



WESTMORELAND COUNTY, VIRGINIA

Land Use Administration

MONTROSS, VIRGINIA 22520



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RESIDENTIAL PERMIT GUIDANCE

Building Official
Zoning Official
Planning Commission
Board of Zoning Appeals
Board of Building Appeals
Wetlands Board

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*This document is provided as a **GUIDELINE** to assist the public in understanding, preparing plans and submitting documents. This document does not take the place of or supersede the code requirements. It is the responsibility of the property owner and/or applicant to provide accurate and reliable information concerning the project in accordance with all applicable codes. We will do our best to assist you in the application process. Please keep in mind our review utilizes the total code and not just what is provided within this document.*

CODE DEFINITIONS USED IN THIS DOCUMENT

BUFFER – otherwise known as the 100 foot **Resource Protection Area (RPA)** is abutting all streams, creeks and rivers and is measured from the Mean High Water, perennial streams or wetland. This buffer applies to all bodies of water except manmade ponds or storm detention ponds. This area has special considerations for development under the Chesapeake Bay Act. A summary of these considerations is included in this document.

CHANGE OF USE – is the proposed use of a building or structure being different than the existing or approved use, such as a garage housing cars being altered for apartment(s) or a home being remodeled into a 2 or more family apartment.

CONSTRUCTION FOOTPRINT – is the total area of all impervious surfaces (hard surface) including, but not limited to, buildings, structures, roads, driveways, parking area, sidewalk, stoop, decks, pools **INCLUDING** wood or concrete deck area, and the land area disturbed for construction of such improvements. The land disturbed area necessary for construction of such improvements shall be calculated at a minimum of 10 feet beyond the building area and designated material storage areas unless other restrictions are placed upon the plan.

IMPERVIOUS AREA/COVER – is any surface that significantly impedes the infiltration of water into the soil such as but not limited to roof, building, patio, deck, street, parking area, concrete asphalt, or compacted gravel (driveway). Note that roof dimensions are used, not foundation.

PERMIT, BUILDING – is required, except as exempted below, for any repair, replacement, construction, addition, alteration of any structure or building **AND/OR** the **CHANGE OF USE** within any building or structure. The application shall be accompanied with a minimum of 2 complete sets of the building plans.

1. Minor repairs to residential dwellings are exempt, such as siding, roofing or replacing windows of the same size in the same opening.
2. Farm buildings are exempt from the building permit but still require electrical and zoning permits.
3. Sheds, less than 150 square feet are exempt from a building permit but still require electrical and zoning permits.
4. Fences under six (6') feet are exempt.

PERMIT, LAND DISTURBANCE – is required for disturbing 2500 square feet or more of land (Construction Footprint) by excavation, removing or placing soil, trees, or vegetation, including the changing of the grade, driveway, structures and/or improvements that result in 833 square feet or more of impervious area.

PERMIT, ZONING - is required for the enlargement, extension, reconstruction, placement, construction, structurally altering or the erection of any structure or building on the property. The erection of a fence less than six (6') feet does not require a permit. Mobile Homes are required to have a zoning permit prior to being moved or located on property. The applications shall be accompanied with a minimum of 3 complete Plot Plans or Site Plans depending upon the conditions of your particular site.

PLOT PLAN – is required to be submitted with all zoning permit applications for proposed construction or additions and shall be signed by the applicant, drawn to scale showing all dimensions of the structures with their individual distances to property lines, drainfield, other buildings or structures, public and/or private roads. All proposed construction shall be located no less than the required setbacks for the particular zoning district.

SETBACKS – are measured from the lot line or center of road to the leading edge of the building or structure including the overhang or roof dimensions.

SITE PLAN – shall be required for all projects that exceed 16% of impervious cover of the parcel and/or encroach into the RPA. The Resource Protection Area (RPA) is to be located on the site and others items as defined in the Site Plan Article 9 of the Zoning Code. It shall be prepared by a State of Virginia Certified Professional Engineer or Class III B Surveyor.

WETLANDS BOARD – is required to review all applications for development within their jurisdiction as defined by the Code of Virginia, Section 28.2-1302. Other State agencies require the applicant to coordinate their approvals before our permits may be issued. This includes but is not limited to the placing of Rip Rap, constructing bulkheads, retaining walls and commercial piers.

