



# FAIRFAX COUNTY

EXCEPTION APPLICATION FILED: 8/4/2023

EXCEPTION REVIEW COMMITTEE: 11/1/2023

V I R G I N I A

**October 11, 2023**

LAND DEVELOPMENT SERVICES (LDS)  
SITE DEVELOPMENT AND INSPECTIONS DIVISION (SDID)

## STAFF REPORT

RESOURCE PROTECTION AREA (RPA)

ENCROACHMENT EXCEPTION #WAIV-2023-00380

WATER QUALITY IMPACT ASSESSMENT (WQIA) #WQIA-2023-00020

**APPLICANT NAME:** Hamid Matin

**PROJECT LOCATION:** 7819 Southdown Road, Alexandria VA 22308

**LEGAL ADDRESS:** Wellington Villa, Pt Lt 15, Sec 1

**TAX MAP REFERENCE:** 102 2 18 0015A

**DATE APPLICATION ACCEPTED:** October 4, 2023

**CHESAPEAKE BAY PRESERVATION ORDINANCE (CBPO) PROVISION:** Section 118-6-9.

100-YEAR FLOODPLAIN PRESENT

PROPOSES ENCROACHMENT INTO THE SEAWARD 50 FEET

**AREA OF REQUESTED RPA ENCROACHMENT (DISTURBED AREA):** 6,577 SQ FT

**LOT SIZE:** 0.72 Ac; 30,579 SQ FT; 73% Lot in RPA

**LOT RECORDATION DATE:** JULY 06, 1912; **DEED BOOK** 7 **PAGE** 128

### STAFF RECOMMENDATION:

APPROVAL

DENIAL

APPROVAL WITH CONDITIONS

<b>Property Location:</b> 7819 SOUTHDOWN RD, ALEXANDRIA VA 22308			
<b>Property Description</b>		<b>Planning and Zoning Data</b>	
<b>Supervisor District:</b> MOUNT VERNON		<b>Zoning District:</b> R-2	
<b>Town:</b> No		<b>Overlay District:</b> N/A	
<b>Subdivision:</b> WELLINGTON NO.1		<b>Comprehensive Plan Base:</b> 2-3 DU/AC	
<b>Deed Book &amp; Page:</b> <u>27530-0595, 25422-0321, 21352-1913, 21352-1910, 18639-0287, 03120-0554</u>		<b>Plan Area:</b> IV	
<b>Recorded Land Area:</b> 0.7 Acres; N/A Sq Ft		<b>Plan District:</b> MOUNT VERNON	
<b>Site Description:</b> BUILDABLE-GOOD WATER FRONT		<b>Plan Sector:</b> WELLINGTON	
<b>Land Use Code:</b> Single-family, Detached		<b>Commercial Revitalization District:</b> NO	
<b>Easements:</b> No		<b>Historic Site:</b> NO	
		<b>TAZ Number:</b> 2071	
<b>Residential</b>			
<b>* Year Built</b>	<b>* Year Addition</b>	<b>* Above Grade Living Area Total Sq Ft</b>	<b>* Stories</b>
1930	N/A	864	1
<b>Property Owner Data</b>		<b>Property Tax &amp; Assessment Data</b>	
<b>* Owner Name(s):</b> 7819 SOUTHDOWN RD LLC,		<b>* Tax Year:</b> 2023	
<b>* Mailing Address:</b> 7819 SOUTHDOWN RD, ALEXANDRIA VA 22308		<b>* Current Land:</b> \$2,165,000	
		<b>* Current Building:</b> \$94,320	
		<b>* Current Assessed Total:</b> \$2,259,320	
		<b>* Tax Exempt:</b> NO	
		<b>* Tax District Name(s):</b> MT VERNON DIST. #1	
<b>Utilities</b>			
<b>DTA Service Indicators</b>		<b>Sewer Shed Info</b>	
<b>Water Service Indicator:</b> Water connected		<b>Treatment Area:</b> NOMAN M. COLE	
<b>Gas Service Indicator:</b> Gas connected		<b>Shed Name:</b> LITTLE HUNTING CREEK	
<b>Sewer Service Indicator:</b> Sewer connected		<b>Shed Number:</b> K	
<b>Sewer Service:</b> INSIDE ASSA			

