

The regular meeting of the Board of Zoning Appeals was held in the Board Auditorium of the Government Center on Wednesday, March 1, 2023. The following Board Members were present: Chairman John F. Ribble III; Vice Chairman James R. Hart (participating remotely); Donte Tanner; Rebecca Ballo; Daniel Aminoff; Thomas W. Smith III; and Karen L. Day.

Chairman Ribble called the meeting to order at 9:06 a.m. He asked if there were any Board Matters to bring before the Board.

Ms. Day noted that Mr. Hart was participating remotely and asked that he identify himself, his location and the reason for his remote participation. In addition, she requested that he certify he could hear the proceedings in the auditorium. Mr. Hart stated his name, that he was at his home, and was participating remotely due to recent surgery. He verified he could hear the proceedings. Ms. Day then moved to approve Mr. Hart's remote participation in accordance with Article 8 of the BZA By-laws. Mr. Smith seconded the motion, which carried by a vote of 7-0.

Chairman Ribble then discussed the policies and procedures for the conduct of Board of Zoning Appeals public hearings. Chairman Ribble called the first scheduled case.

~ ~ ~ March 1, 2023, Scheduled case of:

**Tushar Bhardwaj, VC 2021-BR-00010** to permit construction of a single-family dwelling 19.7 ft. from the front lot line adjacent to Ox Road and 19.7 ft. from the side lot line. Located at 4700 Ox Road, Fairfax, 22030 on 1pprox.. 11,400 sq. ft. of land zoned R-1 and WS. Braddock District. Tax Map 68-1 ((3)) 1. (*Admin move from 12/8/2021, 2/9/2022, 3/23/2022, 5/4/2022, 6/15/2022, and 9/14/2022 (Admin move from 10/26/2022, and 2/22/2023)*)

Chairman Ribble noted that application VC 2021-BR-00010 had been administratively moved to May 10, 2023.

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~ ~ ~ March 1, 2023 Scheduled case of:

**Hector Saul Gomez and Patricia Yaneth Villalta, SP-2022-MV-00148** to permit an increase in fence height in the front yard adjacent to Northumberland Road. Located at 7830 Godolphin Dr., Springfield, 22153 on 1pprox.. 23,713 sq. ft. of land zoned PDH-3 and NR. Mount Vernon District. Tax Map 98-4 ((6)) 152.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch

Mr. Krasner explained the applicant had requested a deferral because they could not attend today's meeting. Mr. Aminoff moved to defer SP-2022-MV-00148 to March 22, 2023, at 9:00 a.m. Mr. Tanner seconded the motion, which carried by a vote of 7-0.

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~ ~ ~ March 1, 2023, Scheduled case of:

**GBA Associates Limited Partnership, VC-2022-PR-00015** to permit a fence 8.0 ft. in height in the front yard adjacent to Arlington Blvd, the eastern and western side yards, and the rear yard. Located at 7700 Arlington Blvd., Falls Church, 22042 on approx. 43.6 ac. Of land zoned I-3. Providence District. Tax Map 49-4 ((1)) 59A, B, and C. (*Deferred from 2/15/2023*)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch

Mr. Krasner gave a status update on the case and the request for a deferral, which was related to additional time needed to for a proffer interpretation on the property. Ms. Day moved to defer VC-2022-PR-00015 to March 29, 2023, at 9:00 a.m. Mr. Smith seconded the motion, which carried by a vote of 7-0.

