

Department of Planning
Post Office Box 15225
Chesapeake, Virginia 23328-5225
(757) 382-6176
FAX (757) 382-6406

Chesapeake Bay Preservation Area

CBPA APPEAL APPLICATION

PURPOSE

When an applicant wishes to appeal a decision of the CBPA Review Committee, a **CBPA Appeal application** may be submitted to the Planning Department for review by the Wetlands/CBPA Board.

The Planning Department will review the application for completeness. If the application is found to be incomplete, the Planning Department will return the application, site plans and filing fee to the applicant, with a description of the manner and areas in which the application is incomplete. **The filing fee for CBPA Appeals or Exceptions is \$200.00 per lot for which relief is sought.**

REVIEW PROCESS

The deadline for submitting a CBPA Appeal Application is the first Monday of each month. All applications are to be submitted to the Planning Department prior to 5:00 p.m.

The Planning Department will review the application for completeness. If the application is found to be incomplete, the Planning Department will return the application, site plans and filing fee to the applicant, with a description of the manner and areas in which the application is incomplete. **The filing fee for CBPA Appeals is \$200.00 per lot for which relief is sought.**

Notwithstanding any initial determination of completeness, the Planning Director, the CBPA Review Committee, or the Wetlands/CBPA Board may at any time during the review process find that essential information is lacking and may deem the application incomplete.

The Planning Department will prepare a legal notice advertisement. The applicant is responsible for all of the advertising costs of providing the required notice of hearing.

The Planning Department will forward a copy of the application and staff report to each Wetlands Board member. A copy of the staff report will be provided to the applicant. All staff reports are available for review in the Planning Department no later than the Monday prior to the scheduled Wetlands Board Meeting.

REVIEW PROCESS (continued)

The Chesapeake Wetlands/CBPA Board will hold a public hearing the third Wednesday of the month usually 40-45 days after the filing of the application. The public hearing is open to all citizens. The applicant or agent must attend the Wetlands/CBPA Board public hearing. Failure of the applicant or agent to attend the Wetlands/CBPA Board Public Hearing may delay action by the Wetlands/CBPA Board thereby delaying processing of the application. At the public hearing, the Wetlands/CBPA Board will hear proponents and opponents of the application, as well as staff comments and recommendations. The Wetlands/CBPA Board considers all information and either approves the application as presented, approves it with conditions or safeguards, or disapproves the application.

SPECIAL POWER OF ATTORNEY

If the applicant is different from owner(s), a "Special Power of Attorney" must be included with the application.

1. If an agent is representing either the property owner(s) or the applicant(s), a "Special Power of Attorney" must be attached.
2. If the owner (or applicant) is a corporation, partnership, or similar entity, submit documentation indicating the person signing the "Special Power of Attorney" has the authority to make this appointment.
3. If the owner (or applicant) is a church, documentation from the church's trustees, or if no trustees, then by a president or vice-president of the corporation or association of the church, must be attached which establishes that the person signing on behalf of the church has the authority to act on it's behalf and to bind the church to the application.

ADJACENT PROPERTY OWNERS

Attach a listing of the 13 digit tax map number, names and addresses of all persons, firms, or corporations owning all abutting property and property immediately across the street or road from the subject property.

Use the attached Adjacent Property Owner List of Addresses form or the AVERY 5260 label format. If unable to utilize the form or computer format, please submit the list on 8½" x 11" paper.

Include stamped (not metered) #10 envelopes (4 1/8" x 9½") with the name and mailing address of each property owner typed or printed legibly.

Please do not use pre-dated meter stamped envelopes or envelopes which include a return address.



