

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

TRUSTEES OF UNITY OF FAIRFAX CHURCH OF THE DAILY WORD AND AMERICAN TURKISH FRIENDSHIP ASSOCIATION D/B/A PINNACLE ACADEMY, SPA 99-P-036-2 Appl. under Sect(s). 3-103 of the Zoning Ordinance to amend SP 99-P-036 previously approved for church, private school of general education, and child care center to permit change in permittee. Located at 2854 Hunter Mill Rd. on approx. 5.31 ac. of land zoned R-1. Providence District. Tax Map 47-2 ((1)) 18A. Mr. Byers 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 29, 2008; and

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

1. The applicants are the owners of the land.
2. The present zoning is R-1.
3. The area of the lot is 5.31 acres.
4. The staff recommends approval.

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 applicant, Trustees of Unity of Fairfax Church of the Daily Word; American Turkish Friendship Association D/B/A Pinnacle Academy, and is not transferable without further action of this Board, and is for the location indicated on the application, 2854, 2858 and 2864 Hunter Mill Road (5.31 acres), 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 (2 sheets) by David H. Steigler, dated November 28, 2001, 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, Department of Public Works and Environmental Services (DPW&ES). Any plan

submitted pursuant to this special permit shall be in substantial conformance with the approved special permit plat and these development conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.

5. Upon issuance of the Non-RUP, the number of seats in the sanctuary may increase from 250 to a maximum of 400.
6. Upon issuance of a Non-RUP for the multi-purpose administration building, the school and child care center may commence and the total maximum daily enrollment for the private school of general education shall be as shown below. There shall be a maximum staff of 27 employees on the property at anyone time. The total maximum daily enrollment for the before and after school child care center shall be 35 students for the first two full years of operation and 70 students thereafter.

	Year	1	2	3	4	5	6+
Students		70	88	104	122	140	176

7. Upon issuance of the Non-RUP, the maximum hours of operation for the private school of general education shall be limited to 8:30 a.m. to 3:30 p.m., Monday through Friday. The before school care shall be limited to 6:00 a.m. to 9:00 a.m. and the after school care shall be limited to 3:30 p.m. to 6:30 p.m. Monday through Friday. Only the students enrolled at the school of general education shall be permitted to attend the before and after school care.
8. The operator of the private school of general education shall designate a carpool coordinator to administer and encourage participation in a carpool program designed to reduce the number of vehicle trips to and from the school during rush hour periods.
9. The applicant shall construct an 8-foot wide sidewalk or trail along the full frontage of the property. The sidewalk/trail shall adjoin existing or proposed sidewalks to the north and south, to the satisfaction of DPWES.
10. The applicant shall construct an extended turn lane across the full frontage of the property, measuring a minimum 35 foot cross section from centerline to face of curb to create a second southbound vehicle travel lane, to the satisfaction of DPWES. With provision of these frontage improvements by the applicant, dedication measuring a minimum of 45 feet of right-of-way shall be permitted if deemed appropriate-by DPWES. If frontage improvements are not provided, a minimum dedication measuring 56 feet from centerline of Hunter Mill Road shall be provided. Right-of-way shall be dedicated to the Board of Supervisors, in fee simple, within sixty (60) days upon demand by Fairfax County, or at the time of site plan approval, whichever comes first.
11. All signs, existing and proposed, shall be in conformance with Article 12 of the Fairfax County Zoning Ordinance.

12. All existing and 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 on the subject property and shall be full cutoff lights.
  - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
13. Stormwater management/BMP design satisfying all Public Facility Manual requirements shall be provided to the satisfaction of DPWES.
14. A tree preservation plan and final limits of clearing and grading shall be established in coordination with and subject to approval by the Urban Forestry Division of DPWES in order to preserve individual trees and stands of trees shown to be saved on the special permit plat. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation may be implemented to the satisfaction of the Urban Forester. Activities may include, but are not limited to, increased tree protection measures, crown pruning, root pruning, mulching and fertilization. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the site, including the demolition of any existing structures.
15. Transitional screening and barrier requirements shall be modified in favor of that shown on the special permit amendment plat. Supplementation of existing vegetation within all transitional screening areas to achieve effective and viable year-around screening shall be as directed by the Urban Forester. In addition, twenty-three evergreen trees shall be added to those shown on the approved site plan No. 8226-SP-02-2, within the transitional screening area which lies between the play area shown on the SPA Plat and the Hunterbrooke subdivision. Size and species of plantings shall be as determined by the Urban Forester. All plantings shall be maintained in good health and replaced with like-kind plantings when necessary.
16. The proposed six-foot high fence on the western property line shall be field located, in consultation with the Urban Forester, to minimize disturbance to existing trees which are designated on the special permit amendment plat to be preserved.
17. Parking shall be provided as shown on the special permit plat. All parking shall be on site. No additional areas shall be cleared or created to accommodate parking spaces beyond that depicted on the special permit amendment plat.
18. Prior to site plan approval, the applicant shall show proof that the 15 foot outlet road and ingress/egress easement which bisects the application property shall be properly quitclaimed or relocated so as to not legally encumber conditions as proposed with this application, to the satisfaction of DPWES.

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, twelve (12) months after the date of approval unless a new Non-Residential Use Permit has been approved. 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 7-0.  
A Copy Teste:

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Suzanne L. Frazier, Deputy Clerk  
Board of Zoning Appeals