<b><u>Watershed:</u></b> Little Hunting Creek	There are 30 designated watersheds in Fairfax County.
<b><u>Floodplain:</u></b> Yes, approx. 4502 sqft (14%)	FEMA Flood Hazard Area Zone AE, Base flood elevation 10 ft.
<b><u>Resource Protection Area:</u></b> Yes, approx. 0.5 acre (73%)	Resource Protection Areas (RPAs) are the corridors of environmentally sensitive land that lie alongside or near the shorelines of streams, rivers and other waterways. Fairfax County has regulations that limit development and building in these designated areas.
<b><u>Soils (Official 2018):</u></b> 71C	Information on 2018 soil survey codes and how the data were collected may be found at the Fairfax County Soil & Water Conservation District website.
<b><u>Soils (1990 Soils):</u></b> 118, BLANK	1990 soil
<b><u>Asbestos Soils:</u></b> NO	Asbestos is a naturally formed mineral fiber and a confirmed human carcinogen. Extensive regulations have been created to protect public and worker health by the U.S. Environmental Protection Agency (EPA) and the U.S. Occupational Safety and Health Administration (OSHA). In Virginia these regulations are enforced by the Virginia Department of Labor and Industry.
<b><u>Marine Clay:</u></b> Yes, approx. 0.7 acre (90%)	Marine clay is a type of soil found in Fairfax County that contains clays that swell upon wetting and shrink upon drying. Potential problems associated with these soils include land slippage and slope instability, shrinking and swelling of clays, poor foundation support, and poor drainage.
<b><u>Marumsco Soils:</u></b> Yes, approx. 0.7 acre (100%)	Marumsco soils are mapped in complexes with other soil types. The complexes are highly variable and consist of combinations of clays, silts, sands, and gravels. They may also be problematic. In steep areas that contain clays known as "marine clays" slope stability can be a problem. In addition, structures constructed on clays found in this complex could suffer foundation distress if adequate precautions are not taken during design and construction.
<b><u>Other Shrink Swell Soils:</u></b> NO SW	These soils with clay minerals that will expand when wet and retract when dry. This ability to drastically change volume can cause engineering problems, or damage to existing structures.
<b><u>Radon Potential:</u></b> 1	Radon potential is given in levels of 1 (low) to 5 (high). Radon is a natural, carcinogenic radioactive gas that is colorless, tasteless and odorless. Testing your home, workplace or other normally occupied area is the only way to know for sure if an indoor radon problem exists.

## **DESCRIPTION OF EXCEPTION REQUEST:**

### **Existing Conditions:**

The property is located east of Southdown Road west of the Potomac River. The ground slopes from west to east with a slope of ranging from 8 to 15 percent in front of the property, 10 percent in the middle of the property, and about 20 percent to the shores of the Potomac River. According to Fairfax County GIS soil maps, the soils on the property and adjacent properties are designated as Kingstowne - Sassafras - Marumsco complex.

### **Resource Protection Area (RPA) Within the Project Property:**

More than 70% of the property is within the RPA. The applicant is proposing to remove the existing house and existing sheds and construct a new single-family dwelling. The proposed new dwelling will also have a swimming pool and patio in the rear of the property, entirely in the RPA. The total disturbed area within the RPA will be 6,577 square feet.

Total impervious area within the RPA at existing condition = 386 sf

Total proposed impervious area within the RPA = 4,062 sf

Net increase in impervious area within the RPA = 3,676 sf

According to the applicant, please note that the existing house does not meet the zoning setback requirements.

### **Proposed Stormwater Management:**

Based on the Virginia Runoff Reduction Method (VRRM) Spreadsheet the development will require 0.24 lb/year of phosphorus removal. The applicant is proposing urban planter boxes to capture and treat the runoff from the roof area. Stormwater quality and quantity control will be met with onsite facilities that will be reviewed in detail during the infill lot grading plan review.

### **Wastewater Element:**

This property is served by public sewer and public water that is located outside the RPA area.

## **STAFF RECOMMENDATIONS:**

Staff recommends approval of the RPA encroachment exception request #WAIV-2023-00380 and the Water Quality Impact Assessment #WQIA-2023-00020 with proposed development conditions provided in **Attachment A** (dated October 11, 2023).

It is not the staff's intent to recommend that the Exception Review Committee (ERC), in adopting any conditions, relieve the applicant from compliance with the provisions of any other applicable ordinances, regulations, or adopted standards.

This report reflects the analysis and recommendations of staff; it does not reflect the position of the ERC. For further information, please contact SDID, Land Development Services, 12055 Government Center Parkway, Suite 535, Fairfax, Virginia 22035-5505, 703-324-1720.

