



APPLICATION ACCEPTED: November 18, 2010
MOVED FOR NOTICES
BOARD OF ZONING APPEALS: March 23, 2011
TIME: 9:00 a.m.

County of Fairfax, Virginia

March 16, 2011

STAFF REPORT

SPECIAL PERMIT AMENDMENT APPLICATION NO. SPA 87-S-088-04

SULLY DISTRICT

APPLICANT: GBG, Inc. DBA: Gold's Gym – Chantilly

ZONING: I-5, WS and AN

LOCATION: 14290 Sullyfield Circle

ZONING ORDINANCE PROVISION: 5-503

TAX MAP: 34-3 ((5)) D2

LOT SIZE: 5.2 acres of land

PLAN MAP: Industrial

SP PROPOSAL: Group 5 – To amend SP 87-S-088 previously approved for a health club to permit a change in permittee.

STAFF RECOMMENDATION: Staff recommends approval of SPA 87-S-088-04 subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\dhedri\Special Permit Amendments\2-9 Gold's Gym SPA 87-S-088-4\Gold's Gym staff report.doc

Deborah Hedrick

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

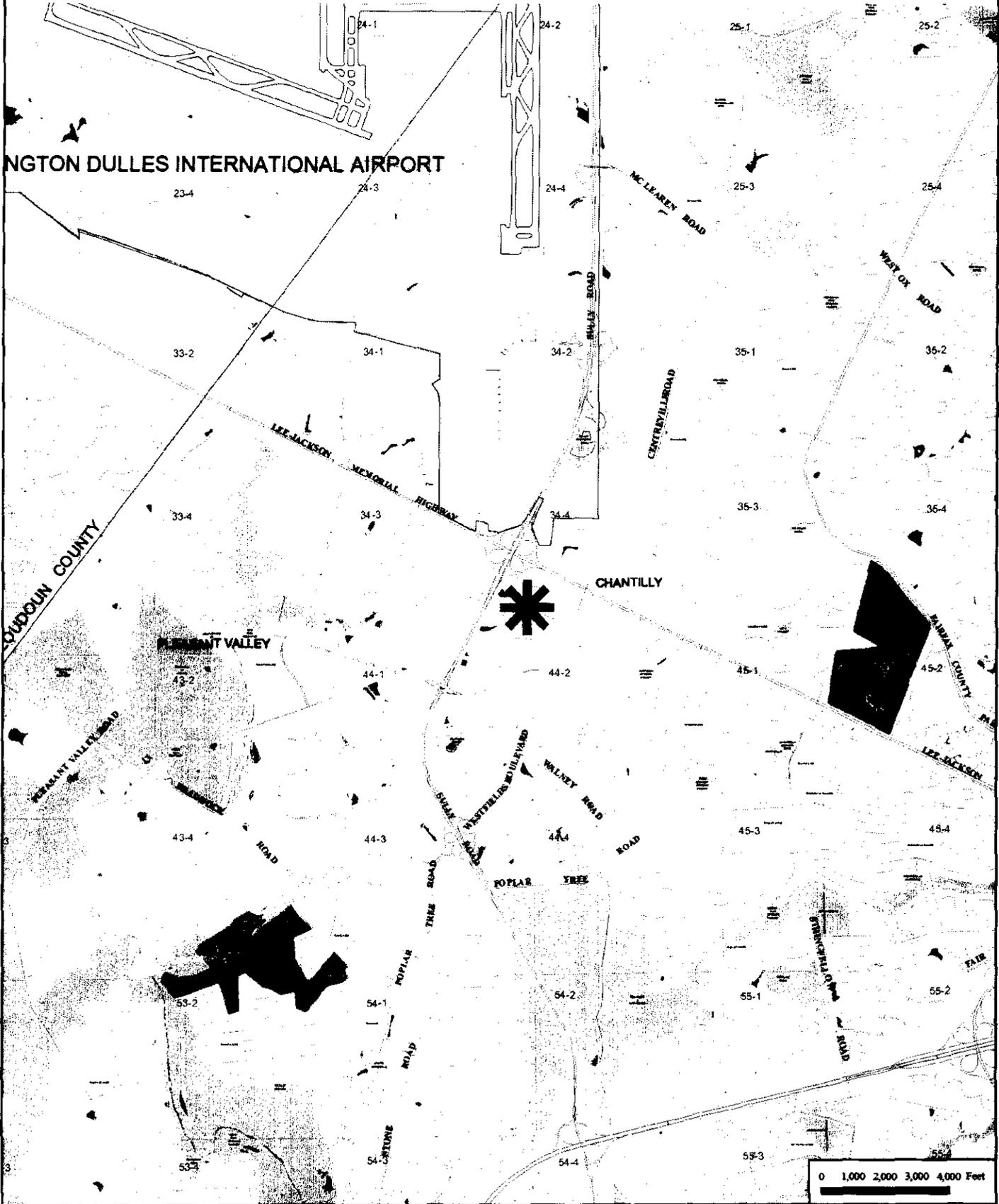


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit Amendment

SPA 87-S-088-04

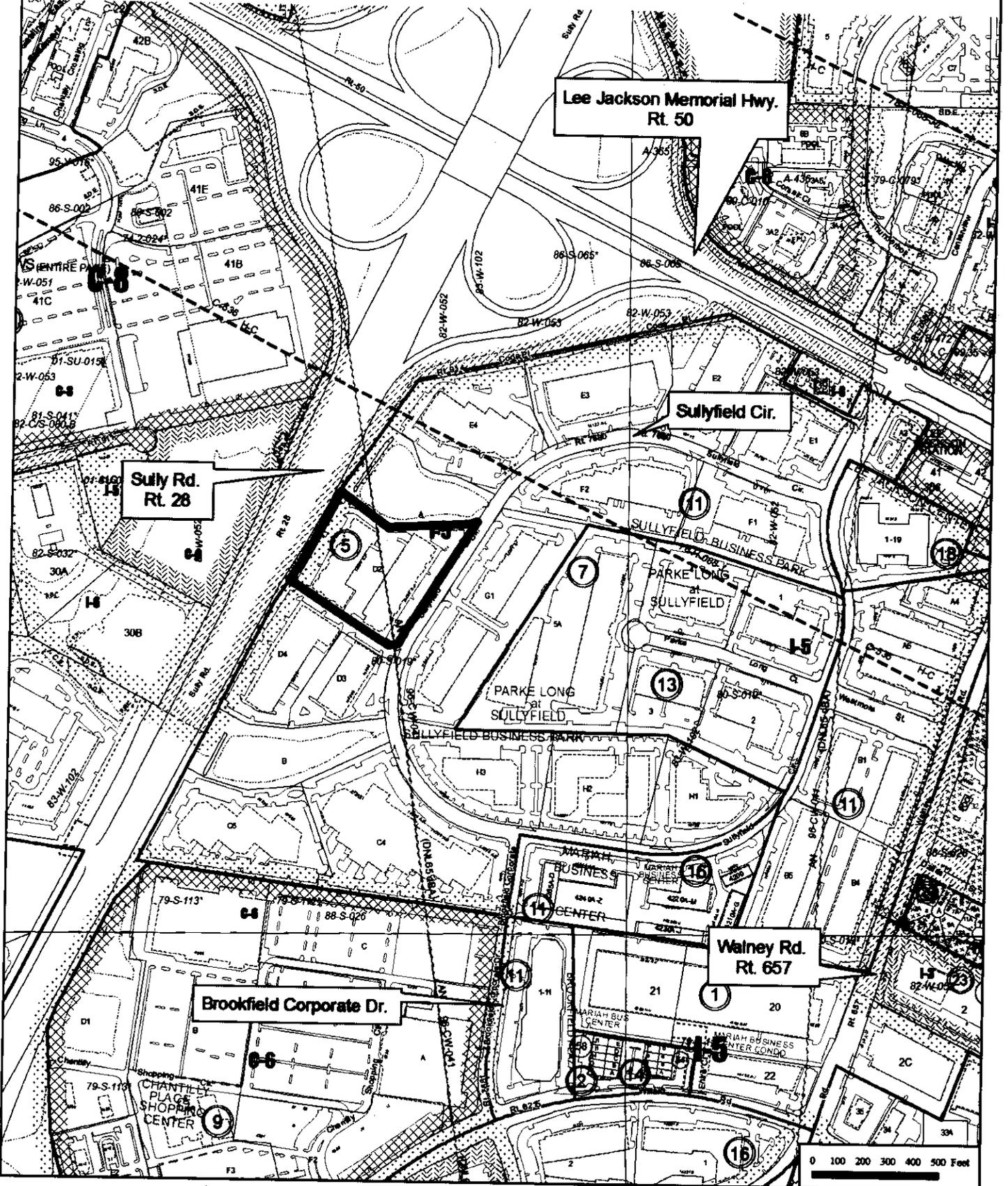
GBG, INC. DBA: GOLD'S GYM-CHANTILLY



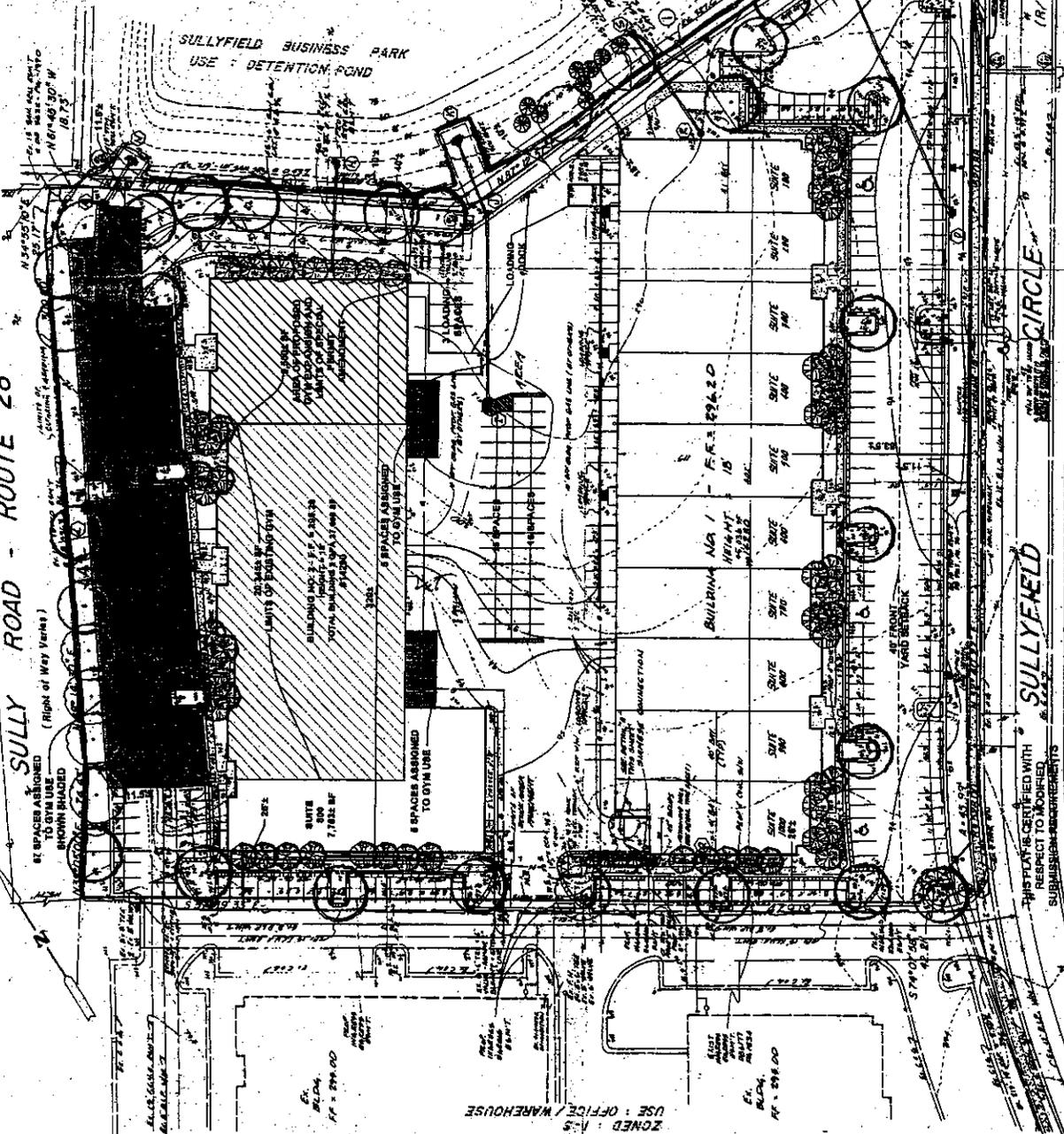
Special Permit Amendment

SPA 87-S-088-04

GBG, INC. DBA: GOLD'S GYM-CHANTILLY



SULLY ROAD - ROUTE 20



ITEM	DESCRIPTION	AMOUNT	UNIT	TOTAL
1	EXISTING GYM GFA	15,000	SQ. FT.	15,000
2	PROPOSED GYM GFA	15,000	SQ. FT.	15,000
3	EXISTING GYM GFA	15,000	SQ. FT.	15,000
4	PROPOSED GYM GFA	15,000	SQ. FT.	15,000
5	EXISTING GYM GFA	15,000	SQ. FT.	15,000
6	PROPOSED GYM GFA	15,000	SQ. FT.	15,000
7	EXISTING GYM GFA	15,000	SQ. FT.	15,000
8	PROPOSED GYM GFA	15,000	SQ. FT.	15,000
9	EXISTING GYM GFA	15,000	SQ. FT.	15,000
10	PROPOSED GYM GFA	15,000	SQ. FT.	15,000
11	EXISTING GYM GFA	15,000	SQ. FT.	15,000
12	PROPOSED GYM GFA	15,000	SQ. FT.	15,000
13	EXISTING GYM GFA	15,000	SQ. FT.	15,000
14	PROPOSED GYM GFA	15,000	SQ. FT.	15,000
15	EXISTING GYM GFA	15,000	SQ. FT.	15,000
16	PROPOSED GYM GFA	15,000	SQ. FT.	15,000
17	EXISTING GYM GFA	15,000	SQ. FT.	15,000
18	PROPOSED GYM GFA	15,000	SQ. FT.	15,000
