



TOWN OF WEST POINT  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 P.O. BOX 152  
 329 6<sup>th</sup> STREET  
 WEST POINT, VA 23181  
 (804) 843-3563 – phone      (804) 843-4364 - fax  
 www.west-point.va.us

**CHESAPEAKE BAY PRESERVATION ACT EXCEPTION PERMIT APPLICATION**

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

Permit # \_\_\_\_\_

<b>APPLICANT INFORMATION</b>	
Full Name of Property/Structure Owner	
Mailing Address of Owner	
City, State, Zip	
Phone Number/Home/Work/Cell	
Fax Number	
E-Mail Address	
Name of Applicant if Different from Property Owner	
Date Property Acquired	

<b>PROPERTY/SITE INFORMATION</b>	
Physical Address (If Known)	
General Location (Lot #, Subdivision, Street)	

<b>GENERAL INFORMATION</b>	
Zoning District	
Tax Parcel Identification Number(s)	
Overlay Districts(s)	

<b>CBPA And FLOOD PLAIN INFORMATION</b>	
Area of land located within RPA	
Area of land located within RMA	
Area of land to be disturbed	
Encroachment into 100' RPA buffer	<b>feet</b>
Proposed use of site	
Community Flood Panel Number	
Zone	
Base Elevation	

**Attach a survey or plat showing the following:**

*(Note: construction of a primary building on any site will require a survey performed by a license professional)*

1. The dimensions and shape of parcel(s) to be built upon including the location of existing public and private streets;
2. The location and dimensions of existing primary and secondary buildings;
3. The location and dimensions of proposed structures, accessory buildings, or additions/alterations;\*
4. Proposed front, rear, and side yard setback lines for all existing and proposed building or additions;

*\* Where applicable and depending on the type of facilities proposed, applicants will need to show the location of (1) existing public water and sewer facilities, including the point of connection to those facilities, or (2) proposed well and septic facilities, including the dimensions of primary and reserve drainfields.*

**Under section 70-262 of the Code of the Town of West Point, the Planning Commission or Zoning Administrator may grant a request for an exception under the Chesapeake Bay Preservation Act and the Town Ordinance if the request meets the following conditions:**

- a. Granting the exception will not confer upon the applicant any special privileges denied by this article to other property owners in the overlay district;
- b. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels;
- c. The exception request is the minimum necessary to afford relief;
- d. The exception request will be in harmony with the purpose and intent of the overlay district, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and
- e. Reasonable and appropriate conditions are imposed which will prevent the exception requires from causing a degradation of water quality.

**A Water Quality Impact Assessment is required for consideration of an exception under the Chesapeake Bay Preservation Act and section 70-262 of the Code of the Town of West Point. Please attach a copy of the WQIA to this application.**

I/We as the property owner/applicant/agent give permission for Town personnel to enter subject properties in relation to the administration of this application and to any applicable Town of West Point, State of Virginia or U.S. Federal Government regulations.

I hereby certify that the foregoing information and attachments are true and accurate to the best of my knowledge.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

**Fees must be submitted at time of application. Make checks payable to The Town of West Point.**

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***DO NOT WRITE IN THE SPACE BELOW – OFFICE USE ONLY***

DATE SUBMITTED: \_\_\_\_\_ TOTAL FEE: \_\_\_\_\_ DATE PAID: \_\_\_\_\_

POD No. \_\_\_\_\_ E&S Plan/LDP No. \_\_\_\_\_ Zoning District: \_\_\_\_\_

WQIA Requirement: Minor          Major

DATE OF PLANNING COMMISSION PUBLIC HEARING: \_\_\_\_\_

PLANNING COMMISSION:      APPROVED          DENIED

Findings under Article 70-262 \_\_\_\_\_

\_\_\_\_\_  
Conditions of Approval: \_\_\_\_\_

APPROVED/DENIED

\_\_\_\_\_  
DIRECTOR OF COMMUNITY DEVELOPMENT

\_\_\_\_\_  
DATE



## CHESAPEAKE BAY PRESERVATION ACT: POLICIES AND PROCEDURES

The Chesapeake Bay Preservation Act and Regulations require all Tidewater Virginia localities to establish ordinances to protect and improve water quality. The Act provides for the protection of sensitive lands called Chesapeake Bay Preservation Areas, the improper development of which may result in substantial damage to the water quality of the Chesapeake Bay and its tributaries. The Town has adopted the requirements of the Act by promulgating regulations for the CB-1 (Chesapeake Bay Preservation Overlay District), which is comprised of the Resource Protection Area (RPA), Resource Management Area (RMA), and Intensely Developed Area (IDA). The approximate boundaries and locations of these areas can be viewed on the Town's official Chesapeake Bay Preservation Areas Map.

In general, property owners proposing development or redevelopment activities within the District must provide the following information:

1. For any development or redevelopment exceeding 2,500 square feet of land disturbance, a plan of development containing all information required under Section 70-259 of the Ordinance. This includes:
  - a. A site or subdivision plan;
  - b. An environmental site assessment;
  - c. A landscaping plan;
  - d. A stormwater management plan; and
  - e. An erosion and sediment control plan.
2. A water quality impact assessment containing all information required under Section 70-258 of the Ordinance. There are two types:
  - a. **Minor**: Required for any encroachment into the landward 50 feet of the 100-foot RPA buffer, or any activity which disturbs a total of less than 5,000 sq. ft.
  - b. **Major**: Required for any encroachment into the seaward 50 feet of the 100-foot RPA buffer, or any activity which disturbs a total area of more than 5,000 sq. ft.

These plans are reviewed by the Zoning Administrator for compliance with the performance standards contained in Section 70-257 of the Ordinance. One of these performance criteria required that the post-development non-point source pollution runoff land not exceed the pre-development load based on the average land cover condition of the Town of West Point. Otherwise, structural or non-structural runoff controls, or Best Management Practices (BMPs), may need to be constructed on the site. BMPs may also be required depending on the extent of the buffer area encroachment.

In general the process for reviewing and approving of development/redevelopment within the CB-1 District is as follows:

1. For a lot or parcel recorded prior to October 1, 1989, and where there is insufficient area outside of the 100-foot RPA buffer to accommodate a building site, the Zoning Administrator may permit encroachment into the landward 50 feet of the 100-foot RPA buffer through an administrative process.
2. For a lot or parcel recorded prior to October 1, 1989, and where there is insufficient area outside of the seaward 50 feet to accommodate a building site, the Planning Commission may grant an exception to the buffer requirement and the encroachment provided the five (5) findings listed in Section 70-262(c) are made by the Commission and following a public hearing.
3. For a change or expansion of a structure that is nonconforming with respect to the requirements of the CB-1 District, but was legally in existence prior to adoption of the Ordinance, the zoning administrator may grant a nonconforming use and development waiver for the expansion in accordance with Section 70-260 of the Ordinance.
4. For clearing activities and general woodlot management, the zoning administrator should be contacted and plan information submitted to the Town in order to ensure that indigenous vegetation is preserved to the maximum extent practicable in accordance with the *Virginia Erosion and Sediment Control Handbook* and the *Riparian Buffers Modification and Mitigation Manual*. Based on the nature and extent of the clearing activity, an erosion and sediment control plan, plan of development, and/or water quality impact assessment may be required (see above).

Specific questions regarding the implications of the Chesapeake Bay Preservation Act and Regulations for the development or redevelopment of property within the Town should be directed to the Director of Community Development at (804) 843-3563.