



Resource Protection Area (RPA)
Encroachment Exception
129-WRPA-005-1
&
WATER QUALITY IMPACT ASSESSMENT #129-
WQ-001-3

6630 Holland Street,
McLean, Virginia

Staff - Summary of the issues



The applicant is requesting an RPA exception to permit:

- A 750 square foot patio to remain in the RPA outside the seaward 50 feet (1,081 square feet, 331 square feet to be removed)
- Masonry Grill installed on the patio
- Remove a fire pit that is in the seaward 50 feet of the buffer
- The proposed increase in impervious area in the RPA since the 2004 RPA exception is approximately 2,458 square feet

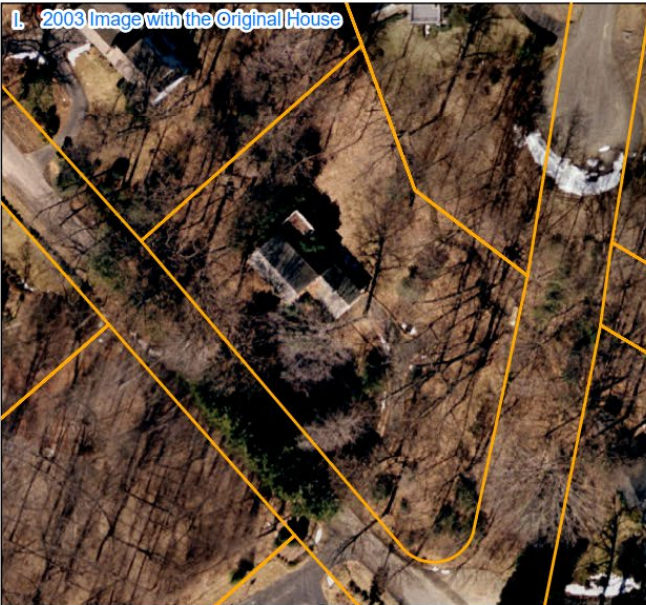


Photograph 6: View to the southwest showing the eastern portion of the backyard of the property.

Staff - Summary of the issues (2)



