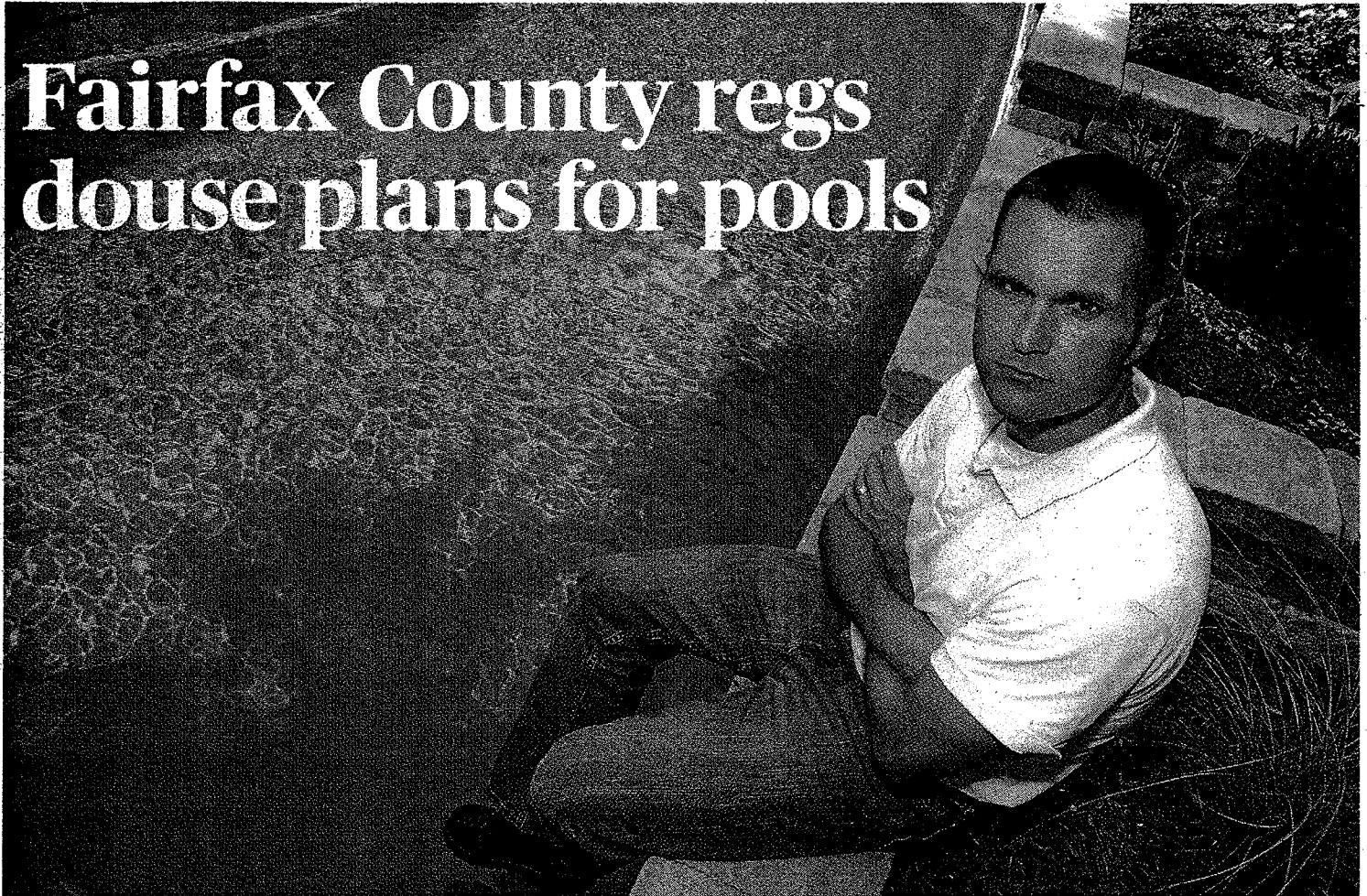


Fairfax County regs douse plans for pools



River Pools and Spas co-owner Marcus Sheridan estimates that Fairfax County's new requirements for installing home pools have cost his company more than \$300,000 in sales. Photo by Joanne S. Lawton.

