

## CORRESPONDENCE SUMMARY

**DATE:** July 9, 2010

**CORRESPONDENCE NUMBER:** ZCOR-2010-0167/WAIV-2010-0035

**SUBJECT:** Buffer Yard Waiver  
Potomac Radio  
45048 Loudoun Water Way, Ashburn

**1993 Ordinance Reference Numbers:**

**1972 Ordinance Reference Numbers:** 560.09(E)\*

**Other Applicable Reference Numbers:** SPEX-2009-0011\*  
(LSDO/FSM/ZMAP/SPEX) SPEX-2009-0029\*  
STPR-2010-0027\*

**Tax Map Number and PIN Number:** /80///4///A2/ 041-37-4022

### Correspondence Summary:

A type 4 landscape buffer yard waiver for the northern, southern, eastern, and western buffer yards was granted. The type 4 landscape buffer plantings must be provided surrounding the transmitter building as required by the special exception plat.

Author: Nita Bearer

\*Indicates where to file

Is this a determination? Check one: Yes X No   

Property Owner: Loudoun County Sanitation Authority  
P.O. Box 4000  
Ashburn, VA 20146



**Loudoun County, Virginia**

www.loudoun.gov

---

**Department of Building and Development**

1 Harrison Street, S.E., P.O. Box 7000, Mailstop #60A, Leesburg, VA 20177-7000

**(703) 777-0220**

FAX Numbers: Permits (703) 771-5522 - Engineering (703) 737-8993

Zoning & Administration (703) 771-5215

July 9, 2010

Mark Thomas, CLA  
Patton Harris Rust & Associates  
208 Church Street, S.E.  
Leesburg, VA 20175

RE: Buffer Yard Waiver  
Potomac Radio – Broad Run Water Reclamation Facility  
Tax Map # /80///4///A2/ MCPI 041-37-4022

Dear Mr. Thomas:

I am responding to your request dated June 14, 2010 to Dan Schardein for a waiver of the buffer yard requirements for the northern, southern, eastern, and western boundaries in accordance with Section 560.09 (D) & (E) of the 1972 Loudoun County Zoning Ordinance.

Section 560.09(E) states, "When a land use is proposed adjacent to a lake, wetland, or other natural area, which is to remain undeveloped, and which is at least three hundred (300) feet in width, the Zoning Administrator may waive the buffer requirements provided the intent of these regulations is preserved." As illustrated by the exhibit provided with your letter and the special exception plat for the proposed use, the use is surrounded by major floodplain. The floodplain area with undisturbed tree canopy exceeds the required 300' width. In addition, according to the Special Exception Plat, the site of the towers will be surrounded by loblolly pine trees and shrubs at an average depth of 80'.

A waiver of the buffer yard requirements for the northern, southern, eastern, and western boundaries is granted based on the location within the floodplain and the extent of existing canopy and the addition of loblolly pine trees and shrubs to surround the tower site. However, Sheet 4, Landscape Plan, Note #2 states the building area (0.07 ac.) shall be planted according to a type 4 buffer planting. In order to be in substantial conformance with the special exception plat, the plantings for a type 4 landscape buffer must be provided surrounding the transmitter building. Section 560.03(C) encourages the use of existing vegetation, when supplemented by new vegetation if needed, if the exiting vegetation is suitable for use in compliance with the requirements of Section 560.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within thirty days to the Board of Zoning Appeals in strict accordance with Section 15.2-2311 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Zoning Appeals may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

If I may be of further assistance, please contact me at 571-258-3197 or by email at [nita.bearer@loudoun.gov](mailto:nita.bearer@loudoun.gov). The referenced zoning ordinance sections may be found on the Loudoun County website at [www.loudoun.gov](http://www.loudoun.gov).

Sincerely,



Nita Bearer  
Planner, Zoning Division

C: Lori Waters, Supervisor, Broad Run Election District  
Marilee Seigfried, Deputy Zoning Administrator  
Gary Clare, Assistant Director for Land Development Engineering  
Property Owner: Loudoun County Sanitation Authority  
P.O. Box 4000  
Ashburn, VA 20146

June 14, 2010

**Mr. Dan J. Schardein**  
Zoning Administrator  
County of Loudoun Department of Building and Development  
1 Harrison Street, S.E.  
Mailstop #60  
Leesburg, VA 20175



**RE: Buffer Yard Waiver Request  
Potomac Radio - Broad Run Water Reclamation Facility  
STPR 2010-0027  
PHR+A FILE #10347-4-0**

