

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

SEUNG CHE KUEN, SP 2015-SU-107 Appl. under Sect(s). 8-907 of the Zoning Ordinance to permit a home professional office (accupuncture). Located at 5624 Pickwick Rd., Centreville, 20120, on approx. 21,904 sq. ft. of land zoned R-1, HC, WS, and HD. Sully District. Tax Map 54-4 ((2)) 123. 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 December 2, 2015 with a decision rendered on January 6, 2016; and

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

1. The applicant is the lessee of the land.
2. There is a favorable staff recommendation, and the Board adopts the rationale in the staff report.
3. It appears that everything has been straightened out with the business, the new fictitious name certificate, and the consent of the owner of the property.
4. With the imposition of the development conditions, including the restriction staff has added about the sale of herbs, the impacts from the use have been satisfactorily addressed.
5. The applicant has read, understands, and concurs with the revised proposed development conditions attached to staff memo dated January 4, 2016.

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, Seung Che Kuen and Chung In Herb Inc., D/B/A Best Acupuncture & Herb Clinic, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 5624 Pickwick Road, and is not transferable to other land.
2. This special permit is granted only for the home professional office use indicated on the plat titled, "Plat Showing House Location on Lot 123, Centreville Farms, (Deed

Book 509, Page 179), Fairfax County, Virginia, Sully District," by George M. O'Quinn, L.S., dated July 22, 2014, 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 and be made available to all departments of the County of Fairfax during hours of operation of the permitted use.
4. The hours of operation of the home professional office shall be limited to 10:00 a.m. to 6:00 p.m., Monday through Saturday.
5. The dwelling that contains the home professional office shall be the primary residence of the applicant.
6. Appointments shall be scheduled so that there shall be a minimum of fifteen (15) minutes between the end of one appointment and the commencement of the next. The maximum number of patients shall be limited to five (5) daily.
7. The applicant shall be the primary operator of the home professional office.
8. Any signage for the home professional office shall be in accordance with Article 12.
9. All parking associated with the home professional office shall occur in the driveway located on the subject property.
10. Except for the limited sale of herbs for acupuncture patients, there shall be no other sale of herbs.

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 take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

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