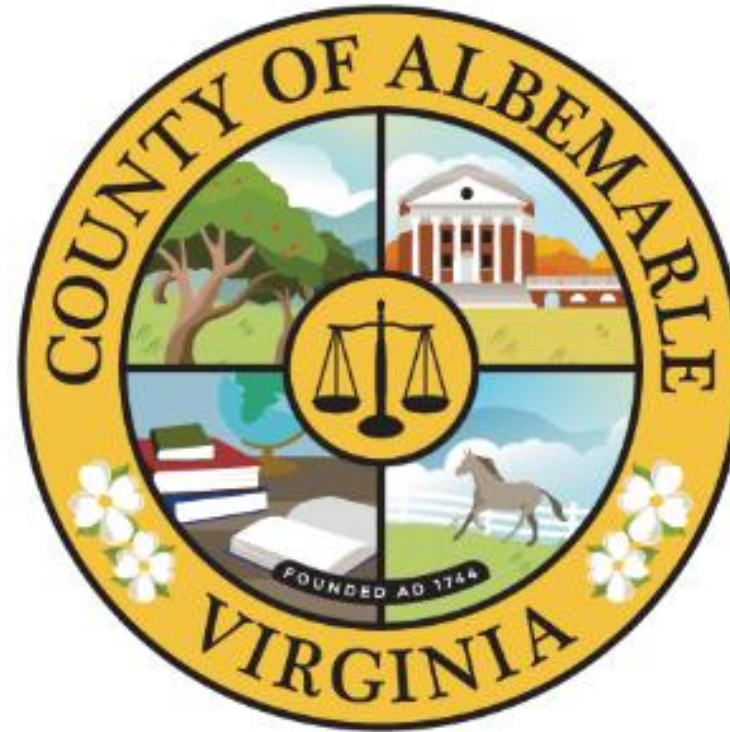


SE-2025-00040
528 Clarks Tract
Building Site Modification
Special Exception

Board of Supervisors
June 3, 2026





Background & Request

Request:

Special Exception under the Zoning Ordinance (County Code §18-4.2.3):

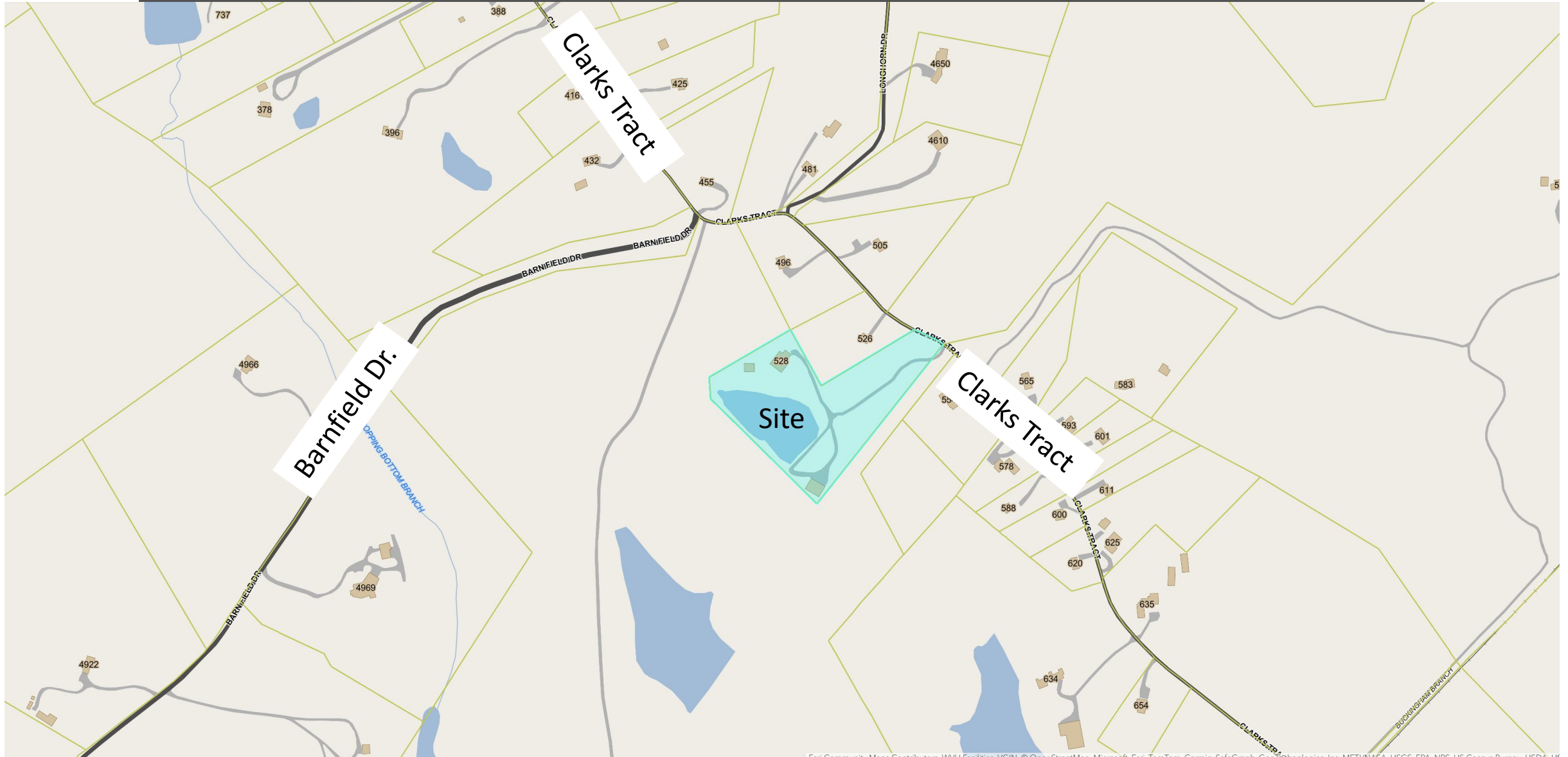
- Allow an existing 3-car garage structure to remain
- Structure is located in Water Protection Ordinance stream buffer, not within a building site as required.

