

To the Town of Vienna Board of Zoning Appeals,

Subject: Justification for Fence Variance – 609 Alma Street SE, Vienna, VA, 22180

The following justification supports the application for a fence variance at the above-referenced property. A variance is granted only when strict adherence to the Zoning Ordinance unreasonably restricts property use due to a hardship related to its physical conditions. The property meets these criteria, and the variance is essential for property protection and environmental stewardship.

Variance Criteria A: Good Faith Acquisition and Non-Created Hardship

The property interest was acquired in good faith, and the hardship for which relief is sought was not created by the applicant. The hardship results from the property's unique location and natural factors:

- Proximity to Floodplain: The property is situated near FEMA's Zone AE floodplain, with the lowest point on Follin Lane next to Wildwood Park and Wolftrap Creek at the end of the slope. This characteristic existed at the time of property acquisition and creates challenges for stormwater management and landscaping protection.
- High Groundwater Table: The soils on the property, Beltsville Complex and Hatboro-Codorus, have a high groundwater table. This physical condition existed before current ownership and contributed to persistent puddling in the back yard and along the rear fence line. (According to NVSWCD Soil Assessment letter for VCAP Project)

These conditions are inherent to the property's location and topography and were not created by any action.

Existing Conditions, Drainage, and Erosion Problems

The backyard slopes towards the Wolftrap Creek floodplain and Wildwood Park. This slope, combined with the high groundwater table, leads to consistent puddling in the

backyard especially near the rear fence line, presenting drainage and erosion challenges. The existing rear downspouts currently exacerbate this by channeling rainwater down the slope towards the park.

Flood mitigation measures have been undertaken to address these environmental challenges:

1. Conservation Landscaping: Much of the property has been converted to native plant beds, which enhance stormwater infiltration and slows down runoff as recommended by Town of Vienna Stormwater Manual for Outdoor Living Areas.
2. Stormwater Management: Approved Virginia Conservation Assistance Program (VCAP) approved stormwater management practices have been implemented, including a 500-gallon cistern and four 55-gallon rain barrels, which slows down the volume of stormwater impacting the floodplain and Wildwood Park following rainstorm as recommended by Town of Vienna Stormwater Manual for Outdoor Living Areas.
3. Upgraded Gutters and Rerouting: The gutter system has been upgraded, and downspouts rerouted to direct rainwater into the conservation landscape.

Justification for Fence Variance: Infrastructure and Wildlife Protection

The new fence installation serves two critical purposes directly related to the existing hardships and mitigation efforts:

- Infrastructure for Stormwater Management: The fence provides necessary infrastructure for rerouting downspouts to a 500-gallon Cistern located in the newly fenced area as an integral part of the rainstorm system. The new fence is a crucial element in managing stormwater on-site and minimizing its impact on the floodplain and adjacent parkland along with intense planting of diverse Native trees, shrubs, and meadow inside this new fenced area. (Cistern and Conservation Landscaping)

- **Wildlife Protection Barrier:** The property, like those of neighbors adjacent to Wildwood Park and Wolftrap Creek, experiences daily browsing by deer on trees, shrubs, and vegetation. This impacts the ability to successfully establish and maintain the conservation landscape also recommended by Town of Vienna Stormwater Manual. Temporary invisible deer fencing (6-feet in height) is currently used to protect vulnerable native plants and shrubs. The newly installed fence provides a permanent, more effective wildlife barrier, essential for the long-term success and ecological benefit of the conservation landscaping. This fence is aesthetically pleasing and is designed to support the stormwater management infrastructure while providing vital protection needed for the sensitive conservation plantings. Our property has been certified by Northern Virginia Bird Alliance as a Wildlife Sanctuary, by National Wildlife Federation as a Wildlife Habitat, and by Monarch Watch as a Monarch Waystation.
- Additionally, the proposed six-foot fence would be consistent with the character of the neighborhood, as there are ten or more properties in the vicinity that currently utilize 6-foot fencing along Fallen Lane between Maple Ave and Wildwood Park. By aligning with established precedent, the new fence would not only meet the functional needs described above but would also respect and reflect the existing visual continuity and standards within the community.

Conclusion

The strict application of current fence regulations would unreasonably restrict property use by hindering ongoing efforts to mitigate flooding, control erosion, and establish a thriving native plant landscape. The hardship is directly attributable to the unique physical conditions of the property, specifically its location adjacent to the floodplain and the high groundwater table. The proposed fence is a solution that addresses these hardships, contributes positively to the environmental health of the area, and aligns with the Town's commitment to responsible land use.

Granting this variance will not be of substantial detriment to adjacent or nearby properties. Additional information or documentation required by the Board of Zoning Appeals can be provided.

Sincerely,

Shawn Achziger

609 Alma Street SE

Vienna, VA 22180

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