

COUNTY OF LOUDOUN  
Department of Planning

# 5

Memorandum

**DATE:** January 12, 2011  
**TO:** Loudoun County Board of Supervisors  
**FROM:** Evan Harlow, Project Manager  
Julie Pastor, AICP, Director  
**SUBJECT:** **January 19, 2011 Transportation and Land Use Committee Meeting  
ZMOD-2010-0002; Webb Buffer Easement**

**RECOMMENDATION:**

Planning Commission

The zoning modification was reviewed at the December 1, 2010 Planning Commission Public Hearing. The Planning Commission voted 7-1-1 (Austin opposed, Syska absent) to forward the application to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval dated December 1, 2010 and Findings found in attachment 2 of this report.

Staff

Staff cannot support approval of the application on the basis that the criteria for approval in Section 6-1504 of the Revised 1993 Zoning Ordinance have not been met.

**BACKGROUND**

Dennis and Jamie Webb of Broadlands, Virginia have submitted an application to modify the concept development plan approved with ZMAP-1995-0003 and ZCPA-1994-0005, Broadlands and Broadlands South, in order to reduce the width of the buffer yard at the rear of their property from 50 feet to 6 feet to permit the installation of an in-ground pool, pool deck, retaining wall, and fence with no resulting change in density, in the PD-H3 (Planned Development-Housing) zoning district. The property is approximately .24 acres in size and is located south of Truro Parish Drive at 21457 Glebe View Drive in the Dulles Election District.

The Board of Supervisors held a public hearing on this application December 13, 2010. One member of the public spoke against the proposal to modify the buffer yard. The owner of the adjacent Lot 5 to the north, expressed concern about the overall size and scope of the project and the potential visual and privacy impact the future pool may have. The adjacent neighbor also noted the existing slope of the lot and is concerned about potential drainage issues that may occur as a result of the future pool installation.

The Board voted 6-0-3 (Burton, Buckley, & Waters absent) to forward the application to the Transportation and Land Use Committee (TLUC) for further discussion of concerns raised by the adjacent neighbor. The Applicant has agreed to a timeline extension to February 1, 2011.

To aid in the discussion, Staff request that the Transportation Land Use Committee members bring the December 1, 2010 Planning Commission Public Hearing Staff Report and the December 13, 2010 Board of Supervisors Staff Report to the meeting.

## DISCUSSION

### 1. Scope of Project/Visual Impacts:

The 50' buffer yard easement was established with Section 20 of Broadlands to buffer lots with a lower residential density within Section 21 of Broadlands to the west of the Webb property. The pool and associated pool decking will lie 17' from the northern property boundary, 6' from the western property boundary, and 7' from the southern property boundary.

Staff evaluated the intent of the buffer yard, the existing site conditions on-site and off-site, and took into account the effect the buffer yard would have on the adjacent Lot 33 to the west (rear) of the Webb property. The zoning modification must achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation.

Lot 33 to the west contains a large dry pond previously constructed for the retention of stormwater runoff from adjacent Section 20 of Broadlands. A stormwater management easement exists around the limits of the dry pond that limits disturbance in this area. The easement area fundamentally acts as a no-build buffer of approximately 130' between the rear property line of Lot 6, extending west into Lot 33. In addition to the stormwater management easement, a 50' Buffer Yard, planted with 9 evergreen trees is provided along the eastern boundary of Lot 33, adjacent to Lot 6. The closet portion of the home on Lot 33 lies approximately 180' from the rear property boundary of Lot 6.



180' from Lot 33 house to Lot 6 rear boundary

Staff concludes that the project has not justified how the encroachment into the buffer yard achieves an innovative design, improves upon the existing regulations, or otherwise exceeds the public purpose of the regulation. However, Staff does find that the 50' buffer yard easement was originally established with Section 20 to provide a buffer from the lots with a lower residential density in Section 21 to the west and that the 130 foot eased area accompanied by nine (9) off-site evergreen plantings, the existing on-site trees, and the 4 foot high fencing around the perimeter of the property provides sufficient building area separation and landscape screening that adequately mitigates the pool encroachment from adjacent Lot 33 to the west.

