

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ARGERSON, NICHOLAS B. & DIANE G., SPA 70-M-120-02 Appl. under Sect(s). 8-014 of the Zoning Ordinance to amend SP 70-M-120, previously approved for dental/ medical office, to permit change in development conditions. Located at 2959 Sleepy Hollow Rd., Falls Church, 22044, on approx. 23,208 sq. ft. of land zoned R-3, SC and HC. Mason District. Tax Map 51-3 ((14)) 1 A. Mr. Hammack 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 March 18, 2015; and

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

1. The applicants are the owners of the property.
2. There is a favorable staff recommendation.
3. This property has operated as a dental office since 1971 under special permit.
4. The property is in the Seven Corners area of Sleepy Hollow Road, in a transitional area from commercial to residential uses.
5. There have been no complaints about this operation or any of the other tenants since its approval. The property abuts and is across from other non-residential uses at that end of Sleepy Hollow Road.
6. The building was constructed as a medical office building, not a residential property, but it is in a residentially-zoned area and requires a special permit amendment.
7. The applicant is in agreement with the development conditions as amended.

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 for the location indicated on the application and is not transferable to other land. Approval of this amendment does not permit the existing use, based on the original Special Permit plat, to be enlarged, expanded or increased in intensity.
2. This Special Permit is granted only for the purpose(s), structure(s) and medical or dental office use(s) indicated on the special permit plat titled, "Young's Addition to Buffalo Hills," prepared by Runyon, Dudley, Anderson, Associates, Inc., dated September 10, 1993 and 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. Any plan submitted pursuant to this special permit shall be in conformance with the approved Special Permit plat and these development conditions.
5. Existing vegetation on site shall be preserved and maintained as indicated on the approved special permit plat, including the evergreen trees planted along the southern lot line adjacent to Lot 2A. These trees shall screen the parking lot and structure from adjacent residential properties.
6. The six (6) foot high board-on-board fence located adjacent to the parking lot shall satisfy the barrier requirements and shall be maintained in good repair.
7. Eleven (11) parking spaces shall be provided as shown on the Special Permit Plat. All parking shall be on site.
8. A maximum of two (2) medical doctors and/or dentists shall be allowed to operate on the site, and in addition, four (4) assistants shall be allowed at any one time.
9. The hours of operation shall be limited from 8 am to 8 pm Monday through Friday. The hours of operation on Saturday shall be limited from 8 am to 6 pm. Emergency patient care may be permitted outside of these hours of operation.
10. There shall be no parking lot lighting on site.
11. A sign permit shall be obtained for any sign proposed for this site.
12. There shall be no accessory retail with the use.

- 13. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot within 90 days of the Board of Zoning Appeals' approval of the Special Permit Amendment. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.

This approval, contingent upon 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, 30 months after the date of approval unless a new Non-Residential Use Permit (Non-RUP) has been obtained. 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.

Ms. Theodore seconded the motion, which carried by a vote of 4-0-1. Chairman Ribble abstained from the vote. Mr. Beard and Mr. Smith were absent from the meeting.

A Copy Teste:

Mary D. Padrutt
 Mary D. Padrutt, Deputy Clerk
 Board of Zoning Appeals

ACKNOWLEDGEMENT

County of Fairfax
 Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 25th day of March, 2015.

Lorraine Ann Giovinazzo
 Notary Public

My commission expires: 6/30/18