**CORPORATE:**

Chantilly

**VIRGINIA OFFICES:**

Chantilly

Charlottesville

Fredericksburg

Harrisonburg

Leesburg

Newport News

Norfolk

Winchester

Woodbridge

**LABORATORIES:**

Chantilly

Fredericksburg

**MARYLAND OFFICES:**

Baltimore

Columbia

Frederick

Germantown

Hollywood

Hunt Valley

Williamsport

**PENNSYLVANIA OFFICE:**

Allentown

T 800.553.PHRA

T 703.777.3616

F 703.777.3725

208 Church St., S.E.

Leesburg, VA

20175

Dear Mr. Schardein:

The purpose of this letter is to request a waiver of the buffer yard requirements in accordance with Section 560.09-(D&E) of the 1972 Zoning Ordinance for the Northern, Eastern, Southern, and Western sides of the above referenced property . I have also provided an exhibit based on onsite/offsite aerial photography/planimetrics and offsite County GIS data along with our proposed landscape plan with computations in support of this request.

The following descriptions of existing conditions justify the waiver request. Additionally, the Special Exception Condition of Approval landscape requirements are outlined at the bottom of the request and as mentioned above, the proposed landscape plan is attached.

### **Northern Boundary Waiver Justification**

The attached exhibit clearly shows the major floodplain for Broad Run as well as Beaver Dam Run in excess of 1800 feet in width from the County's GIS data overlaid with the aerial photo of the site. Within the limits of our site along this boundary a minimum of 150 feet of existing undisturbed tree canopy will remain although as indicated above having in excess of 1800 feet of undevelopable major flood plain far exceeds the 300 foot requirement for a waiver based on Section 560.09-(E). This use has been determined a public utility, is an approved use per the recently approved Special Exception, and would also qualify under section 560.09-(D). Therefore in accordance with Sections 560.09-(D&E) of the 1972 Zoning Ordinance a waiver of the buffer yard requirement is felt to be more then justified.

### **Eastern Boundary Waiver Justification**

The attached exhibit shows a minimum of 600 feet of existing undisturbed tree canopy between the closest point to the tower array along the eastern edge of the site. Major floodplain for Broad Run at this location is over 900' feet in width. Again the undevelopable major floodplain far exceeds the 300 foot requirement for a waiver based on Section 560.09-(E) without even considering existing tree canopy or the fact that this is a public use and would also qualify under section 560.09-(D). Therefore in accordance with Section 560.09-(D&E) of the 1972 Zoning Ordinance a waiver of the buffer yard requirement is felt to be more then justified.



### **Southern Boundary Waiver Justification**

The attached exhibit shows the tower array in the floodplain adjacent to an existing evergreen forest buffer that is to remain. The buffer to remain is over 450' in this location, of which portions exceed 300' within the major floodplain. This buffer is to remain undeveloped within the floodplain and therefore in accordance with Section 560.09-(D&E) of the 1972 Zoning Ordinance a waiver of the buffer yard requirement is felt to be more then justified.

### **Western Boundary Waiver Justification**

The attached exhibit clearly shows an existing vegetative buffer of over 400' directly west of the tower array. Additionally, the distance to the edge of the floodplain is over 950' in this location. Again, since this site is for Public use we feel we more then qualify under Section 560.09-(D). This buffer is to remain undeveloped within the floodplain and therefore in accordance with Section 560.09-(D&E) of the 1972 Zoning Ordinance a waiver of the buffer yard requirement is felt to be more then justified.

### **Special Exception Condition of Approval Landscape Plan**

Special Exceptions SPEX 2009-0011 and SPEX 2009-0029 for the Towers and the use in a Major floodplain along with Commission Permit 2009-0002 were approved on June 02, 2010 by the Board of Supervisors for Loudoun County with several approval conditions. Condition 2 specifically outlines required planting and reforestation of the floodplain in the area of the proposed tower array.

**Condition 2: Riparian Planting Plan** outlines the landscape requirements for the planting of over seven acres of area impacted by the antenna array. This riparian planting plan establishes over **three acres** of evergreen forest buffer, **one acre** of shrub buffer

and 2.7 acres of meadow planting. This planting plan concept and condition of approval has been developed with the input of the Loudoun County Forester, Dana Malone. This planting plan will offer an improvement over the existing condition of a grass field that was recently used as a sod farm. The plants will continue to extend the forest cover that is necessary for wildlife linkages as well as offer improved riparian buffer to Broad Run. The width of the riparian planting plan is over 400'. When added to the existing buffer, this offers a future vegetative Broad Run buffer width of nearly 900' at its narrowest point. Please refer to the proposed Site Plan Revision Sheet 19 which has been included for your assistance in review of this waiver request.



Please feel free to contact me if you have any questions or need additional information in support of this request.

Sincerely,

PATTON HARRIS RUST + ASSOCIATES  
A Professional Corporation

Mark Thomas, CLA  
Director of Planning and Landscape Architecture

w/enc