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~ ~ ~ March 1, 2023, Scheduled case of:

**Gennaro Rucci III, SP 2021-MV-00114** to permit an increase in fence height in the - front yard adjacent to Laurel Road, an increase in the percentage of coverage permitted in the minimum required rear yard, and a reduction in setback requirements based on errors in building location to permit an accessory structure (pavilion) to remain 3.5 ft. from the rear lot line and a second accessory structure (detached garage) to remain 4.1 ft. from the rear lot line. Located at 4204 Laurel Rd., Alexandria, 22309 on approx. 21,412 sq. ft. of land zoned R-2. Mount Vernon District. Tax Map 101-3 ((8)) (G) 4. (Concurrent with VC 2021-MV-00018). (*Admin moved from 6/8/2022*)(**Continued from 7/27/2022, and 11/2/2022**)

**Gennaro Rucci III, VC 2021-MV-00018** to allow an accessory structure (detached garage) to remain in the front yard adjacent to Laurel Road on a lot less than 36,000 sq. ft. in area. Located at 4204 Laurel Rd., Alexandria, 22309 on approx. 21,412 sq. ft. of land zoned R-2. Mount Vernon District. Tax Map 101-3 ((8)) (G) 4. (Concurrent with SP 2021-MV-00114). (*Admin moved from 6/8/2022*)(**Continued from 7/27/2022, and 11/2/2022**)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Kevin McMahan, Staff Coordinator

Mr. McMahan gave a status update on the case and the request for continuance. He explained that staff was still waiting for FEMA to make a determination on the amendment of the FEMA Flood Hazard Area boundary on this property. Mr. Tanner moved to continue SP 2021-MV-00114 and VC 2021-MV-00018 to May 24, 2023, at 9:00 a.m. Ms. Day seconded the motion, which carried by a vote of 7-0.

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~ ~ ~ March 1, 2023, Scheduled case of:

**Oakton Swim and Racquet Club, Inc., SPA-82-C-067-04** to amend SP 82-C-067 previously approved for a community swim, tennis, and recreation club, to allow modifications to development conditions. Located at 11714 Flemish Mill Ct., Oakton, 22124 on approx. 6.75 ac. of land zoned R-1C. Sully District. Tax Map 46-2 ((13)) A2. (*Deferred from 11/16/2022*)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Sunny Yang, Senior Staff Coordinator
- Peter Molinaro, President of the Board of OSRC, Agent for the Applicant

After the hearing where public testimony was presented by Ms. Yang, Mr. Krasner, and Mr. Molinaro, with no testimony from the public, Mr. Aminoff moved to approve SPA-82-C-067-04 for the reasons stated in the Resolution. Mr. Smith seconded the motion, which carried by a vote of 7-0.

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## COUNTY OF FAIRFAX, VIRGINIA

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

**Oakton Swim and Racquet Club, Inc., SPA-82-C-067-04** to amend SP 82-C-067 previously approved for a community swim, tennis, and recreation club, to allow modifications to development conditions. Located at 11714 Flemish Mill Ct., Oakton, 22124 on approx. 6.75 ac. of land zoned R-1C. Sully District. Tax Map 46-2 ((13)) A2. Mr. Aminoff 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 1, 2023; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-1C.
3. The area of the lot is 6.75 acres.
4. The applicant has read, understands, and concurs with the proposed development conditions.

WHEREAS, the Board has made 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. 4102.1.F(2) and the standards for this use as contained in the Zoning Ordinance.

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

1. This approval is granted to the applicant only, Oakton Swim and Racquet Club, Inc., and is not transferable without further action of the Board, and is for the location indicated on the application, 11714 Flemish Mill Court (6.75 acres), and is not transferable to other land.
2. This Special Permit is approved for the community swim, tennis, and recreation club and associated site improvements indicated on the special permit plat prepared by Paciulli, Simmons & Associates, Ltd., dated April 14, 2008, as revised through June 26, 2008, and approved with this application, as qualified by these development conditions.
3. A copy of this special permit and the Non-Residential Use Permit must 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 Amendment is subject to the provisions of 8100.7 Site Plans and Minor Site Plans. Any plan submitted pursuant to this special permit must be in substantial conformance with these development conditions. Minor modifications to the approved special permit may be permitted pursuant to 8100.5.A.1 of the Zoning Ordinance.
5. A maximum of 500 family memberships are permitted, comprised primarily of residents of the 22124 (Oakton) Zip Code.
6. There must be a minimum of 76 parking spaces provided as shown on the special permit plat. All parking must be on site.
7. Tennis court lights for the courts must not exceed 20 feet in height. All tennis court lights must be equipped with an automatic shut-off mechanism designed to ensure that the lights are only on when the courts are in use during the approved hours of operation. This mechanism must be tested monthly and adjusted or repaired as necessary to ensure compliance. To further minimize the impact of the lights on adjacent properties, the lights must be directed downward, and must be shielded to prevent glare on adjacent properties.
8. The maximum hours of operation for all tennis courts on the site are between 7:00 a.m. and 10:00 p.m. The regular hours of operation for the swimming pool are 9:00 a.m. to 9:00 p.m., except that

