



APPLICATION ACCEPTED: November 19, 2007
BOARD OF ZONING APPEALS: February 12, 2008
TIME: 9:00 a.m.

County of Fairfax, Virginia

February 5, 2008

STAFF REPORT

SPECIAL PERMIT APPLICATION SPA 87-S-012-02

SULLY DISTRICT

APPLICANT: Board of Trustees of Rajdhani Mandir

ZONING: R-C, AN, WS

LOCATION: 4525 Pleasant Valley Road

ZONING ORDINANCE PROVISION: 3-C03

TAX MAP: 33-3 ((01)) 5

LOT SIZE: 6.81 acres

F.A.R.: 0.03

PLAN MAP: Residential, .1-.2 du/ac

SP PROPOSAL: Amend SP 87-S-012 previously approved for a place of worship to permit a change in development conditions to allow off site parking.

STAFF RECOMMENDATION:

Staff recommends approval of SPA 87-S-012-02, only 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

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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.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

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).

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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/

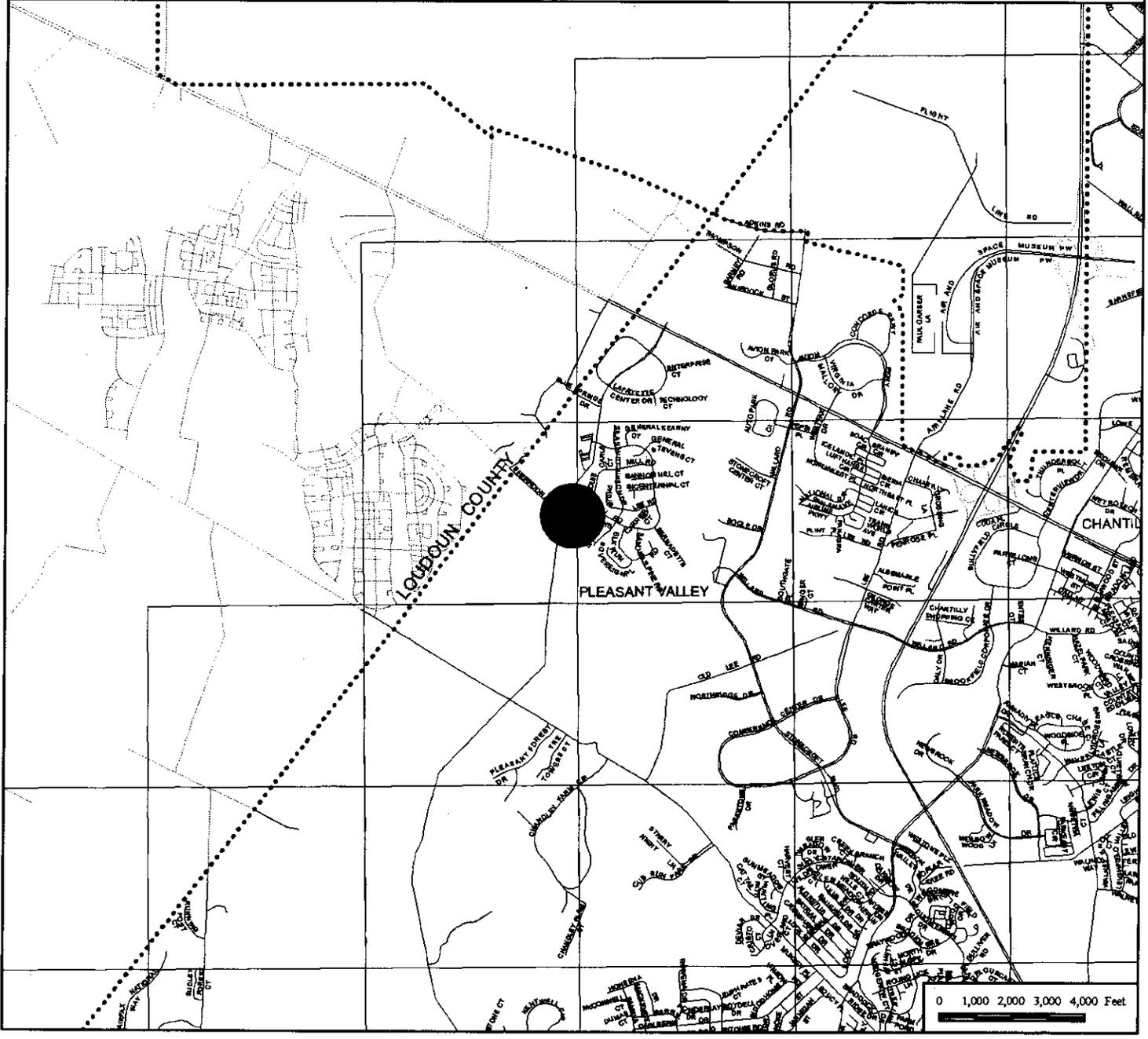
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Integrity * Teamwork* Public Service

Special Permit Amendment

SPA 87-S -012-02

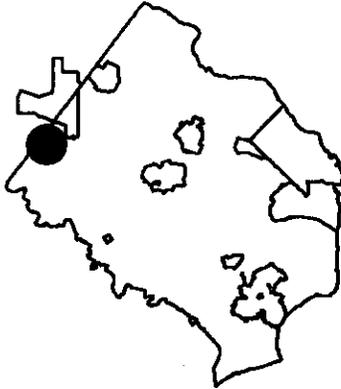
Applicant: BOARD OF TRUSTEES OF RAJDHANI MANDIR
Accepted: 11/19/2007
Proposed: FOR A PLACE OF WORSHIP TO PERMIT CHANGE IN DEVELOPMENT CONDITIONS

