

Exception Review Committee Public Hearing

#7996-WRPA-002-1

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Water Quality Impact Assessment (WQIA) #7996-WQ-001-2

1008 Springvale Road, Great Falls, Virginia

Camylyn Lewis, PE., CFM, Senior Engineer III

June 7, 2023

Staff - Summary of the issues

- The applicant installed a sport court in the resource protection area (RPA). Half is on their property and half on the HOA property.
- The applicant wishes to keep the half of the sport court (24.6x30 square feet) on their property.
- The application is submitted under 118-6-9.



Staff - Summary of the issues (2)

1008 Springvale Road - 2021 Image

1008 Springvale Road - 2017 Image

1008 Springvale Road - 2015 Image







1008 Springvale Road - 2011 Image - with the grading plan and RPA





1008 Springvale Road - 2009 Image

1008 Springvale Road - 2007 Image

Staff - Summary of the issues (3)

RPA designated on the lot	11/18/2003
4 Lot created	06/07/2004
.0 Infill Lot Grading Plan approved	11/3/2010
.1 House constructed	09/08/2011
.1 Wilsons purchased the property	9/19/2011
0 Notice of Violation	7/7/2020
0 Floodplain Use Determination denied	10/8/2020
3 Water Quality Impact Assessment deemed complete	01/17/2023
Exception request accepted for public hearing	04/04/2023

Applicant – Statement in Support

• 5 minutes

Statements – other interested parties

• Supporting Statements

• Opposing Statements

3 minutes each

Position of the Director (Staff) Section 118-6-6. Required Findings

(a) The requested exception to the criteria is the minimum necessary to afford relief;

- 3 alternative locations outside the RPA.
- No need for an exception.
- Request not the minimum necessary to afford relief.
- <u>The request does not meet</u> <u>this required finding.</u>



1008 Springvale Road - 2021 Image

Position of the Director (Staff) Section 118-6-6. Required Findings

(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;

- There is no record of a case for a court in the RPA.
- There are several exception requests for accessory structures submitted under 118-6-8, and several cases submitted under 118-6-9.
- In the opinion of staff, granting approval would not give the applicant something that has been denied to others.

Requested	Resolution Approved / Dissaproved/ Other	Date
to permit an existing accessory structure to remain in a 2003 Resource Protection Area (RPA)	Approved	4-Apr-12
Shed: Request to permit an existing 506 square feet accessory structure built in 2000 to remain in the RPA	Approved	1-Jul-09
Exception to allow encroachment into the 2003 RPA, for an additional parking area and construction of an infiltration trench within the RPA	Deny	5-Apr-06
to subdivide, by right, a 1.55-acre site; Requests, to construct three access entrances and driveways, a temporary road, a sidewalk, and four biofiltration systems (raingardens), for new singlefamily subdivision	Defered	7-Sep-05
Redevelopment, larger house	Approved	6-Apr-16
to construct a two story dwelling and associated structures	Approved	6-Oct-10
Construction of a swimming pool with concrete patio	Approved	7-Feb-18
Construction of a playground, drop-off aisle and parking; SEA-85-L-059-6	Approved	6-Mar-09
Redevelopment	Approved by the BOS (ERC denied)	6-Apr-16

Position of the Director (Staff) Section 118-6-6. Required Findings

(c) The exception is in harmony with the purpose and intent of this Chapter and is not of substantial detriment to water quality;

- WQIA does not demonstrate a water quality benefit.
- To resolve the notice of violation (NOV) on the subject property, 16 trees must be planted to replace the 8 trees removed.
- Staff estimates 1,800 sq ft of buffer restoration is needed for mitigation (2.6 x the portion of the ball court proposed to remain).
- Must restore HOA property.

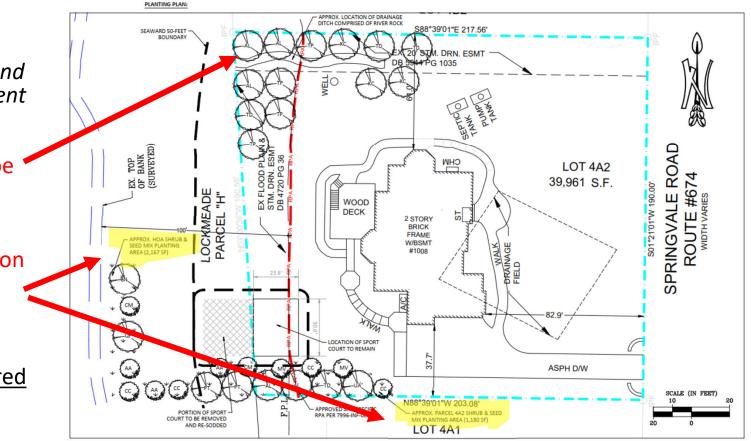
1008 Springvale Road - 2021 Image



Position of the Director (Staff) Section 118-6-6. Required Findings - continued

(c) The exception is in harmony with the purpose and intent of this Chapter and is not of substantial detriment to water quality;

- Only 13 trees appear to be planted to address the NOV.
- Mitigation is not entirely on the subject property and falls short.
- <u>The request as proposed</u> <u>does not meet this required</u> <u>finding.</u>



Applicant's plat – Planting plan

10

Tax ID

Position of the Director (Staff) Section 118-6-6. Required Findings

(d) The exception request is not based upon conditions or circumstances that are selfcreated or self-imposed;

- Footprint & Impervious area are among the largest within 500 feet.
- Sufficient area outside the RPA.
- Self-created situation.
- <u>The request does not</u> <u>meet this required</u> <u>finding.</u>

Impervious Square Feet

1008 Springvale Road - 2011 Image - Properties within 500 ft



Position of the Director (Staff) Section 118-6-6. Required Findings

(e) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality;

- Water quality benefit demonstrated is inadequate.
- Buffer restoration on the HOA property and the subject property are inadequate.
- <u>The request does not meet this</u> required finding.

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Position of the Director Required Findings

- The request does not meet 5 out of the 6 findings.
- Staff recommends denial of the RPA encroachment Exception request.



Position of the Director – Summary of Attachment A

Rebuttal by the Applicant

3 minutes

15

Surrebuttal by Staff

2 minutes

16



Close Public Hearing

Committee discussion

Motion

Vote