

Department of Planning
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SUBDIVISION VARIANCE APPLICATION INSTRUCTIONS

PURPOSE

Section 70-86 of the Subdivision Ordinance states that in cases where the subdivider can show that strict adherence to the public improvement requirements in articles III and IV of the Subdivision Ordinance would cause an unnecessary hardship, the Planning Commission may grant a variance to such requirements. When considering a variance, the Planning Commission must determine that because of topography or other conditions peculiar to the site, a departure from the requirements can be made without destroying the intent of the Subdivision Ordinance standards and provisions.

REVIEW PROCESS

The deadline for submitting a subdivision variance application is the Monday prior to the second Wednesday of the month. If the deadline falls on a City holiday, the deadline is the next City business day. All applications are to be submitted to the Planning Department.

The Planning Department will review the variance application and subdivision plan for completeness. If the application or subdivision plan is found to be incomplete, the Planning Department will return the application, plans, and filing fee to the applicant with a description of the manner and areas in which the application is incomplete. **The filing fee is \$500.00.**

Once the application is determined to be complete, the Planning Department distributes the variance application and subdivision plan to various City departments for review. Development review departments include Development and Permits, Public Utilities, Police, Economic Development, School Administration, Libraries, Fire, Inspections, Zoning, Parks & Recreation, and Planning.

After receiving comments from the other departments, the Planning Department will contact the applicant and relay the departmental comments. A revised plan or application, if required, will be requested at this time.

REVIEW PROCESS (Continued)

The Planning Department will prepare the advertisement. At this time, the applicant will be required to post the property with a sign, prepared by the Planning Department, giving NOTICE OF SUBDIVISION VARIANCE. Such posting must be in accordance with the instructions set out by the Planning Department. Applicants are encouraged to take pictures of the signs after posting and provide them to the Planning Department as proof that the signs were properly posted. Improper posting will delay processing of application. The applicant will be contacted by the Planning Department when the sign is available for posting. The applicant is responsible for the sign fee. (\$25.00 for the first sign, \$20.00 for each additional sign, as required).

APPLICATIONS THAT DO NOT MEET MINIMUM APPLICATION REQUIREMENTS AS SPECIFIED IN THE CHESAPEAKE CITY CODE WILL NOT BE ADVERTISED.

The Planning Department will compile departmental comments, the applicant's response to the comments, and will provide a recommendation for approval, approval with stipulations to ensure compliance with City codes and standards, or denial in a staff report.

The Planning Department will forward a copy of the application, subdivision plan, any additional information which will assist the Planning Commission, and a staff report to each Planning Commission member. A copy of the staff report will be provided to the applicant. All staff reports are available for review in the Planning Department and Public Libraries.

The Planning Commission will hold a public hearing the second Wednesday of the month after the application has been deemed complete by the Planning Department. The public hearing is open to all citizens. The applicant must attend the Planning Commission public hearing. Failure of the applicant to attend the Planning Commission public hearing will automatically require the application to be continued to a future Planning Commission hearing date.

At the public hearing, the Planning Commission will hear proponents and opponents of the application, as well as staff comments and recommendations. The Commission will consider all information and take one of the following actions: approve the subdivision variance as presented, approve with stipulations, or disapprove the subdivision variance.

An appeal of the decision of the Planning Commission may be made to City Council and must be filed with the City Clerk within thirty (30) days from the date which the decision was made.

PRELIMINARY SUBDIVISION PLAN REQUIREMENTS

Per Section 70-24 of the Chesapeake Subdivision Ordinance, Section 18-201 et seq of the Chesapeake Zoning Ordinance, and Planning Department policies, the following information shall be included on all preliminary subdivision plans submitted for review by the City. Compliance with these instructions will ensure that your application is placed on the appropriate agenda in accordance with its filing deadline. Failure to meet these requirements will render the application incomplete and will result in the Planning Department returning the application.

Include a drainage impact assessment listing the potential drainage impact issues arising from the development. Submit a conceptual drainage assessment, for Development and Permits review, to address how you will ensure that this development will not create detrimental drainage impacts on the proposed site, surrounding upstream and downstream properties.

