



**Bedford
Regional
Water Authority**

**Variance Request
Case #VP140002**

**Smith Mountain Lake
Raw Water Pump Station**



Variance Overview

- Variance as defined in Va. Code § 15.2-2201
- Provisions of Va. Code §15.2-2309
 - ✓ “Unnecessary hardship” is the required standard to obtain a variance.
 - ✓ Parcel is adversely affected by reason of the “exceptional narrowness, shallowness, size or shape of a specific” parcel, and that the application of the ordinance “would effectively prohibit, or unreasonably restrict the use of the property”.



Variance Overview

- Board of Zoning Appeals are required in each case to find:
 - ✓ (i) that the strict application of the ordinance would produce undue hardship related to the property.
 - ✓ (ii) that even if the hardship exists it is not shared generally by other properties in the same zoning district and vicinity
 - ✓ (iii) that authorization of a variance will not be of substantial detriment to adjacent properties and the character of the district will not be changed by its grant.



Request Overview

- The existing raw water intake was approved by the County in 1997 via a 456 Review under the County's old LUGS (Land Use Guidance System).
- The approval (dated December 24, 1997) includes the Planning Commission's determination that the project was in accordance with the 1989 Comprehensive Plan.
- The existing layout of the intake was approved by a 6-0 vote.
- A larger pump station structure is required in order to increase the Bedford Regional Water Authority's treatment capacity.
- A variance of four (4) requirements of the R-2 zoning is required.





Need for Project

- The current daily production at the High Point Water Treatment Plant is frequently exceeding 80 percent of the plant capacity.
- Per the requirements of the Virginia Department of Health, once a plant is regularly exceeding 80% capacity, plans are to be put in place for the upgrade of the facility to facilitate an increase in capacity.
- The recent reversion of the City of Bedford requires immediate increase in capacity.



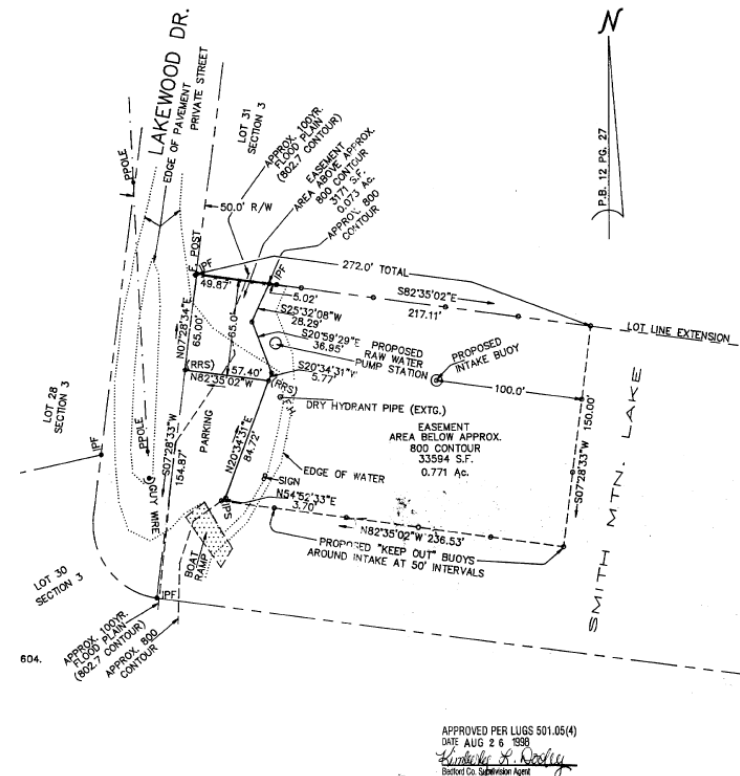
Permitting

- American Electric Power (AEP) - Executed March 27, 1998
 - ✓ Requires specific latitude and longitude location.
- Federal Energy Regulatory Commission (Order Approving Non-Project Use of Project Lands and Waters: Water Withdrawal Expansion; Project No. 2210-238; May 29, 2014)
- Department of Environmental Quality (Virginia Water Protection Permit Issued Pursuant to the State Water Control Law and Section 401 of the Clean Water Act; VWP Permit Number 96-0707; Effective 11/30/2007, Modified 9/19/2013).
- Virginia Department of Health (site specific source sampling completed in 1995-1996, with VDH approval to utilize the source in 1997 through construction of a pilot plant; full operational permit granted 4/5/2002).