PLOT PLAN BASIC REQUIREMENTS

All permits are required to submit either a “Plot Plan” or a “Site Plan” as defined above. Should you find these standards confusing, you may wish to seek a design professional. Please note when your project exceeds 16% impervious cover, you are constructing near and/or encroaching upon the 100 foot buffer of the Resource Protection Area (RPA) a “Site Plan” drawn by a Certified Professional Engineer or Class III B Surveyor is required. All applications and plans shall be given a cursory review upon submittal. THIS DOES NOT MEAN THEY ARE ACCEPTABLE. Upon a detailed review by the approving agent, plans and application lacking sufficient details to make code compliance decisions shall be returned. Minimal notations shall accompany the returned data explaining the reasoning. Please remember it is the applicant’s responsibility to submit all the necessary data for approval. DO NOT ASSUME THAT OUR OFFICE HAS YOUR INFORMATION. Additional time spent by us reviewing incomplete applications delays everyone’s approval. Should, at any time, it be discovered that the data was in error or falsified, due process shall begin to either correct or void all appropriate approvals.

All applicants shall submit a minimum of three (3) legible copies of a plot plan that shall include the following:

1. The property/parcel/lot DRAWN TO SCALE showing the size, shape and dimensions of all lot lines. The size and scale of the drawing must be readable and accurate in all details for our staff to review the proposed construction. THE FOLLOWING ITEMS MUST BE SHOWN ON THE PLOT PLAN:
 - a. A parcel or lot within a subdivision is required to submit a boundary survey of the property. Other properties may be required to submit a survey depending upon the complexity of the site.
 - i. A copy of your Mortgage Location Certificate when you purchased or refinanced the property will show some of these items. If the property has had improvements made, this document will need to be updated.
 - ii. The Health Department sketch plan is NOT A PLOT PLAN drawn to scale.
 - b. Location of all existing and proposed building or structures with their dimensions, shape and their distance from the property lines. All proposed construction shall be located no less than the required setbacks for the zoning district and RPA line when the Bay Act applies.
 - c. Location of all existing and proposed porches, decks, sheds and all other accessory structures dimensions, shape and their distance from the property lines and location relative to the structure they are being added to.
 - d. Existing and proposed use including the number of bedrooms.
 - e. Existing and proposed impervious surfaces, off-street parking areas, paved or gravel access driveway with their dimensions.
 - f. The “Construction Footprint” of the land area being cleared or disturbed during construction.
 - g. The location of the Mean Low Water (MLW) and Mean High Water (MHW), Waters edge, wetlands and other shoreline details that pertain to the property and/or the construction.
 - h. Proposed on-site drainage controls.
 - i. Existing and/or proposed well location with dimensions to the lot lines and buildings with the appropriate Well Head protection of 50 or 100 feet radius for the class of well or documentation of approval to connect to a central water system.
 - a. Proposed Wells – should this radius encroach upon the neighboring property, the abutting property owner shall be notified of the encroachment and their ability to object by a certified letter. Should they object, the applicant is required to seek approval from the Board of Supervisors.
 - i. Submit a copy of the Health Department approval.
 - j. Existing and/or proposed sanitary tap, drainfield and septic tank location and size with dimensions to the lot lines and buildings or documentation of approval to connect to a central sewage system.
 - i. Proposed Drainfield shall submit a copy of the Health Department approval.
 - ii. This requirement does not apply for construction of piers, boat slips, rip rap and bulkheads.

- iii. Existing systems shall provide proof of the septic tank being pumped out in the last 5 years or the system being approved and constructed in the last 5 years.
 - iv. Design standards to keep in mind with a drainfield and septic tank on the property:
 1. 10' separation for structures with crawl space or above ground swimming pools.
 2. 20' separation for structures with basement or in-ground pools.
 3. 5' separation for freestanding structure such as a deck or shed on skids.
 4. Driveways shall not be placed over a drainfield unless elevations/grading plan is provided showing a minimum of 43" or more from the bottom of the drainfield trench and the top of an asphalt or concrete driveway. The distribution box shall be designed with surface access and support the asphalt or concrete driveway as approved by the Health Department. Gravel drives are not allowed over a drainfield or distribution box.
2. **Land Disturbance permit and Erosion and Sediment controls** are required when the Construction Footprint exceeds 2500 square feet (SF) in land disturbed and/or 833 SF and greater of building area.
 3. VDOT approval of a new entrance drive, or modifying of an existing entrance.
 4. Wetlands Board approval of waterfront construction such as bulkheads and placement of rip rap.
 5. Building Permits are required as described below. A minimum of two complete sets of building construction plan shall be submitted. One will be returned and shall be located on the construction site for all inspections and until the Occupancy Permit is issued.
 6. Property taxes are required to be current.
 7. Completed permit application and payment of fees. All fees are nonrefundable.

