

## COUNTY OF FAIRFAX, VIRGINIA

### VARIANCE RESOLUTION OF THE BOARD OF ZONING APPEALS

6805 INDUSTRIAL LAND CO., VC 2016-MA-003 Appl. under Sect. 18-401 of the Zoning Ordinance to permit the construction of a building designed specifically for a Group 5 Special Permit use to be located within 100 ft. of an adjoining Residential District. Located at 6801 Industrial Rd., Springfield, 22151, on approx. 20 ac. of land zoned I-6, HC. Mason District. Tax Map 80-2 ((1)) 30. 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 16, 2016; and

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

1. The applicant for this variance is 6805 Industrial Land Co.
2. Washington Gas Light Company is the owner of the land.
3. There is a favorable staff recommendation.
4. This is a situation where a railroad runs beside the facility, with no actual residences, but with an unusual zoning.
5. The applicant has read, understands, and concurs with the proposed development condition.
6. This application meets all of the following required standards for variances as set forth in Sections 15.2-2201 and 15.2-2309 of the Code of Virginia:
  - a. The subject property requires a reasonable deviation from those provisions of the Zoning Ordinance, regulating the shape, size, or area of a lot or parcel of land, or the size, height, area, bulk, or location of a building or structure as the strict application of the Ordinance would unreasonably restrict the utilization of the property, such need for a variance would not be shared generally by other properties, such variance is not contrary to the purpose of the Ordinance, and this variance does not include a change in use.
  - b. The strict application of the Zoning Ordinance would unreasonably restrict the utilization of the property, and the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the Zoning Ordinance.
  - c. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant.
  - d. The variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.

- e. The condition or situation of the property that created the need for this variance is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Zoning Ordinance.
- f. The granting of this variance does not result in a use that is not otherwise permitted on the subject property or a change in the zoning classification of the property.
- g. The relief or the remedy sought by this variance application is not available through a special permit process that is authorized in the Zoning Ordinance.

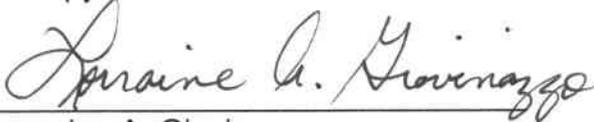
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following conditions:

1. This variance is granted for the location of the building designed for a Group 5 use located closer than 100 feet to an R district property as indicated on the special permit plat titled, "Special Permit for St. James Sports and Wellness Complex," prepared by David Logan, P.E., dated May 20, 2015, as revised through February 3, 2016, approved with this application, as qualified by these development 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.

Mr. Hart seconded the motion, which carried by a vote of 5-0. Mr. Beard and Mr. Smith were absent from the meeting.

A Copy Teste:



Lorraine A. Giovinazzo  
Clerk to the Board of Zoning Appeals