19	EXISTING GYM GFA	15,000	SQ. FT.	15,000
20	PROPOSED GYM GFA	15,000	SQ. FT.	15,000
21	EXISTING GYM GFA	15,000	SQ. FT.	15,000
22	PROPOSED GYM GFA	15,000	SQ. FT.	15,000
23	EXISTING GYM GFA	15,000	SQ. FT.	15,000
24	PROPOSED GYM GFA	15,000	SQ. FT.	15,000
25	EXISTING GYM GFA	15,000	SQ. FT.	15,000
26	PROPOSED GYM GFA	15,000	SQ. FT.	15,000
27	EXISTING GYM GFA	15,000	SQ. FT.	15,000
28	PROPOSED GYM GFA	15,000	SQ. FT.	15,000
29	EXISTING GYM GFA	15,000	SQ. FT.	15,000
30	PROPOSED GYM GFA	15,000	SQ. FT.	15,000

- NOTICE**
- The Property delineated on this plat is located on Tax Map 34.3 (03) Parcel 173 and is in the name of Arthur A. Birney, et al. The same is recorded in Deed Book 10776, Page 1170 among the recorded land records of Fairfax County, Virginia.
 - The owner of the subject property is: Arthur A. Birney, et al. Trustees 8110 Executive Boulevard, Suite 800 Rockville, MD 20852
 - The Applicant requests approval to amend an existing Group B Special Permit (SPA 87-9-08) for a health club to include a gymnasium. The existing use is approximately 9,000 SF as shown on the plat. The health club is within the permitted use. No site or exterior building improvements are proposed. Required parking and open spaces shall comply with the applicable code.
 - The subject property is approximately 6.25 acres, zoned R-5 and in the Airport Nodes and Watershed Protection Overlay District.
 - This plat has been prepared without a title report.
 - Boundary bearings and topography are from a Standard Meridian Plat for James H. Birney, et al. (Subdivision) dated December 1992. The corner monuments in 2 feet. Existing features including buildings, sidewalks, easements, etc. have been field verified on February 24, 2006.
 - The property is located in Area 14 of the Ball Farm Planning District (BFD) and is included on the site map for industrial use. The office/warehouse was constructed per Fairfax County Plan No. 6945-20-15 in accordance with S.M.R.T. The existing use is in compliance with the Comprehensive Plan and is compatible with existing developments on adjacent properties.