ZONING PERMIT PLOT PLAN FOR BUILDING AREA BEING LESS THAN 500 SQUARE FEET

Shall submit the following:

1. This includes construction of a pool, pier, boat slip, deck, porch, water related structures and other building or structure.
2. Plot plan meeting the requirements of a PLOT PLAN BASIC REQUIREMENTS described above.
3. Check the Building Permit requirements.
4. Check the Land Disturbance requirements.
5. Check the inspection requirements.

ZONING PERMIT PLOT PLAN FOR BUILDING AREA BEING 500 SQUARE FEET AND GREATER

Construction of pools, piers, boat slips and other on-water related structures submits a basic plot plan. Should these structures be 500 square feet and greater on land, the plot plan is required as described below:

1. Plot plans meeting the requirements of PLOT PLAN BASIC REQUIREMENTS as described above.
2. EXISTING topography/ground elevation or grades shall be shown on the same drawing of all land disturbed by the proposed construction. Topo obtained from the internet may be used provided it is placed upon the plot plan and not on a separate drawing. Contractor's shots may be utilized PROVIDED you can convert it to contour lines and without a doubt show what exists.
3. PROPOSED grading in all areas of land disturbance on the site. PROPOSED SITE grading is required to control drainage on the sites. This shall be complete in all details for us to assure that the neighboring property will not receive surface water runoff. Any change shall null and void the approved plan.
 - a. Additionally, the existing topo and proposed grading on the plan is to determine steep slopes, engineered foundation requirements and control of stormwater on your site. The plan must clearly indicate this in your design.
4. Septic systems are required to have the Virginian Health Department (VDH) perform a reserve drainfield search and/or a septic tank upgrade to comply with the current regulations. This includes additions 500 square feet and larger and/or that exceed fifty percent (50%) of the size of the principal structure whichever is less
 - a. The Land Use work sheet is REQUIRED for you to take to the VHD.

- b. A copy of the VHD permit shall be submitted with the permit application.
 - c. Should any reserve drainfield be found, it shall be located on a plan and the easement recorded. No impervious construction or structures shall be located on this area. With a reserve drainfield FOUND or NOT FOUND the EXISTING septic system shall meet the current VHD regulations being those adopted in 2000 and any update, modifications or changes so adopted by the VHD.
 - d. New structures and/or additions 500 square feet and larger to the PRINCIPAL BUILDING shall have the new or existing septic system meet the current VHD regulations being those adopted in 2000 and any update, modifications or changes so adopted by the VHD.
 - e. New structures and/or additions 500 square feet and larger not connected to a central wastewater system serving the area, will be required to connect to the system per specific requirements of the code.
 - f. Parcels recorded prior to October 1, 1989 are required to search for and record a reserve if found. The EXISTING septic system shall meet the current VHD regulations being those adopted in 2000 and any update, modifications or changes so adopted by the VHD.
 - g. Accessory structures that do not have water or sanitary facilities within them are not required to have the EXISTING SYSTEM upgrade to meet the current VHD regulations. 500 square feet and larger shall perform a reserve drainfield search and record the location.
 - h. Accessory structures with water and sanitary facilities shall have the reserve drainfield search performed, recorded and the EXISTING SYSTEM upgrade to the current VHD regulations.
5. Check the Building Permit requirements.
 6. Check the Land Disturbance requirements.
 7. Check the inspection requirements.

