

## COUNTY OF FAIRFAX, VIRGINIA

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

CHARLES B. MOLSTER, III, AND SHARON B. MOLSTER, SP 2013-DR-052 Appl. under Sect(s). 8-609 of the Zoning Ordinance to permit a riding stable. Located at 815 Blacks Hill Rd., Great Falls, 22066, on approx. 5.47 ac. of land zoned R-E. Dranesville District. Tax Map 6-4 ((1)) 26. (Admin. moved from 10/9/13 and 11/6/13 at appl. req.) (Deferred from 2/26/14 at appl. req.) 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 April 2, 2014; and

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

1. The applicants are the owners of the property.
2. The present zoning is R-E (residential estate).
3. The area of the lot is 5.47 acres.
4. The Board recognizes that this is a tough case with a lot of strong views on both sides of this.
5. The Board has read everything that has been submitted. There is a pretty detailed staff report.
6. The Board is familiar with this case back from 2012 with the appeal back then. The Board held a public hearing in November of 2012.
7. The Board has read all the material submitted by the surrounding property owners, by the homeowner associations and visited the site, driven on Blacks Hill Road, Falls Bridge Lane, Branton Lane, Farm Road, Farm Manor Court, and Sherlin Road. So from each of those roadways, the Board tried to view the property and consider the impacts of this use on the surrounding road network as well as the surrounding properties.
8. Mr. Smith spent a considerable amount of time visiting the site to make sure he understood the various issues that have been raised.
9. As mentioned earlier, as often with cases like this, the Board tries to consider the by-right use and then the use that is being requested and the difference between the two, and whether the Board can address some of the concerns through development conditions.
10. As referenced earlier, having fifteen horses was discussed. Without development conditions, the Board does not have necessarily a means to address that. There may be other means that the County can do that, but the Board would not have any conditions in place. Here, there is a condition that would limit it to eight horses.

11. There are issues with transportation that have been raised. The Board is sympathetic to that. As the applicants' counsel referenced, most all applications the Board receives have transportation issues.
12. The Board looks at the intensity of this use. As the Board referenced earlier, you can get churches in residential areas and have quite a bit more intensity that the Board would be trying to deal with in residential areas.
13. In some ways, there are certain things that the County is trying to encourage, like home child care centers. They have made some amendments to the Ordinance to sort of promote that, and we find those in residential areas. As talked about earlier, there could be seven children accommodated that are unrelated to the applicant with a home child care center by right, as a by-right use, that could have seven cars in, seven cars out. There are often issues associated with parking there with applications like that. In this case, we are able to accommodate all parking on site, which is a luxury to have, frankly, for applications such as this. It is a bit of a luxury given a lot that is over five acres in size. Special permits for child care uses can go up to twelve people, as referenced this morning, with a couple of applications on one-third acre sites which can be approved for up to twelve children on site. The need for that is being recognized and encouraged in Fairfax County.
14. There was a lot of testimony about the value of having the riding stable. The Board certainly sees value in that where it can be accommodated in Fairfax County, and saw the reference for therapeutic uses and even for special needs children, so that is certainly something to consider.
15. Obviously, the Board is also really looking at all the land use issues and how it impacts the surrounding properties. So the Board is carefully looking at that and the impacts on the neighborhood.
16. Looking at the roadway, obviously that is a significant issue, again, always with all applications, but Blacks Hill Road, as alluded to earlier, the Board does not have to worry, at least the condition it is in right now. Mr. Smith drove it this weekend. You do not have to worry about anybody driving too fast. It has built-in inverse speed bumps. You are not going to have too many cars flying through that.
17. There was testimony about the maintenance that would be done, with the gravel that would be brought in, and the Board is sure the condition will improve.
18. With the development conditions that are in place, there has been a lot of effort that has gone into this. This application has come a long way over the last couple of years or year and a half or however long it has been.
19. The Board read the concerns from some of the property owners about whether things were done in bad faith, and in looking back at it, there are a lot of property owners who do not have a full realization of just what the Zoning Ordinance requires. There is a lot of detail, to it and many members of the Board have to go