competitive teams from the swim club are allowed to practice as early as 7:00 a.m. The 7:00 a.m. swim practice must not involve the use of amplified sound including but not limited to amplified timing systems, pre-recorded music, starters pistols, or public address systems. A masters (adult) swim practice is permitted to begin as early as 6:30 a.m. After hour parties for the swimming pool must be governed by the following:

Limited to six (6) per season.

Must not extend beyond 12:00 midnight.

9. During discharge of swimming pool waters, the following operation procedures must be implemented:

Sufficient amounts of lime or soda ash must 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 standard dissolved oxygen must 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, the water must be allowed to stand so that most of the solids settle out prior to being discharged.

10. If a public address system is used, its use must be limited to swim meets, special parties and emergencies and its volume must be modulated in accordance with the provisions of Chapter 108.1 of the Code of Fairfax County (the "Noise Ordinance").
11. To fulfill the requirements for Transitional Screening, all existing vegetation, including the supplemental evergreen plantings on the western lot line and the row of evergreen trees along the site's boundary with Lots 408, 409, and 305 must be maintained. Any dead or dying vegetation must be replaced with like kind a minimum 8 feet in height and have an ultimate height of a least 25 feet as determined feasible by the Urban Forest Management Division, Land Development Service (UFMD/LDS). Existing evergreens may be used to fulfill the requirement for supplemental plantings along Lots 408, 409, and 305 provided the existing trees are determined by the UFMD/LDS to be of a height and quality which will provide effective screening of the tennis courts and lights. Existing vegetation along the remaining portions of the eastern, northern, and western lot lines must be reviewed by the UFMD/LDS and supplemental plantings may be required if necessary to meet the intent of Transitional Screening 1.
12. The Barrier requirement is waived.
13. The applicant must meet Stormwater Management and Best Management Practices (BMP's) as determined by the Land Development Services (LDS). If any structural facilities are required, no existing or proposed vegetation as shown on the special permit amendment plat are allowed to be removed to install the structures.
14. To ensure that any water or runoff which may flow across the site does not adversely impact adjoining property owners, the grading plan for the tennis courts must be designed and engineered with swales or other methods as determined appropriate by LDS to ensure that runoff is properly channeled into the existing inlet located southeast of the tennis courts.
15. Sales activity from the tennis hut are limited to members of the club.
16. A written copy of all applicable development conditions must be provided to the individual responsible for any after-hours party or event, to all members, to contractors providing services at the club, and to parties who may rent the club's facilities.
17. Signs must be in conformance with Article 7 of the Zoning Ordinance.

18. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit/variance plat as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
19. Pursuant to Sect. 8100.4.D(6)(a) of the Zoning Ordinance, this special permit will take effect upon a vote of approval by the Board of Zoning Appeals.

These conditions incorporate and supersede all previous conditions.

This approval, contingent upon the above-noted conditions, does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Smith seconded the motion, which carried by a vote of 7-0.

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~ ~ ~ March 1, 2023, Scheduled case of:

**Katina Marie Scott and Timothy Paul Chobot, SP-2022-BR-00121** to permit a reduction in setback requirements to permit an addition 7.9 ft. from the southwest side lot line such that side setbacks total of 19.7 ft. and a roofed deck (covered patio) 10.0 ft. from the southwest side lot line. Located at 4408 Random Ct., Annandale, 22003 on approx. 13,335 sq. ft. of land zoned R-2 (Cluster). Braddock District. Tax Map 70-1 ((7)) 170.