Area: 6.81 AC OF LAND; DISTRICT - SULLY
Zoning Dist Sect: 03-0C03
Art 8 Group and Use: 3-02
Located: 4525 PLEASANT VALLEY ROAD
Zoning: R- C
Overlay Dist: WS AN
Map Ref Num: 033-3- /01/ /0005

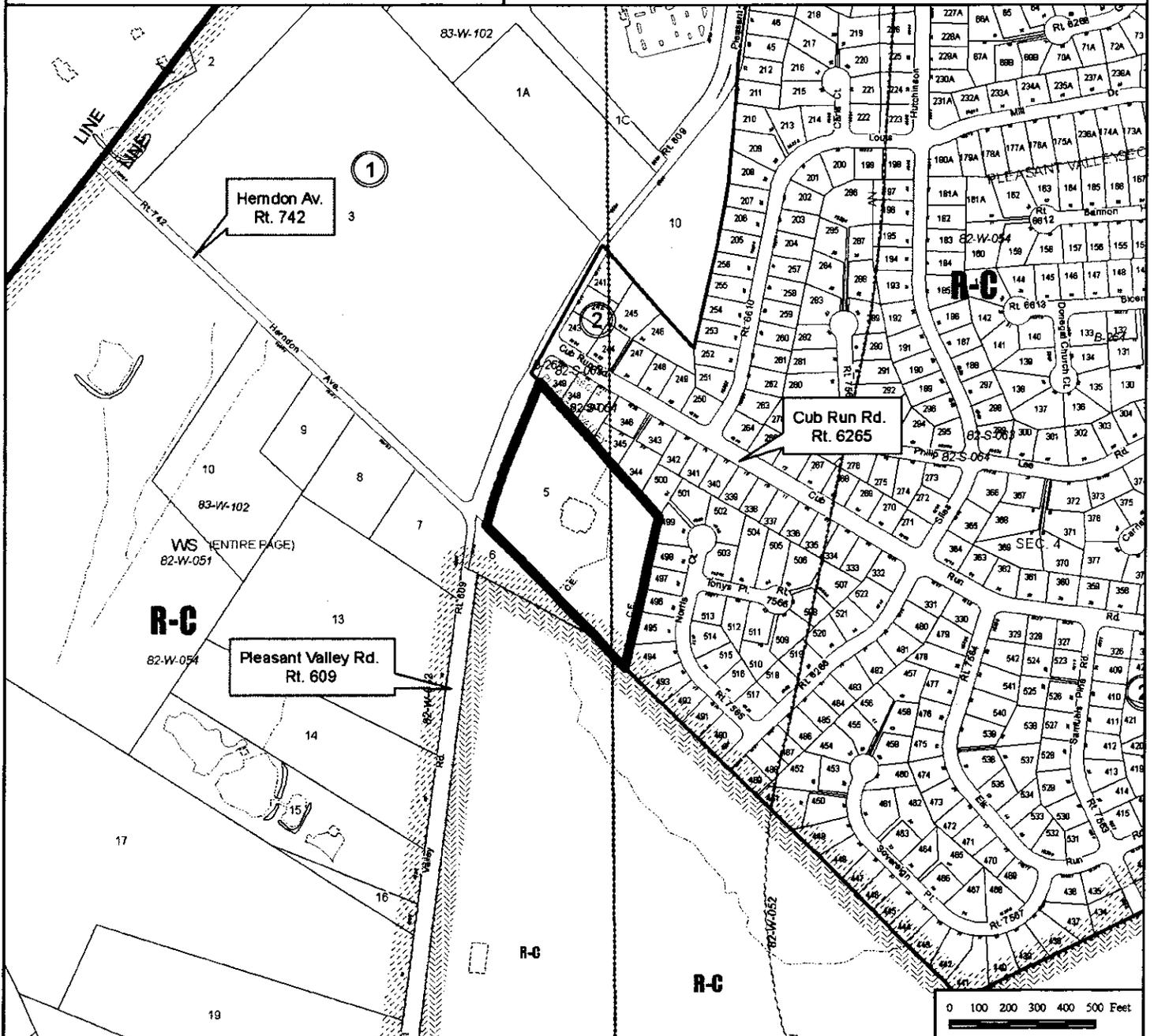


Special Permit Amendment

SPA 87-S -012-02



Applicant: BOARD OF TRUSTEES OF RAJDHANI MANDIR
Accepted: 11/19/2007
Proposed: FOR A PLACE OF WORSHIP TO PERMIT CHANGE IN DEVELOPMENT CONDITIONS
Area: 6.81 AC OF LAND; DISTRICT - SULLY
Zoning Dist Sect: 03-0C03
Art 8 Group and Use: 3-02
Located: 4525 PLEASANT VALLEY ROAD
Zoning: R- C
Overlay Dist: WS AN
Map Ref Num: 033-3- /01/ /0005



DESCRIPTION OF THE APPLICATION

Special Permit Request:	A request to amend SP 87-S-012 previously approved for a place of worship to permit a change in development conditions to allow use of a shuttle to transport worshippers from an off-site parking location to the worship center and back on weekend days of high expected attendance.
Site size:	6.81 acres
Number of seats:	250
Hours of operation:	Weekdays – 8:00 a.m. – 12:30 p.m., 5:00 p.m. – 9:30 p.m. Weekends – 8:00 a.m. – 9:30 p.m.
Employees:	Five: Four priests, one office manager

Waivers and Modifications:

Modification of the transitional screening to permit existing vegetation to satisfy the requirements, and waiver of barrier requirements.