County Code §18-4.2.3 requires any structure, improvements (including on-site sewage), or land disturbing activity to establish the structure, to be located in a building site.

Sec. 4.2.1 Building site required, building site is defined as:

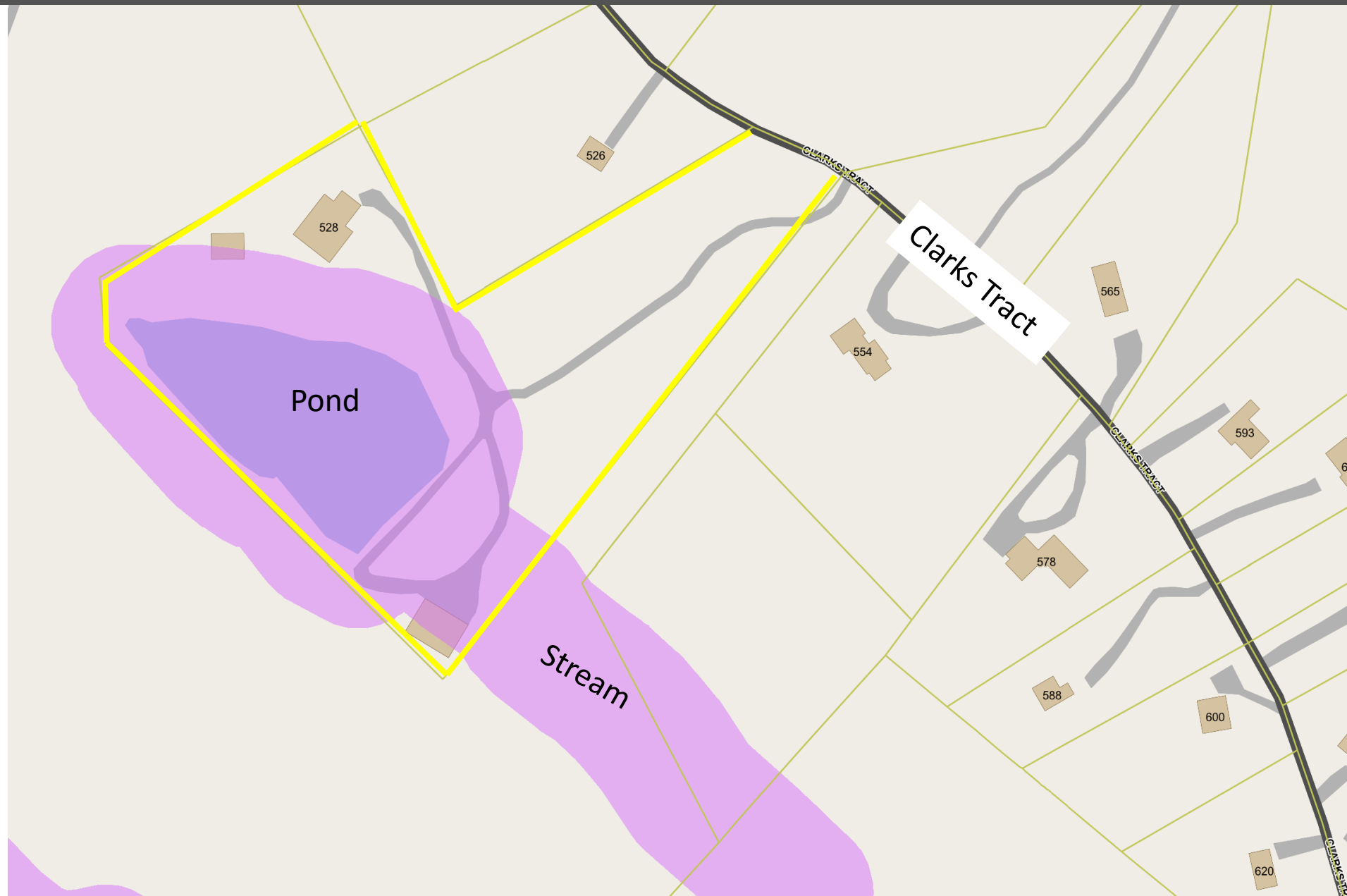
- a. Composition of building site.* A building site shall be composed of a contiguous area of land and may not contain any area of land that is:
- (i) in critical or preserved slopes;
 - (ii) within the flood hazard overlay district;
 - (iii) under water during normal hydrological conditions;
 - (iv) within 200 horizontal feet of the 100-year flood plain of any public water supply reservoir; and
 - (v) within a stream buffer under chapter 17 of the Code, provided that nothing contained herein shall be deemed to prohibit or impair the program authority from exercising its discretion as authorized in chapter 17.**