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Philip Isaiah, Staff Coordinator
- Schuyler Ahrens, DBA EzPlan & Consulting, LLC, Agent for the Applicants

After the hearing where public testimony was presented by Mr. Isaiah, and Mr. Ahrens, with no testimony from the public, Mr. Tanner moved to approve SP-2022-BR-00121 for the reasons stated in the Resolution. Mr. Smith seconded the motion, which carried by a vote of 7-0.

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## COUNTY OF FAIRFAX, VIRGINIA

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

**Katina Marie Scott and Timothy Paul Chobot, SP-2022-BR-00121** to permit a reduction in setback requirements to permit an addition 7.9 ft. from the southwest side lot line such that side setbacks total of 19.7 ft. and a roofed deck (covered patio) 10.0 ft. from the southwest side lot line. Located at 4408 Random Ct., Annandale, 22003 on approx. 13,335 sq. ft. of land zoned R-2 (Cluster). Braddock District. Tax Map 70-1 ((7)) 170. Mr. Tanner 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 1, 2023; and

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

1. The applicants are the owners of the land.
2. The present zoning is R-2 (Cluster).
3. The area of the lot is 13,335 square feet.

4. The applicant has read, understands, and concurs with the proposed development conditions.

WHEREAS, the Board has made the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the standards for the Reduction of Setback Requirements as contained in Sect. 5100.2.D(11)(e) of the Zoning Ordinance, the Board has determined that:

1. The application meets all the submission requirements set forth in Sect. 8101.3
2. A. The resulting gross floor area of the addition to the existing principal structure is not greater than 150 percent of the total gross floor area of the principal structure that existed at the time of the first expansion request. If a portion of the single-family detached dwelling is to be removed, no more than 50 percent of the gross floor area of the existing dwelling at the time of the first yard reduction will be removed;  
  
B. The resulting gross floor area of the existing accessory structure and any addition to it is clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
3. The proposed scale of the development is harmonious with the existing on-site and surrounding off-site development, and the development preserves existing vegetation and significant trees, as determined by the Director, in a manner that is characteristic of surrounding off-site development.
4. The proposal does not adversely impact the use or enjoyment of any adjacent property through the creation of issues related to noise, light, air, safety, erosion, and stormwater runoff.
5. The proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot.

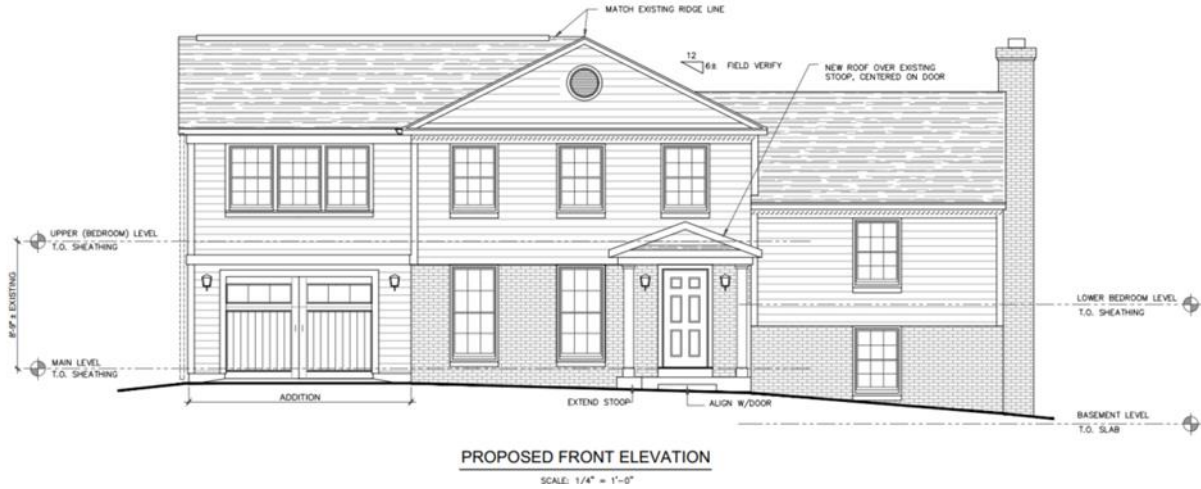
NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

