Local Roots, Global Reach
ISLE OF WIGHT
COUNTY, VIRGINIA

Chesapeake Bay Preservation Area (CBPA) Ordinance Exceptions

WHAT IS AN EXCEPTION?

An exception application is a request to encroach into the 100-foot-wide vegetated buffer surrounding any resource protection area (RPA) feature required by the County's Chesapeake Bay Preservation Area (CBPA) Ordinance.

Exceptions include the following RPA buffer encroachment requests:

- For lots or buildings built after 1992 or
- Encroachment into the seaward fifty feet of the RPA buffer (the fifty feet closest to the RPA feature).
- Accessory structures anywhere within the RPA no matter the year the lots were created.

Exceptions requests require public hearings for both the Planning Commission and Board of Supervisors.

WHAT KEY ISSUES MUST I ADDRESS WHEN REQUESTING AN EXCEPTION?

- Take all steps possible to minimize impacts to the Resource Protection Area Buffer, which includes reducing any clearing and building within the buffer to the minimum necessary.
- Mitigate any impacts to the buffer with the replacement landscaping in order to restore as much of the disturbed Resource Protection Area Buffer as possible.

WHAT IS THE PROCEDURE FOR APPLYING FOR AN EXCEPTION?

1. It is strongly recommended that applicants schedule a pre-application meeting with County staff to review their proposed project to make sure the applicant has all the available information to avoid incurring unnecessary costs. Contact the County's Environmental Planner at 357-9114 to schedule a meeting.
2. Submit a completed exception application together with a major Water Quality Impact Assessment.

WHAT IS THE FEE FOR AN EXCEPTION?

- $1,200

WHAT IS THE REVIEW PROCESS FOR A MAJOR EXCEPTION APPLICATION?

1. The applicant submits a complete application and all required materials to the Central Permitting Department. Applications can be found on the County's website at www.iwus.net.
2. Staff distributes the application to all appropriate departments and agencies for review and comment. Staff collects any comments received and sends them to the applicant to address.
3. Once the applicant addresses any outstanding comments, staff advertises the application for public hearing with the Planning Commission. Planning Commission meetings are held at 6:00 p.m. on the fourth Tuesday of each month in the Robert C. Claude Sr. Board Room at the County Courthouse Complex.
4. The applicant will be given at least one public notice sign to post on the property at least fourteen days prior to the Planning Commission public hearing. Additional signs may be required based on linear road frontage. These signs are provided by the County and may be picked up in Central Permitting.
5. The applicant or a representative is required to attend the Planning Commission meeting to present the application and answer any questions from Commission members.
6. The Planning Commission reviews the request and recommends either approval or denial of the exception. In rendering its decision, the Planning Commission shall not recommend in favor of the applicant unless it finds:

   i. That the strict application of the ordinance would produce an undue hardship and will not confer upon the applicant any special privileges denied by this ordinance to other property owners in the Chesapeake Bay Preservation Area;

   ii. 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;

   iii. The exception request is the minimum necessary to afford relief;

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If you have any questions, please call the Central Permitting office at 757-365-6211 or email at planreview@iwus.net

iv. The exception request will be in harmony with the purpose and intent of this ordinance, not injurious to the neighborhood or otherwise detrimental to the public welfare, and is not of substantial detriment to water quality; and

v. Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.

7. Following the Planning Commission's recommendation, the application will be placed on the Board of Supervisors' agenda for a public hearing. Board of Supervisors meetings are held on the third Thursday of each month and begin at 6:00 pm in the Robert C. Claude, Sr. Board Room at the County Courthouse Complex.
8. The Board of Supervisors will hold the public hearing and make the final decision to approve or deny the application. The applicant or their representative is required to attend the Board of Supervisors meeting to present the application and answer any questions from Board of Supervisors members.
9. The applicant will be notified in writing of the Board of Supervisors' decision. If denied, the applicant may appeal the Board's decision to the Circuit Court within thirty days of the decision.

WHAT OTHER PERMITS OR APPROVALS MAY BE REQUIRED PRIOR TO CONSTRUCTION?

- Zoning Permit
- Stormwater Permit
- Land Disturbing Permit
- Building Permit
- Health Department Permit
- Site Plan Approval
- Subdivision Plat Approval
- BMP Maintenance Agreement

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DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION FOR EXCEPTIONS

This application should be used to petition for an exception for certain uses which, because of their unique characteristics, but which may, under the right set of circumstances and conditions be acceptable.

A. APPLICATION FOR (CHECK ALL THAT APPLY):

[ ] Chesapeake Bay Preservation Area Ordinance Exception

[ ] Newport Development Service Overlay District Exception

[ ] Highway Corridor Overlay District Exception

[ ] Signage Exception

[ ] Subdivision Ordinance Waiver

[ ] Other (please list) _____

The proposal is a request to Section (s)_____of the Chesapeake Bay Preservation Area Ordinance, the Isle of Wight County Zoning Ordinance, or the Isle of Wight County Subdivision Ordinance.

Proposed Use or Activity: _____

_____

_____

_____

B. APPLICATION INFORMATION:

Applicants Name: _____

Address: _____

Email: _____ Phone: _____

Property Owners Name:_____

Address: _____

C. PROJECT DESCRIPTION:

Project Name: _____

Property Address (if any): _____

Comprehensive Plan Designation: _____

The exception will apply to_____acres out of_____total acres

Tax Parcel Identification #_____Number of acres to be effected: _____

Proposed Utilities (check all that apply): Public Water__Private Well _____

Public Sewer_____Private Septic _____

NOTICE: THE ATTACHED CHECKLIST MUST BE COMPLETED, CERTIFIED, AND SUBMITTED OR THE APPLICATION WILL BE CONSIDERED INCOMPLETE.

