

**APPLICATION:
RESOURCE PROTECTION AREA (RPA)
ENCROACHMENT EXCEPTION
#7996-WRPA-002-1
&
WATER QUALITY IMPACT ASSESSMENT #7996-
WQ-001-2**

1008 Springvale Road, Great Falls, VA 22066

**APPLICANT: MR. J. MATTHEW WILSON & MRS. JAZMIN D.
WILSON**

DRAFT MOTION – ERC RESOLUTION:

I move that the Committee **Deny** the request of Mr. J. Matthew Wilson and Mrs. Jazmin D. Wilson for an exception to the criteria and requirements of the Chesapeake Bay Preservation Ordinance (CBPO) under Section **118-6-9**, to **allow a portion of a sport court to remain** in the Resource Protection Area (RPA).

WHEREAS, the application has been properly filed and notice given in accordance with the requirements of all applicable State and County codes; and

WHEREAS, the Committee finds that:

118-6-6(a) The requested exception **is not** the minimum necessary to afford relief;

Staff analysis (Attachment C5-3A) shows two feasible, alternative locations where the requested half sport court could be located outside the RPA. The asphalt driveway area in front of the two-car garage is larger than the proposed half sport court and could serve the same function. Finally, there is more than adequate land on the applicants' property where their children can engage in other play. Since there are alternative areas outside the RPA that can serve the function of a sport court, and there is more than sufficient land on the property for the children to run and play, the request is not the minimum necessary to afford relief.

118-6-6(c) The applicant **has not shown** that the exception is in harmony with the purpose and intent of the CBPO and is not of substantial detriment to water quality;

Based on staff analysis, 1800 square feet of turf area would need to be restored to the RPA buffer, or a best management practice be provided, for the improvement to result in a water quality benefit. Such mitigation must be on the applicant's property. The applicants have not shown that water quality will be adequately protected.

118-6-6(d) The exception request **is** based upon conditions or circumstances that are self-created or self-imposed, as the applicant has acknowledged.

The RPA was designated on the property in 2003, before the lot was subdivided and the applicants' house was built. The applicants were aware the property contained a drinking water well and a septic system and were on notice that a portion of their land was designated as RPA. As such, they should have been aware of significant constraints on building additional structures on their property. The house footprint and the impervious area are large for the neighborhood. Finally, there are alternative areas on the property that can be used as a sport court, and even larger areas where the children can play.

118-6-9 The water quality benefits **do not** exceed the detriments.

For the reason cited in response to 118-6-6(c), the applicants have not met this finding, required under Section 118-6-9.

Now, therefore, be it resolved that the Exception Review Committee DENIES Exception Request #7996-WRPA-002-1 under Section 118-6-9 of the CBPO.