1. These conditions must be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Development.
2. This special permit is approved for the location of the addition and roofed deck (covered patio) as shown on the special permit plat, entitled "Special Permit Plat on Lot 107, Section Five, Wakefield Chapel Estates," prepared by Apex Surveys, LLC, dated June 25, 2021, as submitted with this application and is not transferable to other land.
3. Pursuant to Par. 6 of Sect. 5100.2.D(11)(e) of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,546 square feet existing + 3,819 square feet (150%) = 6,365 square feet permitted) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single-family dwelling for the purpose of this paragraph will be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements will be permitted without an amendment to this special permit.
4. The addition and patio must be generally consistent with the architectural elevations as shown on Attachment 1 to these conditions.
5. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments, or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit plat, as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.

- Pursuant to Sect. 8100.4.D(6) of the Zoning Ordinance, this special permit will automatically expire, without notice, 30 months after the date of approval unless construction has commenced on the addition and/or roofed deck (covered patio) and has 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.

This approval, contingent upon the above-noted conditions, does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Smith seconded the motion, which carried by a vote of 7-0.





PROPOSED LEFT-SIDE ELEVATION

SCALE: 1/4" = 1'-0"

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~ ~ ~ March 1, 2023, Scheduled case of:

**Unitarian Universalist Congregation of Fairfax, SPA 83-P-053-04** Appl. to amend SP 83-P-053 previously approved for a religious assembly with child care center and private school of general education to permit modifications to development conditions. Located at 2709 Hunter Mill Rd., Oakton, 22124 on approx. 10.58 ac. of land zoned R-1. Providence District. Tax Map 37-4 ((1)) 23. (*Admin moved from 7/27/2022, 10/12/2022, and 12/7/2022*)

The participants in the hearing were as follows:

- Brent Krasner, Chief, Special Permit and Variance Branch
- Brandon McCadden, Senior Staff Coordinator
- Michelle Guthrie, Fairfax County Department of Transportation (participating via phone)
- Lynne Strobel, Walsh, Colucci, Lubeley & Walsh, P.C, Agent for the Applicant
- William Johnson, M. J. Wells & Associates, Inc., Transportation Consultant for the Applicant
- William Bradand, Operation Manager for the Church
- Erik Heyer, Founder and Board Chair of the Sienna School

After the hearing where public testimony was presented by Mr. McCadden, Mr. Krasner, Ms. Guthrie, Ms. Strobel, Mr. Johnson, Mr. Bradand, and Mr. Heyer, with no testimony from the public, Ms. Day moved to approve SPA 83-P-053-04 for the reasons stated in the Resolution. Mr. Smith seconded the motion, which carried by a vote of 7-0.

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**COUNTY OF FAIRFAX, VIRGINIA**

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

**Unitarian Universalist Congregation of Fairfax, SPA 83-P-053-04** Appl. to amend SP 83-P-053 previously approved for a religious assembly with child care center and private school of general education to permit modifications to development conditions. Located at 2709 Hunter Mill Rd., Oakton, 22124 on approx. 10.58 ac. of land zoned R-1. Providence District. Tax Map 37-4 ((1)) 23. Ms. Day 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 1, 2023; and

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

1. The applicant is the owner of the land.
2. The present zoning is R-1C.
3. The area of the lot is 6.75 acres.
4. The applicant has read, understands, and concurs with the proposed development conditions.