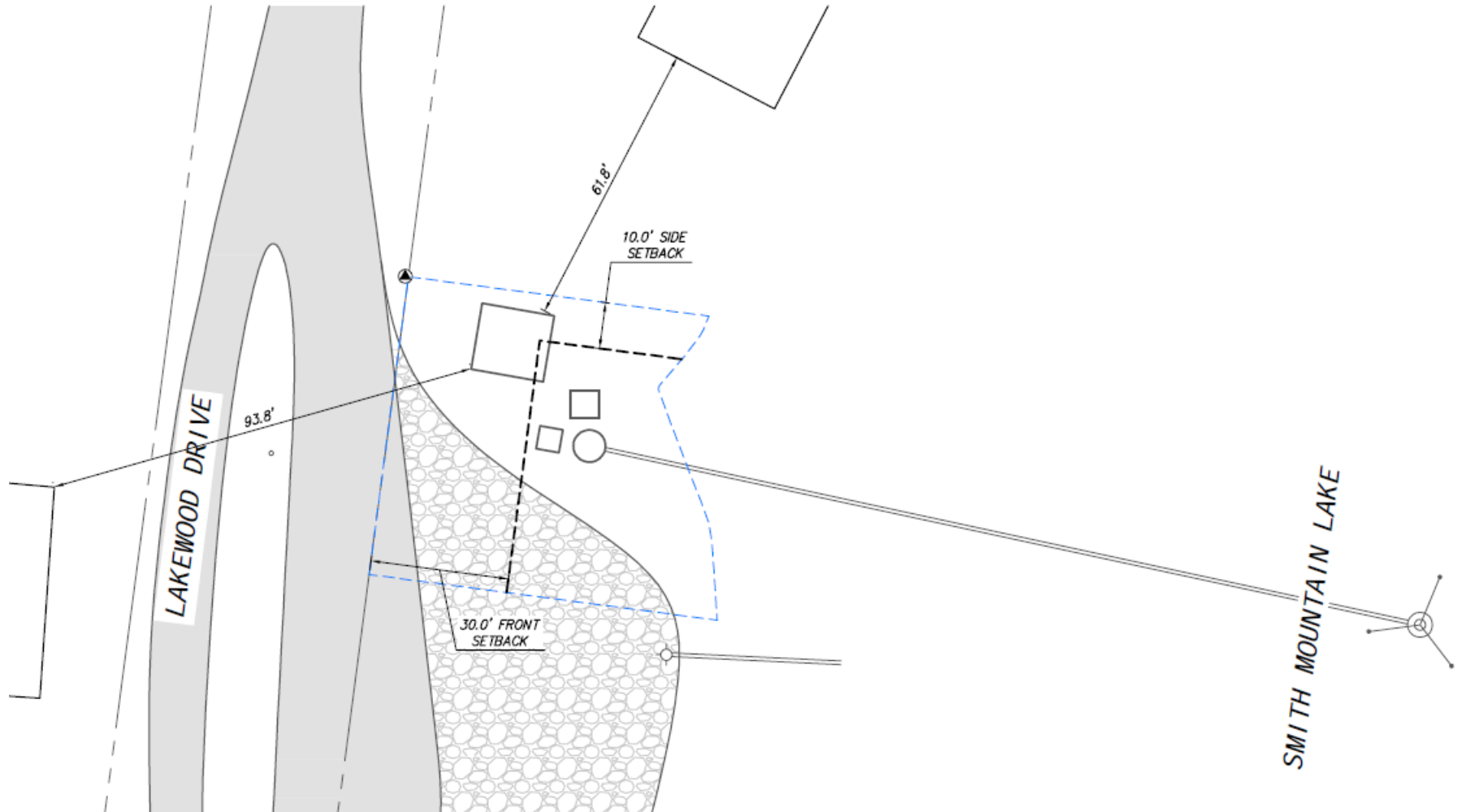
Usable Area Restriction

- Home Owner's Association (HOA) easement was executed on October 31, 1997.
- The HOA members are unwilling to amend the easement and have stated this in a letter.
- The limited area available within the easement for above ground structures provides significant hardship.



