

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

HOLMES RUN ACRES RECREATION ASSOCIATION, INC. & COMMUNITY WIRELESS STRUCTURES, SPA 77-P-091-03 Appl. under Sect(s). 3-303 of the Zoning Ordinance to amend SP 77-P-091 previously approved for community swim club and parking of Fairfax County Public School buses to permit a telecommunications facility. Located at 3457 Gallows Rd. on approx. 3.83 ac. of land zoned R-3. Providence District. Tax Map 59-2 ((9)) (1) 6 and 7. (In association with SE 2008-PR-009) (Admin. moved from 8/4/08, 10/7/08, and 11/4/08 at appl. req.) (Decision deferred from 12/2/08 and 12/16/08). 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 February 3, 2009; and

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

1. The applicant is the owner of the property.
2. The present zoning is R-3.
3. The area of the lot is 3.83 acres.
4. 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 appropriate sections of 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 only, Holmes Run Acres Recreation Association Inc. / Community Wireless Structures, and is not transferable without further action of this Board, and is for the location indicated on the application, 3457 Gallows Road, 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 titled Holmes Run Acres Recreation Association, prepared by Entrex Communication Services, Inc. and dated September 25, 2007 revised January 6, 2009, 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. The maximum number of memberships for the Swim Club shall be 400.
5. The hours of operation for the Swim Club shall be from 7:00 a.m. to 11:00 p.m. daily. No swim team practice or water aerobics classes shall be held before 8:00 a.m. or after 9:00 pm. Swimming from 9:00 p.m. to 11:00 p.m. shall be for adults 18 and over only. The Swim Club shall file with the Holmes Run Acres Civic Association the names and telephone numbers of at least two individuals who can be contacted in case of an emergency or problem with the pool after normal business hours.
6. 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, for water aerobics classes, and to inform pool members of an emergency or weather event. 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.
7. Notwithstanding that which is marked on the plat, the alternate spaces along the eastern lot line shall be deleted. During the period between the Memorial Day weekend and the end of the school year, the alternate bus parking spaces will not be used for bus parking thus allowing for adequate circulation on site for pool patrons.
8. Transitional Screening 1 shall be maintained along the western lot line, between the parking lot and the lot line. All plant material shall be maintained in a healthy condition and any dead, dying or damaged plat material shall be replaced with like kind.
9. The number of After Hours Parties shall be limited to SIX (6) per year. The Swim Club shall maintain a record of parties for review by Fairfax County Zoning Enforcement. Parties shall adhere to the hours reflected in the Development Conditions under #5 above.
10. Fairfax County School buses shall park in Holmes Run Acres Association's parking lot ONLY between Labor Day weekend and the end of the academic school year.
11. The swim club shall be prohibited from obtaining any future Temporary Special Permits for the sale of firewood.

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 has been established. 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. Hart seconded the motion, which carried by a vote of 6-0. Mr. Hammack was absent from the meeting.