

## COUNTY OF FAIRFAX, VIRGINIA

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

7031 JK, INC., SPA 96-M-006-02 Appl. under Sect(s). 4-603 of the Zoning Ordinance to amend SP 96-M-006 previously approved for commercial recreation use to permit a change in permittee. Located at 7031 Little River Tpke., Annandale, 22003, on approx. 3.07 ac. of land zoned C-6, CRD, HC and SC. Mason District. Tax Map 71-1 ((1)) 116A. (Admin. moved from 11/16/11 for notices) 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 December 14, 2011; and

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

1. The present zoning is C-6, HC, SC, and CRD.
2. The area of the lot size is 3.07 acres.
3. Staff recommends approval.
4. There are no site modifications or any changes in the usage that are proposed.
5. This is located in a shopping center with other businesses in a commercial area.

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, 7031 JK, Inc., only and is not transferable without further action of this Board, and is for the location indicated on the application, 7031 Little River Turnpike, Suite 14-C, (1,860 square feet), and is not transferable to other land. Other by-right, Special Exception and Special Permit uses may be permitted on the lot without a special permit amendment, if such uses do not affect this indoor commercial recreation use.
2. This special permit amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by Huntley, Nyce & Associates, P.C. , dated August 2, 1995, as revised through December 5, 1995, 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. The hours of operation shall be limited to 4 p.m. until 2 a.m. daily.

5. There shall be a maximum of one (1) employee at any one time associated with this use.
6. The number of parking spaces shall be provided in accordance with the provisions of Article 11 of the Zoning Ordinance, as may be determined by the Director, Department of Public Works and Environmental Services.
7. Signs shall be permitted in accordance with Article 12, Signs.
8. The existing vegetation shall be preserved and maintained as indicated on the special permit amendment plat and shall satisfy the Transitional Screening requirement. The eight (8) foot high masonry wall shown on the approved special permit amendment plat along the southern and eastern lot lines shall satisfy the Barrier requirement.

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.

Mr. Smith seconded the motion, which carried by a vote of 5-0. Chairman Ribble was not present for the vote. Ms. Gibb was absent from the meeting.