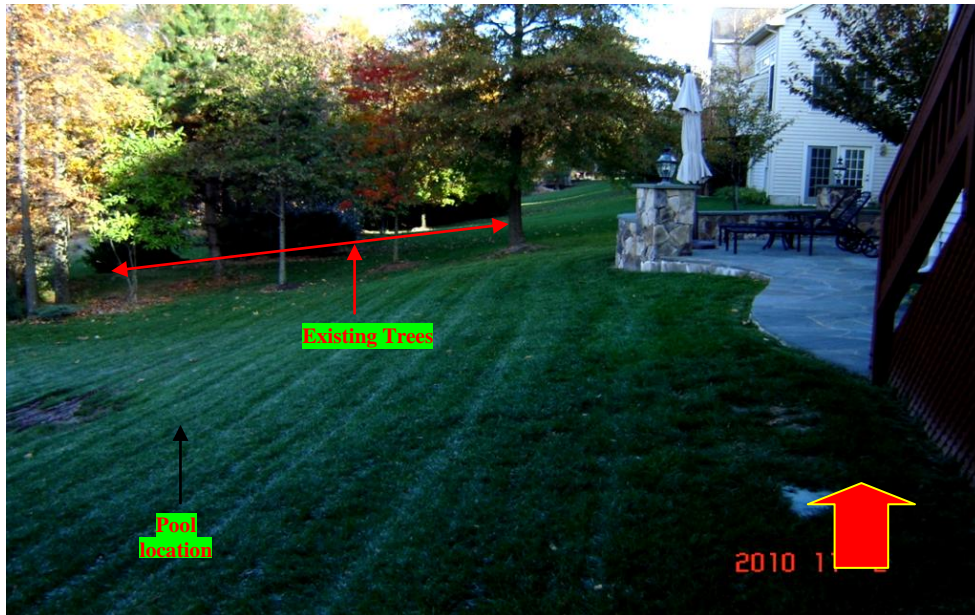


**View west toward SWM Pond (9 off-site evergreens)**

The future pool use may have visual, light, and noise impacts on Lot 5 to the north. The buffer yard was not established to provide buffering to the adjacent properties to the north and south, only to the less dense lots to the west. Mr. Webb has offered to plant an additional two (2) trees along the northern property boundary in addition to the nine (9) trees existing along this boundary to alleviate potential visual, noise, and lighting impacts to Lot 5. Mr. Webb is willing to plant the additional trees if the Transportation Land Use Committee finds the trees are necessary. The trees would be planted in addition to the erection of a 4' high fence around the perimeter of the property.

The pool and pool decking will be located 17' from the northern side property boundary, the furthest setback provided from all property boundaries. The housing of the pool filter and pumps will be located adjacent to the existing air conditioning units along the northern façade of the house outside of the existing 50' buffer yard area. The pool filter and pumps will be located approximately 16' from the northern property boundary and will be screened by shrubbery

proposed by the Applicant. It should be noted that the Zoning Ordinance requires pools to be set back 60' from the front property boundary, 5' from the sides, and 5' from the rear. The 17' foot setback coupled with the 4' high perimeter fence and existing trees aid in mitigating the pool encroachment from adjacent Lot 5 to the north and exceeds the pool setbacks required by the Zoning Ordinance. Staff finds that the existing buffer yard was established to provide buffering from adjacent Lot 33 to the west, but notes that the two additional tree plantings offered by Mr. Webb would aid in screening the pool use from Lot 5 and would enhance the remaining buffer yard area.



View North toward Lot 5

2. Drainage Concerns:

Adjacent Lot 5 owners, Mr. and Mrs. Ziegler, are concerned that the pool installation may cause drainage issues in the future due to the grade of the lot. Staff has evaluated the grading plan included and approved with Construction Plans and Profiles for Section 20 of Broadlands. Mr. and Mrs. Webb's lot is graded in a manner so that water runs to the rear of the lot, away from the house foundation. The grading plan generally depicts the lot sloping to the west (rear) and slightly to the north (side), directing water to the storm drainage pond located on adjacent Lot 33 to the west. Mr. and Mrs. Ziegler's lot also is graded in a manner to direct water to the rear of the lot, generally directed to the southwest corner, ultimately draining into the stormwater management pond on Lot 33.

The pool installation requires modest grading away from the pool along the north and south sides. The pool builder intends to install "flex-drains" along the bottom of the retaining wall and abutting the pool deck to direct the rain water around the pool to the rear of the lot, ultimately draining into the stormwater management pond. The grading for the pool is intended to honor the existing drainage of rainwater to the rear of the lot and is not anticipated to cause drainage issues on the

adjacent properties. The Applicant has provided a cross section of the pool illustrating the rear elevation as viewed from Lot 33 and right side elevation as viewed from adjacent Lot 5. The cross section is provided as Attachment #4 of this report.

### **SUGGESTED MOTIONS**

1. I move that the Transportation Land Use Committee recommend denial of ZMOD-2010-0002, Webb Buffer Easement.

Or

2. I move that the Transportation and Land Use Committee recommend approval of ZMOD-2010-0002, Webb Buffer Easement subject to the Conditions of Approval dated November 8, 2010;

Or,

3. I move an alternate motion.

### **ATTACHMENTS**

1. Vicinity Map
2. Findings for Approval (Planning Commission)
3. Site Photos
4. Pool Cross Section
5. Applicant's letter to TLUC dated December 17, 2010