LAND DISTURBANCE PLOT PLAN FOR PERMIT

Gardens, home landscape, general maintenance and repairs of existing structures do not require a permit. Other land disturbance activities that create 833 square feet or more of impervious area and/or disturbs 2500 square feet or more of land shall submit the following:

1. When issued separately from the proposed development on the site, only clearing of the land shall be approved. This does not include any construction or placement of any materials on the site unless shown on the approved plan. Should no plot or site plan be presented FOR FUTURE BUILDING(S), the maximum clearing area allowed is 48% of the parcel size by the Bay Act.
2. The property/parcel/lot drawn to scale showing the size, shape and dimensions of all lot lines (Plot Plan).
3. The "Construction Footprint" of the land area being cleared or disturbed with dimensions that accurately show the size, shape and locations of the area within the parcel. Trees six (6") and larger outside the "Construction Footprint" shall not be removed unless specifically approved on the plan.
4. Waters edge, wetlands and other shoreline details that pertain to the property and construction.
5. EXISTING topography/ground elevation or grades shall be shown on the same drawing of all land disturbed by the proposed construction. Topo obtained from the internet may be used provided it is placed upon the plot plan and not on a separate drawing. This is to assure that your erosion & sediment controls are appropriate. Photos of the property would assist but will not take the place of the Topo requirement.
6. PROPOSED changes in the site grading in all areas of land disturbance on the site. PROPOSED SITE grading is required to control drainage on the sites. Should no changes in the site grading be proposed, place a note specifying "No change in grade proposed".
7. All erosion & sediment controls shall be shown and maintained until the site vegetation is restored.
8. Public and private right-of-way clearing and/or grading shall present complete road plans for approval.
9. The 100 and/or 50 foot buffer of Resource Protection Area (RPA) when it applies. Property that contains the RPA with the intent to erect a building or structure on the property shall submit the approximate size, shape and location of existing and proposed building, structures and drainfield.
10. No clearing will be allowed in the buffer area of the RPA unless a Landscape plan has been approved.

RESOURCE PROTECTION AREA (RPA) BUFFER AREA DEVELOPMENT

Within the 100 foot RPA there are two distinct areas that have specific requirements listed below. Any work proposed in the 100 foot buffer requires a Landscape Plan by a design professional showing all trees two and one half inches (2 ½ ") and greater in diameter in the Construction Footprint and the area being cleared.

1. When no trees exist we would appreciate a note to that effect on the plans. Should trees exist, we would appreciate a photo of the buffer that will assist us in determining compliance.
 - a. With a permit, you are allowed to prune existing trees to create reasonable sight lines, vistas and access paths for approved shoreline erosion projects. A floor plan is necessary to justify a sight line and/or a vista to be created.
2. When farm land is changed in use you are required to re-establish the 100 foot buffer with an approved Landscape Plan in accordance with the Bay Act.
3. All trees two and one half inches (2 ½") in Diameter at Breast Height (DBH) and larger being removed shall be replanted in accordance with the Bay Act.
 - a. This requires a design professional to submit a Landscape Plan for replanting requirements.
 - b. Options of tree species, landscape and vegetation are defined by the Bay Act.
4. All trees six (6") inches and larger shall be preserved outside the Construction Footprint.
5. Additional Erosion and Sediment controls, landscape and vegetation plans may be required depending upon the existing and proposed grading in order to protect slopes.
6. Existing structures may be maintained in their present condition.
7. Land disturbance, Zoning and Building permits are required for any development.
8. The 50 foot landward buffer is the area that lies between 50 and 100 feet from a perennial stream, creek, wetland or waters edge.
 - a. No addition or expansion is allowed unless specifically approved with a permit by the Land Use office.
 - b. Administrative determinations are allowed by the Zoning Administrator within the guidelines established by the Chesapeake Bay Act and may require the approval of the Local Wetlands Board or the Planning Commission given the specifics of your site. As a general rule, if the property has a "Reasonable Building Area for the principal building" outside the 100 foot RPA, the Zoning Administrator shall not grant an approval and your project will require a Bay Act Exception approved by the Planning Commission with the submittal of a Stormwater management plan.
 - c. The Reasonable Building Area for the principal building shall be considered a building footprint of 1800 square feet and less of any configuration on the site.
 - d. Unattached garage, decks, patio and other accessory structures are not allowed in the 100 foot RPA unless a Bay Act Exception is approved by the Planning Commission.
 - e. Plans submitted for the Bay Act Exception shall be complete in all details.
9. The 50 foot seaward buffer is adjacent to a perennial stream, creek, wetlands or waters edge.
 - a. No development, land disturbance or improvements are allowed in this area unless a Special Exception has been approved by the Planning Commission and/or the Local Wetlands Board. Specific details of your proposed project will be needed to address the approvals required. This includes the placement of rip rap and construction of a bulkhead or other structures.
 - b. Any development or redevelopment such as rip rap or bulkhead repair, reconstruction or new construction requires a Joint Permit Application (JPA) with the Corp of Engineers and the Virginia Marine Resource Commission (VMRC).