**REQUIRED FINDINGS:**

<b>CBPO Section</b>	<b>Required Finding</b>	<b>Applicant's Position</b>	<b>Staff Comment</b>
118-6-6.a	The requested exception to the criteria is the minimum necessary to afford relief;	<p>The total lot area is 29,914 square feet (sf). The area covered by the field located RPA is 21,075 sf or more than 70% of the lot. The total impervious area allowed within RPA under 118-6-7 is 5,000 sf. We are only proposing a total impervious area of 4,062 sf, or only eighty percent of the total permitted impervious area. Please note that 4,062 sf represents both the principal structure and pool area. The pool area is only 932 sf or less than 20% of allowable impervious area.</p> <p>The pool is only 14 feet wide and 37 feet long and relatively small. The total disturbed area allowed within RPA is 10,000 sf, and we only propose 6,577 sf of disturbed area. The disturbed area also includes the area to allow the establishment of a principal structure.</p> <ul style="list-style-type: none"> <li>Considering the restriction imposed by RPA and zoning setback requirements, the proposed improvements are minimal to afford relief.</li> </ul>	The application meets the minimum necessary to afford relief for all the uses except for the swimming pool. The total impervious area proposed by this application is less than what is allowed by Loss of Buildable Area (LOBA) under Section 118-5-4(a) of CBPO. Further, this plan does not propose encroachment within 50 feet of seaward side of the RPA. It is the Reviewer's opinion that the total impervious area proposed within the RPA (4,062 sf) is less what is allowed under LOBA (5,000 sf) and the encroachment can be considered minimum necessary to afford relief.
118-6-6.b	Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated;	<p>The property is 29,914 sf, of which 21,075 sf is within RPA area. Considering the zoning setback requirements, the area that remains buildable area will be minimal and will not allow for constructing a reasonable house with an outdoor usable area.</p> <p>This property is unique due to its location, size, date of creation, and its frontage on the Potomac River.</p>	For a parcel recorded prior to October 1, 1989, applications with impervious area greater than 4,062 sf have been previously approved administratively under the LOBA criteria. This application does not disturb the 50' of seaward side of the RPA. Also, 7727 Southdown Road has a swimming pool in the RPA. The WRPA 005775-WRPA-004-1 was approved on 07/01/1994. It is the opinion of the staff that approving this application will not confer upon the applicant any special privileges that are denied

LDS/SDID Staff Report RPA Exception WAIV-2023-00380 & WQIA-2023-00020

CBPO Section	Required Finding	Applicant's Position	Staff Comment
			by this part to other property owners who are subject to its provisions and who are similarly situated.
118-6-6.c	The exception is in harmony with the purpose and intent of this chapter and is not of substantial detriment to water quality;	The exception clause of the ordinance has been included to address specifically these conditions. The proposed WQIA plan will provide additional planting and measures that will enhance the water quality. We are proposing five planter boxes that will treat approximately 3900 sf of rooftops and are proposing 16 large canopy trees, 32 under-story trees, and 172 shrubs situated in the area that treat most of the runoff from the remaining impervious area.	This application has proposed vegetated buffers (6,873 sf) greater than the area disturbed within the RPA (6,577 sf) which will help to improve the quality of runoff leaving the site. Total 16 large canopy trees, 32 under-story trees, and 172 shrubs are proposed to create the buffer area.
118-6-6.d	The exception request is not based upon conditions or circumstances that are self-created or self-imposed;	Lot 15 was created in 1912. The existing house was built in 1930. The RPA regulations were established in 1993. The condition was created based on changes in regulations and is not self-imposed or created.	Staff agrees that the conditions being considered are not self-created or self-imposed based on the available information.
118-6-6.e	Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality; and	As shown on our water quality impact assessment plan, the owner is committed to providing reasonable improvements mentioned above to enhance the water quality to the maximum possible.	Attachment A has been included with this staff report containing proposed conditions that will help to improve the water quality and aesthetics at this location.
118-6-6. f	Other findings, as appropriate and required herein, are met. (32-03-118.)	The development as proposed meets and exceeds all requirements and intent of section 32-03-118 of Fairfax County Code.	Staff finds that the proposed development minimizes land disturbance in the RPA and meets all of the applicable zoning requirements.

**STAFF ANALYSIS:**

**Requested Exception**

This application is submitted under CBPO Section 118-6-9.

The request to permit a single-family residence with a swimming pool in the RPA cannot be processed under the provisions of CBPO Section 118-5-4(a) as the swimming pool does not qualify under Chapter 118-5-4(a).

See **Attachment A** for staff's recommended conditions on the WQIA.

**Floodplain**

Part of the property on the lower side (southern side) of the lot is within the FEMA Flood Hazard Area Zone AE. The base flood elevation at this location is about 10 feet. There is no land disturbance proposed within the floodplain.

**LIST OF ATTACHMENTS:**

1. ATTACHMENT A: PROPOSED EXCEPTION CONDITIONS
2. ATTACHMENT B: APPLICANT'S APPLICATION PACKAGE
3. ATTACHMENT C1: LIST OF ADJOINING PROPERTIES TO BE NOTIFIED
4. ATTACHMENT C2: NEWSPAPER AD COORDINATION