LOCATION AND CHARACTER

Existing Site Description: The subject property is located on the northeast side of the intersection of Herndon Avenue and Pleasant Valley Road, near the County line in the Sully District. The site currently contains an 8,000 square foot worship center with 250 seats, measuring 55 feet in height, an 87 space parking lot, stormwater management pond, and a conservation easement containing mostly deciduous trees. An 8 foot wide asphalt trail runs along the Pleasant Valley Road lot line. A 35 foot wide transitional screening area containing deciduous trees runs along the perimeter of the site. There are no major utility easements on the site.

BACKGROUND

Site History:

The subject property was originally developed as the Five Fold Fellowship Church in 1987 under SP 87-S-012. In 1991, the property was purchased by the applicant. On

January 29, 1991, the BZA approved SPA 87-S-012-1, which permitted a change in permittee and a change in building design to allow the use of the site as the Rajdhani Mandir Temple. A copy of the resolution and special permit plat for SPA 97-S-012-1 is included in Appendix 4.

In 2005, the applicant was issued a Notice of Violation (NOV) dated November 29, 2005, for failing to fulfill development condition number 5 under SPA 87-S-012-1 which requires that all parking for the use be on site. An investigation of the property revealed that attendees were parking on the roads abutting the Pleasant Valley subdivision and on nearby Lafayette Center Drive for large events. A copy of the NOV is included in Appendix 5.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Single Family Detached Dwellings	R-C, AN, WS	Residential .1- .2 du/ac
South	Public Park	R-C, AN, WS	Public Park
East	Single Family Detached Dwellings	R-C, AN, WS	Residential .1- .2 du/ac
West	Vacant	R-C, AN, WS	Residential .1- .2 du/ac

COMPREHENSIVE PLAN PROVISIONS

Plan Area:	Area III, Bull Run
Planning Sector:	Upper Cub Run
Plan Map:	Residential, .1-.2 du/ac

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Rajdhani Mandir

Prepared By: Pritam L. Asora

Dated: October 31, 1995, as revised through October, 1996

Proposed Use:

The applicant requests to amend SP 87-S-012 previously approved for a place of worship to permit a change in development condition which restricts all parking to be provided on site to allow the use of a shuttle to transport worshippers from an off-site parking location to the worship center and back on weekend days of high expected attendance. The applicant has indicated that on site parking will be exceeded no more than 12 times per year.

The off site parking location is proposed to comprise public parking spaces along Lafayette Center Drive. Lafayette Center Drive (see Appendix 6) is a public street which encircles an industrial park located along Pleasant Valley Drive approximately one half mile north of the subject property. The applicant has indicated that the businesses within the industrial park do not operate during weekends and that there will not be any parking conflicts during this time. No site changes are proposed by the applicant.

Transportation Analysis (Appendix 7)

The applicant is proposing use of a shuttle to transport worshippers from an off-site parking location to the worship center and back on weekend days of high expected attendance. The applicant has indicated that on site parking will be exceeded no more than 12 times per year.

Issue: Shuttle service

The applicant did not provide specific information to staff which described how they proposed to remedy their NOV, other than request that the language in development condition number 5 under SPA 87-S-012-1, which requires that all parking be provided on site, be removed. Staff was concerned that attendee parking along Pleasant Valley Road could be dangerous, as the majority of the roadway is not a curb and gutter section, and could pose safety concerns for both pedestrians and vehicles. Further, staff recommended that attendees not park in residential areas surrounding the subject property in order to prevent parking conflicts with residents. Further, staff recommended that the applicant provide a direct, non-stop route from Lafayette Center Drive to the worship center and back so that the operation of the shuttle would not encourage parking along Pleasant Valley Drive, or impede through traffic on Pleasant Valley Drive. Finally, staff recommended that the applicant maintain and make available to County staff the records indicating shuttle operation dates, times, routes, and ridership counts so that this information may be reviewed in two years to ensure that the special permit amendment is effective in fulfilling both the applicant's intent and the County's satisfaction.

Resolution

A development condition has been proposed in Appendix 1 which addresses staff concerns, and the applicant has indicated that the condition is workable. This issue is resolved.

ZONING ORDINANCE PROVISIONS

R-C DISTRICT REGULATIONS	REQUIRED	PROVIDED
Bulk Regulations R-C		
Lot Size	5.0 acres	6.81 acres
Lot Width	200 feet	Approx. 500 feet
Building Height	60 feet	40 feet
Front Yard	50° ABP but not less than 40 feet	216 feet
Side Yard	45° ABP but not less than 20 feet	149 feet
Rear Yard	45° ABP but not less than 25 feet	215 feet
FAR	0.10	0.03
Parking		
Parking Spaces	63	87

WAIVERS/MODIFICATIONS REQUESTED

The applicant is requesting approval of a modification of the transitional screening to permit existing vegetation to satisfy the requirements, and waiver of barrier requirements. Modifications and waivers of these requirements were approved in conjunction with SPA 87-S-012-1.

The only change proposed under this application is the use of a shuttle to transport worshippers from an off-site parking location to the worship center and back on weekend days of high expected attendance. Therefore staff believes that a modification of screening and waiver of barrier requirements is appropriate in this instance.

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 8)

- General Special Permit Standards (Sect. 8-006)
- Group 3 Standards (Sect. 8-303)

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 in conformance with the applicable Zoning Ordinance provisions with the implementation of the proposed Development Conditions contained in Appendix 1.

