



County of Fairfax, Virginia

September 19, 2006

STAFF REPORT

SPECIAL PERMIT APPLICATION SPA 85-C-001

SULLY DISTRICT

APPLICANT: Fair Oaks Recreation Association/Fair Oaks Estates Homeowners Association

ZONING: R-3

LOCATION: 3720 Charles Stewart Drive

ZONING ORDINANCE PROVISION: 3-303

TAX MAP: 45-2 ((06)) E, F

LOT SIZE: 6.01 acres

PLAN MAP: Residential, 2-3 du/ac

SP PROPOSAL: To amend SP 85-C-001 previously approved for community swim club and meeting hall to permit change in hours of operation and development conditions.

Staff recommends approval of SPA 85-C-001 subject to the proposed development conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

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Department of Planning and Zoning

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

DESCRIPTION OF THE APPLICATION

Special Permit Request:

A request to amend SP 85-C-001 previously approved for community swim club and meeting hall to permit change in hours of operation from 10:00 a.m. – 9:00 p.m. to 8:00 a.m. - 9:00 p.m. daily, reduce after-hours parties from 12 total to 6 total per year, change after-hour party end time from 12:00 midnight to 11:00 p.m., and allow devices and loudspeakers associated with swim meets and pool announcements.

Existing

Size:	6.01 acres
Parking:	43 spaces
FAR:	.028
Gross Floor Area (bath house):	1,500 sq ft.
(meeting room):	1,500 sq ft.

Waivers and Modifications:

No modification of the transitional screening and yard and barrier requirements are requested by the applicant.

LOCATION AND CHARACTER

Existing Site Description: The subject property is located on Charles Stewart Drive, west of West Ox Road, east of the Fairfax County Parkway, and just south of Fair Oaks Hospital in the Sully District. The site is developed with a community recreation facility which is situated in the eastern part of the site. This facility includes two swimming pools, meeting space, and a bath house, as well as a 43 space parking lot. The site is landscaped with trees and shrubs of varying density which serve as transitional screening. A 25-foot wide water main utility easements traverses the northern part of the site. An asphalt trail easement runs along the southeastern lot line bordering Charles Stewart Drive between Lieutenant Nichols Road and Alexander Cornell Drive. Another trail runs north to south through the western part of the site

leading to Ruben Simpson Court.

BACKGROUND

Site History:

On March 26, 1985, the Board of Zoning Appeals approved a special permit to allow the construction of the community recreation facility.

The resolution of this approval is included in Appendix 4.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Undeveloped with a mix deciduous and evergreen vegetation	C-3	Residential 2-3 du/ac
South	Single Family Dwellings	R-3	Residential 2-3 du/ac
East	Single Family Dwellings	R-3	Residential 2-3 du/ac
West	Single Family Dwellings	R-3	Residential 2-3 du/ac

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area III, Upper Potomac
Planning Sector: Lee-Jackson (UP-8)
Plan Map: 2-3 du/ac

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Special Permit Plat, Fair Oaks Swim Club

Prepared By: O.C. Paciulli III

Dated: November 28, 1984

Proposed Use:

The applicant is seeking to increase hours of operation for the pool from 10:00 a.m. – 9:00 p.m. to 8:00 a.m. - 9:00 p.m. daily, and the meeting room from 10:00 a.m. - 10:00 p.m. to 8:00 a.m. – 10:00 p.m. daily. The additional two hours in the morning will allow for swim teams to finish practice before other pool patrons start arriving at 11:00 a.m. The additional hours for the meeting room in the morning will allow swim team members the opportunity to change clothes after practice.

The applicant is seeking the capacity to use typical swim meet devices such as loudspeakers and start buzzers to manage swim meet events. Existing development conditions associated with SP 85-C-001 allow no noise-making device except for a whistle which is required by the lifeguard.

Additionally, the applicant proposes to reduce after-hours parties from 12 total per year to 6 total per year, and restrict after-hour party end times from 12:00 midnight to 11:00 p.m. A written request at least 10 days in advance will be provided to the President of the HOA for each individual after-hours party or activity, and requests will be approved only after the successful conclusion of a previous after-hours party.

