

# Exception Review Committee Public Hearing

#1996-WRPA-016-1

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Water Quality Impact Assessment #1996-WQ-005-1

917 Whann Avenue,  
McLean, Virginia

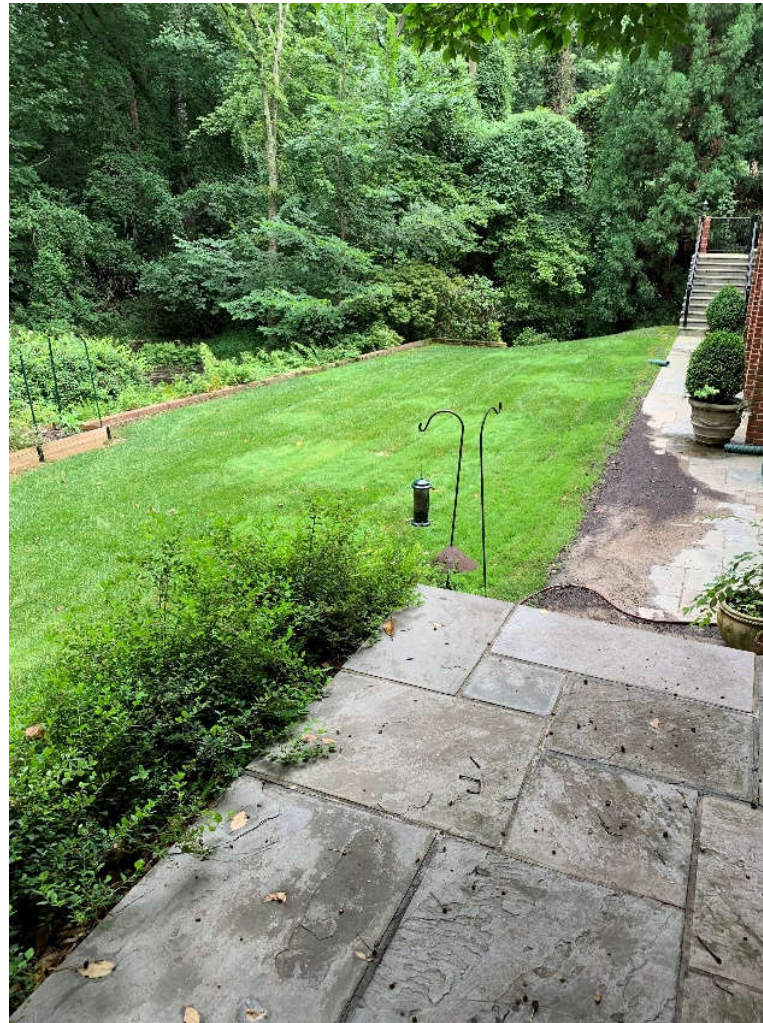
Camryn Lewis, PE., CFM, Senior Engineer III

September 7, 2022



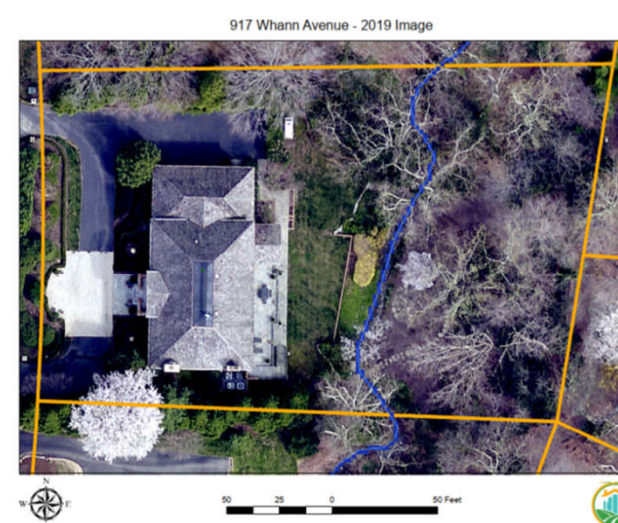
# Staff - Summary of the issues

- The applicant wishes to Install an in-ground swimming pool (18 x 13) and spa with a deck on previously leveled ground.
- The proposed increase in impervious is 998 square feet.
- The application is submitted under 118-6-8.
- Disturbance in the seaward 50-feet is proposed.





# Staff - Summary of the issues (2)



# Staff - Summary of the issues (3)

Date	Event
07/16/1947	Lot created. Deed book 565, page 425 (Attachment C8 2); Platted, deed book 670, page 170 (Attachment C8 3)
05/04/1983	Floodplain study approved (Attachment C8 5)
04/08/1993	Soil Report; Langley Forest, Sec 001; 1996-SR-001-1
04/20/1994	1996-WRPA-002 (No. 015092) waiver of water quality requirements (Attachment C8 13)
12/28/1994	Grading plan for the new house (Attachment C8 4)
06/22/1995	Demolition of the old house (Attachments C8 7, C8 8 and C8 9)
02/19/1998	Residential Use Permit for the new house (Attachment C8 11)
08/12/1994	Building Permit for the new house (Attachment C8 12)
11/18/2003	RPA designated on the lot in 2003
07/23/2020	Conveyed to the current owner deed book 26377 page 0544 (Attachment C8 1, and Attachment C8 6)
05/16/2022	Water Quality Impact Assessment deemed complete: Langley Forest Sec 1, Lot 13A- 917 Whann Ave; 1996-WQ-005-2
06/28/2022	Application accepted for public hearing: Langley Forest Sec 1, Lot 13A- 917 Whann Ave; 1996-WRPA-016-1