RECOMMENDATIONS

Staff recommends approval of the special permit application 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.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the

property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Resolution letter and special permit plat, SPA 87-S-012-1
5. Notice of Violation
6. Satellite map
7. Transportation Analysis
8. Applicable Zoning Ordinance Provisions Checklist

PROPOSED DEVELOPMENT CONDITIONS**February 5, 2008**

If it is the intent of the Board of Zoning Appeals to approve SPA 87-S-012-02 located at Tax Map 33-3 ((01)) 5, pursuant to Section 3-C03 of the Fairfax County Zoning Ordinance to permit an amendment to SP 87-S-012 previously approved for a place of worship to permit a change in development conditions to allow off site parking, 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 (*). Minor changes in wording have been **bolded**.

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application and is not transferable to other land.*
2. This Special Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat 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 is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this special permit shall be in conformance with the approved Special Permit plat by **Pritam L. Asora dated October 31, 1995 as revised through October, 1996**, and these development conditions.*
5. The maximum number of seats in the main area of worship shall be 250 with a corresponding minimum of 63 parking spaces. The maximum number of parking spaces on site shall be 87. All parking for this use shall be on site, **except on weekend days numbering no more than 12 per year, upon which the Mandir temple hosts a special event. Special event attendees shall park along Lafayette Center drive only. On special event days, a private shuttle shall be hired and run directly from designated pick up locations along Lafayette Center Drive to the Mandir temple prior to the event, and run directly from the Mandir temple to designated drop off locations along Lafayette Center Drive. The shuttle shall not pick up or drop off special event attendees along Pleasant Valley Drive. The applicant shall provide shuttle operation dates, times, routes, and ridership counts to County staff upon request. This special permit approval shall automatically expire two (2) years after the Board of Zoning Appeals' approval date.**
6. Transitional Screening 2 shall be provided along all lot lines. Existing vegetation may be used to partially satisfy this requirement but supplementation with evergreen trees and shrubs to the satisfaction of the County Arborist shall be provided.*

7. The limits of clearing and grading shall be as shown on the special permit plat.
8. The barrier requirement shall be waived.*
9. The floor area ratio (FAR) shall be limited to 0.03.*
10. There shall be no organized outdoor activity associated with this special permit use.*
11. The maximum building height shall be 40 feet to the top of the domes.*
12. Best Management Practices shall be provided to the satisfaction of the Director, Department of **Public Works and Environmental Services** Environmental Management. ~~The pond shown as a dry pond on the plat shall be designed as a BMP to the satisfaction of DEM which means that it may become a facility other than a dry pond and it shall be of a design that maximizes phosphorus reduction.*~~
13. ~~Right of way to 60 feet from the centerline of Pleasant Valley Road necessary for future road improvement shall be dedicated for public street purposes and shall convey to the Board of Supervisors in fee simple on demand or at the time of site plan approval, whichever occurs first. Ancillary access easements shall be provided to facilitate these improvements.~~
14. ~~A right turn deceleration land shall be provided to the satisfaction of the Virginia Department of Transportation.~~
15. The entrance to the site shall be relocated to align with Herndon Avenue at such time as Pleasant Valley Road is improved to a divided facility. If agreement from the adjacent land owner on Lot 6 for the property necessary to locate the church driveway on Lot 6 is not obtained, interparcel access shall be provided to Lot 6 to facilitate future realignment of the church driveway.*
16. Any proposed lighting of the parking areas shall be in accordance with the following:
 - a. The combined height of the light standards and fixtures shall not exceed twelve (12) feet.
 - b. The lights shall focus directly onto the subject property.
 - c. Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.*
17. ~~A tree preservation plan shall be established in coordination with and subject to approval by the County Arborist in order to preserve to the greatest extent possible substantial individual trees or stands of tree which may be impacted by construction on the by construction on the site.~~
18. ~~If required by the Department of Environmental Management (DEM), a geotechnical study shall be prepared by, or under the direction of a geotechnical engineer experienced in soil and foundation engineering and shall be submitted and approved by DEM prior to submittal of the construction plans and approved measures shall be incorporated into the site plan as determined~~

by DEM.

~~19. Adequate sight distance shall be provided to the satisfaction of the Virginia Department of Transportation.~~

~~20. Due to the potential for asbestos fibers in the soil, if excavation into the bedrock is necessary for construction, appropriate safety measures as determined necessary by DEM and/or the Fairfax County Health Department shall be implemented to protect workers on the site. If naturally occurring fibrous asbestos minerals are present, dust control techniques including but not limited wet suppression and covered transport shall be implemented as determined necessary by DEM.~~

~~21. In order to achieve a maximum interior noise level of 50 dBA Ldn, the temple building, excluding the areas where the priests shall reside, shall have the following acoustical attributes:~~

- ~~a. Exterior walls and ceilings shall have a laboratory sound transmission class (STC) rating of at least 39.~~
- ~~b. Doors and windows shall be a laboratory STC of at least 28. If windows constitute more than 20% of any facade, they shall have the same laboratory STC as walls.~~
- ~~c. Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.~~

~~22. In order to achieve a maximum interior noise level of 45 dBA Ldn, the area of the temple inhabited by the priests shall have the following acoustical attributes:~~

- ~~a. Exterior walls and ceilings shall have a laboratory sound transmission class (STC) rating of at least 39.~~
- ~~b. Doors and windows shall be a laboratory STC of at least 28. If windows constitute more than 20% of any facade, they shall have the same laboratory STC as walls.~~
- ~~c. Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.~~

23. If signs are provided, they shall not be lit.*

24. There shall be no noise generated off-site by the temple, in accordance with County noise ordinances, **except as related to off-site parking, as permitted in development condition 5.***

25. There shall be no more than two (2) priests, or one (1) priest with his family, residing on site.*

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, three (3) months after the date of approval unless the use has

been established as outlined above. The Board of Zoning Appeals may grant additional time to commence 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.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: March 22, 2007
(enter date affidavit is notarized)

I, Chaman Puri, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below

95053a

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
*****	*****	*****
*****	*****	*****

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ON NEXT PAGE.

