



# CHESAPEAKE BAY PRESERVATION PROGRAM

## **Application Instructions**

### **EXCEPTIONS, WAIVERS, EXEMPTIONS AND BUFFER ENCROACHMENTS**

#### **PURPOSE**

The Chesapeake Bay Preservation Program as defined in city code Chapter 14, Article IV, implements the requirements of the Virginia Chesapeake Bay Preservation Act and the Chesapeake Bay Preservation Area Designation and Management Regulations. As an element of the program, there are four opportunities for property owners to seek partial relief from specific requirements of the requirements. Some of this relief can be provided administratively by the City's Program Administrator; other relief can only be granted by the City Planning Commission, following public notice and a public hearing. Property owners requesting relief from requirements of the program must complete the application form for "Relief from Requirements of the Chesapeake Bay Preservation Program." In consultation with the program Administrator, the most appropriate avenue of relief can be determined.

#### **EXCEPTIONS TO THE PROGRAM REQUIREMENTS**

When the application of the Chesapeake Bay Preservation Area Ordinance to a lot or parcel located within a Chesapeake Bay Preservation Area would unreasonably restrict the utilization of the property under its current zoning, a CBPA **Exception** can be requested. Submission of the Exception Application is required for approval of any activity or use in the Resource Protection Area not specifically permitted by ordinance. Activities include grading, filling, building, paving, removal of vegetation, and any other disturbances.

**Exceptions** to the program requirements can only be granted by the City Planning Commission. There are no specific deadlines for the filing of an application for an exception. In general, however, the staff review and public notice period mandated by the City Code combine to result in an approval process of approximately 30 to 60 days. The City Planning Commission considers approval of Chesapeake Bay Program Exceptions at its regular meetings on the first and third Monday of each month. Incomplete submissions or major changes to the plans during the review process may cause delays in this schedule.

#### **WAIVERS FOR NONCONFORMING USES**

Under specific circumstances, for structures that existed prior to November 11, 1991, the City's Chesapeake Bay Program Administrator may waive the requirements of the ordinance. There is no fee to request a waiver, nor are there specific deadlines for the application or review process.

#### **EXEMPTIONS TO PROGRAM REQUIREMENTS**

Specific uses and development processes are identified in the Ordinance as exempt from the requirements of the program. Property owners should complete the "Relief from Requirements of the Chesapeake Bay Preservation Program" form in order to provide documentation of the necessity of the uses in the locations identified on the submitted plans. Exemptions are granted by the Program Administrator and do not require additional approval or review.

#### **ENCROACHMENTS**

Encroachments into the Resource Protection Area buffer may be approved by the Program Administrator, for lots recorded prior to the effective date of the program, provided they meet the conditions described in Section 14-264(4) of the Richmond City Code

## **FILING**

Applications for all forms of relief are filed with the:

Department of Public Utilities  
Water Resources Division  
730 East Broad Street, 6<sup>th</sup> Floor  
Richmond, Virginia 23219  
Phone: (804) 646-7586 Fax: (804) 646-2870  
Attn: Chesapeake Bay Program Administrator

Requests for Exceptions will be forwarded to the Secretary to the City Planning Commission to schedule a hearing and provide public notice.

## **DEADLINES**

There are no specific deadlines for the filing of an application. Applications for **Exceptions** must be approved by the City Planning Commission, which requires public notice, generally resulting in an approval process of approximately 30 to 60 days. All other requested forms of relief are generally responded to within 15 days upon receipt of a completed application.

## **PRE-APPLICATION CONFERENCE**

Applicants **must** schedule a pre-application conference with the Program Administrator or his/her designee prior to submittal to review the request and other permitting issues that may be involved. **Staff may reject any request without a pre-application conference.** Staff will review submitted applications to ensure all required materials and information are provided. If the application is not acceptable, the required information must be provided prior to formal staff review.

## **SUBMITTAL REQUIREMENTS**

Applications must include the following elements: **1)** completed request form; **2)** Chesapeake Bay Site Plan; **3)** Chesapeake Bay Water Quality Impact assessment.

Applications for **Exceptions** will be forwarded to the City Planning Commission for their consideration and available for public review.

### **1) Application Form:**

The application form for relief from the Requirements of the Chesapeake Bay Preservation Program is available in the Bureau of Permits and Inspections and from the City's [web site at www.richmondgov.com](http://www.richmondgov.com). It must be signed by all the owners of the property. If a legal representative signs for a property owner, a copy of the executed power of attorney is required.

### **2) Chesapeake Bay Site Plan**

Applicants should **submit four (4) copies** of a Chesapeake Bay Site Plan with all required elements as described in the *City of Richmond Chesapeake Bay Preservation Program Public Information Manual* and any additional information required by the Program Administrator. Depending on the type of relief requested, additional documentation as described in the Public Information Manual may also be required.