The applicant is not requesting any structural changes or modifications on the pool grounds.

Land Use and Environmental Analysis

The property is located in the Upper Potomac Planning Area, Lee-Jackson District within Area III. The property bounded by single family residential to the east, west, and south, and commercial property to the north. The property is planned for residential use at 2-3 dwelling units per acre.

The developed part of the property is screened on all sides by a mix of deciduous and evergreen trees which border single family residential dwellings. Additionally, a six foot high board-on-board wooden fence encloses the pool area from trespassers.

The change in hours of operation associated with the pool, the reduction of after-hours parties from 12 total to 6 total per year, the change in after-hour party end times, and the allowance of loudspeakers associated with swim meets and pool announcements in the proposed application is in conformance with the Comprehensive Plan. There are no land use or environmental issues.

Transportation Analysis (Appendix 5)

There are no transportation issues regarding this application.

ZONING ORDINANCE PROVISIONS

R-3 DISTRICT REGULATIONS	REQUIRED	PROVIDED
Bulk Regulations R-3		
Lot Size	10,500 square feet	6.01 acres
Lot Width	150 feet	Approx. 150 feet (Alexander Cornell Dr.)
Building Height	60 feet	Approximately 18 feet
Front Yard	40° ABP but not less than 30 feet	200 feet (Alexander Cornell Dr.) 30 feet (Charles Stewart Dr.)
Side Yard	35° ABP but not less than 10 feet	65 feet
Rear Yard	35° ABP but not less than 25 feet	53 feet
FAR	0.25 (maximum)	0.028
Parking		
Parking Spaces	43 spaces	43 spaces

Standard	Required	Provided
Transitional Screening		
North (single family residential)	T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Between 25 ft. and 80 ft. wide band of existing deciduous and evergreen trees
South (single family residential)	T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Between 25 ft. and 30 ft. wide band of existing deciduous and evergreen trees
East (single family residential)	T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Between 25 ft. and 30 ft. wide band of existing deciduous and evergreen trees
West (single family residential)	T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Between 50 ft. and 60 ft. wide band of existing deciduous and evergreen trees
Barrier		
North (single family residential)	Barrier D, E, or F	None provided
South (single family residential)	Barrier D, E, or F	None provided
East (single family residential)	Barrier D, E, or F	None provided
West (single family residential)	Barrier D, E, or F	None provided

WAIVERS/MODIFICATIONS REQUESTED

Waiver/Modification: Special Permit SP 85-C-001 was approved by the Board of Zoning Appeals on March 26, 1985 which includes a modification to the transitional screening requirement in accordance with that shown on the approved SP plat. Additionally, the barrier requirement was waived.

There are no further waivers or modifications requested by the applicant under the approval of those permitted within SP 85-C-001.

Basis: Par. 3 of Sect. 13-304 states that transitional screening and barrier requirements may be waived or modified where the building, a barrier and/or the land between that building and the property line has been specifically designed to minimize adverse impact through the combination of architectural and landscaping techniques.

Existing vegetation is comprised of between 25 and 80 foot wide areas of deciduous and evergreen trees along all lot lines and no structural changes to the site are requested. Therefore, staff believes the current screening and buffer areas approved under SP 85-C-001 remain adequate for the property.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 6)

- General Special Permit Standards (Sect. 8-006)
- Group 5 Standards (Sect. 8-503)

Summary of Zoning Ordinance Provisions

Staff believes that the subject application has satisfied all applicable standards with the adoption of the development conditions outlined below.

CONCLUSIONS

Staff concludes that the subject application is in harmony with the Comprehensive Plan and applicable Zoning Ordinance provisions as outlined above with the adoption of the development conditions.