 - The applicant is requesting a modification from Section 5-311 Per A., above there are no exterior site or building improvements and no increase in stormwater runoff as a result of this application. The entire site is stormwater impervious and is controlled by the existing adjacent off-site detention pond. There are no 100-year floodplains or flood-prone areas on the site.
 - There are no utility easements on the site.
 - There are no existing utility easements greater than 20 feet in width or major underground utility easements.
 - The site has one direct access and one temporary connection to Sullyfield Circle.
 - To the best of our knowledge, no grave or burial sites exist on the property.
 - The property is served by an existing 12" public water main located within Sullyfield Circle (right-of-way) and a public 10" sanitary sewer located in an utility easement.
 - There are no known hazardous or toxic substances to be generated, stored, disposed or utilized for the gym use.

SCALE: 1" = 30'

APPROVED

TH

DATE: 02/28/06

PROJECT: GOLD'S GYM SULLYFIELD DISTRICT

OWNER: BIRCHER - BUTCHER PROPERTIES TWO

ZONED: R-5

USE: OFFICE / WAREHOUSE

ALLOT: 200.00

BLK: 15

PT: 294.00

FRONT YARD SETBACK: 5.00'

AT FRONT YARD SETBACK: 5.00'

REAR YARD SETBACK: 5.00'

LEFT SIDE YARD SETBACK: 5.00'

RIGHT SIDE YARD SETBACK: 5.00'

MAXIMUM BUILDING HEIGHT: 15.00'

PERMITTED FLOOR ELEVATION: 10.00'

MIN. 7% EFFECTIVE BUILDING HEIGHT

FRONT YARD ANGLE OF BULK PLANE AT BUILDING NUMBER ONE

SCALE: 1" = 30'

APPROVED

TH

DATE: 02/28/06

PROJECT: GOLD'S GYM SULLYFIELD DISTRICT

PROFESSIONAL SEAL

PROJECT: GOLD'S GYM SULLYFIELD DISTRICT

DATE: 02/28/06

REVISION

FILE

SPECIAL PERMIT AMENDMENT PLAT
(Modified Submittal Requirements)

GOLD'S GYM

SULLY DISTRICT
FAIRFAX COUNTY, VIRGINIA

PAIRON Harrie Rust & Associates, P.C.
Engineers, Planners, Landscape Architects.
14332 Lee Road
Chesley, VA 20151-1878
T 703.419.8700
F 703.419.8714

