

## COUNTY OF FAIRFAX, VIRGINIA

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

FAIRFAX YACHT CLUB, SPA 83-V-007 Appl. under Sect(s). 3-E03 of the Zoning Ordinance to amend SP 83-V-007 previously approved for private marina to permit increase in land area, modification of development conditions and site modifications. Located at 10721 Old Colchester Rd. on approx. 9.15 ac. of land zoned R-E. Mt. Vernon District. Tax Map 117-1 ((2)) (A) 1-20; 117-1 ((2)) (B) 1-38; 117-1 ((2)) (C) 1-39; 117-1 ((2)) (D) 1-37; and 117-1 ((2)) (E) 1-36. 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 February 24, 2010; and

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

1. The applicant is the owner of the land.

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, Fairfax Yacht Club, Inc., and is not transferable without further action of this Board, and is for the location at 10721 Old Colchester Road indicated on the application and is not transferable to other land.
2. This approval is granted for the uses indicated on the plans submitted with this application indicated on the special permit plat prepared by Target Surveys, Inc. dated October 1, 2009, revised through January 27, 2010, except as qualified below and approved with this application.
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 hours of operation shall be from 6:00 a.m. to 12:00 midnight seven (7) days a week. Boat owners shall be allowed to spend the night on their boats occasionally, but not on a permanent basis.

5. The total number of members shall be two hundred fifty-five (255) and there shall be no associate members.
6. The total number of parking spaces shall be ninety-five (95).
7. The number of boat slips shall be restricted to one hundred seventy-five (175).
8. The maximum number of employees shall be ten (10).
9. With the exception of the 20' x 25' dinghy storage rack, there shall be no on-site dry-dock boat storage, no gasoline pumps, no boat ramps, nor any other public service facility.
10. No more than fifteen (15) small watercraft may be parked in the floating watercraft parking area at any one time.
11. No clearing shall be allowed within fifty feet (50') of the shore property line except for a minimal area around the proposed building which may be located twenty-five feet (25') from the shore property line and three (3) walkways across the marshland to the piers.
12. Conditions of all State and Federal permits shall be met.
13. No fill or grading shall be allowed within the 100 year floodplain or the Resource Protection Area (RPA).
14. Any exterior lighting and parking lot lights shall be the low 18 to 22 foot high design which directs the light directly downward.
15. The existing trees and vegetation may be substituted for the required Transitional Screening 1 along the northern, southern, and western lot lines provided supplemental screening is provided if it is deemed necessary by Urban Forest Management. A forty foot (40') area along the eastern property line adjacent to the parking lot shall be provided and the existing trees and vegetation shall be supplemented with low evergreen plantings to screen the vehicle lights from the adjacent potential development. The barrier along this property line may be waived until such time as the adjacent property is developed. The requirement for a barrier along the other property lines may be modified. All vegetation shall be maintained in a healthy condition and dead/dying vegetation replaced as necessary to maintain screening.
16. Boardwalks and steps on piles shall be used to provide access from the proposed building down the steep bank and across the marsh to the piers.
17. Notwithstanding that shown on the SPA Plat, all accessory structures shall conform with the requirements of Sect. 10-104 of the Zoning Ordinance, subject to DPWES approval.

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 ordinance, 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.

Under Section 8-014 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the effective date of the special permit 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 7-0.