



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

MAR 20 2019

Michael Collier
908 Mackall Avenue
McLean, VA 22101

Subject: 908 Mackall Avenue, Tax Map #021-4-06-0012B, Dranesville District

Reference: Resource Protection Area Encroachment Exception #1996-WRPA-015-3 and
Water Quality Impact Assessment #1996-WQ-004-3

Dear Mr. Collier:

Enclosed you will find a copy of the Resolution adopted by the Exception Review Committee (ERC) at its regular meeting held on March 6, 2019, approving Resource Protection Area (RPA) Encroachment Exception #1996-WRPA-015-3 and Water Quality Impact Assessment #1996-WQ-004-3, under Section 118-6-9 of the Chesapeake Bay Preservation Ordinance (CBPO), to permit encroachment into the RPA at the subject property.

Please be advised that the decision of the ERC may be appealed to the Board of Supervisors in accordance with Article 8 of the CBPO within 30 days from the date of the Resolution.

If further assistance is desired, please contact Camylyn Lewis, Senior Engineer III, Site Development and Inspections Division (SDID), at 703-324-1808.

Sincerely,

Danielle Badra
Clerk to the Exception Review Committee
Site Code Research and Development (SCRD)
Land Development Services (LDS)



Michael Collier
1996-WRPA-015-3 and 1996-WQ-004-3
Page 2 of 2

Enclosure

cc: Supervisor Foust, Dranesville District Supervisor
Catherine Chianese, Clerk to the Board of Supervisors
Chris Koerner, Chairman, Exception Review Committee
Leslie B. Johnson, Zoning Administrator, Department of Planning and Zoning
Shahab Baig, Chief, North Branch, SDID, LDS
Camyllyn Lewis, Senior Engineer III, North Branch, SDID, LDS
Brandy Mueller, Environmental Compliance Coordinator, Code Development &
Compliance Division, LDS
Avi Sareen, President, TNT Environmental, Inc.
Waiver File



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Encroachment Exception Application #1996-WRPA-015-3

Michael and Julie Collier, 1996-WRPA-015-3 under Section 118-6-9 of the Chesapeake Bay Preservation Ordinance (CBPO) and 1996-WQ-004-3, 908 Mackall Avenue, McLean, VA, Exception to construct a pool area with a spa, pervious paver patio and free-standing garage within the Resource Protection Area (RPA) designated 2003 RPA. Dranesville District. Tax Map #021-4-06-0012B. At a regular meeting of the Exception Review Committee on March 6, 2019, Mr. Edward W. Monroe, Jr., moved that the Exception Review Committee adopt the following resolution.

RESOLUTION

WHEREAS, the Committee has made the findings that:

- a) the requested exception, as conditioned, is the minimum necessary to afford relief;
- b) granting the exception will not confer upon the applicant any special privileges that are denied to other property owners who are similarly situated;
- c) the exception, as conditioned, is in harmony with the purpose and intent of the CBPO and is not of substantial detriment to water quality;
- d) the exception request is not based upon conditions or circumstances that are self-created or self-imposed; and
- e) reasonable and appropriate conditions will be imposed that will prevent the allowed activity from causing degradation of water quality.

Now, therefore, be it resolved that the Exception Review Committee **APPROVE** Exception Request 1996-WRPA-015-3 under Section 118-6-9 of the CBPO and 1996-WQ-004-3 to allow the construction of a pool area with a spa, pervious paver patio and free-standing garage within the RPA subject to the conditions dated March 6, 2019, as follows:

1. This RPA Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This RPA Exception is granted only for the purposes, structures and/or uses indicated on the Plat approved with the application, as qualified by these development conditions.
3. Any plan submitted pursuant to this RPA Exception shall be in substantial conformance with the Plat titled "Collier Residence, Water Quality Impact Assessment" prepared by TNT Environmental, Inc (TNT), dated 2-15-2019, which shows the proposed improvements.



Michael and Julie Collier
1996-WRPA-015-3 and 1996-WQ-004-3
Page 2 of 3

4. For this RPA Exception to meet the purpose and intent of the CBPO, to not create a substantial detriment to water quality, and to meet the performance criteria for RPAs, vegetated buffer area(s) shall be established and preserved on the downstream portion of the lot, located to filter flow before they reach the stream, with a combined area of at least 4,680 square feet (equal to the disturbed area). Vegetation size, species, density and locations shall be consistent with the planting requirements of CBPO Section 118-3-3(f) and Public Facilities Manual Section 12-0316.4, except the applicant shall request a modification of PFM 12-0316.2 to allow for 1" caliper in lieu of 2" caliper. An additional vegetated buffer area of 6,748 square feet shall be established with riparian seed mix. The total buffer area to be established is 11,428 square feet. Plants shall be native to the degree practical and adaptable to site conditions. The vegetation shall be randomly placed to achieve a relatively even spacing throughout the buffer. Notwithstanding any statements on the Plat and in the Water Quality Impact Assessment (WQIA), the size, species, density, and locations of the trees, shrubs, and groundcover will be subject to approval of the Director of LDS.
5. The applicant shall provide stream bank protection (live stakes) for the entire length of stream on the property, as determined by LDS.
6. The applicant shall provide on-site best management practices that includes three bio-retention planters as shown on the plans such that the water quality benefits exceed the detriments, as demonstrated with supporting computations on the future grading plan and as approved by LDS.
7. Prior to grading plan approval, the applicant shall remove the unauthorized encroachment into the RPA for the driveway; encroachments not shown on the 2007 grading plan.
8. Indigenous vegetation shall be preserved to the maximum extent possible. Any further encroachment into, and/or disturbance of, the RPA not shown on the approved rough grading plan will be considered a violation of the CBPO and is subject to the penalties of CBPO Article 9.
9. To prevent degradation of water quality during construction, adequate erosion and sediment control measures, including a super-silt fence, shall be used during construction within the RPA, and shall remain in place, and be properly maintained, for the duration of the land disturbing activity within the RPA until such time that the disturbed area is completely stabilized. The operation and maintenance of the pool shall observe DEQ's Swimming Pool Guidelines.
10. This RPA Exception shall automatically expire, without notice, July 1, 2020, unless the subject grading plan has been approved and the vegetated buffers have been established.

Michael and Julie Collier
1996-WRPA-015-3 and 1996-WQ-004-3
Page 3 of 3

This approval, contingent on the above noted conditions, does not relieve the applicant from compliance with the provisions of any applicable Federal, State, or County ordinances, regulations, or adopted standards. The applicant is responsible for obtaining the approval of any required plans and permits through established procedures. This RPA Exception is not valid until any required plans and permits are approved.

ACTION OF THE COMMITTEE

The motion was seconded. The motion carried by a vote of 8-0.

A Copy Teste:



Danielle Badra

Clerk to the Exception Review Comittee