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 1

Special Permit/Variance Attachment to Par. 1(a)

DATE: March 22, 2007
(enter date affidavit is notarized)

95053a

(NOTE: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Board of Trustees of Rajdhani Mandir	4525 Pleasant Valley Rd., Chantilly VA 20151	Applicant/Title Owner
Chaman Puri	1002 Eaton Dr., McLean VA 22102	Agent
Shiva K. Pant	12912 Oak Lawn Pl., Oak Hill VA 20171	Trustee
Harsh Sethi	43994 Cheltenham Circle, Ashburn, VA 20142	Trustee
Satish Kumar	12609 Normandy Lane, Fairfax VA 22030	Trustee
Ramesh Khanna	15703 Country Crossing Ct., Chantilly VA 20151	Trustee
Anil Gupta	5608 Braddock Farms Way, Clifton VA 20124	Trustee
Prem Kishnani	6401 Muster Ct., Centerville VA 20121	Trustee
Seema Kumar	12609 Lake Normandy Ln, Fairfax VA 22030	Trustee
Manish Kutheala	12125 Sierra Sunset Ln, Gainesville VA 20150	Trustee
Alok Srivastava	3537 Armfield Farm Dr, Chantilly VA 20151	Trustee
Nanda Kishore	3754 Picasso Pl, Chantilly VA 20151	Trustee
Amit Shah	13014 Winter Willow Dr., Fairfax VA 22030	Trustee
Prafulle Nayak	13929 Leeton Circle, Chantilly VA 20151	Trustee
Raj Krishnapillay	4301 Poplar Branch Dr. Chantilly VA 20151	Trustee

(check if applicable)

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Permit/Variance Attachment to Par. 1(a)" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/22/2007
(enter date affidavit is notarized)

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1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
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Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/22/2007
(enter date affidavit is notarized)

95053a

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

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(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/22/2007
(enter date affidavit is notarized)

95053a

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 3/22/2007
(enter date affidavit is notarized)

95053a

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

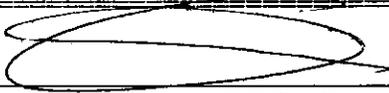
None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. **That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.**

WITNESS the following signature:



(check one)

Applicant

Applicant's Authorized Agent

Chaman Duri
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 22nd day of March 2007, in the State/Comm. of Prince William, County/City of VA.

Diane Patterson Bailey
Notary Public

My commission expires: 6-30-2010

Special Permit Statement of Justification

- A. Type of Operation: The application pertains to an already existing Hindu temple (church) that has been operating at this location since 2000. It is a religious facility and provides regular prayer services and special services on specific holy days and festivals.
- B. Hours of Operation: On weekdays, the Mandir is open from 8 am to 12:30 pm and from 5 pm to 9:30 pm. On weekends, it is open from 8 am to 9:30 pm.
- C. Estimated number of patrons: The number of devotees who come to the Mandir cannot be estimated and because of the nature of Hindu temples, there is no membership requirement to visit the Mandir or avail of its services.
- D. Proposed number of employees, attendants, teachers, etc.: The temple has four priests and one office manager that are in the Mandir during the hours it is open.
- E. Estimate of traffic impact of the proposed use: Not applicable since Mandir is already in operation.
- F. Vicinity of general area to be served by the use: The Mandir is one of several in the Northern Virginia region. Most of the devotees reside in Fairfax County, Loudoun County and Prince William County.
- G. Description of building façade and architecture of proposed new building or addition: Not applicable—no addition being sought.
- H. A listing, if known, of all hazardous or toxic substances: Not applicable; Mandir is already built and in use.
- I. A statement of how the proposed use conforms to the provision of all applicable ordinances, regulations, etc.: Not applicable as Mandir is already in use.

RECEIVED
Department of Planning & Zoning

OCT 24 2007

Zoning Evaluation Division

Application is seeking an amendment to Condition #5 of Special Permit Amendment 87-S-012-1. This condition currently reads:

“5. The maximum number of seats in the main area of worship shall be 250 with a corresponding minimum number of 63 parking spaces. The maximum number of parking spaces on site shall be 87. All parking for this use shall be on site.”

The applicant is requesting that the last sentence of this condition be deleted. The justification for this request is as follows:

1. When the Mandir was initially established, the size of the congregation served was not anticipated to be what it is today. Hindu temples traditionally serve all devotees and there are no membership requirements.
2. During the major Hindu festivals, members of the same family and other devotees cannot car pool and the on site parking is not sufficient.
3. The Mandir, on such occasions, which are usually in the evenings, operate a voluntary shuttle van service to allow devotees to park off site on public streets located in nearby industrial areas. This was specifically done in an attempt to discourage any parking in neighboring residential areas.
4. In December 2006, the Mandir was advised that it was in violation of the aforementioned condition because the operation of the shuttle implied that devotees were parking off site.
5. Since that time, the Mandir has not been operating any shuttle van service.
6. There has been significant growth in the Hindu community and the devotees now come from various parts of Fairfax, Loudoun, and Prince William Counties. On major religious observances, there is no way for the Mandir to turn away devotees.

