

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

CHEROKEE, L.L.C., SPA 79-A-164-03 Appl. under Sect(s). 8-501 of the Zoning Ordinance to amend SP 79-A-164 previously approved for a health club to permit a change in permittee and development conditions. Located at 5505 Cherokee Ave., Alexandria, 22312, on approx. 24,568 sq. ft. of land zoned I-6. Mason District. Tax Map 80-2 ((1)) 52. (Decision deferred from 7/11/12) Mr. Smith 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 July 25, 2012; 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 special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by Kenneth W. White, Land Surveyor, Alexandria Surveys, Inc., dated October 20, 1993 as revised through August 8, 1994, and approved with this application, as qualified by these development conditions. There will not be a second use or second tenant in the same space absent an amendment to the special permit.
2. 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.
3. 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, shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.

4. The hours of operation shall be from 6 a.m. to 1 a.m., 7 days a week.
5. Parking shall be provided, and kept clear of debris or obstructions, as shown on the special permit plat. All parking shall be on site unless shared with adjacent owners as provided in a shared parking agreement with the owner of those parking stalls.

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, six (6) months after the date of approval unless a new non-RUP has been obtained. The Board of Zoning Appeals may grant additional time to obtain the new non-RUP 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. Hart seconded the motion, which carried by a vote of 4-2. Mr. Hammack and Ms. Gibb voted against the motion. Mr. Byers recused himself from the hearing.

A Copy Teste:


Suzanne Frazier, Deputy Clerk
Board of Zoning Appeals