- back and delve into it and are surprised what we find sometimes. We often have questions for staff about that.
20. The Board has heard that once there was a violation, the use did cease, and the use has ceased since then.
  21. There has been a fair amount of effort to try to develop conditions that would be suitable for and acceptable to the neighbors.
    - a. Transitional screening – there are a number of trees out there, but additional transitional screening is being added to supplement to northern property line as was discussed, approximately 21 medium to large evergreen trees that will be planted. The Board also heard that it is actually preferred to a barrier requirement.
    - b. The restrictions on outdoor lighting, the removal of any outdoor lighting and that there will not be loud speakers or amplified music.
    - c. The addition of a conservation plan, pasture management, animal waste management, composting, and nutrient management.
  22. These are all things that the Board has been able to add with development conditions that did not otherwise exist.
  23. The staff has done a pretty comprehensive report with a recommendation for approval. They have carefully evaluated these issues, and the Board incorporates their comments in the staff report into these comments.
  24. With respect to road access, the Board looks at it as a positive that there were options on Falls Bridge Road, even today. The Board recognized that there was some concern about driving through the neighborhood, but it is an alternate access that does provide another option for cars to get to the site. But again, the Board is restricting the number of cars that are coming through the development conditions.
  25. The Board does not look at this as a particularly intense use on the site. Again, it is a five-acre site. The minimum lot size is two acres. The Board was unsure if there were other restrictions. They probably could subdivide this lot, and if you had two houses on the lot, seven kids in a home child care center per lot, now you are up to fourteen. So there are things that could happen by-right that are not happening with this use. It is preserving somewhat of a rural character in Fairfax County and in this area which is nice with a five-acre lot. Upon reviewing the site, Mr. Smith felt it looked to be well kept and well maintained.

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 applicants only, Charles B. Molster III and Sharon B. Molster, and is for the location indicated on the application, 815 Blacks Hill Road (5.47 acres), 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 TriTek Engineering, dated December 28, 2012, as revised though March 13, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of these special permit conditions **shall be posted in a conspicuous place on the property** of the use and be made available to all department of the County of Fairfax during the hours of operation of the permitted use.
4. There shall be a maximum number of 12 students per day for riding lessons and a maximum of 12 students per day during summer camp, to be conducted in strict accordance with the days and times listed in the schedule outlined in Attachment 1.
5. Parking shall be provided as shown on the special permit plat. All parking shall be provided on site.
6. The maximum number of horses on site at any one time shall be 8.
7. There shall be no shows or special events on site or other commercial uses not permitted by the Fairfax County Zoning Ordinance; however, family events and other private events not associated with the commercial riding stable shall be allowed.

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8. There shall be no loudspeakers or amplified music on site associated with the commercial riding stable.
9. The existing house on the site shall be used as a residence for the owners of the subject property.

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10. A conservation plan outlining Best Management Practices (BMPs) for the operation shall be maintained at all times as approved by the Northern Virginia Soil and Water Conservation District. The conservation plan shall include management techniques for the operation, including pasture management, animal waste management, composting, and nutrient management. No animal

waste shall be permitted to decay in place or to be washed into the natural drainage from the site.

11. No outdoor lighting shall be permitted in conjunction with the riding lesson program or summer camp activities. Lighting may be used for private use by the applicants or their family, and shall be in conformance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.
12. The Transitional Screening shall be provided as shown on the special permit plat, subject to review and approval by the Forest Conservation Branch from the Department of Public Works and Environmental Services (DPWES) and, in conjunction with existing vegetation, shall be deemed to meet transitional screening requirements. Existing fences shall be deemed to satisfy the barrier requirements.
13. Landscaping shall be provided as shown on the special permit plat, but shall not less be than 10% of the overall site area. Non-invasive species and locally common native species shall be used to the greatest extent possible as determined in coordination with the Forest Conservation Branch from DPWES.
14. Modifications to accessory structures shown on the special permit plat shall be completed no later than six (6) months from the date of approval of the special permit.
15. Alternate access to the site may be provided as shown on the special permit plat, subject to the review and approval of the Virginia Department of Transportation. The applicant shall utilize carpooling for the lesson and summer camp activities in accordance with Attachment 1 of the 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.

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.

Ms. Theodore seconded the motion, which carried by a vote of 6-1. Mr. Beard voted against the motion.

A Copy Teste:

  
Suzanne Frazier, Deputy Clerk  
Board of Zoning Appeals

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**Blacks Hill Stables  
Proposed Hours of Operation for Special Permit**

**Lessons:**

Maximum of 5 days per week.

Maximum of 12 riders per day, maximum of 4 riders each class.

Maximum of 4 classes per day, between 8:00 a.m. and 7:00 p.m.

Riders will be required to carpool to the barn, maximum of 4 cars per day for lesson students.

Maximum of 2 instructors each lesson day.

**Summer Camp: June- July**

Monday – Friday, 8:00 a.m.-2:00 p.m.

Maximum of 12 riders per day.

Campers will be required to carpool to and from camp.

Maximum of 3 cars per day for campers.

Maximum of 2 instructors each camp day.

**Summer Lessons: June – July**

Maximum of 1 evening lesson per week.

Maximum of 2 cars for carpool.

Maximum of 2 instructors for lesson.