

## COUNTY OF FAIRFAX, VIRGINIA

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

TRUSTEES OF DRANESVILLE UNITED METHODIST CHURCH, SPA 83-D-022-04 Appl. under Sect(s). 3-103 of the Zoning Ordinance to amend SP 83-D-022 previously approved for place of worship, private school of general education and telecommunications facilities to permit increase in enrollment and site modifications including columbarium. Located at 1089 Liberty Meeting Ct. on approx. 8.11 ac. of land zoned R-1. Dranesville District. Tax Map 6-4 ((1)) 66B, 70A and 6-4 ((14)) A. (Admin. moved from 10/20/09 and 12/8/09 at appl. req.) 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 13, 2010; and

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

1. The applicant is the owner of the property.

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 only, Trustees of the Dranesville United Methodist Church and is not transferable without further action of this Board, and is for the location indicated on the application, 1089 Liberty Meeting Court (8.11 acres), and is not transferable to other land.
2. This special permit amendment is granted only for the purposes, structures and/or uses indicated on the special permit plat prepared by Dewberry & Davis LLC, dated April 16, 2009, as revised through November 10, 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. 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 (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. Upon issuance of a new Non-Residential Use Permit (Non-RUP), the maximum daily enrollment for the private school of general education shall not exceed 99 children.
6. The number of employees associated with the private school of general education shall be limited to a maximum of fifteen (15) at any one time.
7. Seating in the church sanctuary shall be limited to a maximum of 400 seats.
8. All parking shall be on site, as shown on the special permit plat.
9. The hours of operation for the private school of general education shall be limited to Monday – Friday, 8:30 a.m. to 3:30 p.m.
10. Barrier requirements shall be waived along all lot lines. The transitional screening requirement shall be modified along the northern lot line as depicted on the special permit amendment plat. To the extent feasible, given the location of existing graves, Transitional Screening 1 shall be provided along the eastern portion of the cemetery to screen the dwelling on Tax Maps 6-4 ((1)) 69A and 69B from the proposed Phase III addition to the church and from the columbarium and along the western portion of the site to screen the dwellings on Tax Maps 6-4 ((14)) 2 and 3 from the telecommunication equipment building prior to approval of final building inspections for the addition or columbarium, whichever occurs first. Screening shall be provided along the southern lot lines of Lots 66B and 70A if determined necessary by the Forest Conservation Branch. The transitional screening plantings shall include large evergreen trees with an ultimate height of 40 feet and a minimum height of 10-12 feet tall at the time of planting and medium evergreen trees with an ultimate height of 20-40 feet and a minimum of 6-8 feet tall at the time of planting. The minimum height of the trees at the time of planting shall apply only to the landscaping to be installed. The exact number, size and species of landscaping materials shall be determined by the Forest Conservation Branch, Department of Public Works and Environmental Services (DPWES). All dead, dying or diseased plantings in the transitional screening yards shall be replaced in consultation with the Forest Conservation Branch.

Existing vegetation shall be preserved and maintained along the lot line and shall satisfy the requirements of transitional screening.

11. A Tree Preservation Plan and Narrative shall be submitted as part of the first and all subsequent plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES. The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved located within 25 feet to either side of the limits of disturbance. The tree preservation plan and narrative shall include all items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the erosion and sediment control sheets, as may be modified by the "Root Pruning" development condition below. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved.

Root pruning shall take place as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
  - Root pruning shall take place prior to any clearing and grading, or demolition of structures.
  - Root pruning shall be conducted with the supervision of a certified arborist.
  - An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.
12. Any 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.
  13. The existing structure utilized as an equipment building for the telecommunication facility shall be limited to the storage of telecommunication and carillon equipment only.
  14. If a speaker system is utilized to broadcast the sound of bells, the system must comply with the noise regulation of Chapter 108 of the Code of Virginia. The playing of music shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m.
  15. The existing residential dwelling unit shall be used only for the storage of the telecommunication and carillon equipment, and shall meet all applicable County, State and Federal building, structural and fire codes regulations as determined by DPWES. Access to the building shall be permitted only from within the fenced area located to the east of the building. The interior of the building shall be designed to include a wall that will prohibit access from the doors and windows located on the western façade of the building. The equipment building doors located on the eastern façade, within the fenced area, shall be locked at all times. The gate for the fence shall be locked at all times. The telecommunication equipment shall be located within secured metal cabinets or enclosures inside the equipment building and shall be locked at all times. The equipment cabinets may be unlocked only to perform maintenance and only in the presence of a maintenance worker. Signs shall be posted on the individual equipment cabinets, the doors to the equipment building and the fence that clearly states that they shall be locked at all times.

16. Notwithstanding what is shown on the special permit amendment plat, the two (2) sheds adjacent to the northeastern lot line shall be removed or relocated from the minimum required front yard to comply with applicable Zoning Ordinance provisions within 150 days of this special permit approval.

These development conditions incorporate and supersede all previous development 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 the use has been established or construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to establish the use or to commence construction 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.

Ms. Gibb seconded the motion, which carried by a vote of 6-0. Mr. Byers was absent from the meeting.