



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

## Encroachment Exception Application #WAIV-2023-00380 and #WQIA-2023-00020

Resource Protection Area (RPA) Encroachment Request for 7819 Southdown Road LLC, WAIV-2023-00380 and WQIA-2023-00020 under Section 118-6-9 of the Fairfax County Chesapeake Bay Preservation Ordinance (CBPO) at 7819 Southdown Road, Alexandria, VA 22308, Mount Vernon District, Tax Map 1022 18 0015A, to include a single-family residence with a swimming pool within the Resource Protection Area (RPA).

At a regular meeting of the Exception Review Committee (the Committee) on November 1, 2023, Chairperson Elizabeth Martin moved that the Committee adopt the following resolution.

### RESOLUTION

WHEREAS, the Committee has made the findings that:

- a) The requested exception, as conditioned, **is** the minimum necessary to afford relief;  
*More than 70% of the lot is in the RPA. The total impervious area (4,062 sf) is less than allowed for Loss of Buildable Area. The applicant does not propose encroachment within the seaward 50'.*
- b) Granting the exception **will not** confer upon the applicant any special privileges that are denied to other property owners who are similarly situated;  
*The ERC has previously approved swimming pools within the landward 50' of the RPA.*
- c) The exception, **as conditioned, is** in harmony with the purpose and intent of the CBPO and is not of substantial detriment to water quality;  
*The applicant proposes five planter boxes to treat about 3,900 sf of rooftop, as well as 6,873 sf of vegetated buffer, which is greater than the area disturbed within the RPA.*
- d) The exception request **is not** based upon conditions or circumstances that are self-created or self-imposed; and  
*The lot was created in 1912, and the existing house built in 1930, before CBPO was established; and*
- e) Reasonable and appropriate conditions will be imposed that will prevent the allowed activity from causing a degradation of water quality; and  
*See appended Attachment A: Proposed Exception Conditions*
- f) Other findings, as appropriate and required herein, are met.

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*Water quality benefits resulting from the proposed improvement exceed associated water quality detriments, as required by Section 118-6-9 and as shown in the Virginia Runoff Reduction Method Redevelopment Compliance Spreadsheet.*

Now, therefore, be it resolved that the Committee **APPROVES** both the Water Quality Impact Assessment #WQIA-2023-00020 and Exception Request WAIV-2023-00380 under Section 118-6-9 of the CBPO to permit the encroachment into the RPA subject to the conditions as follows:

### **WATER QUALITY IMPACT ASSESSMENT & EXCEPTION CONDITIONS**

1. This RPA Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This RPA exception is binding upon the parties, their successors, and assigns and must be recorded (including these approved exception conditions) among the Land Records of Fairfax County, Virginia, within **180-days of approval**. The conditions stated herein are not deemed to be personal but will run with the land.
3. The Landowner shall provide proof of compliance with these exception conditions upon request from the Director of Land Development Services (LDS), Fairfax County.
4. The Landowner hereby grants permission to the county, or its authorized agents and employees, to enter upon the Property at reasonable times and in a reasonable manner to inspect any stormwater management facilities or riparian buffer plantings whenever the county deems necessary. Whenever reasonably possible, the county will attempt to notify the Landowner before the inspection.
5. This RPA Exception is granted only for the purposes, structures and/or uses indicated on the Plat approved with the application, as qualified by these exception conditions.
6. Any plan submitted pursuant to this RPA Exception shall be in substantial conformance with the Plat titled "Water Quality Impact Assessment Plan" prepared by Professional Design Group Inc., dated Jan 2023, which shows the proposed improvements.

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For this RPA Exception to meet the purpose and intent of the CBPO, to not create a substantial detriment to water quality, and to meet the performance criteria for RPAs, a vegetated buffer must be established in an area of at least 6,873 square feet, by planting 16 Overstory trees, 32 Understory trees and 172 shrubs as shown on the application with the criteria of the CBPO 118-3-3(f). Plant materials shall be randomly placed to achieve a relatively even spacing throughout the buffer. Plants shall be native to the degree practical and adaptable to site conditions. The buffer area shall not overlap with any other easements. Five planter boxes shall be installed to treat stormwater from the roof.

7. The seaward 50 feet of the RPA (approximately 2,500 square feet) shall be restored in accordance with 118-3-3(d) and (f) with vegetation equally effective in retarding runoff.
8. The applicant shall provide on-site best management practices such that the water quality benefits exceed the detriments, as demonstrated with supporting computations on the future grading plan and as approved by LDS.
9. Indigenous vegetation shall be preserved to the maximum extent possible.
10. Any land disturbance exceeding an area of 2,500 square feet shall comply with Chapter 104 of *The Code of the County of Fairfax, Virginia*, and shall require the approval of a grading/conservation plan prior to the initiation of land disturbance. Creating or causing a land disturbance exceeding 2,500 square feet without an approved grading/conservation plan is a violation of Section 104-1-2 and is subject to civil penalties up to \$2,000 per violation.
11. To prevent degradation of water quality during construction, adequate erosion and sediment control measures, including a super-silt fence, shall be used during construction within the RPA, and shall remain in place, and be properly maintained, for the duration of the land disturbing activity within the RPA until such time that the disturbed area is completely stabilized. The operation and maintenance of the pool shall be observed by DEQ's Swimming Pool Guidelines.
12. This RPA Exception shall automatically expire, without notice November 01, 2024, unless the subject grading plan has been approved and the vegetated buffers have been established.

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This approval, contingent on the above noted conditions, does not relieve the applicant from compliance with the provisions of any applicable Federal, State, or County ordinances, regulations, or adopted standards. The applicant is responsible for obtaining the approval of any required plans and permits through established procedures. This RPA Exception is not valid until any required plans and permits are approved.

### **ACTION OF THE COMMITTEE**

The motion was seconded. The motion was carried by a vote of 8-0.

A Copy Teste:

DocuSigned by:  
*Nicola Mutesi*  
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**Nicola Mutesi**  
Clerk to the Committee