### **3) Chesapeake Bay Water Quality Impact Assessment**

As part of the Chesapeake Bay Site Plan, the submission of a Water Quality Impact Assessment is required. The submission requirements are described in the *City of Richmond Chesapeake Bay Preservation Program Public Information Manual* which may be supplemented by any other information determined necessary by the Program Administrator for evaluation of the Application.

**CITY PLANNING COMMISSION APPROVAL PROCESS for requests for exceptions**

Exceptions to the Chesapeake Bay Program requirements can only be approved by the City Planning Commission. Scheduling of the hearing by the Planning Commission will be undertaken by the Planning Commission Secretary. Prior to consideration by the Planning Commission, notice of the hearing is posted on the property and is advertised in a daily newspaper, and mailed to nearby property owners. The Planning Commission will receive a report from the staff and conduct a public- hearing prior to considering and voting on the request. The decision of the City Planning Commission is final.



**APPLICATION**  
**FOR RELIEF FROM REQUIREMENTS OF THE**  
**CHESPEAKE BAY PRESERVATION PROGRAM**  
**EXCEPTIONS, WAIVERS, EXEMPTIONS AND**  
**BUFFER ENCROACHMENTS**

To:

Department of Public Utilities  
 Water Resources Division  
 730 East Broad Street, 6<sup>th</sup> Floor Richmond,  
 Virginia 23219  
 Phone (804) 646-7586 Fax (804) 646-2870

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

Type of Relief Requested (check one)

- Exception                       Waiver                       Encroachment                       Exemption

Please attach required documents.

Property Address(es): \_\_\_\_\_

Tax Parcel No(s): \_\_\_\_\_

Brief Description of Exception: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Applicant/Contact Person:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_ Telephone: ( \_\_\_\_\_ ) \_\_\_\_\_ Fax: ( \_\_\_\_\_ ) \_\_\_\_\_

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

**Property Owner:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_ Telephone: ( \_\_\_\_\_ ) \_\_\_\_\_ Fax: ( \_\_\_\_\_ ) \_\_\_\_\_

**Property Owner's Signature:** \_\_\_\_\_

**The signatures of all owners of the property are required. Please attach additional sheets as required. If a legal representative signs for a property owner, please attach an executed power of attorney.**

**Project Information** (check appropriate boxes)

**Current Use of Property** (check one)–

- |  |   |
|--|---|
| <input type="checkbox"/> Vacant Land to be developed | <input type="checkbox"/> Commercial/Office/Industrial   |
| <input type="checkbox"/> Single Family Residential   | <input type="checkbox"/> Parking or other paved surface |
| <input type="checkbox"/> Other: _____                | <input type="checkbox"/> Multi-family residential       |

**Subdivision Name, Lot and Section Number:** \_\_\_\_\_

**Lot was last recorded:**

- Prior to October 1989
- Between October 1989 and February 2002
- After February 2002

**Area of Property (square footage)**

Within RPA: \_\_\_\_\_ Outside RPA: \_\_\_\_\_ Total: \_\_\_\_\_

**Activity requiring relief is located in** (check all that apply)

- Resource Protection Area Buffer land ward 50 feet
- Resource Protection Area Buffer seaward 50 feet
- Slopes greater than \_\_\_ percent
- Wetlands
- Resource Management Area

**Activity requiring relief involves** (check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> Construction of New principal structure | <input type="checkbox"/> Paved pathways          |
| <input type="checkbox"/> Accessory (detached) structure          | <input type="checkbox"/> Tree/vegetation removal |
| <input type="checkbox"/> Addition to principal structure         | <input type="checkbox"/> Utilities               |
| <input type="checkbox"/> Parking area, or driveway, or roadway   | <input type="checkbox"/> Other: _____            |

**Total square footage of RPA impacted:** \_\_\_\_\_

Are there any additional approvals or permits from local, state, or federal agencies required for any portion of this project (zoning variances, wetland permits, etc)?

- No
- Yes, Please describe: \_\_\_\_\_

**Description of the Activity and reason for the request:**

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For **Exceptions**, Please complete the following

**APPLICANT’S JUSTIFICATION FOR THE REQUESTED EXCEPTION**

In accordance with Section 14-292(c) (1) of the Richmond City code, an exception cannot be granted unless specific findings are made. Please describe how the particular CBPA exception request would meet these six findings:

1. The requested exception to the criteria is the minimum necessary to afford relief;
2. Granting the exception will not confer upon the applicant any special privileges that are denied by the ordinance to other property owners who are subject to its provisions and who are similarly situated;
3. The exception request is in harmony with the purpose and intent of the Ordinance and is not of substantial detriment to water quality;
4. The exception request is not based upon conditions or circumstances that are self-created or self-imposed;
5. Reasonable and appropriate conditions are imposed, as warranted, to prevent the proposed activity from causing degradation of water quality;
6. Other findings and conditions, required by the City have been met.

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