NOV agenda

Application to the Chesapeake Bay Board
Water Quality Impact Assessment

Pursuant to §23.2-13 and 23.2-16, York County Chesapeake Bay Preservation Areas Ordinance

Date: 10/2/09

CB: 2009-248

1. Applicant: William Byrd

   Address: 2910 Seaford Rd.

   Phone Number: 898-7874, cell 508-5060 or 508-5014 Bita (wife)

2. Property Owner (if different from applicant): _____

   Address: _____

   Phone Number: _____

3. Property Address: _____

4. Parcel Identification (GPIN): 409d-2998-0649

ATTACH the following information:

- Current survey with dimensions of lot and location and dimensions of any existing buildings, driveways, decks, sidewalks, etc.
- Location of on-site sewage disposal system (if applicable)
- Location of shoreline, wetlands, stream and Resource Protection Area boundary
- Location and dimensions of proposed additions or alterations
- Area of land disturbance, clearing, grading and fill
- Erosion and Sediment Control measures
- Location and dimensions of BMP and supporting calculations
- Location of permanent signs and temporary construction fencing
- Location, type and size of existing trees and vegetation in RPA
- Designation of trees to remain and trees to be removed in RPA
- Buffer restoration and replacement planting location and detail
- Executed BMP Maintenance Agreement
- Any additional supporting information

5. Appeal to Staff Decision? _____ Order? ___ Requirement? ___

6. For appeals, provide section reference & description: (attach additional paper if necessary)_____

7. Exception Request? ✓ Yes ___ No, provide section reference 23-2-9(F)(1)a.

8 Was this lot/parcel created prior to October 1, 1989? ✓ Yes ___ No

9. Is this lot/parcel impacted by a perennial stream determination? ___ Yes ✓ No

10. In what flood zone is this lot located? AE
If this property or any portion of the property is Flood Zones A, AE, V or VE, please consult the Building Regulations Division (890-3522) for Construction Requirements in a Flood Zone.

11. Does County sanitary sewer serve this lot or is an on-site wastewater disposal system necessary? Public sewer
If this property will be served by an on-site wastewater disposal system, please consult the Health Department.

12. Description of the Proposed Project: Construct 20'x20' shed and remove 10'x12' shed

13. Area of lot above water/wetlands in square feet (sq. ft.): 27161

14. Area of impervious surfaces: sidewalk, driveway, building footprint, deck, pool, patio, etc.:
In RPA (sq. ft.): 3494
In RMA (sq. ft.): 0
Total Area (sq. ft.): 3494

15. Percentage of impervious cover: divide #14 (Total Area) by #13, multiply by 100: 12.9%

Please check all that apply or supply quantities for the following:

16. Project Location:
__ a. Resource Management Area (RMA)
✓ b. Resource Protection Area (RPA)
✓ Landward 50-feet of Buffer Area
__ Seaward 50-feet of Buffer Area

17. Will the project require any of the following?
N/A __ a. Excavation __ b. Filling __ c. Grading

18. Materials to be used to cover land surface:
__ a. Decking ✓ b. Roof __ c. Concrete __ d. Asphalt
__ e. Pavers __ f. Gravel __ g. Stone/Brick __ h. Other

19. Existing Site Conditions:
__ a. Heavily Wooded
✓ b. Sparsely Wooded
__ c. No Trees
__ d. Marsh/Swamp
__ e. Stream
__ f. Ravine or Ditch
✓ g. Grass/Lawn
✓ h. Understory/brush
__ i. Leaves/needles
__ j. Bare Soil
__ k. Eroding soils/shoreline
✓ l. Waterfront Property
__ m. Paved
__ n. Other: _____

20. Impacts on Existing Vegetation:
   - __ a. Number of trees greater than 3" diameter removed within 50-feet of waters/wetlands
   - NONE __ b. Number of trees greater than 6" diameter removed between 50-feet and 100-feet of water/wetlands
   - __ c. Approximate square footage of understory/brush/leaves/needles removed
   - __ d. Number of trees to be heavily pruned
   - __ e. Number of dead or diseased trees removed
   - __ f. Other: _____

21. Proposed Methods to Minimize Site Impacts:
   - __ a. Tree protection/barriers
   - __ b. Limit construction activity to flat areas of site
   - __ c. Single construction/access way
   - N/A __ d. Stockpile construction materials and debris on hard surfaces
   - __ e. Barriers to define limits of construction activity/land disturbance
   - __ f. New structure situated on lot so as to minimize the encroachment into the RPA
   - __ g. Any other methods? Please describe: _____

22. Proposed Mitigation Measures:
   - ✓ a. Best Management Practices (BMP) utilized:
     - __ Infiltration planting bed (mulch bed BMP)
       - ✓ Square footage of mulch beds 280 sq. ft.
       - 3 Number of new trees proposed, (sq. ft. mulch / 100) x 1
       - 8 Number of new shrubs proposed, (sq. ft. mulch / 100) x 3
     - __ Dry well Infiltration Trench / French Drain (Attach Detail)
     - __ Grass swale with check dams
     - __ Other
   - __ b. Buffer Restoration and Replacement Vegetation:
     - __ Trees
     - __ Shrubs
   - __ c. Erosion and sediment control structures utilized.
     - __ Silt fence
     - __ Construction entrance
     - __ Sand and gravel under deck treatment
     - __ Other: _____

23. Please describe the steps to be taken for project construction including any protection and mitigation measures proposed along with the Construction Sequence of the project: (Example: obtain permits, install silt fence and tree protection, build house, plant new trees, etc.)

obtain permit, build shed, remove old shed and concrete

24. Are you seeking or have you already obtained permits from other local, state or federal agencies in conjunction with this project? ____ Yes ✓ No If yes, please describe:

25. Can you avoid locating the project in the Resource Protection Area (Within 100-feet of the water/wetlands)? ___ Yes ✓ No

26. Is there suitable area on the site to do so? ___ Yes ✓ No

27. Describe why this project or appeal deserves special consideration:

Need storage - garage floods, need more storage area.

Exceptions to the CBPA requirements may be granted by the Board provided:

(1) The requested exception is the minimum necessary to afford relief:

(2) Granting the exception will not confer upon the applicant any special privileges that are denied to other property owners who are subject to these provisions and similarly situated;

(3) The exception is in harmony with the purpose and intent of the CBPA Act 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, that will prevent the allowed activity from causing a degradation of water quality; and

(6) Other findings, as recommended by the CBPA Manager and deemed appropriate by the board, are met.

In rendering its decision for Appeals, the Board shall:

(1) Examine the language of this chapter to determine whether the language is clear or is subject to more than one interpretation;

(2) If, in the opinion of the board, the language is clear, the board will require the applicant to show that his case is not within the intent of the regulation. In these cases, the board will assume that the administrative decision is correct and the applicant will bear the burden of proof;

(3) If the language of this chapter is unclear, the board will inquire as to whether the decision made by the official involved is consistent with previous administrative determinations in similar situations;

(4) If the administrative decision is consistent with prior decisions, the applicant will prevail only if the administrative decision is not within the intent and purpose of the ordinance and, therefore, so arbitrary or unreasonable that the board must substitute its own interpretation and overturn the administrative decision. If the administrative decision is both consistent and reasonable, the board will uphold it;

(5) If the administrative decision is inconsistent with prior decisions, the Board will carefully examine all factors involved to ensure that the appearance of an arbitrary decision is overcome by a legitimate attempt to further the intent and purpose of this chapter.