

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

THE WESLEYAN CHURCH CORPORATION, D/B/A UNITED WESLEYAN CHURCH, SP 2007-LE-029 Appl. under Sect(s). 3-303 of the Zoning Ordinance to allow an existing church to permit building addition and site modifications. Located at 5502 Trin St. on approx. 4.31 ac. of land zoned R-3. Lee District. Tax Map 81-4 ((1)) 91A and 94A. (Admin. moved from 6/5/07, 8/7/07, and 10/16/07 at appl. req.) (Indefinitely deferred from 1/8/08 at appl. req.) (Reactivated from indefinitely deferred) Mr. Beard 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 July 8, 2008; 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-3.
3. The area of the property is 4.31 acres.
4. The Board has a favorable staff report.
5. It is in accordance with the Comprehensive Plan.
6. There needs to be great care taken as this is an embedded church within the neighborhood, not on a thoroughfare.
7. Staff has been working with the applicant close to a year and several concessions have been made, namely the saving of forestry. The applicant has stressed that adequate parking is needed to keep folks from parking off-site.
8. The runoff situation that exists now is being addressed. The applicant is certainly aware of the problem, as is staff. Should there be an issue with DPWES, the applicant might have to come back for a special permit amendment.

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 the Zoning Ordinance.

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

1. This approval is granted to the applicants only, The Wesleyan Corporation, D/B/A United Wesleyan Church, and is not transferable without further action of this Board, and is for the location, 5502 Trin Street, 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 prepared by Barnes and Johnson, Inc., March 8, 2006 and revised to December 13, 2007 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 is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, DPWES. Any plan submitted 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 church seats in the main area of worship shall be limited to 413.
6. Parking shall be provided as depicted on the Special Permit Plat. All parking shall be on site.
7. Transitional Screening shall be modified along southern portion of the western property lot line and along the portion of the northern property line, adjacent to the parsonage property line (Lot 1, 94A) and along the Trin Street frontage in favor of the existing natural and supplemental landscaped vegetation as shown Sheets 2 & 3 on the approved special permit plat.
8. Special precaution shall be taken during site preparation and construction to ensure that the approved limits of clearing and grading is well marked on the site to avoid unintended tree removal.
9. All existing landscaping shall be maintained. Dead or dying landscaping shall be replaced as needed with a like kind of plant material. Transitional screening plantings should be identified by species and have accurate canopy sizes shown.
10. Prior to site plan approval, a detailed plant schedule with specifications for all landscape plantings shall be provided to the satisfaction of DPWES. In order to contribute to maintaining water quality and providing native plant material for wildlife, native shrubs and groundcover shall be provided around the buildings and along portions of the parking lot as determined by DPWES.
11. At the time of site plan review additional plantings shall be provided if determined necessary by the Urban Forest Management Branch, DPWES.
12. Transitional screening plantings shall be identified by species and have accurate canopy sizes shown. A condition also provides that a detailed plant schedule with specifications for all landscape plantings be provided and that in order to contribute to maintaining water quality and providing native plant material for wildlife native shrubs and groundcover should be provided around the buildings and along portions of the parking lot.
13. Interior parking lot landscaping shall be provided and maintained in accordance with Article 13.
14. Any new proposed lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.

15. The outdoor lighting fixtures shall not exceed twelve (12) feet in height, measured from the ground to the highest point of the fixture, shall be of low intensity design and shall utilize full cut-off fixtures which focus directly on the subject property.
16. Prior to site plan approval, stormwater management (SWM) and best management practice (BMP) facilities shall be provided in accordance with the Public Facilities Manual (PFM) as determined by DPWES. If the SWM/BMP facilities approved by DPWES are not in substantial conformance with those shown on the SP plat, a Special Permit Amendment shall be required.
17. Prior to site plan approval, it shall be demonstrated to the satisfaction of DPWES that adequate outfall can and shall be provided in accordance with the PFM.
18. The applicant shall dedicate adequate stormwater easements throughout the site to the satisfaction of DPWES prior to site plan approval.
19. The church building construction shall be generally consistent with the architecture presented in the elevations as shown on the Special Permit Plat.
20. A sidewalk connection to the church building to the proposed sidewalks on Trin Street and Old Rolling Road shall be provided to promote walking onto the site.

These conditions supersede all previous conditions. 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.

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 construction has commenced and been diligently prosecuted. 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.

Mr. Smith seconded the motion, which carried by a vote of 5-2. Mr. Byers and Mr. Hammack voted against the motion.

A Copy Teste:

Suzanne L. Frazier, Deputy Clerk
Board of Zoning Appeals