CBPA APPEAL APPLICATION

CHESAPEAKE PLANNING DEPARTMENT

APPLICATION NUMBER: _____
(Assigned by Chesapeake Planning Department)

GENERAL INFORMATION

1. Applicant(s): _____
Address: _____

Daytime Phone: _____ FAX Number: _____
E-mail address: _____
Interest in subject property: _____

2. Agent(s): _____
Agency: _____
Address: _____

Daytime Phone: _____ FAX Number: _____
E-mail address: _____

3. Owner(s) of property: (If different from applicant)
Name: _____
Address: _____

Daytime Phone: _____ FAX Number: _____
E-mail address: _____

ACKNOWLEDGEMENT

APPLICATION NUMBER: _____

PRIMARY TAX MAP NUMBER: _____

DECLARATION OF WETLANDS/CBPA BOARD INTEREST:

Does any member of the Wetlands/CBPA Board own or have any personal or financial interest in the land which is subject to this application, or has any personal or financial interest in the outcome of the decisions, as defined by the Virginia Conflict of Interest Act? No Yes If yes, please explain:

DECLARATION OF ACCURACY:

I, the undersigned owner (or agent), certify that all statements in this application are true and correct to the best of my knowledge, are accurate and complete and includes all required information and submittals. I also certify that the list of adjacent property owners, if required, is complete and correct as of the date of this application submittal. I understand that if the list of adjacent property owners is determined to be incomplete at a later date, any action taken on this application may become null and void.

DECLARATION OF FINANCIAL RESPONSIBILITY FOR ADVERTISING COSTS:

I, the undersigned, understand that the cost of newspaper advertising for public hearing notification purposes is my responsibility and agree to pay all notices of payment due and bills associated with advertising costs for this application, including all readvertisements for continuances and appeals.

Party responsible for advertising: Applicant Agent

DECLARATION OF CONSENT:

By signing below, the applicant/agent consents to entry upon the subject property by public officers, employees, and agents of the City of Chesapeake wishing to view the site for purposes of processing, evaluating or deciding this application.

Name (signature) _____

Name (printed or typed) _____

Address: _____

Phone: _____

Date: _____

DESCRIPTION OF PROPERTY

1. 13-Digit Tax Map Number(s): _____,

2. Street Address (or common description if no street address is available):

3. Planning Area: _____

4. Watershed: _____

5. Legal Description: _____

6. Description Of Project (Nature of original request and Planning Department case number, if applicable):

SPECIAL POWER OF ATTORNEY

Application No: _____

Property Description (13-digit Tax Map Number, Street Address or Common Description, Borough): _____

Nature of **CBPA APPEAL** sought: _____

I/we _____, am/are

the applicant(s) for the above referenced application; the owner(s) of the property described above and I/we do hereby make, constitute, and appoint _____

_____, my true and lawful attorney-in-fact, and grant unto my attorney-in-fact full power and authority to make application for the CBPA Appeal application described above, and to perform all acts and make all representations as such person shall deem necessary or appropriate in regard to said application, without any limitation whatsoever, including but not limited to the following authority: to offer conditions to which the proposed use of the property would be subject, and to modify or amend any documents in whole or in part relating to the application.

The rights, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on the _____ day of _____, 20____, and shall remain in full force and effect thereafter until actual notice, by certified mail, return receipt requested is received by the Planning Department of the City of Chesapeake stating that the terms of this power have been revoked or modified.

Applicant:

Owner:

Printed Name & Title of Authorized Signatory
(include title & company name when applicant or owner is not an individual)

Printed Name & Title of Authorized Signatory
(include title & company name when applicant or owner is not an individual)

Signature of Applicant

Signature of Owner

State of _____

City of _____

Subscribed and sworn to before me this _____ day of _____, 20____,

By _____

NOTARY PUBLIC

My commission expires on: _____

** If the owner or applicant is a corporation, partnership, or similar entity, documentation must be attached which establishes that the person signing on behalf of the entity has the authority to act on behalf of and to bind that entity.*

