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.