

**STAFF PERSON:
BOARD OF SUPERVISORS:**

**J.T. Newberry
December 13, 2017**

Staff Report for Special Exception to Building Site Requirements under Section 4.2.1 of the Zoning Ordinance

County Code §18-4.2.1(b) allows any requirement of §18-4.2.1(a) to be waived or modified by special exception under §18-33.5 upon the Board of Supervisors' consideration of whether (i) the parcel has an unusual size, topography, shape, location or other unusual physical condition; or, (ii) development in a stream buffer on the parcel was authorized as provided in County Code §17-321.

The Virginia Department of Health has granted approval of an individual onsite sewage system for the proposed residence. Planning and Engineering staff have reviewed the application in accordance with section 18-4.2.1(b) and section 4.2.5 as follows:

(i) The parcel has an unusual size, topography, shape, location or other unusual physical condition;

Over 85% of this 9.04 acre parcel is comprised of critical slopes (slopes of 25% or greater) or stream buffer. Furthermore, due to the slope of the area remaining outside of critical slopes, the Health Department requires an additional setback for drainfields from the existing well. On this property, this requirement results in a 150-foot setback for the drainfields. Staff finds that due to the unusual physical conditions of this property, there is not a sufficient area outside of critical slopes and stream buffer to meet the requirements for a standard building site.

Staff finds that the strict application of the requirements of section 4.2 would not forward the purposes of the chapter or otherwise serve the public health, safety or welfare. Therefore, staff recommends approval of the special exception request subject to the following conditions. These conditions insure the development will be consistent with the intent and purpose of section 4.2:

1. The area of land disturbance on critical slopes shall not exceed the 0.24 acres labeled as the "approximate building site" shown on plan entitled "Figure 5: Survey with remaining 0.522 acre buildable area" prepared by Roudabush, Gale and Associates, Inc. on August 18, 2016.
2. An erosion and sediment control plan is required as part of the building permit review to ensure disturbance is minimized and erosion BMPs are implemented.
3. Any land disturbing activity located within the critical slopes shall comply with the design standards in County Code § 18-30.7.5.

(ii) Development in a stream buffer on the parcel was authorized as provided in County Code §17-321;

No development in a stream buffer has been authorized under this section of County Code.