# Applicant – Statement in Support

- 5 minutes

# Statement – other interested parties

- Supporting Statements
- Opposing Statements

3 minutes each

Position of the Director (Staff)  
Section 118-6-6. Required Findings

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

- The proposed impervious area for this lot is = 6839 sqft.  
(5841 sqft existing + 998 sqft increase)
- The proposed impervious area is comparable to other similarly situated properties.
- The proposed location for the pool is the only possible location for a pool
- The limits of clearing and grading are necessary for the construction of the proposed pool.

Assuming the existing retaining wall is in good condition



Position of the Director (Staff)  
Section 118-6-6. Required Findings

*(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;*

The following cases are similar, in that they are all pools in the RPA. However, they are all unique and are not precedents.

- Wooded Glen Lt 4 Sec 1; 5255-WRPA-003-1; in the seaward 50 feet; denied.
- Peacock Station Lot C1A; 1131-WRPA-006-1; not in seaward 50 feet, approved.
- Briarlynn Estates Sec 3 Lot 12A; not in the seaward 50 feet, approved.
- Collier Residence; 1996-WRPA-015; not in the seaward 50 feet, approved.



Position of the Director (Staff)  
Section 118-6-6. Required Findings

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

- The applicant should restore the area on the opposite side of the stream to the condition it was prior to the RPA before considering the area as mitigation planting.
- Planter boxes are provided to ensure that there is not a detriment to water quality.
- Staff note that prior to the construction of the original house, the water quality requirements were waived for the proposed grading plan for the house.

Position of the Director (Staff)  
Section 118-6-6. Required Findings

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

- The proposed exception is not self-created.
- The lot was recorded in 1947.
- The present house built in 1998, before the RPA.
- The impervious area on the lot is not uncharacteristic for the area.
- Other properties in the area have swimming pools.
- The subject lot differs from other lots in that the stream runs almost through the middle of the lot.

## Position of the Director (Staff) Section 118-6-6. Required Findings

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

- It is the opinion of Staff that the proposed planter box is an acceptable BMP  
  
(any of the Best Management Practices listed on the DEQ Clearing House would be acceptable) to ensure that there is not a water quality detriment.
- The area on the opposite side of the stream should be restored to the condition at the time the RPA was designated on the lot.
- The applicant should revise the water quality computations (VRRM) accordingly and include the VRRM with a future grading plan.



Position of the Director (Staff)  
Section 118-6-6. Required Findings

*(f) Other findings:*

- The property was acquired in “good faith”.
- The subject lot differs from many of the other lots within 500 feet in that the stream runs almost through the center of the property.
- Prior to the designation of the RPA, a retaining wall was constructed for the house and the area inside the existing retaining wall, where pool is proposed, is the only usable area of the yard.
- The RPA policy statements recognize that the seaward (inner) 50 feet of the RPA is more sensitive. However, because the CBPO allows for exceptions to encroach into the seaward 50 feet.

## Position of the Director

- Subject to the recommended approval conditions, see Attachment A, the request for the pool qualifies under CBPO section 118-6-8(b).
- Staff recommends approval of the RPA encroachment Exception request #1996-WRPA-016-1 and the Water Quality Impact Assessment #1996-WQ-005-1

The detailed review of the water quality assessment and the required findings are in Attachment C5.

- Staff note the presence unpermitted activities in the floodplain (including the foot bridges, paving and electrical lighting).

As a separate application, the applicant should submit a floodplain use determination to retain or remove the unpermitted uses.

## Position of the Director – Summary of Attachment A

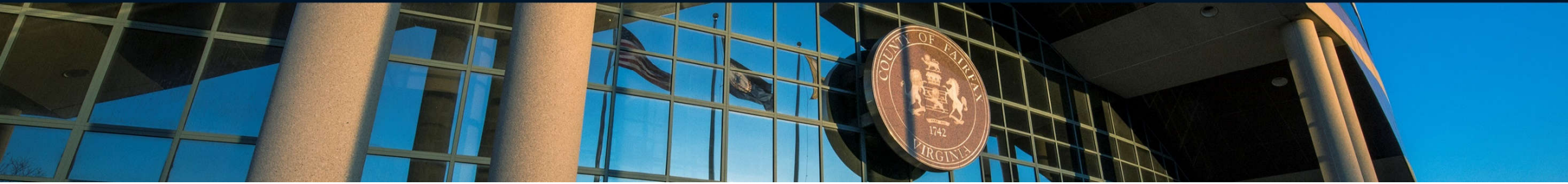


## Rebuttal by the Applicant

3 minutes

## Surrebuttal by Staff

2 minutes



# Close Public Hearing

Committee discussion

Motion

Vote