

## COUNTY OF FAIRFAX, VIRGINIA

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

TRUSTEES OF THE VIENNA CONGREGATION OF JEHOVAH'S WITNESSES AND NEW CINGULAR WIRELESS PCS, LLC, D.B.A. AT&T MOBILITY, SPA 84-D-064 Appl. under Sect(s). 3-103 of the Zoning Ordinance to amend SP 84-D-064 previously approved for a church to permit the addition of a telecommunications facility. Located at 1580 Beulah Rd. on approx. 1.94 ac. of land zoned R-1. Dranesville District. Tax Map 28-1 ((1)) 3A. (Admin. moved from 1/27/10 at appl. req.) Mr. Hart 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 10, 2010; and

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

1. The applicant is the owner of the land.
2. The applicant has presented testimony showing compliance with the required standards.
3. Staff has recommended approval.
4. The rationale in the staff report is adopted.
5. The location of the equipment compound is in a place where, with the vegetation and everything else, it is not going to have any significant impact on anybody.
6. This is probably an ideal place for something like this.

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 Vienna Congregation of Jehovah's Witnesses and New Cingular Wireless PCS, LLC, d.b.a. AT&T Mobility, and is not transferable without further action of this Board, and is for the location indicated on the application 1580 Beulah 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) as indicated on the Special Permit Amendment (SPA) Plat titled Special Permit / 2232, New Cingular Wireless PCS, LLC, AT&T, prepared by BC Architects Engineers, dated May 27, 2009, as revised through January 27, 2010 and signed by Christopher D. Morin, P.E. on January 28, 2010, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit amendment and the Non-Residential Use Permit (Non-RUP) 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 uses.

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 sanctuary shall be 231.
6. Parking shall be provided as shown on the special permit amendment plat. All parking for the uses shall be on site.
7. Transitional screening 1 (25') shall be provided and maintained along all lot lines without modification except that a modification may be permitted along the southern lot line to provide a fifteen (15) foot transitional screening yard. Supplemental planting shall be provided as depicted on the SPA Plat and as approved by the Forest Conservation Branch, DPWES. In addition, along the frontage of Beulah Road, a fifteen (15) foot undisturbed transitional screening yard shall be provided and maintained, and the planting requirement may be modified to provide a lawn area landscaped with evergreen shrubs and low level plantings. The amount and type of these plantings shall be determined by the Director, DPWES. The dead, dying and unhealthy trees within the transitional screen yard, including the clump of bamboo, shall be removed and replaced with appropriate transitional screening vegetation as approved by the Forest Conservation Branch, DPWES.
8. The barrier requirement may be modified except that a fence may be installed and maintained along the southern lot line as depicted on the SPA Plat.
9. Interior parking lot landscaping shall be provided and maintained as required in Article 13 of the Zoning Ordinance.
10. Parking lot lighting shall be the low intensity type on standards not to exceed twelve (12) feet in height, and shielded in a manner that would prevent the light or glare from projecting onto adjacent residential properties.
11. Stormwater management shall be provided at the discretion of the Director, DPWES.
12. Appropriate noise attenuation measures shall be provided to attain a maximum interior noise of 45 dBA Ldn.
13. A trail shall be provided along the full frontage of Beulah Road pursuant to the policies of DPWES.
14. A right turn deceleration lane shall be provided for the entrance on Beulah Road.
15. All Virginia Department of Transportation (VDOT) permits for antenna installations shall be obtained prior to the operation of the telecommunications facility.

These conditions incorporate and supersede all previous conditions. This approval, contingent upon 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 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.

Ms. Gibb seconded the motion, which carried by a vote of 5-0. Mr. Beard and Mr. Hammack were absent from the meeting.