

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

TRUSTEES OF THE MOUNT VERNON METHODIST CHURCH AND NEW CINGULAR WIRELESS PCS, LLC, D.B.A. AT&T MOBILITY, SPA 80-V-089 Appl. Under Sect(s). 3-403 of the Zoning Ordinance to amend SP 80-V-089 previously approved for a church with child care and telecommunications facility to permit additions to telecommunications facility. Located at 2006 Belle View Blvd. on approx. 4.46 ac. of land zoned R-4. Mt. Vernon District. Tax Map 93-1 ((1)) 70 and 93-1 ((25)) (4) 14. (Admin. moved from 3/23/11 at appl. req.) Mr. Byers 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 April 20, 2011; and

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

1. The applicant, Trustees of the Mount Vernon Methodist Church, is the owner of the land; New Cingular Wireless, PCS LLC, D.B.A. AT&T Mobility is the lessee of the land.
2. The zoning is R-4.
3. The area of the lot is 4.46 acres.
4. Initially when reading the staff report, the initial inclination would have been to deny this just from the standpoint of the impact on the environmental factors, but during the course of the testimony, the Board changed its mind.
5. It is understood that staff recommended denial; however, the basic concerns were whether optional places for this to actually be placed on the property itself; after reviewing Doug Peterson's email dated April 19, 2011, there are many mitigating factors with regard to this.
6. Another mitigating factor is the fact that there is a concern in communities and the Board is receiving that more and more from the standpoint of actually seeing this type of equipment, whether it is a monopole or whether it is equipment racks, or whatever, that is a consideration in this as well.
7. It is interesting for any for-profit company or corporation in the United States, the reasonable thing for a company to do if it could go anywhere else, would be to put it there because it is less expensive than where it is going to go in.
8. There has been an adequate explanation from the standpoint of using bores and decreasing the land disturbance as much as possible; that is a positive.
9. The Best Management Practices (BMP) issues are actually going to be adjudicated at site plan; that essentially is taken care of.
10. This is a reasonable request.

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 Mount Vernon Methodist Church 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 2006 Belle View Boulevard, 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 Belle Haven Mount Vernon Methodist Church, prepared by BC Architects Engineers, dated June 24, 2010, as revised through February 24, 2011, signed by Christopher D. Morin, P.E. on February 25, 2011 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. Landscaping and screening may be required in accordance with Article 13 of the Zoning Ordinance as determined by the Urban Forest Management Division (UFMD), Department of Public Works and Environmental Services (DPWES).
6. The maximum number of seats in the sanctuary shall be 276.
7. The maximum number of students shall be 90; ages 4 months through 5 years.
8. The hours of operation for the child care center shall be 9:00 a.m. through 3:00 p.m., Monday through Friday.
9. Parking shall be provided as shown on the special permit amendment plat. All parking for the uses shall be on site.
10. The barrier requirement shall be waived along all property lines.
11. Transitional screening shall be modified along the northern, eastern and western lot lines to permit existing vegetation to meet screening requirements. Plant material shall be provided along the southern lot line as depicted on sheet L-1 of the special permit amendment plat. Additional vegetation shall be provided along the southern lot line as determined necessary by the Urban Forest Management Division to meet the requirements of the transitional screening ordinance.

12. Interior parking lot landscaping shall be provided and maintained as shown on the SPA Plat.
13. Stormwater Management (SWM) and Best Management Practices (BMPs) shall be provided as determined necessary by DPWES.
14. All antennas and related equipment cabinets or structures shall be removed within 120 days after such antennas or related equipment cabinets or structures are no longer in use.

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 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. Beard seconded the motion, which carried by a vote of 5-0-1. Mr. Hammack recused himself. Mr. Smith was absent from the meeting.