

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

BOARD OF TRUSTEES OF RAJDHANI MANDIR, SPA 87-S-012-03 Appl. under Sect(s). 3-C03 of the Zoning Ordinance amend SP 87-S-012 previously approved for church to permit increase in land area, change in development conditions and site modifications . Located at 4525 Pleasant Valley Rd. on approx. 7.41 ac. of land zoned R-C and WS. Sully District. Tax Map 33-3 ((1)) 5 and 6. (Admin. moved from 6/9/09 at app. req.) Mr. Smith 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 14, 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-C and WS.
3. The area of the lot is 7.41 acres.
4. It was noted that in the previous amendment from one year prior there was a temporary solution to a problem that was unfortunately not unusual, and the church has done a nice job going out and working to find a real solid solution, has clearly done that, and spent a lot of time, money, and effort in working on a solution and is to be commended for finding one that would work with the additional property.
5. As a consequence, with 250 seats, there are now 302 parking spaces which help to solve a problem and are needed.

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, Board of Trustees of Rajdhani Mandir and is not transferable without further action of this Board, and is for the location indicated on the application, 4525 Pleasant Valley Road, and is not transferable to other land.
2. This special permit amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit amendment (SPA) plat prepared by Hamid Matin, Professional Design Group, Inc., June 2008, as revised through June 12, 2009.
3. A copy of this special permit amendment 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 amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this special permit amendment, shall be in substantial conformance with these conditions. Minor modifications to the approved special permit amendment may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The maximum number of seats in the main area of worship shall be 250.
6. Parking shall be provided as depicted on the SPA Plat. All parking for this use shall be on site.
7. The floor area ratio (FAR) shall be limited to 0.02.
8. The maximum building height shall be 40 feet to the top of the domes.
9. Interior parking lot landscaping shall be provided in accordance with Article 13 of the Zoning Ordinance.
10. Transitional Screening 1 (TS 1) shall be provided along the northern, eastern and western lot lines. Existing vegetation may be used to partially satisfy this requirement, but supplementation shall be provided to the satisfaction of Urban Forest Management Division (UFMD), Department of Public Works and Environmental Services (DPWES).
11. The barrier requirements shall be waived.
12. The applicant shall conform strictly to the limits of clearing and grading as shown on the SPA Plat, subject to allowances for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SPA Plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
13. Prior to any land disturbing activities, a pre-construction conference shall be held on-site between DPWES, including the Urban Forester, and representatives of the applicant to include the construction site superintendent responsible for the on-site construction activities. The purpose of this meeting shall be to discuss and clarify the limits of clearing and grading, areas of tree preservation, tree protection measures, and the erosion and sedimentation control plan to be implemented during construction.
14. All trees shown to be preserved adjacent to proposed on-site construction areas 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 SPA Plat. All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities. 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. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFMD, DPWES.

15. A minimum of 50% of the site shall be preserved as undisturbed open space as depicted on the SPA Plat.
16. There shall be no organized outdoor activity associated with this special permit use.
17. Adequate outfall shall be demonstrated in accordance with the Public Facilities Manual (PFM), as determined by DPWES, at the time of site plan review.
18. Stormwater Management (SWM) and Best Management Practices (BMP) measures shall be provided at site plan review as shown on the SPA Plat and as approved by DPWES. SWM/BMP facilities shall be provided in substantial conformance with the SPA Plat. Any modifications to the facilities shall not impact undisturbed open space or tree save areas.
19. The applicant shall construct an entrance to align with Herndon Avenue as depicted on the SPA Plat.
20. Prior to the issuance of an entrance permit by the Virginia Department of Transportation (VDOT), the applicant shall construct all road improvements to include a northbound right turn taper and a southbound left turn lane with taper along Pleasant Valley Road, in consultation with the Fairfax County Department of Transportation (FCDOT), and as approved by VDOT.
21. Notwithstanding what is depicted on the SPA Plat, the existing entrance located at the northern end of the property shall be modified. The modification shall be constructed as a right-out only access upon issuance of an entrance permit for the new southern entrance.
22. Prior to site plan approval, adequate sight distance shall be provided from any entrance(s) along Pleasant Valley Road onto the application property as determined by VDOT.
23. The applicant shall construct an 8-foot wide paved trail along the site's Pleasant Valley Road frontage. All trails not accepted by VDOT shall be maintained by the applicant. At the time of site plan approval, public access easements and maintenance agreements shall be provided in a form approved by the County Attorney, for the purpose of providing access to and maintenance of the trails along Pleasant Valley Road frontage, in the approximate location shown on the SPA plat. The public access easements shall extend to the property line, and shall allow for construction easements and other public purposes necessary to the functioning

of the roads, such as signage.

24. At the time of site plan approval, the applicant shall escrow funds with Fairfax County to be used for a future traffic signal at the intersection of Herndon Avenue and Pleasant Valley Road in the amount of \$5,000.00.
25. 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.
 - d. There shall be no uplighting of the landscaping, signage or building.
26. If signs are provided, they shall not be lit. The applicant shall obtain a sign permit for any proposed sign in accordance with the provisions of Article 12 of the Zoning Ordinance.
27. There shall be no noise generated off-site by the temple, in accordance with County Noise Ordinances.
28. There shall be no more than two (2) priests, or one (1) priest with his family, residing on the site.

These conditions incorporate and 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 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.

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