

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

TRUSTEES OF GRACE ORTHODOX PRESBYTERIAN CHURCH, SPA 73-P-068-02 Appl. under Sect(s). 8-301 and 8-914 of the Zoning Ordinance to amend SP 73-P-068 previously approved for place of worship to permit increase in land area, increase in seats and reduction in the minimum yard requirements based on error in building location to permit accessory storage structure to remain 1.3 ft. from side lot line. Located at 2381 Cedar Ln., Vienna, 22180, and 2371 Cedar Ln, Vienna, 22182, on approx. 3.64 ac. of land zoned R-1. Providence District. Tax Map 39-3 ((1)) 31, 31A and 39-3 ((9)) 26 and a portion of 39-4 ((1)) 40A. (Deferred from 11/20/13 and 2/26/14 at appl. req.) (Admin. moved from 1/29/14 for notices.) (Decision deferred from 3/19/14, 5/7/14, 7/30/14, 11/5/14 and 2/4/15.) Mr. Byers 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 15, 2015; and

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

1. The applicant is the owner of the land.
2. The Board has determined that the applicant meets all of the criteria under 8-914, A through H.
3. The church has done all they can for the safety of pedestrians when approaching the trail, by notifying their parishioners.
4. The applicant has done a good job from the standpoint of the number of cars required for the number of parishioners and the number of congregants.
5. The applicant has read, understands and accepts the 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, Trustees of Grace Orthodox Presbyterian Church, and is not transferable without further action of this Board, and is for the location indicated on the application, 2371 and 2381 Cedar Lane, (3.64 acres), and is not transferable to other land.

2. This special permit amendment is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat titled "Special Permit Amendment Plat, Grace Orthodox Presbyterian Church," prepared by John C. Manganello, P.E., Land Development Consultants, Inc., dated February 25, 2013 and as revised through March 25, 2015, for Tax Map 39-3 ((1)) 31 and 31A and 39-3 ((9)) 26 and approved with this application, as qualified by these development conditions.
3. 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.
4. A copy of this special permit amendment 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.
5. All signs, existing and proposed, shall be in conformance with Article 12 of the Fairfax County Zoning Ordinance. Non-conforming signs shall be removed.
6. The maximum number of seats in the church shall be three hundred fifty (350).
7. Parking shall be provided as shown on the special permit amendment plat. All parking shall be on site.
8. Arrangements shall be made for church volunteers to direct parking and pedestrian traffic on Sunday mornings, if necessary.
9. Transitional screening on Lots 31 and 31A shall be modified in favor of that shown on the special permit amendment plat. All new landscaping materials shall be installed prior to final inspection of the parking lot on Lot 26.
10. Transitional screening on Lot 26 shall be modified in favor of that shown on the special permit amendment plat.
11. Barrier requirements shall be waived for the perimeter of Lots 31, 31A, and 26, except for the portion of the northern lot line of Lot 26, as shown on the special permit amendment plat. The location of the fence or posts may vary as necessary to preserve the existing vegetation.

12. Post-development revegetation and canopy coverage shall be as shown on Sheet 7 of 9 of the special permit amendment plat. Size, species, and location of plantings shall be determined in consultation with the Urban Forestry Management Division. All plantings shall be maintained in good health and replaced with like-kind plantings when necessary.
13. A Tree Preservation Plan and Narrative shall be provided as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division.
14. The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 12 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the special permit plat and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.
15. The applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 12 inches in diameter or greater located on the application property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFMD.
16. At the time of the respective site plan approvals, the applicant shall post a cash bond or a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Trees. At any time prior to final bond release for the improvements on the application property constructed

adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by UFMD due to unauthorized construction activities, the applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFMD. In addition to this replacement obligation, the applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized construction activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the improvements on the Application Property constructed adjacent to the respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the applicant.

17. The applicant shall retain the services of a certified arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.
18. The applicant shall conform strictly to the limits of clearing and grading as shown on the special permit amendment plat, subject to allowances specified in these conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the special permit plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
19. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super

silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" development condition below.

20. All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.
21. Trees shall root pruned, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:
 - Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
 - Root pruning shall take place prior to any clearing and grading, or demolition of structures.
 - Root pruning shall be conducted with the supervision of a certified arborist.
 - An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.
22. The demolition of all existing features and structures within areas protected by the limits of clearing and grading areas shown on the special permit amendment plat shall be done by hand without heavy equipment and conducted in a manner that does not impact individual trees and/or groups of trees that are to be preserved as reviewed and approved by the UFMD, DPWES.
23. During any clearing or tree/vegetation/structure removal on the site, a representative of the applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The applicant shall retain the services of a certified arborist or Registered Consulting

Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

24. Right-of-way of 1,683 square feet, on Lot 26 as delineated on the special permit amendment plat, shall be dedicated to the Board of Supervisors, in fee simple, shall be made at time of recordation of the site plan or upon demand of either Fairfax County or VDOT, whichever should first occur.*
25. Street entrances shall be designed and constructed to the satisfaction of the Department of Public Works and Environmental Services (DPWES) and VDOT.*
26. The applicant shall construct a 10.0 foot wide asphalt trail along the full frontage of Lot 26. The trail shall adjoin existing trails/sidewalks to the north and south, to the satisfaction of DPWES.
27. Curb and gutter (CG-12) shall be provided along the full frontage of Lot 26, to the satisfaction of VDOT.
28. Normal CG-12 ramps for the trail connections at entrances will be required on the site plan when it is submitted for review.
29. Prior to approval of the site plan necessary to implement this special permit amendment, the applicant shall execute an agreement with the Northern Virginia Regional Park Authority and obtain all necessary permits to implement the off-site improvements depicted on the W&OD trail property on the Special Permit Plat dated February 25, 2013, and revised through March 25, 2015.
30. Stormwater management for Lot 26 shall be provided to the satisfaction of DPWES.
31. The underground detention vault shall meet detention requirements. A detailed detention computation shall be provided at the time of site plan submission.
32. Stormwater Management Best Management Practices (BMPs) shall be maintained as determined by DPWES.
33. The areas designated on the special permit amendment plat as "Proposed Conservation Easement" shall be dedicated without cost to the Board of Supervisors at the time of site plan approval or upon demand by Fairfax County, whichever should first occur. No structures or fences shall be added to these areas. No clearing or grading shall be permitted in these areas. Removal of dead or dying trees shall be permitted by hand as needed.

34. Lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. Any outdoor lighting shall be in conformance with the following:
- a) The lights shall be focused downward directly on the subject property,
 - b) Full cutoff fixtures with shields shall be installed to prevent the light from projecting beyond the property,
 - c) The lights shall be controlled with an automatic shut-off device, and shall be turned off when the site is not in use, and
 - d) Up-lighting of buildings or signs shall not be permitted on the site except at the recessed entrances to the building.

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.

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

A Copy Teste:



Lorraine A. Giovinazzo

Clerk to the Board of Zoning Appeals