Remit Application to: Isle of Wight County Central Permitting, 17140 Monument Circle, Suite 100
P. O. Box 80, Isle of Wight, Virginia 23397

_____

Applicant Signature **Date**

_____

Owner Signature ***if different*** **Date**

FOR OFFICE USE ONLY:

Complete Application Received On:_____ Fees Paid: _____
Tax Query: [ ] Current [ ] Delinquent Distribution Date: _____
Posted/Date to Post: _____

AGENCIES REFERRALS:

_____Department of Conservation & Recreation
_____Economic Development
_____Emergency Services
_____General Services
_____Environmental Planner
_____Health Department
_____Transportation Manager
_____Commission of Revenue
_____Other _____

_____Inspections
_____Sheriff's Office
_____Town of Smithfield
_____Town of Windsor
_____VDOT
_____Schools
_____Budget & Finance
_____County Attorney

Verified By:_____Date: _____

COUNTY OF ISLE OF WIGHT
DISCLOSURE OF REAL ESTATE HOLDINGS

Applicant: _____

Address: _____

REAL ESTATE HOLDINGS TO BE AFFECTED

Location or Address	Description

OTHER OWNERS OF AFFECTED REAL ESTATE
(Not Required for Corporation whose stock is traded on a national or local stock exchange or having more than 500 shareholders.)

Name of Individuals Corporation/Partnership Business Association	Address

Does any member of the Isle of Wight County Planning Commission or governing body have any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settlor of a revocable trust, or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest? Yes No

If yes, names of members:

_____

_____

I do solemnly swear that the foregoing statement(s) and attachments(s), if any, are complete, correct, and true.

Applicant: _____ Applicant: _____ Date: _____
Printed or Typed Name Signature

Commonwealth of Virginia
County of Isle of Wight

Subscribed and sworn to before me_____,
A Notary Public in and for the County of Isle of Wight, Commonwealth
of Virginia, this_____day of_____, 20_____.

_____
Notary Public

My Commission Expires _____

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SUBMITTAL CHECKLIST FOR EXCEPTION APPLICATIONS

****Both checklist and application required upon submission to central permitting or application will notbe accepted****

In accordance with Section 5002, *Exceptions,* of the Chesapeake Bay Preservation Area Ordinance, and in accordance with Section 6-1015, *Exceptions*, Section 6-2011, *Exceptions*, and Section 9-1013, *Exceptions*, of the Isle of Wight County Zoning Ordinance, the following information shall be submitted for an exception application. Please note that it is the applicant's responsibility to ensure that the application is in compliance with all Federal, State and County regulations.

No application for an exception shall be certified as complete unless the following information is provided. ***The required number of copies may be increased or reduced with permission of the Zoning Administrator, depending on the review needs.*** Applicant(s) must have their signature(s) notarized on the disclosure of real estate holdings.

- ☐ **Ten (10) copies of the following**
  - ☐ original, executed application
  - ☐ a statement of the reasons for seeking an exception
  - ☐ narrative description of the property which shall include the tax parcel identification number
  - ☐ full size concept plan of the site to show all existing and proposed physical improvements and such otherinformation as is necessary to clearly indicate to the reviewing body that adequate provisions have been made for compliance with all standards for that particular use, the extent of the property to beso used on a given parcel or parcels, and information defining the requested exceptions. The plan shall be prepared by the appropriate authorized design professional licensed to practice in Virginia. No person shall prepare or certify design elements of site plans which are outside the limits of their professional expertise and license. Such document shall be drawn to scale and shall include the following information:
    - A vicinity map at a scale of no less than one (1) inch equals two thousand (2,000) feet
    - Title of drawing
    - Date of drawing
    - Existing wood line
    - North arrow
    - Scale bar
    - Current zoning of parcel(s), including tax map number(s) and owner(s)

- Current zoning of adjacent parcel(s), including tax map number(s) and owner(s)
- Street names including route number and width(s) of the right-of-way(s)

☐ **One (1) original executed application**

☐ **One (1) digital copy of ALL application documents**

☐ **One (1) reduced 11”x17” copy of concept plan**

☐ **Application fee submitted with the application. Checks should be made payable to treasurer, Isle of Wight, County**

☐ **<u>For CBPA Exception applications</u>, a major water quality impact assessment which meets the criteria in Section 4003 of the Chesapeake Bay Preservation Area Ordinance must be submitted at the time of application.**

☐ Other information may be necessary to demonstrate compliance with all other applicable federal, state and County standards and regulations.

☐ All real estate taxes must be paid and current at the time of submittal; otherwise, the submittal willbe refused at the counter. Proof of the most recent tax payment to the County must accompany the application.

Please note that additional information on the site layout may be requested by the Zoning Administrator during the review process in order to more effectively review the application and prepare the staff reports for the appropriate reviewing body.

I, the undersigned, certify that this application is complete, accurate and contains all required and requested information, documents, and other submittals, and that all statements made herein are, to the best of my knowledge, true and correct. I further certify that I have exercised due diligence to obtain the most recent, complete, and correct information available. I understand that any section not completed in its entirety may delay the processing of this application.

_____

Printed or Typed Name

_____ _____

Signature Date