



May 31, 2022

Mr. William Hicks, P.E.  
Director  
Department of Public Works and Environmental Services  
12055 Government Center Parkway, Suite 444  
Fairfax, Virginia 22035-5504

VIA E-PLAN SUBMISSION

Re: Section 118-6-8(b) RPA Exception Request Statement of Justification  
917 Whann Avenue  
Tax Map: 0214 06 0013A  
Fairfax County, Virginia  
WSSI #31448.01

Dear Mr. Hicks:

Wetland Studies and Solutions, Inc. (WSSI) has been engaged by the Owners of the property, Mr. John Zecca and Ms. Lindsay Noble, to prepare this Resource Protection Area Exception for approval of construction activities associated with the development of a single lot as required under Section 118-6-8(b) of the Fairfax County Chesapeake Bay Preservation Ordinance (Ordinance).

The following is the Statement of Justification which addresses how the development complies with the factors set forth in CBPO Sections 118-6-6 (a) through (f):

(a) *The requested exception to the criteria is the minimum necessary to afford relief;*

The Field-Verified RPA encompasses all land rear of the existing residence (approximately 75% of the lot in total), with a small portion of the rear of the house within the RPA. Therefore, any accessory structure on the property requires RPA encroachment. The unencumbered portion of the lot (i.e., front yard) is not suitable for the creation of a swimming pool, as it is occupied by the driveway and privacy landscaping.

The limits of clearing and grading have been located tightly to the proposed activities (i.e. no excess land is to be disturbed other than what is necessary for construction and installation of E&S controls. The plan as designed represents an increase of 998 square feet of impervious surface, which remains below the threshold for impervious surface increase in the CBPO for this type of activity.

(b) *Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated;*

As stated in 118-6-1, exceptions to the criteria and requirements of the CBPO to permit encroachment into the RPA that do not qualify for administrative review under Article 5 may be granted by the Exception Review Committee (with a specific exception created for accessory structures of this type). All property owners similarly situated are entitled

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to seek relief in the same manner as the Applicant. Therefore, granting of this exception request does not confer special privileges on the Applicant.

- (c) *The exception is in harmony with the purpose and intent of this Chapter and is not of substantial detriment to water quality;*

Situations as presented in this request are the reason that the exception in Section 118-6-8(b) (Exceptions for Accessory Structures) exists. Properties such as 917 Whann Avenue, that did not require RPAs to be designated on them at the time their principal structures were established, are allowed small accessory structures not cumulatively exceeding 1,000 sf of additional impervious area from the time of adoption of the CBPO relating to their property.

The proposed swimming pool and associated structures adhere to this limit and represent no substantial detriment to water quality due to strict adherence to erosion & sediment control regulations. Construction will take place within the limits of the existing retaining wall (within the limits of historic disturbance and in an area of maintained lawn or existing impervious surfaces), further limiting water quality impacts. The RPA resource (UT Dead Run) will not be affected as a result of the proposed activities.

Additionally, a planter box is proposed as a BMP to offset the proposed increase in impervious surface. Thus, this waiver request is in harmony with the purpose and intent of the Ordinance.

- (d) *The exception request is not based upon conditions or circumstances that are self-created or self-imposed;*

As stated previously, around 75% of the lot is encumbered by an RPA that was not present at the time that the residence (principal structure) was constructed. The unencumbered portion of the lot is not suitable for the creation of a swimming pool, as it is occupied by the primary access driveway and privacy landscaping. Thus, the conditions and circumstances of this exception request were not self-created or self-imposed.

- (e) *Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality; and*

Construction is limited to a turfgrass terrace adjacent to the existing residence, which is contained by a retaining wall. The slope to the UT Dead Run below will not be directly affected. Strict adherence to erosion and sediment controls (i.e. super silt fence, indicated in Exhibit 5 of associated WQIA Application #1996-WQ-005-2) will ensure that the activity does not cause a degradation of water quality. Additionally, a vegetated riparian buffer area and BMPs (a planter box) will be established on the site, which will help to infiltrate stormwater and further prevent degradation of water quality after the project is complete.

- (f) *Other findings, as appropriate and required herein, are met.*

N/A

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Thank you for your consideration and please feel free to contact me, Sarah Hutchinson, at (703) 679-5626 (email at [shutchinson@wetlands.com](mailto:shutchinson@wetlands.com)) or J.T. Kelley (703) 679-5652 (email at [jkelly@wetlands.com](mailto:jkelly@wetlands.com)).

Sincerely,

WETLAND STUDIES AND SOLUTIONS, INC.



Sarah Hutchinson  
Landscape Designer



John T. Kelley, Jr., PE, CFM, LEED AP  
Manager – Engineering

cc: Theodore D. Britt, Tri-Tek Engineering (via email)

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