County of Fairfax, Virginia

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

November 13, 2009

Scott Crabtree
8019 East Boulevard Drive
Alexandria, VA 22308

Re: Interpretation for SEA 2002-MV-028, Scott A. and Phyllis P. Crabtree, 8019 East Boulevard Drive, Alexandria, VA, Tax Map: 102-2 ((135A)): Beach Maintenance

Dear Mr. Crabtree:

This is in response to your letter of February 12, 2009, requesting an interpretation of the Special Exception Amendment (SEA) Plat and development conditions approved by the Board of Supervisors in conjunction with the approval of SEA 2002-MV-028. As I understand it, your question is whether the use of a light rubber-track Bobcat to clean up your beach and yard is in substantial conformance with the development conditions and SEA Plat associated with the above-referenced approval. This determination is based on your letter, submitted photographs, the development conditions and SEA Plat, the recommendation of the Marine Resources Commission, and the recommendations of the Department of Public Works and Environmental Services staff. Copies of your letter and relevant documents are attached for your reference.

On December 9, 2002, the Board of Supervisors approved Special Exception SE 2002-MV-028, subject to development conditions, to permit a single-family residential use in a floodplain, pursuant to Section 2-904 of the Ordinance. On June 20, 2006, a Notice of Violation was issued by the Facilities Inspections Division, Land Development Services, Department of Public Works and Environmental Services (DPWES), because a site inspection had determined that grading outside the clearing and grading limits had occurred on the site, resulting in damage to a slope. The Notice of Violation directed the applicant to correct the violation by immediately restoring the slope on the N.E. corner that had been damaged, and then have a geotechnical engineer assess the situation and re-evaluate the slope immediately. As I understand it, the slope was repaired and on June 22, 2006, Professional Consulting Corporation (PCC) declared the slope secure. A copy of the analysis was submitted to Fairfax County and on March 28, 2007, an analysis was published that proved the slope was stable.

On June 4, 2007, the Board of Supervisors approved SEA 2002-MV-028, subject to development conditions, to amend Special Exception SE 2002-MV-028 previously approved for residential use in a floodplain to permit site modifications and changes to the development conditions. The purpose of the application was to reflect a change in the fill area and amount, in particular a 4,700 square foot concrete slab built under the dwelling that was not shown on the approved SE Plat, and to acknowledge the as built elevations of the structure, with a change in development conditions and associated modifications to the SEA Plat.

In your February 12, 2009 letter, you indicate that a substantial amount of heavy debris frequently washes on to your beach and lawn area. The photographs submitted with your letter show debris consisting of lumber, large branches, and tires that you state are too heavy to remove by hand. As I understand it, you propose to use your light rubber-track Bobcat to remove these items. You are not proposing to clear the area with the Bobcat, but to use it for debris removal. According to the SEA Plat, the area in question is within the designated resource protection area and consists of the beach and the area to the west that is depicted as an existing lawn/beach area on the approved SEA Plat. South of this area is a wooded wetland area.

SEA Development Condition 17 states in part that *"...No clearing, other than for dead or dying plants, shall be permitted between the dwelling and the Potomac River."* Development Condition 19 states that *"The area shown on the SEA Plat as an 'existing Lawn Beach Area' shall remain undisturbed. Indigenous vegetation shall be preserved to the maximum extent possible. Additional plantings as indicated on the Landscape Plan shall be installed prior to issuance of a residential use permit."*

You have attached a letter sent to you by Elizabeth G. Murphy, Environmental Engineer, Marine Resources Commission (VMRC), which states that provided the debris removal does not alter the contour of the beach, no authorization will be required from VMRC. Furthermore, according to County environmental staff, if you adhere to guidance from VMRC, this maintenance activity will also be in conformance with the County's Wetlands Ordinance, Chapter 116 of the County Code, which is administered by the Wetlands Board.

As such, it is my determination that the proposed use of a light rubber-track Bobcat to remove large debris from the area described above would be in substantial conformance with the development conditions and SEA Plat provided that the use of the Bobcat is limited to the removal of large debris, the beach contour is not altered, trees and indigenous vegetation are not damaged or removed, there is no intrusion into the landscaped portions of the maintained lawn/beach area or into the lowland forest to the south, and that all County regulations related to the floodplain and resource protection area are met, subject to the approval of the Department of Public Works and Environmental Services.

