

**COUNTY OF FAIRFAX, VIRGINIA**

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

DRIKUNG DHARMA SURYA, INC., SPA 89-S-025-02 Appl. under Sect(s). 2-412 of the Zoning Ordinance to permit a change in permittee. Located at 5300 Ox Rd., Fairfax, 22030, on approx. 1.02 ac. of land zoned R-C, WS. Springfield District. Tax Map 68-3 ((1)) 6A. 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 November 4, 2015; and

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

1. The applicant is the owner of the land.
2. There is a favorable staff recommendation, and testimony from the applicant stating that nothing else has changed.
3. The applicant had read, understands, and agrees with the proposed development conditions.

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, Drikung Dharma Surya, Inc. and is not transferable without further action of this Board, and is for the location indicated on the application 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 Harold A Logan, Associates, P.C, dated November 8, 1994, revised through May 26, 1995 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. This Special Permit is subject to the provisions of Article 17, Site Plans, as determined by the Director, Department of Environmental Management. Any plan submitted pursuant to this special permit shall be in conformance with the approved Special Permit plat and these development conditions.
5. The maximum number of seats in the main area of worship shall be 83.
6. A maximum of twenty-one (21) parking spaces shall be provided as shown on the Special Permit Plat. All parking shall be on site.
7. Any signs associated with this use shall conform to Article 12, signs and a sign permit shall be obtained.
8. Any proposed lighting on the site shall be in accordance with the following:
  - The combined height of the light standards and fixtures shall not exceed twelve (12) feet.
  - The lights shall be a low-intensity design and shall focus the light directly on the subject property.
  - If necessary, shields shall be installed, to prevent the light from projecting beyond the lot lines.
9. There shall be no outdoor loudspeakers or other outdoor noise generating devices associated with this use.

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 months (6) 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 obtain a 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 5-0. Mr. Byers and Mr. Smith were absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Mary D. Padrutt". The signature is written in black ink and is positioned above a horizontal line.

Mary D. Padrutt, Deputy Clerk  
Board of Zoning Appeals