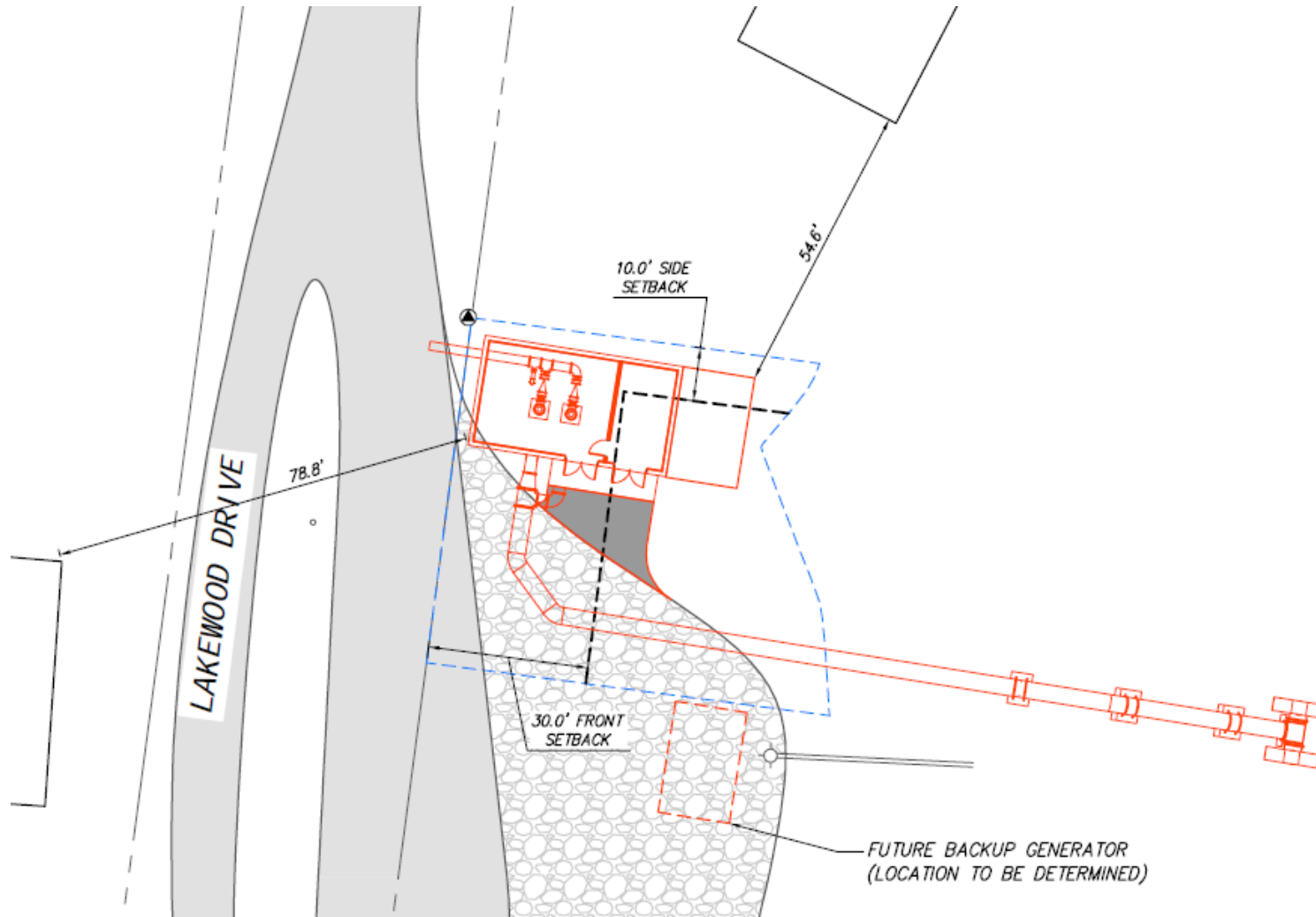


Existing Intake Layout





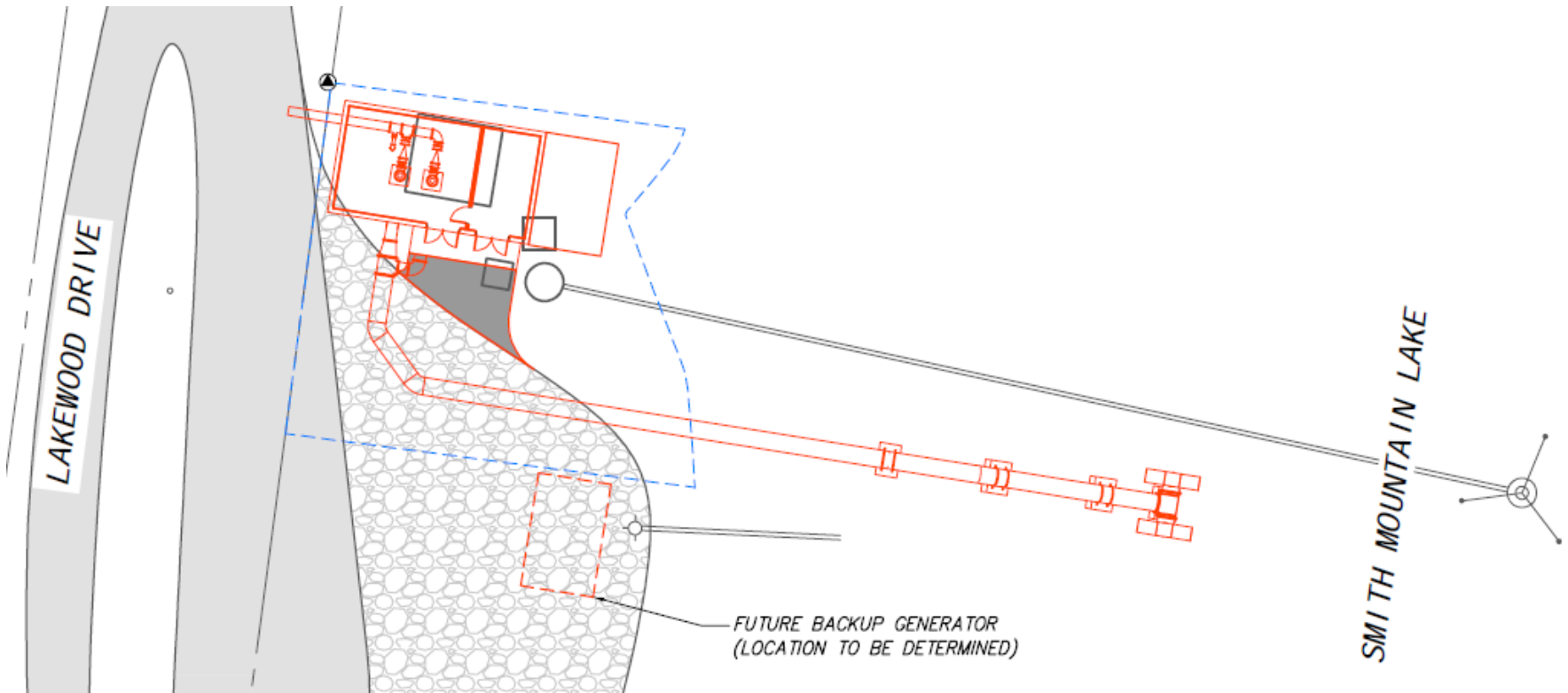
Proposed Intake Layout



