

**COUNTY OF FAIRFAX, VIRGINIA**

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

CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS; BROYHILL CREST RECREATION CLUB INC., SPA 54-M-053-2 Appl. under Sect(s). 3-303 of the Zoning Ordinance to amend SP 54-M-053 previously approved for a community swim club and telecommunications facility to permit site modifications and modifications to development conditions. Located at 7212 Early St., Annandale, 22003, on approx. 2.47 ac. of land zoned R-3. Mason District. Tax Map 60-3 ((24)) 9 B. 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 June 24, 2015; and

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

1. The applicant is the owner of the land.
2. The swim club has no objection to this request.
3. There is a favorable staff recommendation, which the Board generally accepts.
4. The applicant has read, understands, and concurs 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 and is not transferable without further action of the Board of Zoning Appeals, and is 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 KCI Technologies, Inc., dated February 9, 2015 and approved with the application, as qualified by these development conditions. The owner or a designee may apply for a Special Permit Amendment (SPA) without applying for a Special Exception Amendment (SEA) provided that the SPA is not deemed to impact the SEA.

3. A copy of this Special Permit and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property 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. 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 swim club employees on site at any one time shall be eight (8).
6. The maximum number of family memberships shall be 400.
7. Parking shall be provided on site as shown on the Special Permit plat; all parking shall be on site.
8. The regular hours of operation for the swimming pool shall be limited to 9:00 a.m. to 9:00 p.m. Swim team practices shall not begin before 8:00 a.m. League swim meets shall be conducted only on Saturdays and Mondays between Memorial Day and Labor Day. The hours of operation for the offices shall be limited to 7:30 a.m. to 9:30 p.m. Nighttime parties extending no later than midnight may be permitted up to six (6) times per season (Memorial day to Labor Day) on Friday, Saturday or pre-federal holiday nights.
9. During discharge of swimming pool waters, the following operational procedures shall be implemented to the satisfaction of the Fairfax County Health Department:
  - Sufficient amount of lime or soda ash shall be added to the acid cleaning solution in order to achieve a pH approximately equal to that of the receiving stream. The Virginia Water Control Board standards for the Class II and III waters found in Fairfax County range in pH from 6.0 to 9.0. In addition, the standards for dissolved oxygen shall be attained prior to the release of pool waters and shall require a minimum concentration of 4.0 milligrams per liter.
  - If the water being discharged from the pool is discolored or contains a high level of suspended solids that could affect the clarity of the receiving stream, it shall be allowed to stand so that most of the solids settle out prior to being discharged.
10. All lighting shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance. Parking lot lights shall not exceed twelve (12) feet in height.

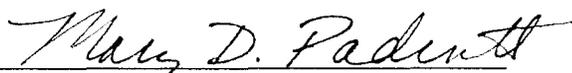
11. The equipment cabinets and gates to the compound shall be kept locked and secured at all times except during maintenance or service.
12. Subject to the requirements of the Noise ordinance, the applicant may use a public address system between 10:00 a.m. and 9:00 p.m. The maximum decibel level of the loudspeakers shall not exceed 72 dBA overall and shall not exceed 55 dBA at the property line.

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. A Non-Residential Use permit (Non-RUP) shall be required to implement this special permit amendment approval for the existing use. 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 the use has been established or construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to establish the use or 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.

Mr. Byers seconded the motion, which carried by a vote of 4-0. Ms. Theodore and Mr. Beard were not present for the vote. Mr. Smith was absent from the meeting.

A Copy Teste:

  
Mary D. Padfutt, Deputy Clerk  
Board of Zoning Appeals