7. The absence of the shuttle has in fact removed the only alternative available to the Mandir to discourage parking on nearby residential streets during major religious holidays.
8. The County did explore expansion of on site parking but due to several zoning and regulatory constraints, such expansion would be very limited at best and will not meet the parking needs during major religious holidays.
9. Removal of the condition that limits parking to the site will allow the Mandir to manage parking. There is not a problem on average weekdays or weekends. However, there are approximately 10-12 major religious observances when the number of devotees and cars far exceeds the on-site parking and the only option is for devotees to park off-site and have them use the shuttle.
10. The Mandir has continued to post signs advising devotees to not park on the adjacent residential streets. These signs worked well when devotees had the shuttle option. However, with that option no longer available, and the fact that parking on public streets is legal, the Mandir has been unable to discourage such parking.
11. The importance of religious observances and the requirement to visit the temple during major religious days is an important part of practicing the Hindu religion and the Mandir is obligated to facilitate the devotees being able to exercise their religious rights.
12. In view of the aforementioned, the Mandir is seeking much needed relief by seeking removal of the condition limited all parking to be on site.

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

In Special Permit Amendment Application SPA 87-S-012-1 by CHAMAN PURI, under Section 3-C03 of the Zoning Ordinance to amend SP 87-S-012 for a place of worship to allow change of permittee, change in building design and modification of previously imposed development conditions, on property located at 4525 Pleasant Valley Rd., Tax Map Reference 33-3((1))5, Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on January 29, 1991; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-C, WS, and AN.
3. The area of the lot is 6.95 acres.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Section 8-303 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **GRANTED** with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat 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 is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this special permit shall be in conformance with the approved Special Permit plat by Harold A. Logan Associates, P.C. dated September 12, 1990 and these development conditions.
5. The maximum number of seats in the main area of worship shall be 250 with a corresponding minimum of 63 parking spaces. The maximum number of parking spaces on site shall be 87. All parking for this use shall be on site.

6. Transitional Screening 2 shall be provided along all lot lines. Existing vegetation may be used to partially satisfy this requirement but supplementation with evergreen trees and shrubs to the satisfaction of the County Arborist shall be provided.
7. The limits of clearing and grading shall be as shown on the special permit plat.
8. The barrier requirement shall be waived.
9. The floor area ratio (FAR) shall be limited to 0.03.
10. There shall be no organized outdoor activity associated with this special permit use.
11. The maximum building height shall be 40 feet to the top of the domes.
12. Best Management Practices shall be provided to the satisfaction of the Director, Department of Environmental Management. The pond shown as a dry pond on the plat shall be designed as a BMP to the satisfaction of DEM which means that it may become a facility other than a dry pond and it shall be of a design that maximizes phosphorus reduction.
13. Right-of-way to 60 feet from the centerline of Pleasant Valley Road necessary for future road improvement shall be dedicated for public street purposes and shall convey to the Board of Supervisors in fee simple on demand or at the time of site plan approval, whichever occurs first. Ancillary access easements shall be provided to facilitate these improvements.
14. A right turn deceleration land shall be provided to the satisfaction of the Virginia Department of Transportation.
15. The entrance to the site shall be relocated to align with Herndon Avenue at such time as Pleasant Valley Road is improved to a divided facility. If agreement from the adjacent land owner on Lot 6 for the property necessary to locate the church driveway on Lot 6 is not obtained, interparcel access shall be provided to Lot 6 to facilitate future realignment of the church driveway.
16. Any proposed lighting of the parking areas 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 focus directly onto the subject property.
 - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
17. A tree preservation plan shall be established in coordination with and subject to approval by the County Arborist in order to preserve to the greatest extent possible substantial individual trees or stands of tree which may be impacted by construction on the site.

18. If required by the Department of Environmental Management (DEM), a geotechnical study shall be prepared by, or under the direction of a geotechnical engineer experienced in soil and foundation engineering and shall be submitted and approved by DEM prior to submittal of the construction plans and approved measures shall be incorporated into the site plan as determined by DEM.
19. Adequate sight distance shall be provided to the satisfaction of the Virginia Department of Transportation.
20. Due to the potential for asbestos fibers in the soil, if excavation into the bedrock is necessary for construction, appropriate safety measures as determined necessary by DEM and/or the Fairfax County Health Department shall be implemented to protect workers on the site. If naturally occurring fibrous asbestos minerals are present, dust control techniques including but not limited wet suppression and covered transport shall be implemented as determined necessary by DEM.
21. In order to achieve a maximum interior noise level of 50 dBA Ldn, the temple building, excluding the areas where the priests shall reside, shall have the following acoustical attributes:
 - o Exterior walls and ceilings shall have a laboratory sound transmission class (STC) rating of at least 39.
 - o Doors and windows shall be a laboratory STC of at least 28. If windows constitute more than 20% of any facade, they shall have the same laboratory STC as walls.
 - o Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
22. In order to achieve a maximum interior noise level of 45 dBA Ldn, the area of the temple inhabited by the priests shall have the following acoustical attributes:
 - o Exterior walls and ceilings shall have a laboratory sound transmission class (STC) rating of at least 39.
 - o Doors and windows shall be a laboratory STC of at least 28. If windows constitute more than 20% of any facade, they shall have the same laboratory STC as walls.
 - o Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.
23. If signs are provided, they shall not be lit.
24. There shall be no noise generated off-site by the temple, in accordance with County noise ordinances.
25. There shall be no more than two (2) priests, or one (1) priest with his family, residing on site.

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. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Permit shall not be valid until this has been accomplished.

Under Sect. 8-015 of the Zoning Ordinance, this Special Permit shall automatically expire, without notice, twenty-four (24) months after the approval date* of the Special Permit unless the activity authorized has been established, or unless construction has started and is diligently pursued, or unless additional time is approved by the Board of Zoning Appeals because of occurrence of conditions unforeseen at the time of the approval of this Special Permit. A request for additional time shall be justified in writing, and must be filed with the Zoning Administrator prior to the expiration date.

