



COUNTY OF ACCOMACK
DEPARTMENT OF ENVIRONMENTAL PROGRAMS
23282 COURTHOUSE AVE, PO BOX 686, ACCOMACK, VIRGINIA 23301
(757)787-5728

Stormwater Management
Erosion and Sediment Control

Ditch Maintenance Division
Wetlands Board Administration
Chesapeake Bay/Atlantic Preservation Act

NEW CONSTRUCTION WAIVER PROCESS MEMORANDUM

FEE: \$125.00

If your unimproved property falls within the Chesapeake Bay / Atlantic Preservation Overlay District (County Code 106 Article XVI) Resource Protection Area (RPA) and is considered a legal nonconforming lot (Code Section 106-387), and application of the full 100-foot buffer would result in the loss of a buildable area, encroachments into the buffer area may be allowed.

In accordance with County Code 106-387.2., a waiver may be requested from the Department of Environmental Programs to encroach into the landward 50 feet of the buffer to achieve a buildable area, if the following conditions are met:

1. Encroachments into the buffer area shall be the minimum to achieve a reasonable buildable area for the principle structure and necessary utilities
2. Where practicable, an area equal to the area of encroachment into the buffer shall be established elsewhere on the lot or parcel in a way to maximize water quality protection and mitigate the effects of the buffer encroachment

The waiver request must include, as a minimum, the name and address of applicant and property owner, a legal description of the property and type of proposed use and development, a sketch of the dimensions of the lot or parcel, location of buildings, all other improvements, such as sidewalks, patios or decks, relative to the lot lines, and boundary of the RPA, location and description of any existing private water supply or sewage system, and the proposed planting plan to mitigate the encroachment. The request must also include a completed Water Quality Impact Assessment, in accordance with Code Section 106-386.

In any case where a 50-foot buffer area cannot be maintained, an applicant may request an exception in accordance with section 106-389.