PHRA

OTHERS: NONE

DATE: FEB 28

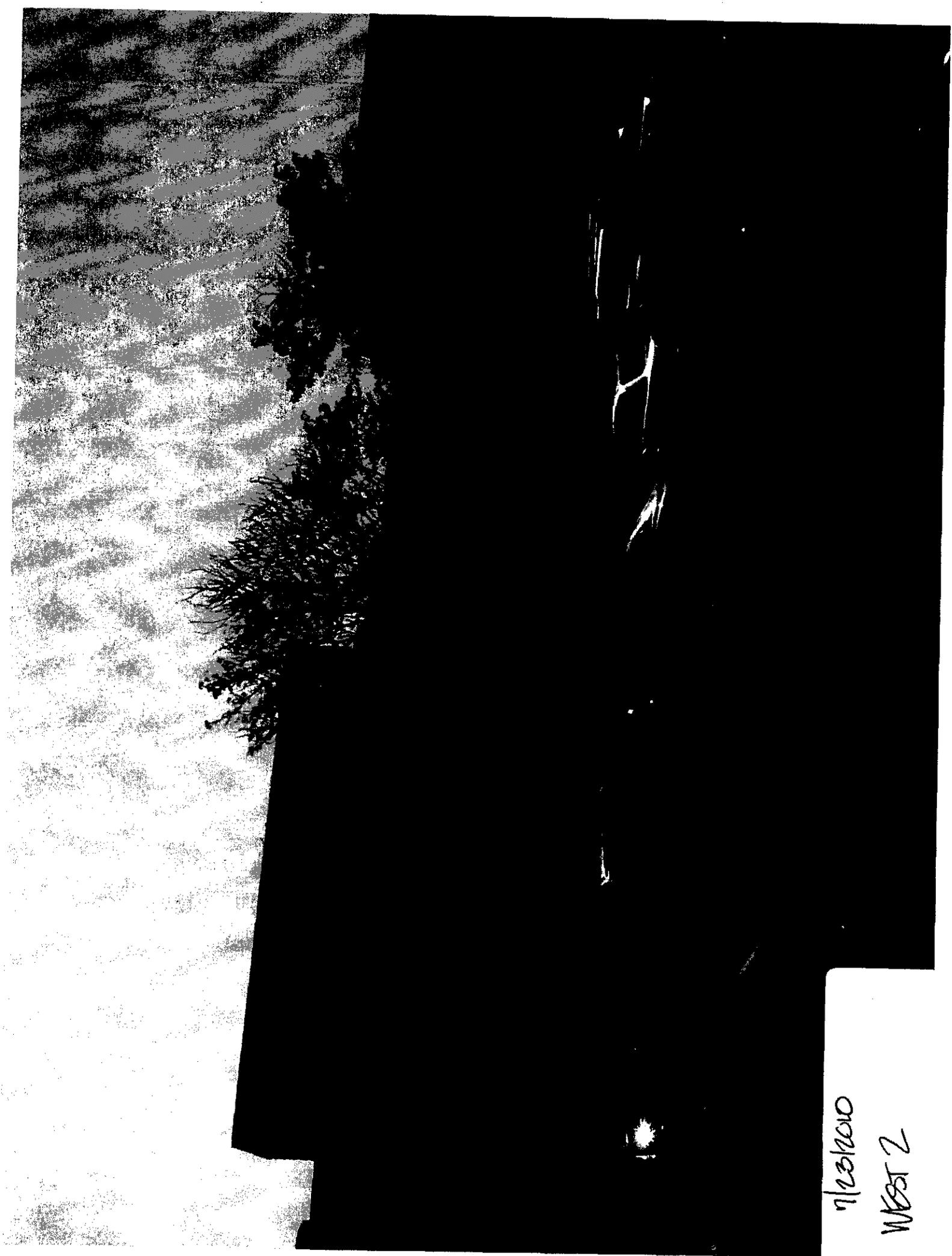
SCALE: 1" = 30'

