



County of Fairfax, Virginia

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

Encroachment Exception Application #1996-WRPA-016 and #1996-WQ-005

Resource Protection Area (RPA) Encroachment Request for John Zecca and Lindsay Noble, 1996-WRPA-016 and 1996-WQ-005 under Section 118-6-8 of the Fairfax County Chesapeake Bay Preservation Ordinance (CBPO) at 917 Whann Avenue, McLean, VA 22101, Dranesville District, Tax Map 0214-06-0013A, to include a pool within the Resource Protection Area (RPA).

At a regular meeting of the Exception Review Committee (the Committee) on September 7, 2022, Chairperson Elizabeth Martin, moved that the Committee adopt the following resolution.

RESOLUTION

WHEREAS, the Committee has made the findings that:

- b) granting the exception **will** confer upon the applicant special privileges that are denied to other property owners who are similarly situated;
 - a. *This exception, if granted, would be the ERC's first approval to build a swimming pool within the 50 seaward feet of the RPA, according to staff. A recent request (Wooded Glen) for a swimming pool within the seaward 50 feet was denied. Although the circumstances for every exception request are different, approving an exception within the 50 seaward feet for the purpose of building a swimming pool may confer a special privilege on this applicant, and may establish a precedent for approving future similar applications.*
- c) the exception request **is** based upon conditions or circumstances that are self-created or self-imposed.
 - a. *The applicant's request to place a swimming pool so extremely close to the stream, within the 50 seaward feet, is essentially a self-created condition. Applicant had no reasonable expectation that a pool would be approved. Approval would depend on the appropriateness of the project.*

Now, therefore, be it resolved that the Exception Review Committee **DENIES** Exception Request 1996-WRPA-016-1 under Section 118-6-8 of the CBPO.



John Zecca, Lindsay Noble
1996-WRPA-016
917 Whann Avenue
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ACTION OF THE COMMITTEE

The motion was seconded. The motion carried by a vote of 9-2.

A Copy Teste:

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Nicola Mutesi
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Nicola Mutesi
Clerk to the Exception Review Committee