SMITH MOUNTAIN LAKE



Comparison of Intake Layouts

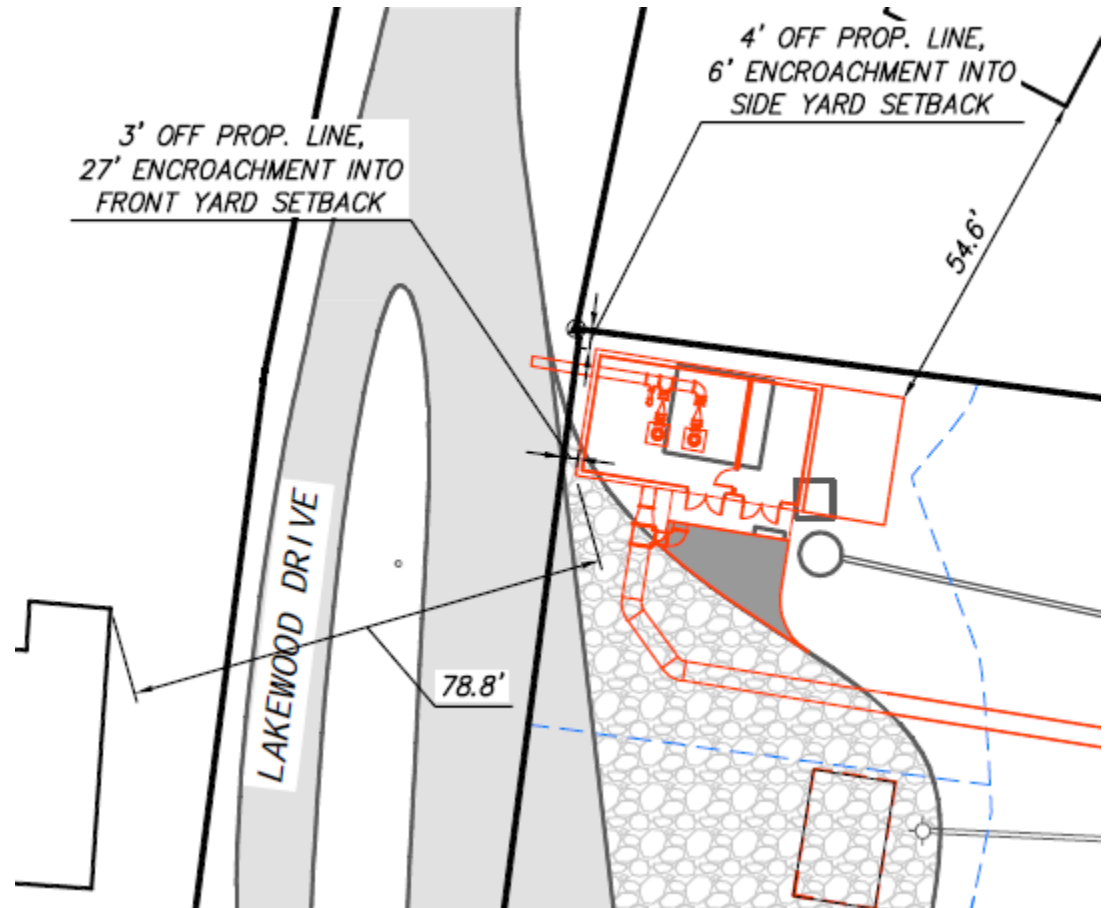




Variance Request Details

SEC. 30-42:3.B.1 – Reduce Minimum Front Yard Setback: variance requested for a 27 ft. encroachment into the 30 ft. setback (3 ft. minimum front yard setback requirement).

