



Department of Land Development Services, Fairfax County, Virginia  
Waiver/Modification/Exception Application Form

**PLEASE SUBMIT THIS FORM TO:**

Site and Technical Services Center  
Customer and Technical Support Center  
12055 Government Center Parkway, Suite 230  
Fairfax, VA 22035-5504  
703-222-0801, TTY 711

Waiver Number # \_\_\_\_\_

Date Accepted: \_\_\_\_\_

**Requestor's Name:** \_\_\_\_\_ **Request Date:** \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Engineer's Name:** \_\_\_\_\_ **Company Name:** \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Project Name:** \_\_\_\_\_

Project Number: \_\_\_\_\_ Tax Map Number: \_\_\_\_\_

Rezoning Case #: \_\_\_\_\_ District: \_\_\_\_\_

**REQUEST FOR:**     Waiver     Modification     Exception     Determination

**CODE REFERENCE:** \_\_\_\_\_ of     PFM     Zoning Ordinance     County Code

**Description:**

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**Justification Narrative:**

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Additional justification narrative attached:     Yes     No    Number of pages attached: \_\_\_\_\_

**Potential Impacts Narrative:**

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Additional potential impact narrative attached:  Yes  No Number of pages attached: \_\_\_\_\_

**Additional Supporting Documentation Attached (if necessary):**

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**SUBDIVISION ORDINANCE WAIVERS:**

**Notices are required for Subdivision Ordinance waivers submitted pursuant to § 101-2-2-(19).**

- Attachments:  List of property owners, the local civic association (CA) and district council notified;
- Copy of written notification letter (and attached plan); and
- Copies of certified mail (white) receipts. Date Notices Mailed: \_\_\_\_\_
- Releases executed by all property owners, the local CA, and district council (if waiver approval sooner than 30 days from postmark date is sought per § 101-2-2-(19)(C)).

**STORMWATER MANAGEMENT ORDINANCE EXCEPTIONS:**

Exceptions to the provisions of Articles 4 or 5 of the Stormwater Management Ordinance (SWMO) may be granted by the Director in accordance with SWMO § 124-6-1, subject to the following:

1. The exception is the minimum necessary to afford relief;
2. Reasonable and appropriate conditions will be imposed as necessary upon any exception granted so that the intent of the Virginia Stormwater Management Act and the SWMO are preserved;
3. Granting the exception will not confer any special privileges that are denied in other similar circumstances; and
4. Exception requests are not based upon conditions or circumstances that are self-imposed or self-created.

Please note that economic hardship alone is not sufficient reason to grant an exception from the requirements.

**Water Quality and/or Water Quantity Exceptions:** If this application is requesting an exception to the stormwater water quality or quantity control requirements, please complete and attach the applicable worksheet, and include the additional required supporting documentation.

- Attachment(s):  Water Quality Exception Worksheet
- Water Quantity Exception Worksheet

## Water Quality Control Exception Worksheet

Exceptions to the Water Quality Design Criteria Requirements of Stormwater Management Ordinance, Chapter 124 of the Code of the County of Fairfax (SWMO) § 124-4-2 or § 124-5-4, may be granted by the Director in accordance with SWMO § 124-6-1. In addition to the criteria listed in SWMO § 124-6-1.A and 1.B, exceptions to the water quality requirements cannot be granted in certain circumstances:

1. Exceptions to requirements for phosphorous reductions shall not be allowed unless all offsite options (see SWMO § 124-4-5) have been considered and found not available, including the purchase of nutrient credits pursuant to § 62.1-44.15:35 of the Code of Virginia.
2. Under no circumstance will an exception to the requirement that the land-disturbing activity obtain required state permits be granted.
3. Exceptions to use a BMP not found on the Virginia Stormwater BMP Clearinghouse cannot be approved, except where allowed under Article 5 (i.e., projects that qualify under the "Time Limits" (SWMO §124-1-11) or "Grandfathering" (SWMO §124-1-12) provisions). BMPs not found on the Clearinghouse may be used to provide additional stormwater controls to satisfy other (e.g., Tysons) requirements, but their use to meet minimum SWMO requirements cannot be approved.
4. In no instance shall the requirements for BMPs meeting the provisions of the Water Protection Supply Overlay District (WSPOD) be modified or waived except where existing site characteristics make the provision impracticable or unreasonable on site and an alternative provision is not or cannot be accommodated off-site, and where it can be established that the modification or waiver will not affect the achievement of the water quality goals for the public water supply watershed as set forth in the adopted comprehensive plan. WSPOD boundaries have been established on the Official Zoning Map.

