

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

T-MOBILE NORTHEAST LLC & SPRINGFIELD SWIMMING AND RACQUET CLUB, INCORPORATED, SPA 81-S-017 Appl. under Sect(s). 3-303 of the Zoning Ordinance to amend SP 81-S-017 previously approved for community swimming pool and tennis courts to permit addition of telecommunications facility. Located at 7400 Highland St. on approx. 3.75 ac. of land zoned R-3. Sully District. Tax Map 80-1 ((5)) (52) 1. (in association with SE 2009-LE-016) (Admin. moved from 3/10/10 and 3/24/10 at appl. 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 March 31, 2010; and

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

1. [Springfield Swimming & Racquet Club, Incorporated](#), is the owner of the property.
2. The present zoning is R-3.
3. The area of the lot is 3.75 acres.
4. There is a requirement of a finding that there is no other alternative site, and the applicant has presented that testimony.
5. In this case, in many ways this is looked at as a win-win.
6. Although sympathetic to the issues that Mr. Rehanan has referenced, it does provide an income stream to the neighborhood pool, which provides certainly a valuable benefit to the community.
7. It will increase the level of service with the cell phones in the community.
8. The applicant has made a significant effort to minimize the visual impact by the location of the pole in this case, as well disguising it as a flag pole, which is a clever and patriotic way to do this.
9. There has been some citizen support for this, and the applicant has reached out to the local community.
10. Measures have been taken to mitigate the impact and to provide, again, a win-win to the community.
11. The application has the recommended approval from staff.
12. Staff's rationale is adopted.

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, T-Mobile Northeast LLC and Springfield Swimming and Racquet Club, Inc., and is not transferable without further action of this Board and is for the location, 7400 Highland 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 titled T-Mobile Northeast LLC, prepared by Compass Technology Services, consisting of 8 sheets dated October 23, 2008, as revised through February 22, 2010, 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 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. The maximum number of memberships for the Springfield Swimming and Racquet Club, Inc. shall be 525.
6. Parking shall be provided as shown on the Special Permit Amendment Plat. All parking shall be on site.
7. The regular hours of operation for the swim club shall be 7:00 a.m. to 9:00 p.m., Memorial Day through Labor Day. After hour parties for the swim club shall be governed by the following:
 - Limited to six (6) per season;
 - Limited to Friday, Saturday and pre-holiday evenings;
 - Shall end by midnight.
8. A written copy of all applicable development conditions shall be provided to the individual responsible for any after-hours party or event, to all members, to contractors providing services at the club, and to parties who may rent the club's facilities.

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 construction has commenced and been diligently pursued. 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. Hammack seconded the motion, which carried by a vote of 6-0. Ms Gibb was absent from the meeting.