

MIDDLESEX COUNTY

Department of Planning and Community Development

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CBPA NONCONFORMING USE WAIVER SUBMISSION REQUIREMENTS

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

A CBPA Nonconforming Use Waiver provides for the remodeling, alteration, or addition to a principal structure, which existed on March 1, 2003 and which is currently not in conformity with the provisions of the Chesapeake Bay Preservation District. Also, accessory structures are **not** eligible for waivers under any circumstances.

- Completed CBPA Nonconforming Use Waiver application.
- CBPA Nonconforming Use Waiver application fee of \$150.
- 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 4A-13-D of the Ordinance, Planning Department staff shall not approve the CBPA Nonconforming Use Waiver unless the following criteria have been satisfied:

- The request for the waiver is the minimum necessary to afford relief;
- Granting the waiver will not confer upon the applicant any specific privileges that are denied by this Article to other property owners in similar situations;
- The waiver is in harmony with the purpose and intent of the Zoning Ordinance and does not result in water quality degradation;
- The waiver is not based on conditions or circumstances that are self-created or self-imposed;
- Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;
- Other findings, as appropriate and required by the Zoning Administrator are met; and
- In no case shall this provision apply to accessory structures.

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.

Applicant's Signature