Mrs. Harris seconded the motion which carried by a vote of 5-0. Mr. Kelley was absent from the meeting.

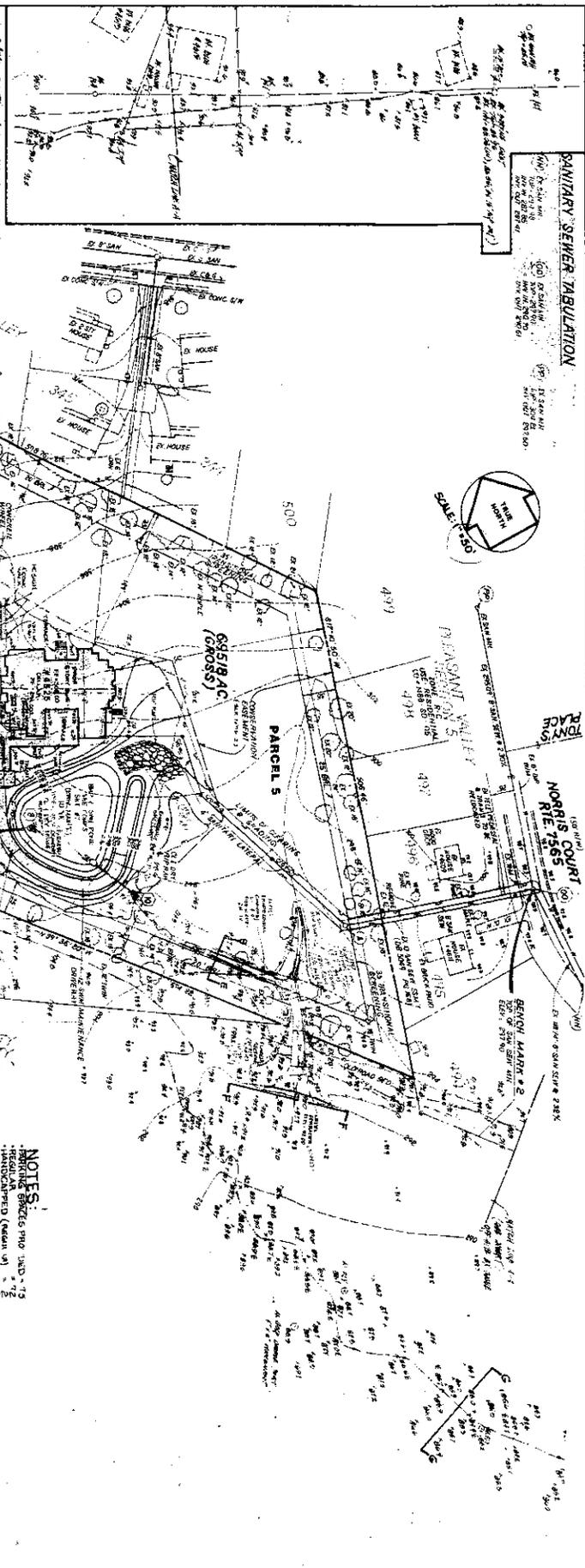
*This decision was officially filed in the office of the Board of Zoning Appeals and became final on February 6, 1991. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:



Geri B. Bepko, Deputy Clerk
Board of Zoning Appeals

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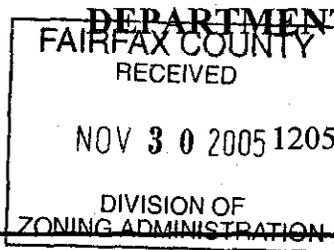
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M.P. NAVELLI
SITE VACANT

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**FAIRFAX
COUNTY**



DEPARTMENT OF PLANNING AND ZONING
Zoning Administration Division
Zoning Enforcement Branch
Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508

V I R G I N I A

(703) 324-1300

Fax (703) 324-1343

November 29, 2005

NOTICE OF VIOLATION

Shiva K. Pant, Chairman
c/o Rajdhani Mandir Temple
4525 Pleasant Valley Road
Chantilly, Virginia 20151

Certified Mail
Return Receipt Requested
Receipt # 7099 3400 0007 0874 8372

Re: Rajdhani Mandir Temple
4525 Pleasant Valley Road
Tax Map Ref: 33-3 ((1)) 5
Zoning Districts: R-C, AN, WS
SP-87-S-012-1

Dear Chairman Pant:

The purpose of this letter is to notify you of a violation of the Fairfax County Zoning Ordinance existing on the above-referenced property. The violation pertains to the failure of the Rajdhani Mandir Temple located at 4525 Pleasant Valley Road to comply completely with Condition 5 of Special Permit Amendment 87-S-012-1. This developmental condition specifies that in addition to maintaining 87 parking spaces, on the referenced property, "All parking for this use shall be onsite."

A review of the Department of Planning and Zoning (DPZ) records indicate that on January 29, 1991, the Fairfax County Board of Zoning Appeals (BZA) approved Special Permit Amendment Number SP 87-S-012-1 in the name of Chaman Puri to allow: a place of worship, a change of the permittee, a change in building design, and modification of previously imposed development conditions. In addition, this approval also was limited by 25 separate developmental and operating conditions. A copy of the Special Permit Amendment, development conditions, and associated plat of this referenced property are enclosed. The Special Permit Plat limited this use to only 4525 Pleasant Valley Road.

An investigation of the property which commenced on July 21, 2005, revealed that the subject property has been developed with the Rajdhani Mandir Temple, and other related improvements including the 87 required parking spaces detailed in Condition 5 of SP-S-012-1. In addition, it would appear the Rajdhani Mandir Temple is a successful temple as it was established that off-site parking associated with this place of worship and scheduled services is occurring: on the roads in the abutting Pleasant Valley community, a residential subdivision, and also on nearby Lafayette Center Drive located in an industrial park.

