

Statement of Justification

WAIV-2023-00514
12917 Percheron Lane,
Oak Hill, VA 20171

November 2, 2023

Fairfax County
Site and Addressing Center
12055 Government Center Parkway, Suite 203
Fairfax, Virginia 22035

The purpose of this statement of justification is to allow an existing 800 square foot concrete sports court that was built within the resource protective area (RPA) to remain. The violation was discovered during the submission of a conservation plan (#9820-CON-002) for a proposed swimming. A notice of violation, #202200244, was issued for land disturbance in the RPA without an approved Water Quality Impact Assessment in violation of Fairfax County Code, Section 118-4-2 and Section 118-3-2(a) and (b).

We purchased the home in 2010 with the seller representing that all features met code. Came to learn that neither the deck nor the swing set area had been approved after the purchase occurred.

Existing swing set footprint with railroad ties, pea gravel and mulch existed in the 20 by 40 area. Over time the swing set deteriorated and needed to be removed and we contracted to replace it in 2017 with the now existing sports court for primary use of shooting hockey pucks with kids playing ice hockey. Neighborhood kids love the use of this as well as family.

Nowhere on the plat existed any mention of the RPA and submitted the plan to HOA and received approval with no mention of any RPA issues. The contractor that put in the sports court never mentioned possible RPA issues and given the existing footprint, didn't even occur that there could be an issue.

It never occurred to me to consider putting the sports court anywhere other than we did due to the existing footprint of the swing set, nor would we have ever considered having the sports court close to the house with pucks being shot. There are also sewer and water easements that would have precluded us from putting in the 20 by 40 sports court anywhere other than where we did. The sports

court is already on the small size for shooting pucks, and we considered making it longer, but settled on keeping to the existing footprint. It wasn't until we contracted to have the pool and new deck/patio constructed in 2021 that this issue came to light. The pool is less than a 20 by 40 footprint because of sewer and water easement constraints.

This was never an intentional violation of the Fairfax County Code. It was a product of not having the RPA noted on the plat and the assumption that simply replacing a deteriorated swing set with a sports court on the existing footprint was ok to do. Upon learning that this was not to code we are trying to work with the county to work towards a win-win solution. We also care about the environment and water quality and have offered to make improvements to the area that would create a higher level of water quality protection than would otherwise be present should the sports court not be there.

We respect why rules are in place but suggest that by simply having the RPA or other important markers like this on the plat may be a better forward solution for homeowners, so this type of honest mistake occurs less frequently.

In order to mitigate the RPA impacts we are proposing to plant 1.5 times the required plantings in accordance with the public facility manual section 12-0316, table 12.13b 'planting density per acre for RPA establishment or restoration.

We hope that we can reach a resolution where we can support the environment and community by making the improvements proposed and be able to keep the court that the family and neighborhood kids enjoy.

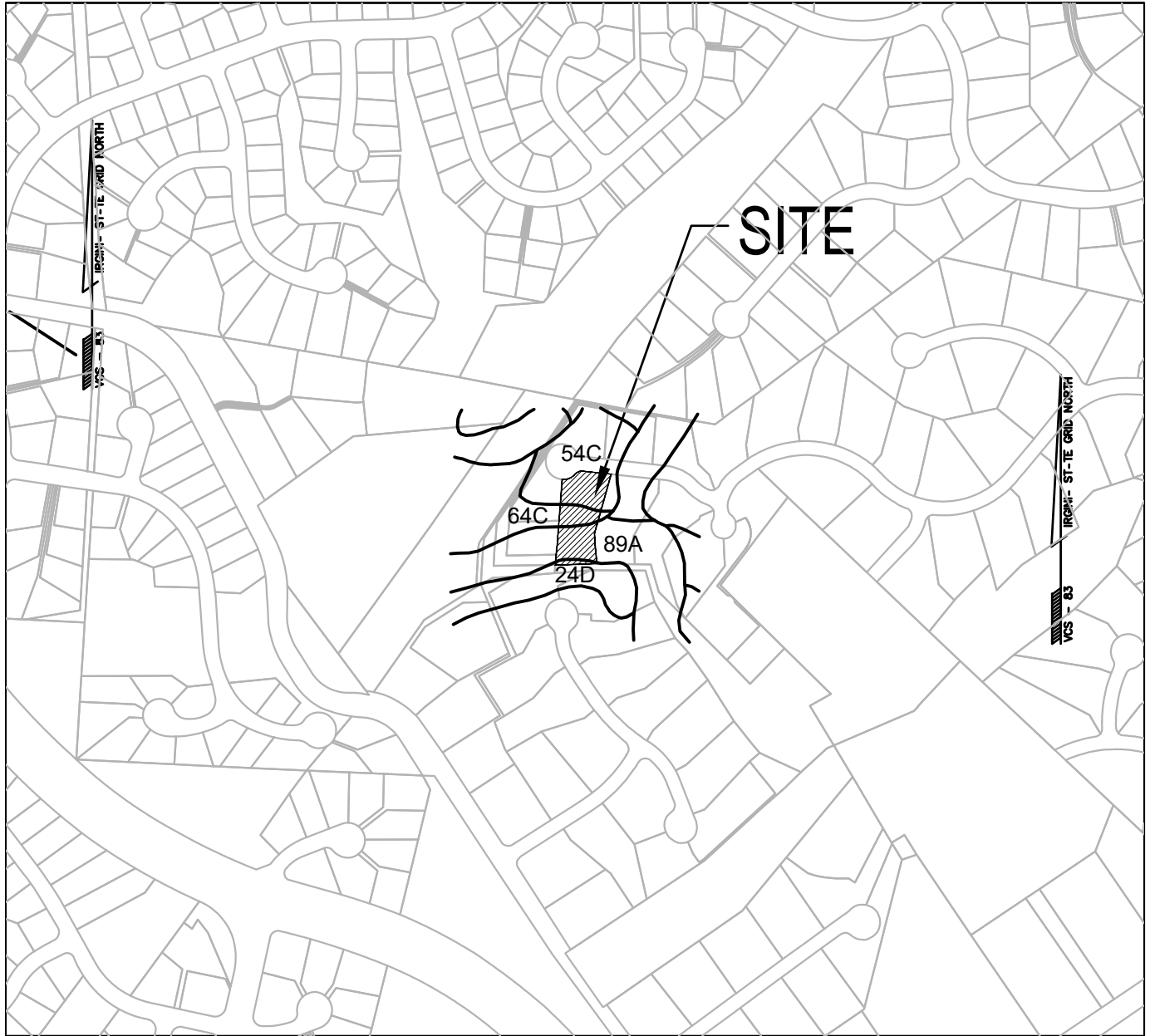
If you have any questions, please feel free to contact myself or Curt R. Crouch, P.E. at 540-359-1636 or by email at crouch.curt@gmail.com.

Sincerely,

Andy L Rieger

SOILS MAP DATA

SCALE: 1"=100'



SOIL ID NUMBERS	SOIL SERIES NAME	FOUNDATION SUPPORT	SOIL DRAINAGE	EROSION POTENTIAL	PROBLEM CLASS
24D	CH-NTILLY-NESTORI- COMPLEX	GOOD	F-IR	HIGH	IVB
54C	H-TTONTOWN-J-CKL-ND-H-YM-RKET COMPLEX	POOR	POOR	MEDIUM	IV-
64C	J-CKL-ND -ND H-YM-RKET SOIL, VERY STONY	POOR	POOR	MEDIUM	III
89-	ROWL-ND SILT LO-M	POOR	POOR	LOW	III