WHEREAS, the Board has made 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. 4102.1.F(2) and the standards for this use as contained in the Zoning Ordinance.

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

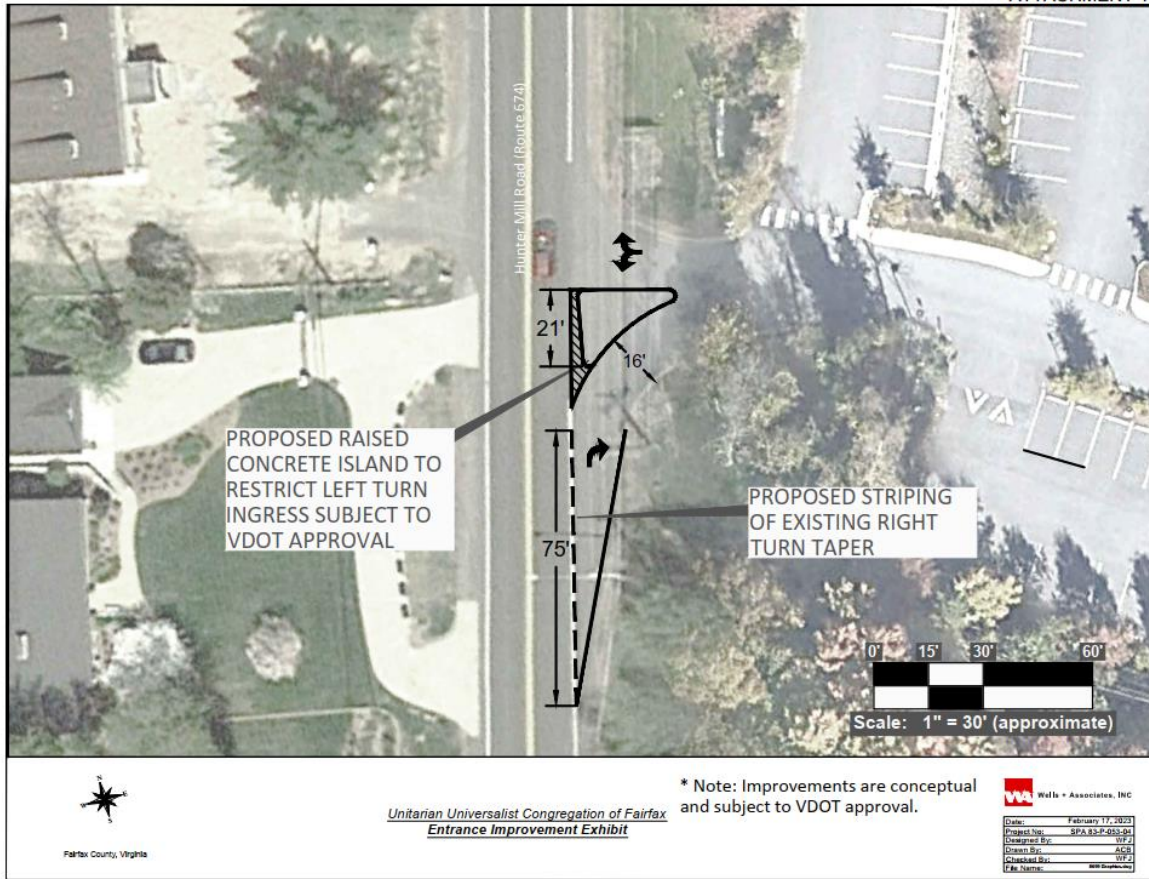
1. This special permit approval is granted to the applicant only, Unitarian Universalist Congregation of Fairfax, and is not transferable without further action of this Board, and is for the location indicated on the application 2709 Hunter Mill Road (10.58 acres), and is not transferable to other land.
2. This Special Permit is granted only for a religious assembly with a private school and child care center use as indicated on the special permit plat prepared by Paciulli Simmons & Associates dated June 4, 2001, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit (Non-RUP) must 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 subsection 8100.7, Site Plans, as may be determined by the Director, Land Development Services. Any plan submitted pursuant to this special permit must be in conformance with the approved Special Permit Amendment Plat and these development conditions. Minor modifications to the approved Special Permit may be permitted pursuant to 8100.5 of the Zoning Ordinance.
5. The maximum seating capacity of the sanctuary is limited to three hundred (300) seats.
6. A maximum of 169 parking spaces are permitted on-site as shown on the special permit plat. Wheel stops must be provided to designate all parking spaces. All parking spaces must be on-site.
7. All pick-up and drop-off for the school and child care center must occur on-site.
8. The maximum total daily combined enrollment of the private school and child care center is limited to 135 children upon installation of the raised island, signage, striping, and turn indicators ("the access improvements") required by Conditions 9, 10, and 11 herein. After the date of approval of this special permit amendment application but prior to the installation of the access improvements, the maximum total daily combined enrollment is limited to 84 children. If the access improvements are not completed by September 1, 2024, the maximum total daily combined enrollment must then be reduced to 40 children until such time as the access improvements are installed.
9. The applicant must install a raised island at the entrance to the subject property which restricts left turns into the site from southbound Hunter Mill Road and "left turn prohibited" signage along the west side of Hunter Mill Road. The specific location and design of the raised island and signage must be determined in coordination with VDOT and FCDOT and must be consistent with the diagram in Attachment 1.
10. The applicant must install paint striping to designate a right turn taper in the existing right-of-way along northbound Hunter Mill Road at the entrance to the property. The design and location of the