SHEET: OF 1

FILE NO: 03708-A/

7/23/2010

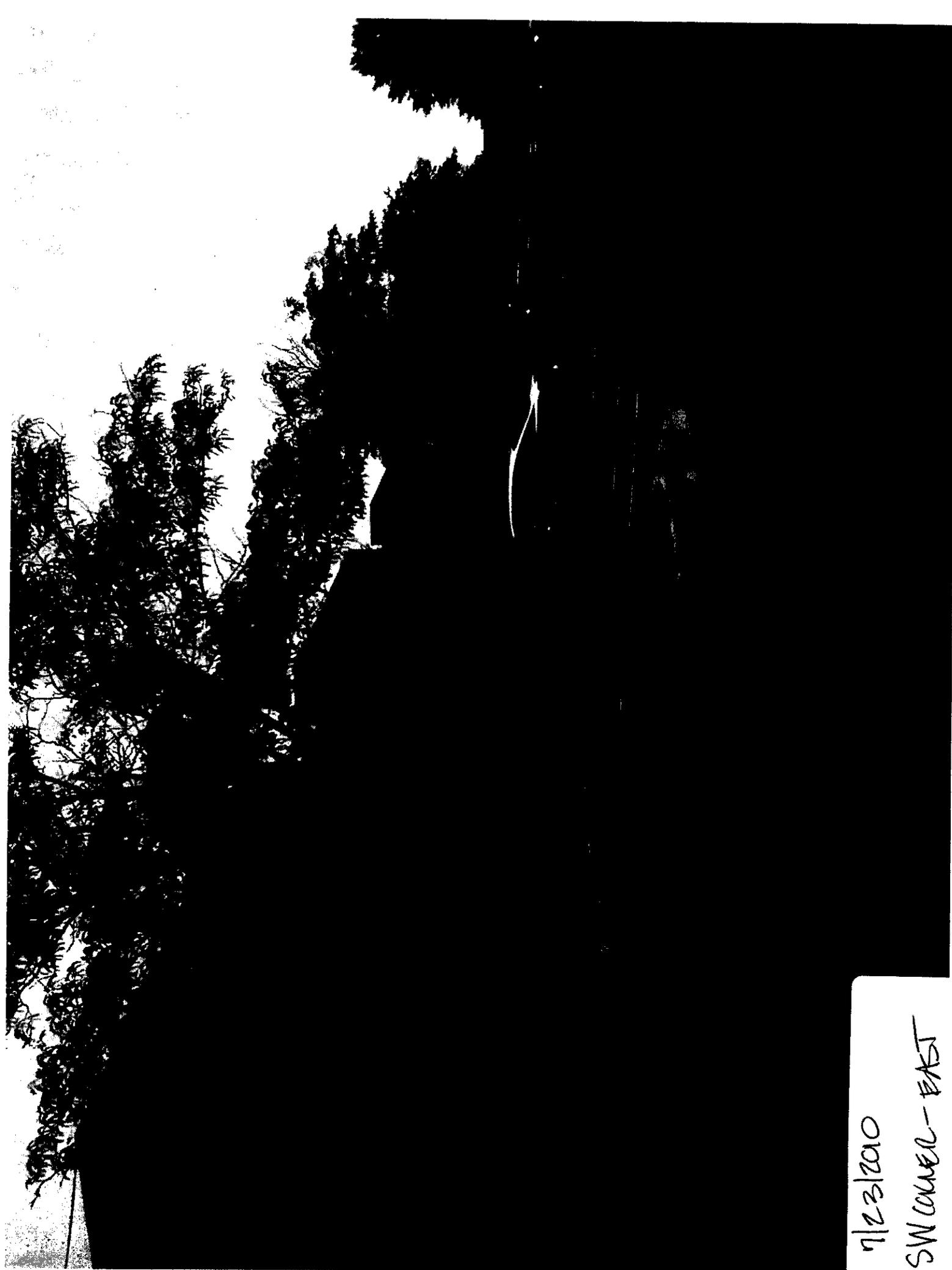
WEST - FRONT ENTRY



7/23/2010

WEST 2

T 153AM
0102/5246

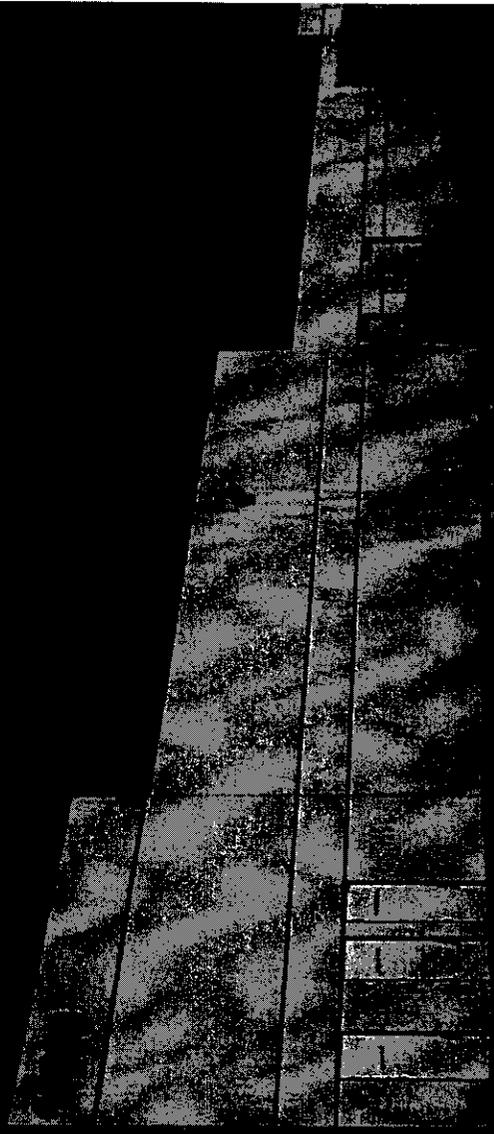


7/23/2010

SW corner - EAST

7/23/2010

CW CORNER - NORTH



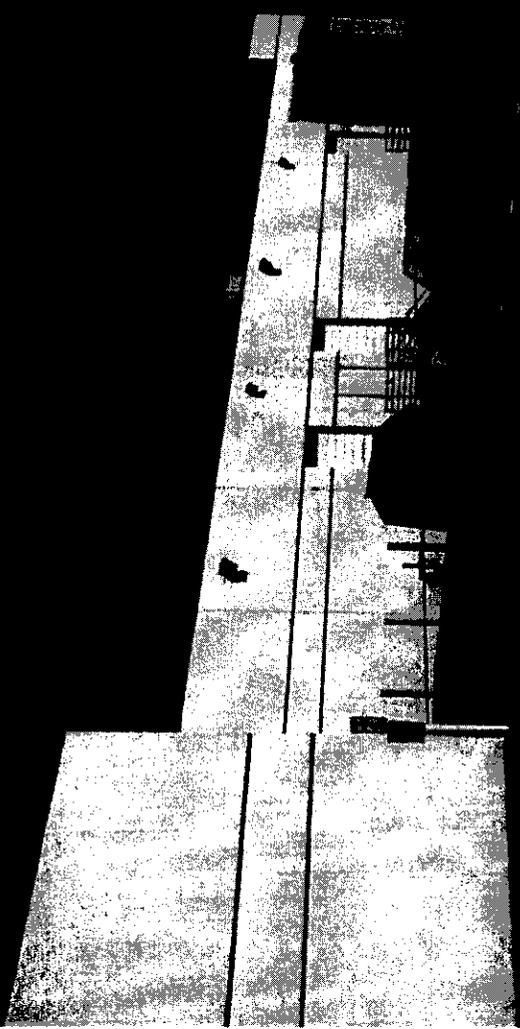
7/23/2010

SE CORNER

14200

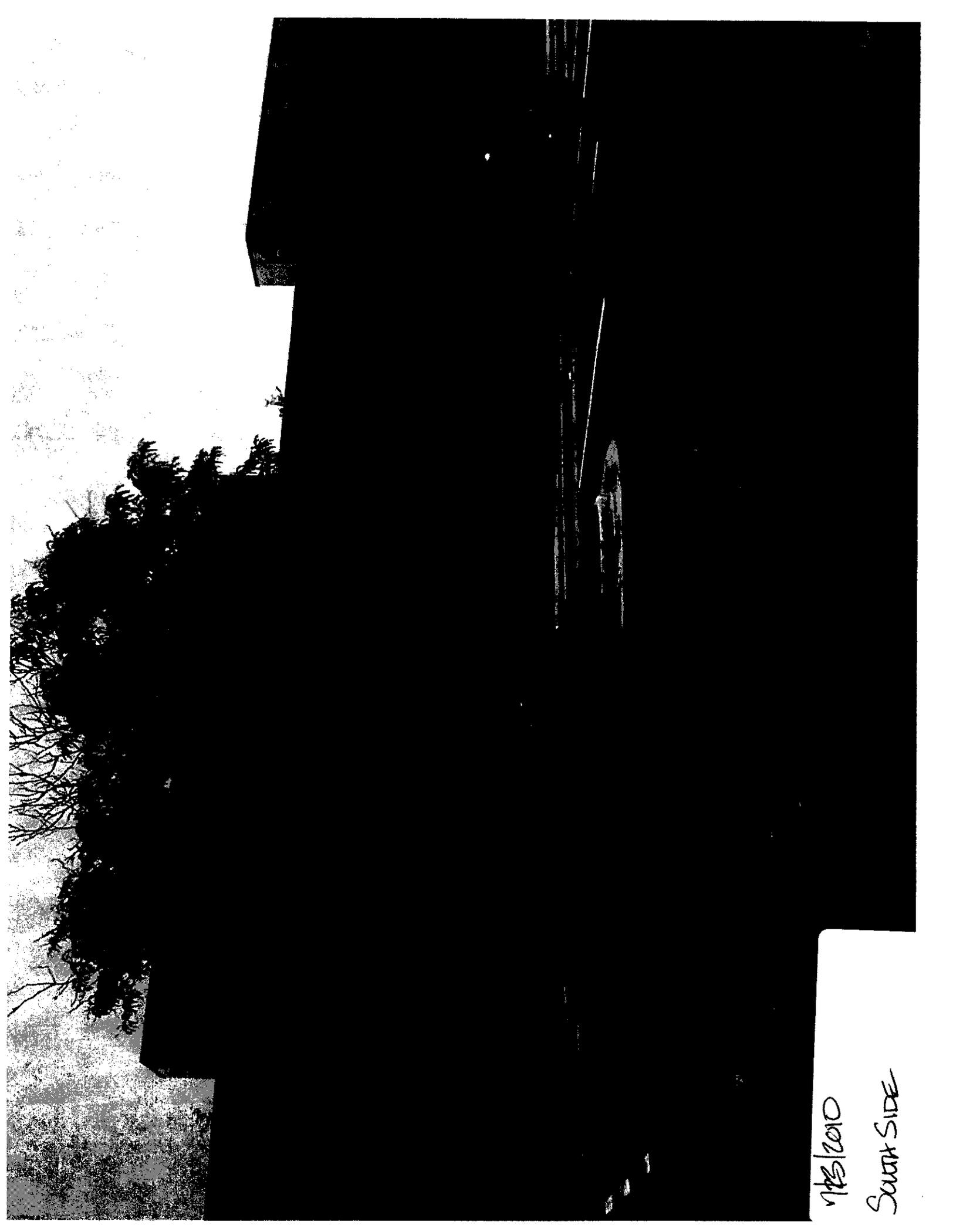
17/23/2010

SE CORNER - WEST



7/23/2010

SE CORNER - NORTH



1/25/2010

SOUTH SIDE



11/22/2010

NE CORNER



1/23/2010

NE CORNER - WEST

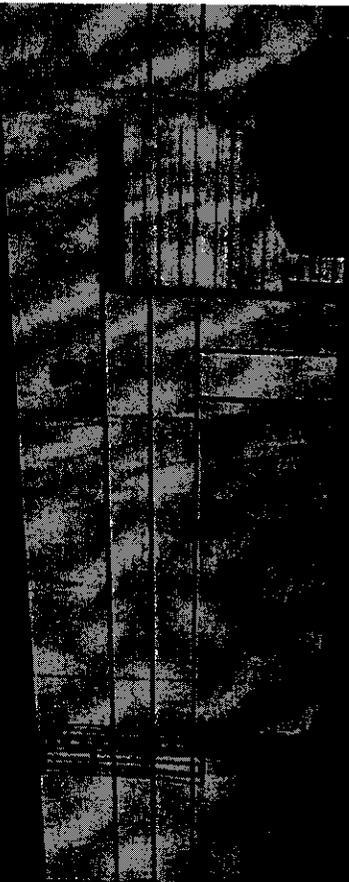
7/23/2010

NE CORNER - SOUTHWEST

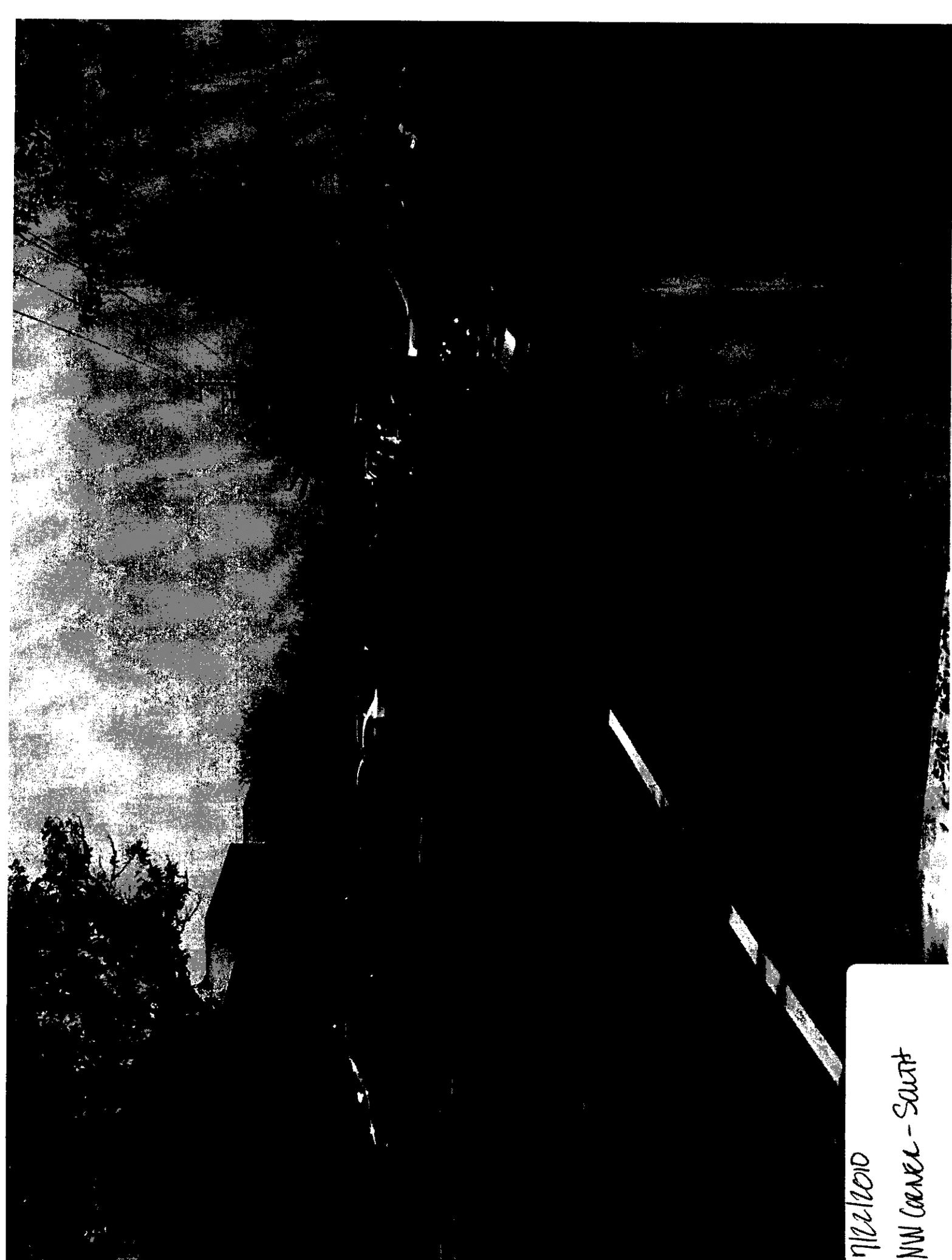
7/25/2010
EAST

7/25/2010

EAST



11/22/2010
EAST



7/22/2010

NW CORNER - SOUTH



7/21/2010
NW Corner - East

DESCRIPTION OF THE APPLICATION

Special Permit Request: To amend SP 87-S-088 previously approved for a health club to permit a change in permittee from Freedom Fitness, LLC to GBG, Inc. DBA: Gold's Gym-Chantilly. No site modifications or changes in use are proposed.

Existing / Approved under previous SPA applications

Gross Floor Area: 29,845 square feet

Parking: 77 spaces

FAR: .072

Number of Patrons: 150

Employees: 20

Hours: Monday through Friday: 5:00 a.m. to 11:00 p.m.
Saturday and Sunday: 6:00 a.m. to 10:00 p.m.

LOCATION AND CHARACTER

Existing Site Description: The use is located in an office building located at 14290 Sullyfield Circle which also has frontage on Sully Road (Route 28). It is surrounded by office and industrial uses zoned I-6. The size of the lot is 5.2 acres.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Office and Industrial	I-5, WS, AN	Mixed Use
South	Office and Industrial	I-5, WS, AN	Mixed Use
East	Office and Industrial	I-5, WS, AN	Mixed Use
West	Office and Industrial	I-5, WS, AN	Mixed Use

BACKGROUND**Site History:**