BUILDING PERMIT FOR BUILDINGS OR STRUCTURES LESS THAN 150 SQUARE FEET

Construction of this type requires the following documents in addition to those above:

1. Owners that apply for the permit are required to sign an affidavit accepting responsibility for the construction to comply with the Building Code.
2. Permits ARE NOT REQUIRED for a shed with a roof being less than 150 square feet HOWEVER, zoning permits are required.

3. Permits ARE REQUIRED for the change in use of any area of an existing building or structure.
4. Permits ARE REQUIRED for structures such as bulkheads and retaining walls 4' and higher.

BUILDING PERMIT FOR BUILDINGS OR STRUCTURES GREATER THAN 150 SQUARE FEET

Construction of this type requires the following documents in addition to those above:

1. A minimum of two (2) complete copies of building drawings.
2. Owners that apply for the permit are required to sign an affidavit accepting responsibility for the construction to comply with the Building Code.
3. Permits ARE REQUIRED for a structure with a roof or a building greater than 150 square feet.
4. Permits ARE REQUIRED for the change in use of any area of an existing building or structure.
5. Permits ARE REQUIRED for structures such as bulkheads and retaining walls 4' and higher.

BUILDING PERMITS FOR PLACEMENT OF MANUFACTURED HOUSING UNITS

Construction of this type requires the following documents in addition to those items described above:

1. All units shall provide proof of construction during 1976 and after. Any unit manufactured prior to 1976 shall not be allowed to be placed on any property or relocated on any property.
2. New units and the relocation of existing unit(s) upon a site shall submit:
 - a. A minimum of 3 plot plans as described above.
 - b. A minimum of 2 sets of the manufacture's drawings for new construction.
 - c. Submit tie down design per the manufacturer's requirements.
3. Additions shall follow the plot plan and building plan requirements for the size of addition.

INSPECTIONS - Every permit requires inspections performed before or just after the work is performed depending the situation. Inspections may be performed by a Third Party Inspector PROVIDED APPROVAL HAS BEEN GIVEN IN ADVANCE BY THE WESTMORELAND COUNTY BUILDING OFFICIAL. The following are the typical inspections to be performed. Other inspections may be required for your specific construction. The final Occupancy Permit will not be issued unless all required inspections are performed

1. **ALL INSPECTIONS FOR ALL PERMITS** shall be scheduled by 3:00 PM the day prior to. No exceptions shall be made unless an emergency and approved by the Planning Director or the County Administrator. Please keep in mind we can not physically perform several inspections at one time at different locations. Required inspections not performed will automatically deny the requested inspection unless previously approved by the Building Official. It is the owner/applicant's responsibility to keep their inspection records.
2. APPROVED PLANS SHALL BE ON THE SITE FOR ALL INSPECTIONS.
3. All Erosion & Sediment controls shall be in place and properly functioning at all times.
4. A minimum of two property corners shall be located and visible for footer location and approval.
5. Footing, drain tile, waterproofing.
6. Crawl space, foundation inspection before the start of the framing of the structure.
7. Bulkhead, retaining wall, pier, boat slip and other related items for final approval.
8. Basement slab - 3.5" minimum thick concrete on 4" of stone with approved vapor barrier.
9. Wall Inspection. - Poured or masonry where rebar is required, shall be in place before the concrete is poured.
10. Close-in - Framing, Plumbing, Mechanical, windows installed and roof shingled.
11. Temporary & Rough electrical - Requires the shingle and windows installed.
12. Rough-in - Gas if applicable for the construction.
13. Insulation - Per the Model Energy Code.
14. Drywall.
15. 911 Addresses for new construction.
16. Best Management Practices (BMP) when the site design calls for their installation.
17. Final Occupancy shall be granted upon completion of all grading, drainage, ground cover and permanent erosion & sediment controls being completed.
18. Should an inspection fail, you are required to call and reschedule as any other inspection.