It was learned during an October 19, 2005 meeting with members of the Temple and representatives from the abutting residential community that Temple volunteers are stationed during services in the abutting residential community encouraging Temple worshipers to park elsewhere. A separate shuttle service has also been established to move congregation members to and from one or more off-site parking areas. This shuttle service is also advertised in the Rajdhani Mandir Temple Magazine.

Not with standing this effort, the off-site parking by worshipers of the Rajdhani Mandir Temple does not satisfy Condition 5 of SP-S-012-1 which requires all parking to occur on-site. Additionally, the use of other property, namely, Cub Run Road and Lafayette Center Drive and other locations proposed for satellite parking for the temple parking is an enlargement of the use which wasn't approved by the BZA. This off-site parking and enlargement are not in compliance with Par. 2 of Sect. 8-004 of the Zoning Ordinance which specifies respectively that:

Once established, the use shall be conducted in substantial conformance with the permit, any conditions or restrictions imposed by the BZA, and all other requirements of this Ordinance. Except as may be permitted under Paragraphs 3 and 4 below, no use shall be enlarged, expanded, increased in intensity or relocated and no condition of the special permit shall be modified unless an application is made and approved for an amendment to the special exception in accordance with Sect. 014 below or a new special permit is approved.

Therefore, the Rajdhani Mandir Temple is in violation of Par. 2 of Sect. 8-004 of the Zoning Ordinance as detailed above.

The Rajdhani Mandir Temple is hereby directed to clear this violation within thirty (30) days of receipt of this notice. Compliance can be accomplished by the following:

- Ceasing operation of the facility; or
- Limiting the operation of the place of worship so as not to exceed the current parking requirement; or
- Making application to and ultimately obtaining approval of an amendment to Special Permit SP 87- S-012-1 from the Fairfax County Board of Zoning Appeals (BZA) to allow off-site parking in accordance with Sect. 11-102 of the Zoning Ordinance. A copy of this provision is enclosed.

- If an amendment of SP-S-87-012-1 is approved by the BZA complying on a permanent basis with all development conditions.

You may have the right to appeal this notice of zoning violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information you may wish to submit and a \$375.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

Failure to comply with this notice will result in legal action to gain compliance with the Zoning Ordinance.

Should you have any questions regarding this notice, please contact me at (703) 324-1399 or (703) 324-1300.

Sincerely,



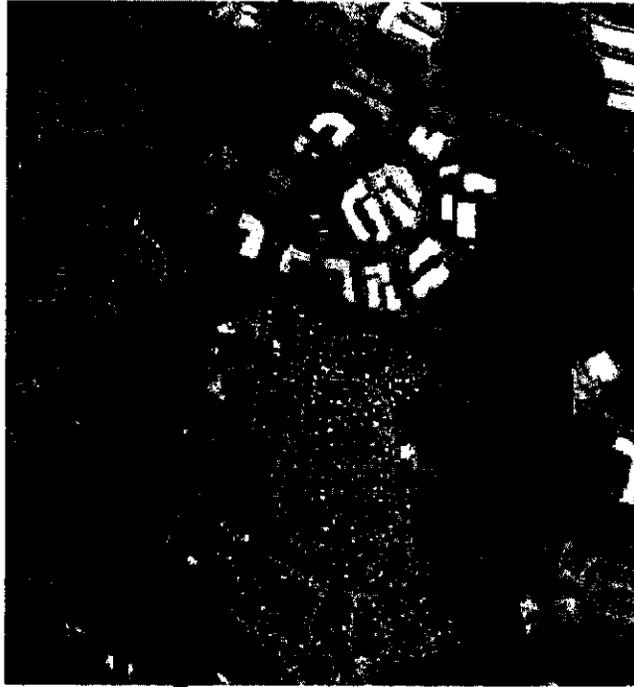
Steven E. Mason
Senior Zoning Inspector

SEM/seg
Attachments: A/S

Copy of Special Permit Amendment 87-S-012-1
Related Development Conditions and Associated Plat.

Copy of Sect 11-102 of the Fairfax County Zoning Ordinance.

Lafayette Center Dr.



Mandir Temple



County of Fairfax, Virginia

MEMORANDUM

DATE: January 22, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT 

FILE: 3-6(SP 87-S-012)

SUBJECT: SPA 87-S-012-02; Board of Trustees of Rajdhani Mandir
Land Identification Map: 33-3-(01)-0005

This department has reviewed the special permit amendment revised through October 31, 1995. We have the following comments.

- The applicant's off-site parking should be prohibited from Pleasant Valley Road as the majority of the roadway is not a curb and gutter section and could pose safety concerns for both pedestrians and vehicles. Parking in residential areas surrounding the Mandir should also be avoided.
- The applicant has expressed a desire to operate a shuttle from an off-site location to the Mandir on days of high expected attendance. Such a shuttle program should not stop to pick up passengers on Pleasant Valley Road or operate in a way that will impede the flow of traffic on the roadway. The shuttle should have a direct, non-stop route between the off-site location and the Mandir.
- Considering an approval term of two years, the applicant should maintain and make available to county staff records of shuttle operation dates, times, route, and ridership.

AKR/MEC

cc: Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

- 1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
- 2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
- 3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
- 4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
- 5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
- N/A 6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
- 7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
- 8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-303 Standards for All Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

- 1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
- 2. All uses shall comply with the performance standards specified for the zoning district in which located.
- 3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.