taper are subject to VDOT and FCDOT approval and must be consistent with Attachment 1.

11. The applicant must stripe right turn and left turn lane indicators on the driveway where it accesses Hunter Mill Road to direct vehicles exiting the subject property.
12. The applicant must notify members of the church, childcare center, and school of the prohibition on left turns into the site from Hunter Mill Road through means such as but not limited to email, posted flyers, and/or website postings.
13. The hours of operation for the private school and the childcare center are limited to 7:30 a.m. to 6:00 p.m., Monday through Friday.
14. The maximum number of children using the play area must not exceed the limitation in Sect. 4102.4.C of the Fairfax County Zoning Ordinance.
15. The existing vegetation satisfies the transitional screening requirement along the northern, eastern, and western property lines. A six-foot-tall board on board fence must be provided and maintained in good condition along the northwest property line adjacent to Lot 4, in the vicinity of the play area. The barrier requirement is waived along all other lot lines.
16. All transitional screening plantings must be maintained to the satisfaction of the Urban Forest Management Division. Dead or dying plants must be replaced with like-kind plantings, as needed, as directed by the Urban Forest Management Division.
17. Interior and peripheral parking lot landscaping must be maintained as required by the Ordinance.
18. Any existing or proposed lighting of the parking lot and driveways must conform to the standard in Section 5109 of the Ordinance.
19. All signage must satisfy the requirements contained in Article 7 of the Zoning Ordinance. Any current un-permitted signage in excess of what is allowed by the Ordinance must be removed within 60 days of special permit approval.
20. The use of LED or changeable copy signs visible from the adjacent right-of-way is prohibited.
21. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, liens, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not shown, on the approved special permit plat as may be determined by a court of competent jurisdiction. Approval of this application does not abrogate, vacate, interfere with, or invalidate such claims.
22. Pursuant to subsection 8100.4.D(6) this special permit amendment takes effect upon a vote of approval by the Board of Zoning Appeals.

These conditions incorporate and supersede all previous conditions. This approval, contingent upon the above-noted conditions, does not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Mr. Smith seconded the motion, which carried by a vote of 7-0.



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As there was no other business to come before the Board, the meeting was adjourned at 11:02 a.m.

Minutes by: Mary Padrutt for Antoinette Frankfurt

Approved on: September 20, 2023