RECOMMENDATIONS

Staff recommends approval of the change in hours of operation, reduction in after-hours parties, change in after-hour party end times, and allowance of devices and loudspeakers associated with swim meets and pool announcements with adoption of Proposed Development Conditions contained in Appendix 1 of the Staff Report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Conditions and Plat approved in Conjunction with SP 85-C-001
5. Transportation Analysis
6. Applicable Zoning Ordinance Provisions Checklist

PROPOSED DEVELOPMENT CONDITIONS**September 19, 2005**

If it is the intent of the Board of Zoning Appeals to approve SPA 85-C-001 located at Tax Map 45-2 ((06)) E and F, pursuant to Section 3-303 of the Fairfax County Zoning Ordinance to permit an amendment to SP 85-C-001 previously approved for a community swim club and meeting hall to permit change in hours of operation and development conditions, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Previously approved development conditions have been carried forward and marked with an asterisk (*). Changes in wording have been **bolded**.

1. This approval is granted to the applicant only, **Fair Oaks Recreation Association/Fair Oaks Estates Homeowners Association** and is not transferable without further action of this Board, and is for the location indicated on the application, **3720 Charles Stewart Drive**, and is not transferable to other land.*
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit **plat prepared by O.C. Paciulli III dated November 28, 1984, and approved with this application**, as qualified by these development conditions.*
3. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.*
4. This Special Permit Amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this special permit, shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.*
5. The maximum number of family memberships shall be 420.*
6. The minimum number of parking spaces shall be 43. Bicycle racks may be provided. If in the future it is determined by the Zoning Administrator that there is insufficient parking on site which results in parking on the street, the applicant will be required to submit an amendment to provide additional parking spaces on site to alleviate the insufficiency. Pedestrian access shall be encouraged from the northern portion of the subdivision.*
7. Transitional screening shall be modified in accordance with the screening and landscaping shown on the plat.*
8. The barrier requirement shall be waived.*

9. All noise shall be regulated in accordance with the provisions of Chapter 108 of the Fairfax County Code. **Typical swim meet devices such as loudspeakers and start buzzers may be utilized to manage swim meet events.** No loudspeakers, bullhorns, or any other such noise-making device except for a whistle which is required by the lifeguard **shall be used at any other time.**
10. If lights are provided for the pool and parking lot, they shall be in accordance with the following:
- The combined height of the light standards and fixtures shall not exceed twelve (12) feet.*
 - The lights shall be a low-density design which directs the light directly onto the facility.*
 - Shields shall be installed, if necessary, to prevent the light from projection beyond the pool or parking lot area.*
11. The hours of operation for the pool shall be from **8:00 a.m. to 9:00 p.m.** Swim team practice shall be included within these hours. The hours of operation for the meeting room shall be from **8:00 a.m. to 10:00 p.m.**
12. After-hours parties for the entire use shall be governed by the following:
- Limited to ~~four (4) per season for the pool and eight (8) for the meeting room for the remaining months of the year~~ **a maximum of six (6) after-hours parties per year.**
 - Limited to Friday, Saturday and pre-holiday evenings.*
 - Shall not extend beyond ~~12:00 midnight~~ **11:00 p.m.**
 - A written request at least ten (10) days in advance and receive prior written permission from the ~~Zoning Administrator~~ **President of the HOA** for each individual after-hours party or activity.*
 - Requests will be approved for only one (1) such party at a time and such requests shall be approved only after the successful conclusion of a previous after-hours party.*
13. The Environmental Health Division of the Fairfax County Health Department shall be notified before any pool waters are discharged during drainage or cleaning operations, so that pool waters can be adequately treated before being released into the storm sewer system.*
14. The proposed sign shall be in accordance with Article 12, Signs. The proposed location of the sign, as shown on the plat, may need to be changed if necessary to ensure adequate sight distance.*
15. This use shall be subject to the provisions of the Water Supply Protection Overlay District.*
16. Residents of the surrounding Fair Oaks Estates shall have priority membership. Membership shall be limited to Fair Oaks Estates and Fair Woods subdivision.*
19. The facility shall be closed quickly and quietly.*

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use is established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.