



Supervisor Tony Buffington  
**Blue Ridge District**  
*NewsFlash*



## Court Orders Relocation of Excess Fill Until Compliant with Original Permit

**Abatement to be Completed by Nov 15, 2022**

Sent: November 30, 2021

For the past few years, Loudoun has responded to numerous resident complaints at Gable Farm, located south of Route 7 across the street from Scott Jenkins Memorial Park and the Harmony Park & Ride near the Town of Hamilton; whereby, the property owner was found to be in violation of the previously approved permit, due to excess hauling resulting in fill elevations greater than the approved permit.



Although not in my District, many residents and folks countywide expressed their environmental, land use, and other concerns

directly to my office and the issue drew widespread attention resulting in creation of a county webpage to keep the public informed regarding the situation. The webpage is still active and can be found [here](#).

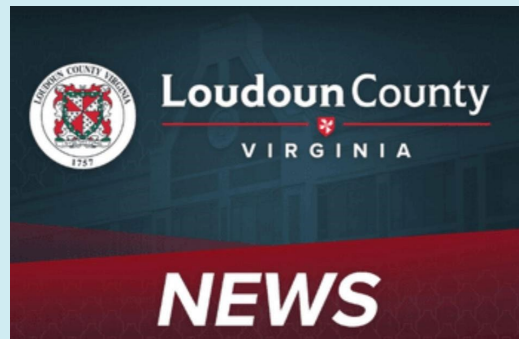
Due to the amount of interest in this issue and a major update in the case, I wanted to provide you with the latest news.

In brief, the County and the property owner will resolve the issue via a court Order of Abatement entered by the court on November 3, 2021. **According to the order, the property owner must relocate excess fill until fill elevation levels are compliant with the originally approved October of 2015 permit. This must be done by November 15, 2022.** The property owner must also pay a \$200 fine, along with court costs and attorney fees.

### County Issued Press Release (posted Nov 24, 2021)

#### **Court Enters Abatement Order for Gable Farm; Orders Owner to Level Fill Dirt**

The Loudoun County General District Court has entered an Order of Abatement in the case of County of Loudoun v. Gable Family Limited Partnership, which requires the owner of the Gable Farm property to correct violations of the Loudoun County Zoning Ordinance.



#### **Order of Abatement**

The Gable Farm property is located west of Leesburg, off Colonial Highway, near the Town of Hamilton. The property owner was found in violation of the county's zoning ordinance following the hauling of fill dirt onto the property over the past few years, which created

elevations greater than approved in a site plan for the proposed use on the property.

The court's order requires the property owner to accomplish the following remedial actions:

- Adjust the elevations and grading of the property by moving the excess fill to lower the elevations on the property to be consistent with what was shown on the approved Rural Economy Site Plan for the property. The excess fill is to be moved to specified locations on the southcentral and southwest perimeter of the property to close out erosion and sediment controls that were constructed in conjunction with the site plan.
- Disburse any remaining fill within specified areas of the property provided elevations do not exceed the levels indicated in the Abatement Plan following approval of a Grading Permit.
- Upon completion of the work described above, the property owner must hire a third-party surveyor or engineer to confirm elevation and grades of fill dirt.

According to the order, the abatement actions associated with the moving of fill material must be complete by November 15, 2022. In addition, the property owner was required to pay a \$200 fine, which has already been paid to the county.

- [View the Order of Abatement \(PDF\)](#)
- [View the Abatement Plan \(PDF\)](#)

## **Background**

Over the past few years, Loudoun County responded to complaints from residents in the area of Gable Farm and investigated the hauling of fill material onto the property. In 2015, Loudoun County approved a plan for the property to be used as a personal recreation field and issued a grading permit to the Gable Farm owner for that purpose; however, in 2017, the county issued a Notice of Violation for failing to

follow the approved plan. In 2018, Loudoun County observed elevations on the property that exceeded approved levels and issued a stop work order to the Gable Farm owner. A second Notice of Violation was issued in November 2018. In 2019, the county worked with the property owner to bring the site into compliance with the approved site plan, but no acceptable agreement for addressing the excess fill dirt on the property was reached at that time. The county and the property owner ultimately resolved the issue through the Order of Abatement entered by the court on November 3, 2021.

In addition, fill material on the property was analyzed. The Virginia Department of Environmental Quality inspected the site and in February of 2019 issued a [letter \(PDF\)](#) indicating that the fill material contained primarily soil, bricks, asphalt, concrete and rocks, and that the material was allowed under Virginia Solid Waste Management Regulations. In 2020, the owner hired a consultant to study the soil. The findings were provided on July 22, 2020, in the [Environmental Soil Characterization Report \(PDF\)](#). In response to the report, DEQ issued another [letter \(PDF\)](#) on February 5, 2021, reaffirming that the fill material on the Gable Farm property was compliant with state regulations and requirements.

### **More Information**

More information about the stockpiling of dirt and the history of county's engagement with the Gable Farm owner is posted on the county's website at [loudoun.gov/stockpilingdirt](https://loudoun.gov/stockpilingdirt).

### **Next Steps**

Pursuant to the terms of the Abatement Order, once the abatement work has commenced, the property owner must provide the County with weekly updates regarding abatement plan implementation. The property owner is currently procuring the necessary construction equipment to perform the required abatement work.

Property owner compliance with the technical requirements of the Abatement Plan are subject to confirmation by a third-party surveyor or engineer.

---

# Loudoun County



V I R G I N I A

---

All our best!

Tony Buffington  
Blue Ridge District Supervisor  
[tony.buffington@loudoun.gov](mailto:tony.buffington@loudoun.gov)

Rachael Holmes  
Chief of Staff  
[rachael.e.holmes@loudoun.gov](mailto:rachael.e.holmes@loudoun.gov)

Robin Bartok  
Legislative Aide  
[robin.w.bartok@loudoun.gov](mailto:robin.w.bartok@loudoun.gov)

Christi Maple  
Legislative Aide  
[christi.maple@loudoun.gov](mailto:christi.maple@loudoun.gov)

Click [here](#) to Like us on Facebook!



---

***Disclaimer:** Supervisor Buffington and his staff make every effort to share accurate, timely, relevant and helpful information; however, he nor his staff are liable for inaccuracies, errors, omissions, misrepresentations or otherwise unhelpful or harmful information. The sharing of third party non-County affiliated information is not an endorsement of such information and he nor his staff are liable for inaccuracies, errors, omissions, misrepresentations, or otherwise unhelpful or harmful information from the sharing of such third party non-County affiliated information. Use of the information shared by Supervisor Buffington*

*and his staff is at sole discretion of the user(s), and user(s) accepts all liability and responsibility for his/her/their actions regarding use of the information shared.*

Blue Ridge District | 1 Harrison Street, S.E. 5th Floor, PO Box 70000, Leesburg, VA 20177-7000

Constant Contact Data Notice

Sent by tony.buffington@loudoun.gov powered by