SEC. 30-42:3.B.2 – Reduce Minimum Side Yard Setback: variance requested for a 6 ft. encroachment into the 10' setback (4 ft. minimum side yard setback requirement).



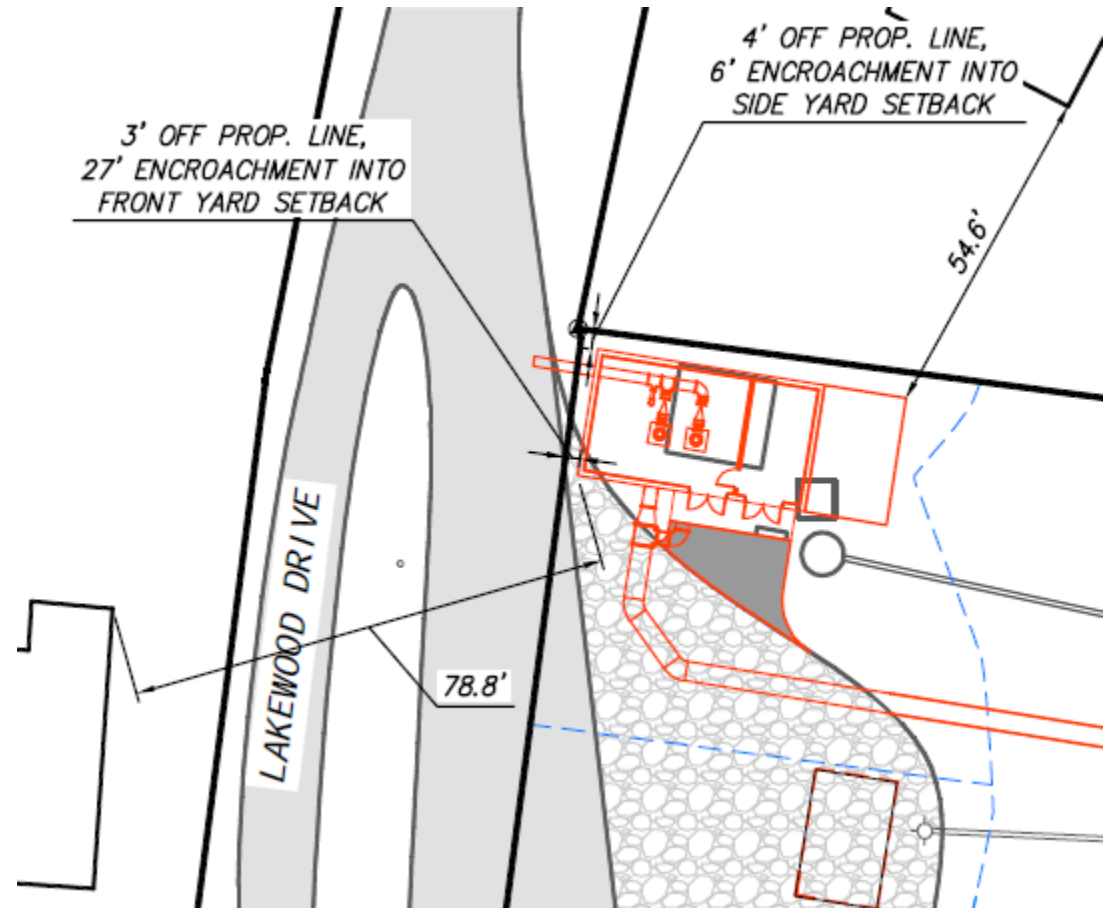


Variance Request Details

SEC 30-83-12.A.4 –

Reduce Space

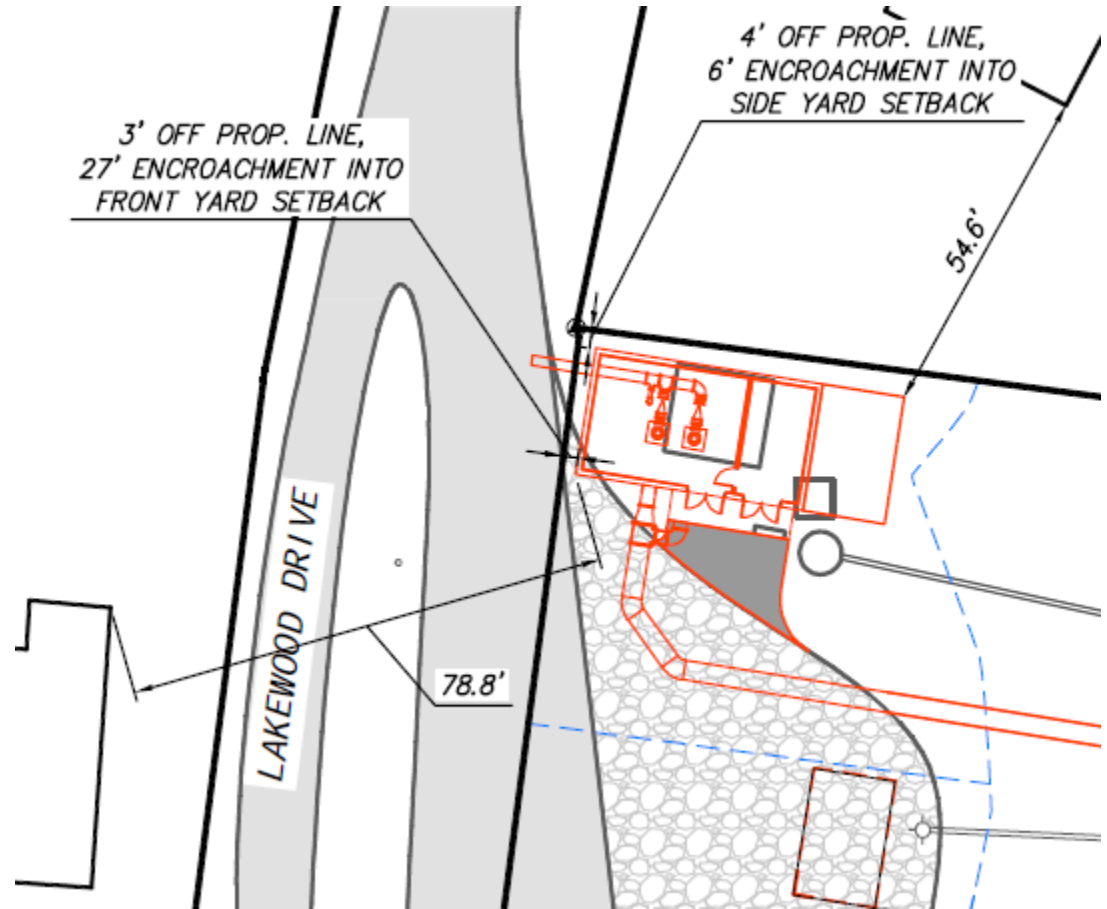
Requirement that Utility Service more than 100 ft. of Existing Residences:
variance requested permitting Utility Service to be 54.6 ft. from residence to the north and 78.8 ft. from residence to the southwest.





Variance Request Details

SEC. 30-42:3.D.2 –
Increase Maximum
Permitted Lot Coverage:
(total area within water
doesn't count towards lot
area): variance
requested for 87%, or
approximately 37% over
the Maximum Permitted
Lot Coverage of 50%.
Current/ pre-
development lot
coverage is
approximately 74% (24%
over the Maximum
Permitted Lot Coverage).





QUESTIONS?