Application	Date	Use	BZA Action*
SPA 87-S-088	2/2/1988	Health Club	Approved
SPA 87-S-088	10/25/1988	Addition to Health Club (10,000 square feet to 11,6000)	Approved
SPA 87-S-088-02	02/09/1993	Change in permittee, increase in area, parking and number of employees and property	Approved
SPA 87-S-088-03	09/12/2006	Change in permittee, increase in parking and number of employees	Approved*

*A copy of the Resolution approved in conjunction with SPA 87-S-088-03 is included as Appendix 4.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Bull Run Planning District; Area III
Planning Sector: Dulles Suburban Center Sector (Flatlick BR3)
Plan Map: Mixed Uses

ANALYSIS**Special Permit Plat (Copy at front of staff report)**

Title of SP Plat: Special Permit Amendment Plat, Gold's Gym
Prepared By: Patton, Harris, Rust & Associates, PC
Dated: February 28, 2006

Proposed Use:

The applicant proposes to amend SP 87-S-088 previously approved for a health club to permit a change in permittee from Freedom Fitness, LLC to GBG, Inc. DBA: Gold's Gym – Chantilly. No other site modifications or other changes to the site or use are proposed with this application.

ZONING ORDINANCE PROVISIONS

Waivers/Modifications Requested: None

OTHER ZONING ORDINANCE REQUIREMENTS

Special Permit Requirements (See Appendix 5)

- General Special Permit Standards (Sect. 8-006)
- Standards for All Group 5 Uses (Sect. 8-503)

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the proposed development conditions.

CONCLUSIONS

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the Staff Report.

RECOMMENDATIONS

Staff recommends approval of SPA 87-S-088-04 subject to the Proposed Development Conditions in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. SPA 87-S-088-03 Approved Resolution
5. Applicable Zoning Ordinance Provisions

