

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

WASHINGTON APOSTOLIC CHURCH, INC., SPA 91-S-036 Appl. under Sect(s). 3-C03 of the Zoning Ordinance to amend SP 91-Y-036 previously approved for a church to permit the addition of a child care center, increase in seats and site modifications. Located at 11800 Braddock Rd., Fairfax, 22030, on approx. 10.73 ac. of land zoned R-C and WS. Braddock District. Tax Map 67-2 ((1)) 1. (Admin. moved from 11/6/13, 12/11/13, 1/15/13, 1/29/14, and 3/5/14 at appl. req.) Mr. Hart 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 16, 2014; and

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

1. The applicant is the owner of the land.
2. The Board has a staff recommendation of approval, and the Board adopts the rationale in the staff report.
3. There will not be any significant changes from the original approval, over 20 years ago, on the surrounding properties.
4. With the imposition of the development conditions, any impacts are satisfactorily addressed.

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, Washington Apostolic Church Inc., and is not transferable without further action of this Board, and is for the location indicated on the application, 11800 Braddock Road, Fairfax, Virginia, 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 titled "Washington Apostolic Church, Inc., Special Permit Amendment" prepared by Urban, Ltd., dated March 18, 2013 and

revised through April 3, 2014, and approved with this application, as qualified by these development conditions.

3. A copy of this special permit amendment and the new 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, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted 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.
5. The maximum number of seats in the main area of worship shall be 750. The maximum number of parking spaces on site shall be 277 as shown on the special permit plat. All parking for the church should be on site.
6. All parking shall be on site as depicted on the special permit amendment plat. A shared parking agreement shall be obtained through DPWES as required for Sect. 11-106.3 of the Zoning Ordinance prior to issuance of a Non-RUP for the child care center to permit the shared use of the church parking lot for both the church use and child care center uses. If approval of a shared parking agreement is not obtained, the number of seats in the worship area and/or the number of children in the child care center shall be reduced to meet the parking requirements as determined by DPWES.
7. The limits of clearing and grading shall be as shown on the landscape plan submitted with this application titled "Washington Apostolic Church, Inc., Special Permit Amendment" prepared by Urban, Ltd., dated March 18, 2013 and revised through April 3, 2014.
8. Transitional screening shall be provided as shown on the attached landscaping plan dated March 18, 2013, and revised through April 3, 2014. The existing vegetation shall be used to satisfy the requirement provided it is supplemented with additional planting to meet the Transitional Screening 1 requirements of Section 13-303 of the Zoning Ordinance as determined by the Urban Forest Management Division.
9. The barrier requirements of Sect. 13-304 of the Zoning Ordinance shall be waived, except along the eastern lot line, where a 6-foot board-on-board fence, approximately 650 feet long, has been provided.
10. The area immediately southward and parallel with the limits of the stream valley EQC depicted on the special permit plat as "existing wooded area to remain

undisturbed” shall be identified as “Additional Area to be Preserved as EQC” on any site plan submitted subsequent to this approval. Other limits of clearing and grading shown as proposed transitional screening and tree preservation areas should also be identified on the plat.

11. The Environmental Quality Corridor (EQC) shall be denoted as shown on the special permit plat. There shall be no clearing of any vegetation in this area except for dead or dying trees or shrubs and no grading. There shall be no structures located in the EQC area. The limits of clearing and grading shall be as shown on the plat submitted titled “Washington Apostolic Church, Inc., Special Permit Amendment” prepared by Urban, Ltd., dated March 18, 2013 and revised through April 3, 2014.
12. Any proposed lighting of the parking area shall be in accordance with the following:
 - The combined height of the light standards and fixtures shall not exceed twelve feet.
 - The lights shall be focused directly on to the subject property.
 - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
13. Best Management Practices (BMPs) shall be provided to the satisfaction of the Director, Department of Environmental Management. The limits of clearing and grading shown on the special permit plat around stormwater management facilities shall not be enlarged into any Resource Protection Area or undisturbed open space.
14. A geotechnical study, prepared by a geotechnical engineer experienced in soil and foundation engineering, shall be submitted as determined by the Department of Environmental Review at the time of site plan review. In conjunction with the County Soil Science Office and DEM, the applicant shall: (1) ensure that all construction personnel are alerted to this potential health risk, and (2) provide the appropriate construction techniques as determined by DEM, to minimize the risk on and off site. Such techniques may include dust suppression measures during all blasting and drilling activities, covered transport of removed materials, and appropriate disposal of removed materials.
15. The sign located at the site entrance shall not be lighted and shall conform to the provision of Chapter 12.
16. Prior to site plan approval, the design and location of the septic field shall be approved by the Fairfax County Health Department. If the Health Department approval is not obtained, the special permit shall be null and void.

17. The ingress/egress easement over Lot 34, which serves the Apostolic Church property, shall be recorded among the land records of Fairfax County and shall run to the benefit of Lot 34 and Fairfax County, in perpetuity, with title to the land encompassing Lot 34. This easement agreement shall be subject to the review and approval of the Fairfax County Attorney prior to the approval of the site plan.

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 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. Hammack seconded the motion, which carried by a vote of 7-0.

A Copy Teste:

Lorraine A. Giovinazzo

Lorraine A. Giovinazzo, Deputy Clerk
Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 23 day of April, 2014.

Robert Wyatt Harrison
Notary Public

My commission expires: 9-30-2017