Is the site located in WSPOD?:       Yes       No

On-Site (Stormwater Management facilities and practices have been provided to the maximum extent practicable, and the full requirement still cannot be met.)

Exception to the requirements of § 124-4-2

Exception to the requirements of § 124-5-4 (Time Limits or Grandfathered projects only)

Off Site (The Director, in accordance with SWMO § 124-4-5.A, may allow the use of off-site compliance options to meet required phosphorous nutrient reductions).

Attach supporting documentation, as necessary:

Plan of development for the site, including existing and proposed impervious surfaces,

Stormwater calculations, using the Runoff Reduction Method,

Soils Information, including field verified infiltration rates,

Existing storm sewer system, if any, in the vicinity of the site,

Evidence that all site design practices and stormwater management facilities have been used and incorporated on-site to the maximum extent practicable; and

Verification that the offsite options (per SWMO § 124-4-5) were considered, including the nutrient credits pursuant to § 62.1-44.15:35 of the Code of Virginia, and that none are currently available.

## Water Quantity Control Exception Worksheet

Exceptions to the Water Quantity requirements of SWMO § 124-4-4, § 124-5-5 or § 124-5-6, may be granted by the Director in accordance with SWMO § 124-6-1. In addition to the criteria listed in SWMO § 124-6-1.A and 1.B, exceptions to the water quantity requirements of SWMO § 124-4-4 cannot be granted if the outfall is not adequate to the full limits of analysis (i.e., the “1% rule”).

On-Site (Stormwater Management facilities have been provided to the maximum extent practicable, and the full requirement still cannot be met.)

Attach plan sheet showing:

- An adequate outfall analysis to the limits specified in
  - For sites designed using Article 4 Technical Criteria: SWMO § 124-4-4.B.5 and SWMO § 124-4-4.C.5. (The alternative limits of analysis specified in SWMO § 124-4-4.B.6 and SWMO § 124-4-4.C.6 are not applicable, because, if the exception is granted, SWMO § 124-4-4.B.3 and § 124-4-4.C.3 would not be used to show compliance with the channel and flood protection criteria.); or
  - For sites designed using Article 5 Technical Criteria: PFM § 6-0203.2 in effect on June 30, 2014
- Computations and plan sheets to demonstrate no adverse impacts downstream
- Expand justification is necessary.

Off-Site (water quantity control is provided in an off-site/downstream facility).

Attach supporting documentation:

- The construction plan of the existing, offsite facility, with computations, showing that the development site was included as part of the approved design, the facility has been adequately maintained and has not been removed.
- Curve Number (CN), or Runoff Coefficient:    Same    Decreased    Increased
- Prior to plan approval, the right to utilize the off-site controls must be obtained and maintenance agreements in accordance with §§ 6-0303.1 & 6-0303.2 must be provided for privately maintained facilities.
- The outfall analysis must demonstrate that the downstream drainage system is adequate for the increased (i.e., un-detained) flow, from the development site to the downstream facility, even if the facility is further downstream than the limits of analysis specified in SWMO § 124-4-4.B.6 and SWMO § 124-4-4.C.6.

Non-Standard Materials for Underground Detention Facilities (PFM 6-0303.6.B).

Attach supporting documentation as necessary:

- Justification narratives.
- The applicant Development Plan showing location, type of facility, grading and drainage.
- Design computations, technical details and structural calculations.
- Material specifications, procedure for installation, inspection and acceptance testing, procedure for operation and maintenance, safety.
- The construction costs, and separate estimate of the annual maintenance costs for the proposed facility, and the number of residential units that will share financial burden.