REVISED PROPOSED DEVELOPMENT CONDITIONS**March 16, 2011****SPA 87-S-088-04**

If it is the intent of the Board of Zoning Appeals to approve SPA 87-S-088-04 located at Tax Map 34-3 ((5)) D2 to amend SP 87-S-088 previously approved for a health club to permit a change in permittee pursuant to Sect. 5-503 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Those conditions carried forward from previous special permits are marked with an asterisk. Minor edits have been made to these conditions to conform to current terminology. These edits have been underlined.

1. This approval is granted to the applicant, GBG, Inc. DBA: Gold's Gym – Chantilly, only and is not transferable without further action of this Board, and is for the location indicated on the application, 14290 Sully Field Circle, 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 prepared by Patton Harris Rust & Associates, PC, dated February 28, 2006, 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 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 employees on site at any one time shall be twenty (20).*

6. There shall be a minimum of seventy-seven (77) parking spaces or the minimum parking spaces required by the Ordinance. If required by DPWES, a parking tabulation shall be submitted to and approved by the Director which shows that the required parking for all uses can be provided for Building 2 on Lot F1 as shown on the special permit plat or this special permit amendment shall be null and void. All parking for this use shall be on site.*
7. The maximum number patrons shall be 150 patrons on-site at any one time.*

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, twelve (12) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use 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.