Vicinity Map



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Vicinity Map



Existing Conditions



SE-2025-00040
3-car garage with
finished space above

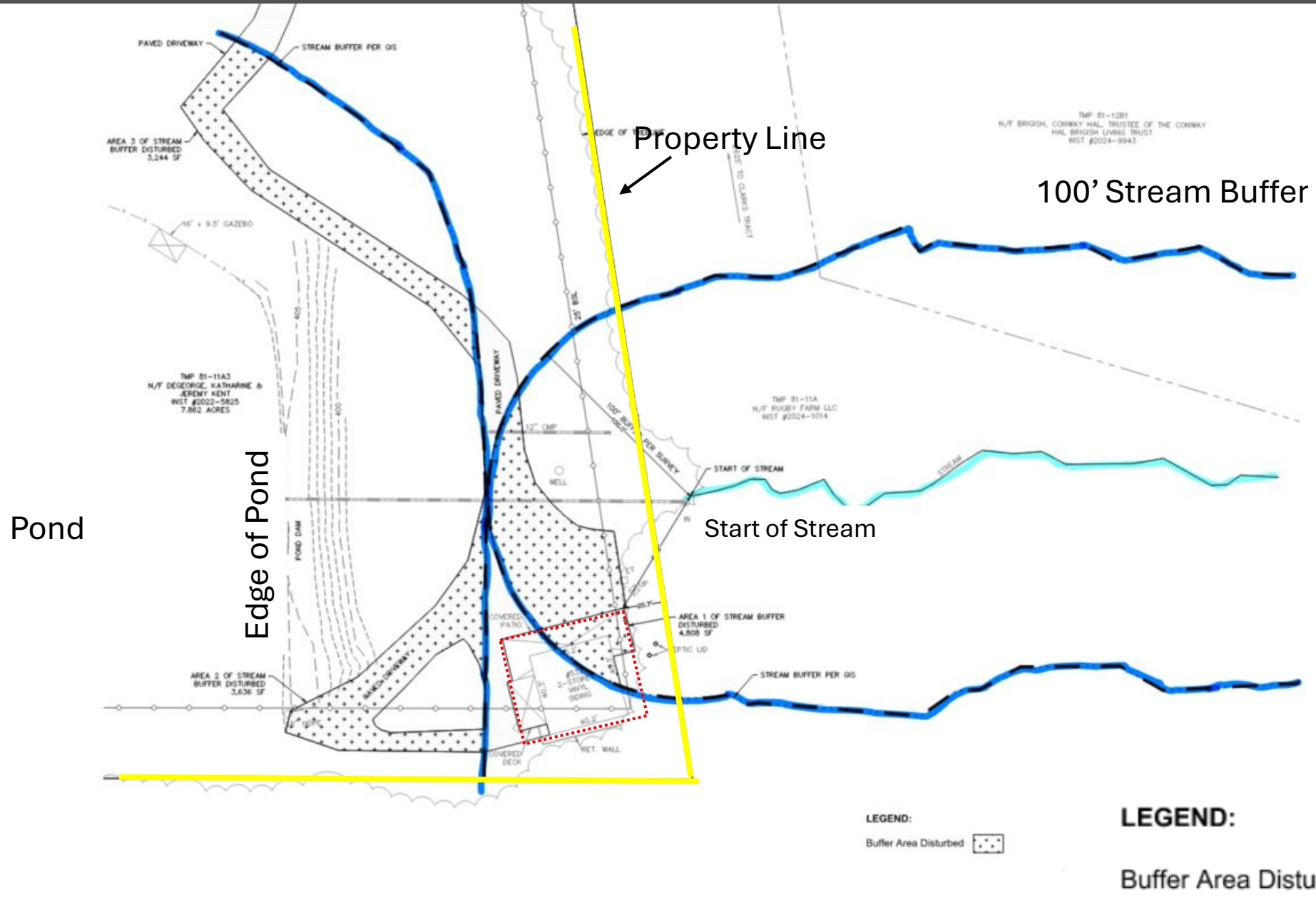


Background

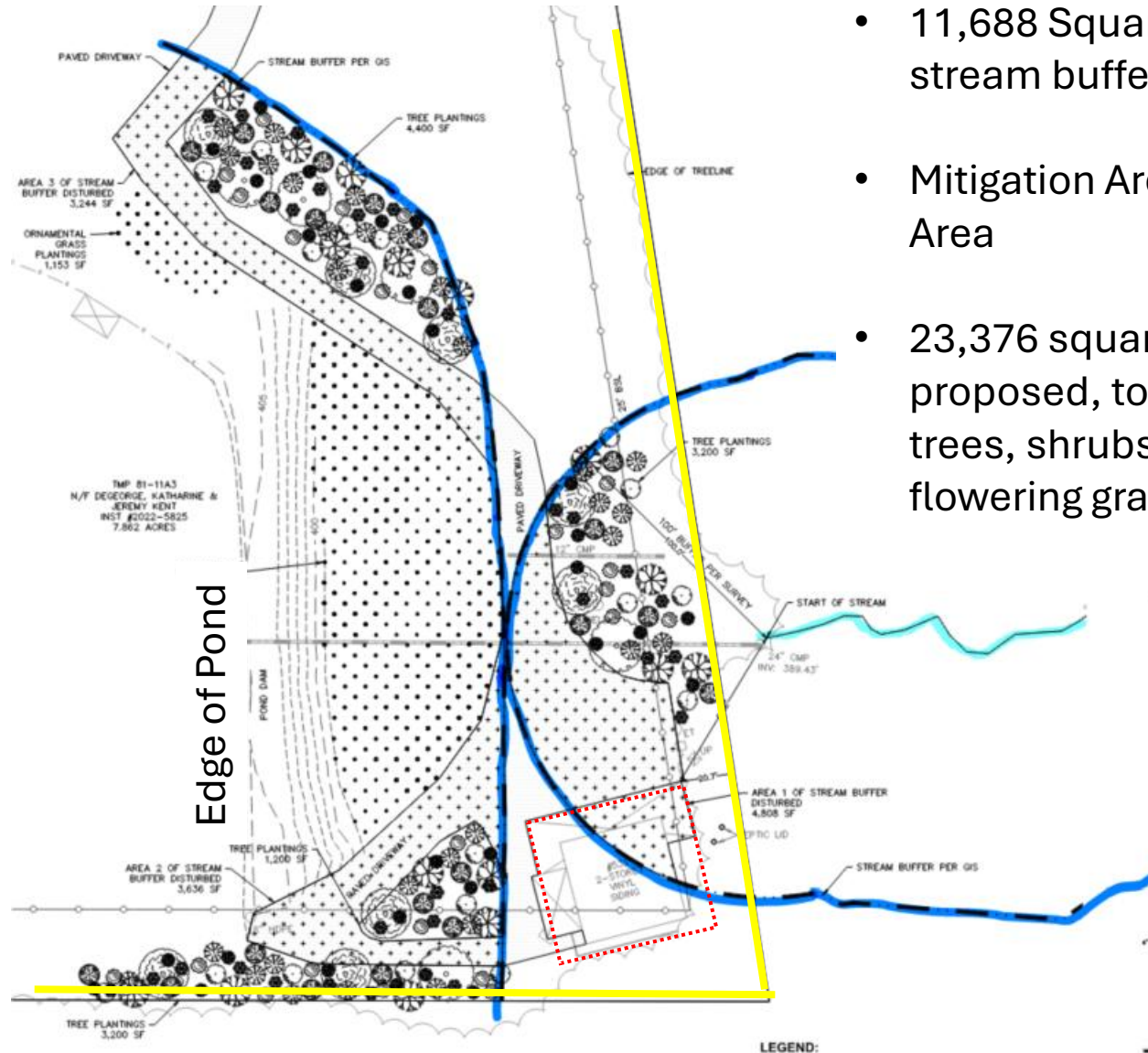
Parcel History:

- 1992 7.86 acre parcel created
Parcel has one development right and only one dwelling is permitted
- 2001 Building permit and certificate of occupancy issued for the primary single-family dwelling.
- 2012 Prior owners applied for a permit for the 3-car garage structure, but it was denied because it was in the stream buffer. Structure appears to have been constructed between 2012-2013.
- 2022 Current owners purchased the property on May 12, 2022.
- 2024 Complaints received and notice of violation issued in September 2024 for multiple use and structure violations.

Stream Buffer Disturbance



Stream Buffer Mitigation Proposed by Applicant



- 11,688 Square feet within 100' stream buffer disturbance
- Mitigation Area is 2 times Disturbed Area
- 23,376 square feet of Mitigation Area proposed, to include deciduous trees, shrubs and ornamental or flowering grasses

Special Exception Criteria

The Board of Supervisors may grant a modification or waiver if it finds:

- the modification or waiver would not be detrimental to the public health, safety or welfare;
- to the orderly development of the area, or to adjacent properties;
- would not be contrary to sound engineering practices;
- and at least one of the following:
 - a. Strict application of the requirements of section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare;
 - b. Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of section 4.2 to at least an equivalent degree;
 - c. Due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties; or
 - d. Granting the modification or waiver would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.

SE-2025-00040 528 Clarks Tract Conditiona

If approved, the following conditions are proposed:

1. A VESMP application with a mitigation plan must be submitted within 30 days from approval of this special exception request.
2. Stream buffer mitigation plantings must be in substantial accord with the plan titled “VSMP Plan 528 Clarks Tract” prepared by Shimp Engineering, last revised April 23, 2026.
3. Stream buffer mitigation plantings must be bonded prior to plan approval and installed within 6 months of plan approval.
4. The structure and improvements are limited to what is shown on the plan (“VSMP Plan 528 Clarks Tract” prepared by Shimp Engineering, last revised April 23, 2026”). No extension or enlargements are permitted of the structure or driveway and no additional structures or improvements are permitted within the stream buffers.
5. The structure must not be used for any home occupation or homestay uses.

Motions for Special Exception: SE-2025-00040

528 Clarks Tract

To deny SE 2025-00040:

*I move to adopt the resolution to deny SE 2025-00040
(Attachment D).*

To approve SE 2025-00040:

*I move to adopt the resolution to approve SE 2025-00040
(Attachment E).*

Questions?