I. 2003 Image with the Original House



II. 2007 Image with the New House



III. 2009 Image

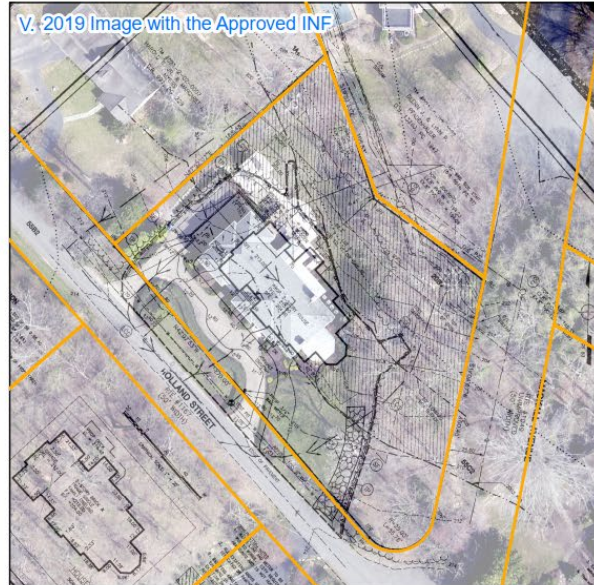


ATTACHMENT C1A

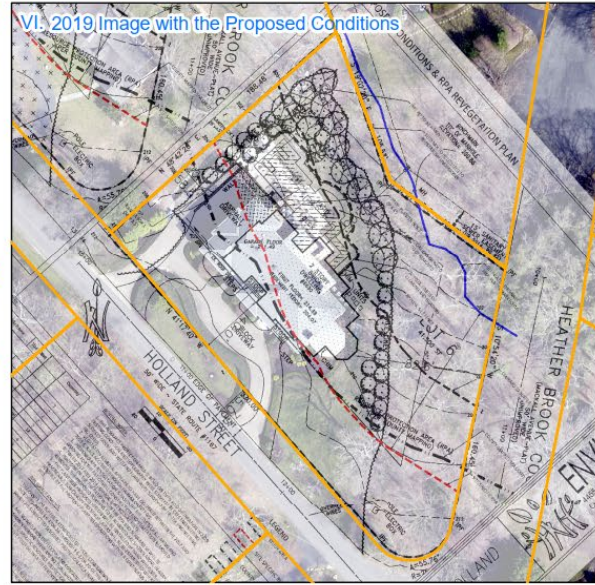
IV. 2019 Image



V. 2019 Image with the Approved INF



VI. 2019 Image with the Proposed Conditions



Applicant – Statement in Support



➤ 5 minutes

Statement – other interested parties



- **Supporting Statements**
- **Opposing Statements**

3 minutes each

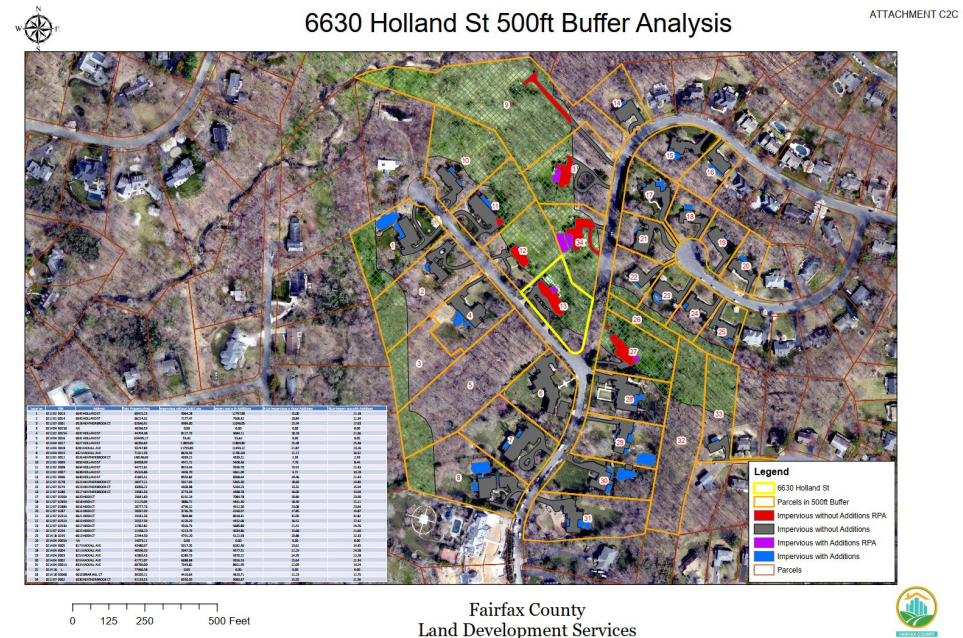
Position of the Director (Staff)

Section 118-6-6. Required Findings



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

- Staff analyzed the impervious area on surrounding properties. The results are presented in Attachment C2A and C2C
- Attachment C2C shows that the size of the house in comparison to the size of the lot is within the upper and lower limits for properties within 500 feet
- The percentage of impervious area in the RPA is within the upper and lower limits for properties within 500 feet
- It is the opinion of staff that the request is the minimum necessary to afford relief



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 ERC approved exception #CBE 0268005825, 5825 River Drive; for 2 patios and associated walls adding an additional 480 square feet to the property to remain.**
- **An outdoor chimney, not attached to the house, was approved by the ERC; exception 3218-WRPA-025-1.**
- **Given the percentage of impervious area on the lot and the impervious area in the RPA in comparison to that for lots within 500 feet, it is the opinion of staff that granting the exception would not confer a special privilege**

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;

- **Chapter 118 has provisions to grant exceptions under 118-6-9 if there is a water quality benefit. With the provision noted above, the Virginia Runoff Reduction Method (VRRM) calculations are showing a slight water quality benefit. With this provision, the request may be considered in harmony with the purpose and intent of the Chesapeake Bay Preservation Ordinance (CBPO) and staff would consider this required finding to be met.**
- **The deficiencies in the Water Quality Impact Assessment (WQIA) referenced above should be addressed. See Attachment A, proposed water quality impact assessment conditions, dated March 10, 2021. Including:**
 - **Dimensions for the patio to remain.**
 - **A reasonable maintenance area beyond the patio.**

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;

- **As the lot was created before the adoption date of the RPA (2003), the request is deemed to be not entirely self-created or self-imposed.**
- **The property owner's actions should not be a consideration in the granting of an exception. Exceptions are granted for the property.**
- **The basis for the exception is the approval in 2004. The applicant is proposing additional impervious area beyond that approved in 2004.**
- **When considering a violation for an already-constructed encroachment, the removal and remediation of the violation may generate costs and/or be a detriment to water quality, which may be a consideration.**
- **An exception may be granted provided it meets all the exception criteria. If the exception request resulting from a violation does not meet all the criteria, it may be a self-imposed condition.**

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;

- The applicant is proposing to remove the part of the patio in the seaward 50 feet of the RPA, to remove the fire pit, install two planter boxes and distribute flow via a gravel area around the patio.
- With the provision noted in 118-6-6(c) above, that the land use from the 2004 grading plan is used as the pre-developed condition in the VRRM calculations, and a water quality benefit is clearly demonstrated, this requirement would be met.
- See Attachment A, proposed Water Quality Impact Assessment Conditions, and Proposed Exception Conditions, dated March 10th, 2021.

Position of the Director



**Staff recommends approval of the RPA encroachment
Exception request #129-WRPA-005-1 and the Water
Quality Impact Assessment #129-WQ-001-3
Subject to the conditions provided in Attachment A
(dated March 10, 2021).**

Position of the Director – Summary of Attachment A



➤ Please see Attachment A of the [Staff Report](#)

Rebuttal by the Applicant



➤ **3 minutes**

Rebuttal by Staff



➤ **2 minutes**

Discussion



➤ **Discussion of 6630 Holland Street exception**