By Tierney Plumb

When Carole Conley and her husband bought their Falls Church home more than a year ago, they dreamed of adding a crisp blue pool to their tree-lined backyard before the dog days of summer set this year.

But their blood boiled when the couple learned it would cost them an extra \$9,000 to \$17,000 in consulting and inspection fees

— on top of the price of the pool — to do so.

Since 2009, Fairfax County has imposed costly new rules for home improvement projects that disturb more than 2,500 square feet of a homeowner's property. Pool contractors say the regulations are taking away blue-collar work that is vital to the struggling construction industry.

The Conleys were flummoxed by the rules. "We were building a 510-square-foot pool. How could we exceed 2,500 square feet so

easily?" Conley said. "The devil is really in the details of how the county counts disturbed land."

Fairfax County sent a letter to the building industry last spring outlining the new regulations for homeowners. It said the soil retention pile — the pile of dirt dug out of the pit for the pool — counts toward the disturbed land area and has to be the same size as the pool. The rule effectively halves the permissible size of pools in the county.



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Pile areas, however, are considered unused when dirt is put in a truck and hauled away.

"If you don't use the stockpile, you are not doing any land disturbance," said Pat Herryty, a member of the Board of Supervisors, who worked to decrease the buffer zone required on each side of a pool and other home improvement projects from 15 feet to 10 feet last year to help some residents avoid surpassing the 2,500-square-foot threshold. Beyond that point, owners have to submit a pricey grading plan prepared by an engineer.

"What happens with those home improvement projects is all of a sudden the project's cost increases \$15,000 to \$30,000, and homeowners aren't going to do it," Herryty said.

Whether it's because of the regs or the recession, not as many pools are being built in Fairfax County these days.

In fiscal 2007, the county issued 248 pool permits; in fiscal 2010, just 114 permits were issued. The matter is being studied by the county's development process committee.

The rules are hurting pool contractors, who have seen their Fairfax business dry up since the regulations were issued.

"One project can have five or six companies involved," said Marcus Sheridan, co-owner of Warsaw, Va.-based River Pools and Spas, which built the Conleys' pool. "Water truck drivers, patio persons, gravel companies and companies hauling dirt away. The [regulations] are killing blue-collar business all over."

River Pools gets 20 percent of its leads from Fairfax, and Sheridan estimates the county's stringent rules and regulations have cost him \$300,000 to \$400,000 in sales this year.

At least one local pool company – Woodbridge-based Palm Pools, a builder of fiberglass pools – has gone out of business, but it's not clear whether the company was a victim of the economy or Fairfax's rules.

The purpose of the land disturbance limit, which is tied to the Chesapeake Bay Preservation Act, is to prevent dirt, sediment and pollutants from reaching streams, rivers and the Chesapeake Bay.

Alexandria has some of the most stringent rules in the region, requiring the hole to be inspected before construction can proceed.

Projects in other counties get done more easily because there is more land to work with. The land disturbance limit in Prince William County is 10,000 square feet of a homeowner's property. In Montgomery County, it's 5,000 square feet.

The Conleys found Fairfax County's entire process rather "onerous." After presenting four possible pool sizes to the county, they shrank the size of the project below 2,500 square feet to avoid the costs of hiring a licensed engineer to prepare a grading plan.

The "disturbed" area also includes unpaved areas used to access a construction site. To cut down on the disturbed area, the Conleys built a temporary gravel-paved access road in front of their house.

The graveling process alone cost \$4,000, and the project was delayed for four months.

The Conleys' neighbors did not have the luxury of being able to build an access road and had to pay for a grading plan and bring in an arborist to install their pool.

"Outside of Fairfax County, the rest of Northern Virginia is easier to work with," said John Church, manager of C&A Pools in Manassas.

The biggest burden for the homeowner is the cost of the survey, Church said, agreeing that pool construction has slowed.

River Pools sold three Fairfax pools in March but, due to the county's laborious process, only one has actually been installed, said Sheridan's partner, Jim Spiess.

Spiess voiced his concerns during a public hearing at a June 22 Board of Supervisors meeting. A grading plan can cost the homeowner anywhere from \$5,000 to \$10,000, he said, on top of a bond fee that can be \$10,000.

"Once homeowners realize it will cost \$10,000 to \$20,000 more to go through the permit process, they walk out," he said.

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