This determination has been coordinated with the environmental staff in DPZ and DPWES, and has been made in my capacity as the duly authorized agent of the Zoning Administrator.

If you have any questions regarding this interpretation, please feel free to contact Kevin Guinaw at (703) 324-1290.

Sincerely,

Regina C. Coyle, Director
Zoning Evaluation Division

RCC/ /O:\FORMS\NEW DOCUMENTS WITH DPZ LOGO\Letters\SEI from RC.doc

cc: Gerald Hyland, Supervisor, Mount Vernon District
Earl Flanagan, Planning Commissioner, Mount Vernon District
Diane Johnson Quinn, Deputy Zoning Administrator, DPZ
Kenneth Williams, Plan Control, Office of Land Development Services, DPWES
Jeremiah Stonefield, Chief, Stormwater and Geotechnical Section, DPWES
Mary Ann Welton, Environmental Planner, PD, DPZ
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES
Michael Congleton, Assistant Zoning Administrator, DPZ
File: SEA 2002-MV-028, SEI 0902 013

Kevin Guinaw
Chief, Special Projects/Applications
Department of Planning and Zoning
Herrity Building
12055 Government Center Pkwy
Fairfax, VA 22035

February 12, 2009

RECEIVED
Department of Planning & Zoning
FEB 13 2009
Zoning Evaluation Division

Dear Kevin,

As a result of my conversation with Jerry Stonefield last week, I am seeking written confirmation from you that I have the right to clean my beach and yard using a light rubber-track Bobcat.

Enclosed are pictures of the current debris, a substantial amount of which is too heavy to be removed by hand. Large amounts of trash (including tires, trees, plastic bottles, shoes, etc.) frequently wash in depending on the severity of the storms, winds and tides.

The beach consists of sand and gravel, no vegetation. My lawn has been maintained grass for more than 60 years.

I have obtained written confirmation from Elizabeth Gallup of the Virginia Marine Resource Commission that no permit would be required as long as I did not alter the grade of the shore line (copy enclosed). After speaking with Mary Ann Welton of the Wetlands Board, she expressed no objection but referred me to John Friedman. John Friedman referred me to Jerry Stonefield as did John Zemlan. Jerry Stonefield referred me to you.

According to Mr. Stonefield you might have some concerns relating to my Special Exception. I don't believe my Special Exception prevents me from protecting the value of my property or cleaning up debris deposited on it by acts of God or nature. I would like to clean this up prior to rats, snakes, and vermin infesting the garbage piling up in my yard.

Thank you in advance for your consideration. If I have not heard any response by February 26, 2009, I will assume that you have no objection. I will proceed with the clean up using the rubber-track Bobcat

If you have any questions feel free to call me at 703-403-4220

Sincerely,

Scott Crabtree

RECEIVED
Department of Planning & Zoning
FEB 13 2009
Zoning Evaluation Division

COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.
Secretary of Natural Resources

Marine Resources Commission
2600 Washington Avenue
Third Floor
Newport News, Virginia 23607

Steven G. Bowman
Commissioner

December 22, 2008

Mr. Scott A. Crabtree
8019 East Boulevard Drive
Alexandria, VA 22308

RE: VMRC #08-2245

Dear Mr. Crabtree:

You have inquired regarding a permit to remove debris from a beach on property situated along the Potomac River in Fairfax County.

Provided the debris removal does not alter the contour of the beach no authorization will be required from the Marine Resources Commission. For your information, however, you may need a permit from the your local Wetlands Board and/or authorization from the U. S. Army Corps of Engineers, Norfolk District, 803 Front Street, Norfolk, Virginia 23510, prior to commencing your project. Your application is currently being processed by both these agencies.

Should you have any questions regarding this matter, please do not hesitate to contact me at (757) 247-8027.

Sincerely,

Elizabeth G. Murphy
Environmental Engineer

EGM/lra
HM
cc: Fairfax County Wetlands Board