STANDARDS FOR DIMENSION & SCALE:

1. A preliminary site plan shall be drawn to scale not less than 1" = 50'. The preliminary plat shall be enclosed by a boundary survey or existing survey of record.
2. Plans shall be no wider than 24".
3. Thirty (30) preliminary subdivision plans, folded to a size not larger than 9" x 14", with the site plan facing out are required. If a revision is submitted, please include the Planning Department application number in the title block.
4. Two (2) copies of the site plan reduced to 11" x 17" paper shall be provided.
5. Two (2) copies of the site plan reduced to 8½" x 11" paper shall be provided.
6. Different dimensions may be required for properties located within an Overlay District, under the separate standards for development of property within such District. *NOTE:* See Article 12 of the Chesapeake Zoning Ordinance for Overlay District regulations.

SITE PLAN & MAP REQUIREMENTS:

1. The name of subdivision, surveyor or engineer, date of drawing or revision, number of sheets, north point and scale in the **lower right-hand corner**. If a revision is submitted, please include the Planning Department application number in the title block.
2. Name and address of owner(s) of the property.
3. A vicinity map showing the area to be subdivided in reference to adjoining streets, subdivisions, and landmarks.
4. The City's tax map numbers assigned to the property, deed book and map book references for the property and where applicable, lot and block numbers, subdivision sections, phases and names.

PRELIMINARY SUBDIVISION PLAN REQUIREMENTS (Continued)

5. Boundary survey or existing survey of record showing property boundary lines, dimensions, existing easements, right-of-way widths for adjacent roads and existing intersections located within five hundred (500) feet of the property.
6. The zoning of the property to be subdivided and all adjacent lands, including all zoning overlay districts.
7. The number of building sites consecutively numbered with their dimensions shown on each site.
8. The location and dimensions of all existing structures, improvements and buildings on the property to be subdivided, including those on any residual portion of the property.
9. Written schedules or data necessary to demonstrate that the property can accommodate the proposed use, including:
 - a. Proposed uses of the property to be subdivided, including any residual portion of the parcel or parcels depicted on the preliminary subdivision plan;
 - b. Acreage occupied by each use;
 - c. For residential developments, maximum number of dwelling units by type and gross residential density; and
 - d. Square footage and location of recreation areas and percent and acreage of open space.
10. A site analysis and preliminary landscaping plan, to the extent required by Article 19 of the Zoning Ordinance. Landscaping may be shown on a separate drawing.
11. The proposed location of stormwater management, mitigation and detention/retention areas.
12. The location of proposed public utility easements.
13. Areas intended to be dedicated or reserved for public use.
14. Areas where special soil or water conditions are known or believed to exist and areas known or believed to have been subject to dumping activities or to have been the location of a landfill, a junkyard or a storage and processing area for any fuels or hazardous materials.
15. Where the property abuts any natural or artificial body of water, display the name of each body of water, the normal water mark for non-tidal waters and the mean high water line for tidal waters, officially established bulkhead and pier head lines, and where applicable, the location of wetlands as defined in Section 28.2-1302 of the Code of Virginia as amended.

PRELIMINARY SUBDIVISION PLAN REQUIREMENTS (Continued)

16. Existing and proposed streets, alley and rights-of-way, whether public or private, on-site or located within five-hundred (500) feet of the property to be subdivided, including right-of-way widths, sidewalks and the names of all proposed streets, alleys and rights-of-way.
17. A drainage impact assessment, listing potential drainage impact issues arising from the development. Submit a conceptual drainage assessment, for Development and Permits review, to address how you will ensure that this development will not create detrimental drainage impacts on the proposed site, surrounding upstream and downstream properties.
18. Phase lines, if phased development is planned.
19. The location of any graves or burial sites on the property.
20. The location and description of any historic features on the property, as depicted on the City's most recent reconnaissance survey.
21. For property located within the Chesapeake Bay Preservation Area Overlay District, a delineation of resource protection areas, resource management areas, buffer areas, wetlands and related information required by Section 12-500 of the Chesapeake Zoning Ordinance.
22. Such additional information as the reviewing departments deem necessary to provide sufficient information for the staff and/or the Planning Commission to adequately review a preliminary subdivision plan.