ADJACENT PROPERTY OWNERS LIST OF ADDRESSES

Tax Map #: _____
Name: _____
Street: _____
City: _____
State/Zip: _____

Tax Map #: _____
Name: _____
Street: _____
City: _____
State/Zip: _____

Tax Map #: _____
Name: _____
Street: _____
City: _____
State/Zip: _____

Tax Map #: _____
Name: _____
Street: _____
City: _____
State/Zip: _____

Tax Map #: _____
Name: _____
Street: _____
City: _____
State/Zip: _____

Tax Map #: _____
Name: _____
Street: _____
City: _____
State/Zip: _____

Tax Map #: _____
Name: _____
Street: _____
City: _____
State/Zip: _____

Tax Map #: _____
Name: _____
Street: _____
City: _____
State/Zip: _____

Tax Map #: _____
Name: _____
Street: _____
City: _____
State/Zip: _____

Tax Map #: _____
Name: _____
Street: _____
City: _____
State/Zip: _____

Tax Map #: _____
Name: _____
Street: _____
City: _____
State/Zip: _____

Tax Map #: _____
Name: _____
Street: _____
City: _____
State/Zip: _____

CBPA APPEAL APPLICATION CHECKLIST

- The **original** CBPA Appeal application, with original signatures, with thirty (30) copies of the completed application including all required information. All information must be typed or clearly printed on the application and 8½" x 11" paper as needed. *Please ensure that the following is included with each application set:*
 1. **Special Power of Attorney**, if applicable.
 2. **Zoning map** reduced to 8½" x 11" paper.
 3. **Legal survey of the property** reduced to 8½" x 11" paper.
 4. **Vicinity map** on 8½" x 11" paper. This may be included on the survey of the property.
- Two (2) copies of the adjacent property owner's list of addresses** on the form provided with this application or Avery 5260 label format.
- Twenty (20) copies of a site plan or plat, if applicable** of the property including an environmental site assessment, landscape plan and stormwater management plan, according to Article X of the Chesapeake City Code (including CBPA calculations in accordance with the Chesapeake City Code and the requirements as set forth in the Chesapeake Public Facilities Manual), prepared by a certified surveyor or engineer, **drawn to scale and not reduced**, showing all proposed structures, including areas to be filled, graded, excavated or cleared, buildings, porches, stoops, steps, bay windows, roof overhangs, decks and/or patios, pools accessory structures, sidewalks, driveways, trails, parking, landscape areas, Best Management Practice (BMP) areas, location of the silt fence, topography lines (as well as the vertical datum utilized), wetland (both tidal and non-tidal) areas, wooded areas (including trees to be removed and trees to be protected), all bodies of water, and all other structures and features located on the site. The limits of disturbance shall be clearly delineated. If the site has been previously developed, provide the existing conditions on the site as well as the proposed new development. If existing structures or other impervious areas are to be removed, note that they will be removed on the site plan. Please clearly distinguish between existing conditions and the proposed new development.
- One (1) reduced copy of the site plan or plat** of the property, meeting the requirements above, on 8½" x 11" paper.
- Twenty (20) copies of a water quality assessment**, as required by Section 26-523 of the Chesapeake City Code, **if applicable** which identifies the impacts of the proposed exception on water quality and on lands within the Resource Protection Area (RPA).
- Any additional drawings, pictures, or information, which will assist the Wetlands/CBPA Board in making their decision.
- The **\$200.00 filing fee** per lot for which relief is sought.

CBPA APPEAL APPLICATION CHECKLIST (continued)

- Stamped #10 (4 1/8" x 9 1/2") envelopes** with the name and mailing address of each adjacent property owner printed legibly. **(Do not use pre-stamped, dated envelopes from a postage machine. Also, do not include a return address on the envelopes.)**
- In addition to the filing fee, the applicant is responsible for all newspaper advertising costs for public hearing notifications. **The applicant will be billed separately for these costs.** The average cost is \$100 per advertisement, with a minimum of two (2) advertisements required (average \$200 per application). These costs include the required advertisements for the Wetlands/CBPA Board. All additional advertising costs incurred due to continuances will also be the responsibility of the applicant.
- This completed CBPA Appeal Application checklist.