Application No.(s): SPA 87-5-088-04
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 7, 2011
 (enter date affidavit is notarized)

I, Steve Burley, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below 109577a

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
GBG, Inc., dba Gold's Gym Chantilly	125 E. John Carpenter Fwy., Suite 1300 Irving, TX. 75062	Applicant/Lessee
Steve Burley	125 E. John Carpenter Fwy., Suite 1300 Irving, TX. 75062	Agent (corporate)
Roxie Stone	125 E. John Carpenter Fwy., Suite 1300 Irving, TX. 75062	Agent (former)
Richard Navarri	14290 Sullyfield Circle Chantilly, VA. 20151	Agent (local)
Trustees of Washington Real Estate Investment Trust (WRIT) Trustees: Arthur A. Birney, David M Osnos William N. Cafritz, Stanley Snyder Edmund B. Cronin Jr. John M Derrick, Jr.	6110 Executive Blvd. Rockville, MD. 20852	Title Owner/Lessor

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): SPA 87-S-088-04
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 7, 2011
(enter date affidavit is notarized)

109577a

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

GBG, Inc.
125 E. John Carpenter Fwy., Suite 1300
Irving, TX. 75062

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

TRT Holdings, Inc.
Rowling Family Properties, Ltd.
Robert B. Rowling

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SPA 87-5-088-04
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 2

Special Permit/Variance Attachment to Par. 1(b)

DATE: February 7, 2011
(enter date affidavit is notarized)

109577a

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
TRT Holdings, Inc.
600 E. Las Colinas Blvd. Suite 1900
Irving, TX. 75039

DESCRIPTION OF CORPORATION: (check one statement)
 There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Robert B. Rowling

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Rowling Family Properties, Ltd.
600 E. Las Colinas Blvd., Suite 1900
Irving, TX. 75039

DESCRIPTION OF CORPORATION: (check one statement)
 There are 10 or less shareholders, and all of the shareholders are listed below.
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
Robert B. Rowling
Katherine R. Klingaman
Carol R. Grassel

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): SPA 87-S-088-04
(county-assigned application number(s), to be entered by County Staff)

Page 2 of 2

Special Permit/Variance Attachment to Par. 1(b)

DATE: February 7, 2011
(enter date affidavit is notarized)

109577a

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Washington Real Estate Investment Trust
6110 Executive Blvd.
Rockville, MD. 20852

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): SPA 87-5-088-04
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 7, 2011
(enter date affidavit is notarized)

109577a

1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SPA 97-5-088-04
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 7, 2011
(enter date affidavit is notarized)

109577a

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): SPA 81-S-088-04
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: February 7, 2011
(enter date affidavit is notarized)

109577a

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

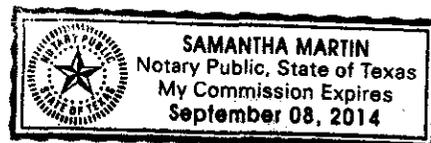
Steve L. Burley
[] Applicant [x] Applicant's Authorized Agent

Steve L. Burley
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 7th day of February 2011, in the State/Comm. of Texas, County/City of Dallas.

Samantha Martin
Notary Public

My commission expires: 09/08/14



GBG, Inc. Statement of Justification

GBG, Inc. (the "Applicant"), seeks a Special Permit Amendment (SPA) for the use of the existing health club in the Sullyfield Business Center. Located at: 14290 Sullyfield Circle on approx. 5.2 ac. of land zoned I-5, AN & WS. Sully District, Tax Map 34-3 ((5)) D2. Specifically, the Applicant seeks the following amendment:

- to amend approved Special Permit 87-S-088-03 to show the new owner: GBG, Inc. & new corporate & mailing address: 125 E. John Carpenter Fwy, Ste 1300, Irving, TX 75062.

There are no proposed renovations or expansions of the current location. For this reason, we are requesting to use the previously approved plat as well.

This statement provides the following as required as part of the Special Permit Application:

A. Type of operation: Health Club

B. Hours of operation: 5:00 AM - 11:00 PM M-F and 6:00 AM - 10:00 PM Sat/Sun

C. Estimated number of patrons: 150

D. Proposed number of Current: 20

E. Estimated traffic impact: The amendment of the owner name & address to SPA 87-S-088-03 will have no impact on the current traffic in the area.

F. General area to be served by proposed uses: Greater Chantilly, Centreville, and Fairfax Center area. See attached map.

G. Description of building facade and architecture. The building facade consists of glass and stucco or stucco like materials. No change is proposed to the exterior of the building or the site.

H. Listing of all hazardous substances, toxic wastes or petroleum products known or to be handled on site: None

I. Conformity with Ordinances. The proposed use will be in conformance with all applicable Ordinances, regulations, adopted standards and previously approved plans and conditions, except as follows:

1. The Applicant seeks a modification of Paragraph J of Section 8-011 since there are no exterior site or building improvements proposed. The entire site storm water management is accommodated by the existing adjacent off-site detention pond.

RECEIVED
Department of Planning & Zoning
AUG 20 2010
Zoning Evaluation Division

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

FREEDOM FITNESS, LLC, SPA 87-S-088-03 Appl. under Sect(s). 5-503 of the Zoning Ordinance to amend SP 87-S-088 previously approved for health club to permit increase in size and number of patrons and change in permittee. Located at 14290 Sullyfield Ci. on approx. 5.2 ac. of land zoned I-5, AN and WS. Sully District. Tax Map 34-3 ((5)) D2. (Admin. moved from 7/25/06 for ads) Mr. Beard 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 September 12, 2996; 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 Sect(s). 5-503 of 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, Freedom Fitness, LLC, only and is not transferable without further action of this Board, and is for the location indicated on the application, 14290 Sully Field Circle, 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 prepared by Patton Harris Rust & Associates, PC, dated February 28, 2006, approved with this application, as qualified by these development conditions. This approval shall only govern the 29,845 square foot area to be occupied by the approved health club.
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 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 employees on site at any one time shall be twenty (20).

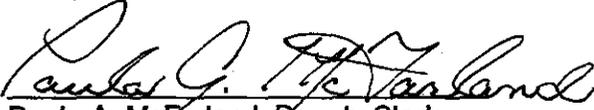
6. Upon issuance of a Non Residential Use Permit (Non-RUP), there shall be a minimum of seventy-seven (77) parking spaces or the minimum parking spaces required by the Ordinance. A parking tabulation shall be submitted to and approved by the Director, Department of Public Works and Environmental Services (DPWES) which shows that the required parking for all uses can be provided for Building 2 on Lot F1 as shown on the special permit plat or this special permit amendment shall be null and void. All parking for this use shall be on site.
7. Upon issuance of a Non-RUP, there shall be a maximum of 150 patrons on site at any one time.

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 the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use 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. Mr. Ribble was absent from the meeting.

A Copy Teste:


Paula A. McFarland, Deputy Clerk
Board of Zoning Appeals

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-503 Standards for all Group 5 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 5 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
3. No building designed primarily and specifically for such use shall be located within 100 feet of any adjoining property which is in an R district.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.