



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

NOTICE OF VIOLATION Fairfax County Chesapeake Bay Preservation Ordinance

DATE ISSUED: 2/10/2022

CERTIFIED MAIL #: 7019 1640 0001 0919 2909

VIOLATION ISSUED TO: Andrew L. Rieger
12917 Percheron Lane
Oak Hill, VA 20171

LOCATION OF VIOLATION: 12917 Percheron Lane
Oak Hill, VA 20171

TAX MAP REFERENCE: 0353 26 0027

CASE #: 202200244

I inspected the above site on 2/3/2022 and observed the following violations in a **Chesapeake Bay Preservation Area:**

1. Land disturbance in the Resource Protection Area (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). The land disturbance in the RPA consists of an unpermitted sports court, approximately 800 square feet in size.
2. Encroachment of an accessory structure or use into the RPA without an exception approval by either the Exception Review Committee or by the Board of Supervisors, when in conjunction with a rezoning or special exception approval, in violation of Fairfax County Code, Section 118-6-9

Furthermore, Fairfax County Code, Section 118-9-1(a), provides as follows:

Any building erected or improvements constructed contrary to any provisions of this Chapter and any land disturbing activity regardless of area contrary to any of the provisions of this Chapter and any removal of vegetation in Chesapeake Bay Preservation Areas contrary to any provisions of this Chapter shall be and the same is hereby declared to be unlawful.



You are directed to correct this violation within sixty (60) days of receipt of this order, by performing the following, corrective measures:

1. Cease and desist all land disturbing activity in the RPA.
2. Remove the unpermitted sports court in accordance with County policy and procedure by:

Submitting and receiving approval for a **Water Quality Impact Assessment (WQIA)** that restores the RPA to the requirements of Section 118-9-1(d).

Restoration of the RPA shall be in accordance with the requirements of the Chesapeake Bay Preservation Ordinance and Public Facilities Manual (PFM). In addition to the plantings required by Section 118-3-3(f) and the PFM, the Director may require for any trees impacted or illegally removed from the RPA to be replaced by other trees of the same comparable species of equal value and/or be replaced by two trees for each tree impacted or removed. The replacement trees shall be 1.5-inch caliper trees or larger. If any fill is relocated on site outside the RPA, the WQIA shall also show the area where the fill is to be placed and demonstrate that the placement of the fill shall not adversely impact the existing drainage of the land;

OR

3. Submit and receive approval for:
 - a. An exception request to permit encroachment into the RPA in accordance with the requirements of Section 118-6-5, -6, and -9 and
 - b. A WQIA that restores the RPA to the requirements of Section 118-9-1(d). Restoration of the RPA shall be in accordance with the requirements of the Chesapeake Bay Preservation Ordinance and PFM;

AND

4. Correct the violation in accordance with the approved WQIA.

Section 118-9-2, Criminal Violations and Penalties, states:

- (a) Violators of this Chapter shall be guilty of a Class 1 misdemeanor.
- (b) Each day any violation of this Chapter shall continue shall constitute separate offense.
- (c) In addition to any criminal penalties provided under this Article, any person who violates any provision of this Chapter may be liable to the County in a civil action

for damages, or for injunctive relief. (32-03-118.)

Section 118-9-3, Civil Penalties, reads as follows:

- (a) Any person who violates any provision of this Chapter or who violates or fails, neglects, or refuses to obey any local governmental body's or official's final notice, order, rule, regulation, or variance or permit condition authorized under this Chapter shall, upon such finding by an appropriate circuit court, be assessed a civil penalty not to exceed \$5,000 for each day of violation.

Section 118-8-1, Procedures, states in relevant part as follows:

- (a) An applicant aggrieved by any decision of the Director of the Land Development Services . . . in the administration of this Chapter may, within 15 days of such decision, appeal the decision to the Board of Supervisors.

and . . .

- (c) Such appeal shall be filed with the Clerk to the Board of Supervisors and shall state with specificity the provisions of this Chapter which the applicant alleges to have been violated by the decision and the reasons therefore. A copy of the appeal shall also be delivered to the Director of the Department of Land Development Services within such 30-day period.

Failure to correct this violation may result in legal action under applicable state and county codes.

ISSUED BY: _____


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Authorized Agent of the Director of LDS