



FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509

(703) 324-1290

TTY 711 (Virginia Relay Center)

Fax (703) 324-3924

V I R G I N I A

October 28, 2004

Elizabeth D. Baker
Walsh, Colucci, Lubeley, Emrich & Terpak, P.C.
Courthouse Plaza
2200 Clarendon Boulevard Thirteenth Floor
Arlington, Virginia 22201-3359

Re: Interpretation for SEA 78-D-098-2 and 3, McLean Bible Church
Tax Map 28-2 ((1)) 9, 10 Pt. and 11 Pt: Storage Facilities, Trailers, Layout Modifications,
Permitted Uses

Dear Ms. Baker:

This is in response to your letter of January 16, 2004, as amended and replaced by your letter of April 8, 2004, requesting an interpretation of the Special Exception Amendment (SEA) Plats and development conditions approved by the Board of Supervisors in conjunction with the approval of SEA 78-D-098-2 and SEA 78-D-098-3. As clarification, SEA 78-D-098-2 governs 42.90 acres of the McLean Bible Church site that include the approved church and child care center (Tax Map 28-2 ((1)) 10, 11 and 18); SEA 78-D-098-3 governs 16.09 acres of the site that include the approved medical care facility and parking structure (Tax Map 28-2 ((1)) 9, 10 Pt. and 11 Pt). As I understand it, you have several questions relating to additional uses on the site which will be answered separately below. This determination is based on the plan entitled "Administrative Interpretation Exhibit, McLean Bible Church," which is dated April 8, 2004, and prepared by VIKA. Copies of your letters and a reduction of the plan are attached for reference.

Storage Containers and Trailers. As I understand it, your first question is whether the location of eight (8) storage containers and two (2) trailers on the south side of the church building would be in substantial conformance with the SEA Plats and development conditions. Each container and trailer is proposed to measure approximately 40 feet long, 8 feet wide and 8 feet high. You have stated that two of the 8 containers would contain construction material and are proposed to be removed when construction of the church facility is completed. The remaining six (6) containers are proposed for storage of seasonal items, such as Christmas decorations, and are proposed to remain on site permanently. The 2 trailers are proposed to be used for donated clothing and are proposed to remain on the site permanently. You have indicated that donated clothing would be organized and displayed in the trailers for visiting families to meet their needs.

SEA 78- D-098-2, which was approved for church uses and a child care center, limits the maximum permitted FAR to 0.15. The proposed addition of 6 containers and 2 trailers would add approximately 2,560 square feet of gross floor area. You have argued that the final buildout of the church and child care center will be less than the approved maximum FAR and that the additional floor area attributable to the containers and trailers would be accommodated within the approved maximum FAR for the development. The proposed containers and trailers would result in the loss of 11 parking spaces shown on the SE Plat.

The proposed permanent location of containers and trailers on the south side of the church building would alter the character of the approved development and its relationship to the adjacent residential properties. In addition, the loss of 11 parking spaces in this area is not consistent with the SEA approval. Therefore, it is my determination that the proposed addition of 6 permanent containers and two trailers would not be in substantial conformance with the SEA Plat and development conditions. It is my determination that the two proposed temporary containers for construction material would be in substantial conformance with SEA 78-D-098-2 provided that a temporary special permit, in accordance with the provisions of Section 8-806 of the Zoning Ordinance, is obtained prior to their installation. These temporary containers shall be removed prior to the issuance of a Non-RUP for the church addition.

Collection Bins. As I understand it, your second question is whether placement of two bins for the collection of clothing within the existing parking structure would be in substantial conformance with the SEA Plat and development conditions for SEA 78-D-098-3. The clothing collection storage bins are proposed to be located within southwestern corner of the parking structure adjacent to the residential community. You have stated that the bins would be marked for clothing donation as a part of the church's clothing ministry. However, your letter does not state the size of these bins, how they would be screened, or when they would be available for dropping off clothing. Absent more information, I cannot make a determination on this issue at this time. If you wish to provide additional information on this issue, a request for interpretation can be considered at a later date. Please note, it would be advisable that an alternative location within the parking structure, which is not adjacent to the residential community, be considered.

Bible Seminary. As I understand it, your third question is whether establishing a Christian Bible Seminary for higher Christian education, would be in substantial conformance with the SEA Plat and development conditions of SEA 78-D-098-2. You have stated that the McLean Bible Church is proposing to provide classroom space to the Christian Bible Seminary as an accredited program offering graduate degrees. According to the Zoning Administration Division, the proposed use is defined as a college or university under the Zoning Ordinance. Such use is a Category 3 Special Exception use which was not permitted pursuant to the currently governing approval. It is my determination that the proposed use is not in conformance with SEA 78-D-098-2. The addition of such a use would require the submission of a special exception amendment application and its approval by the Board of Supervisors.

These determinations have been coordinated with the Zoning Administration Division and have been made in my capacity as the duly authorized agent of the Zoning Administrator.

If you have any questions regarding these interpretations, please feel free to contact Kul Sandhu at (703) 324-1290.

Sincerely,



Barbara A. Byron, Director
Zoning Evaluation Division

BAB/KS\McLanBibleChurch.doc

Attachments: A/S

cc: Joan M. DuBois, Supervisor, Dranesville District
Nancy Hopkins, Planning Commissioner, Dranesville District
Eileen M. McLane, Deputy Zoning Administrator, Ordinance Administration Branch, DPZ
Leslie B. Johnson, Deputy Zoning Administrator, Permits Review Branch, DPZ
Michelle Brickner, Director, Office of Site Development Services, DPWES
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
File: File: SEA 78-D-09876-2 and 3, SEI 0401 005, Imaging, Reading File



**WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC**

Elizabeth D. Baker
Land Use Coordinator
(703) 528-4700 Ext. 14
cbaker@arl.thelandlawyers.com

April 8, 2004

RECEIVED
Department of Planning & Zoning
APR 08 2004
Zoning Evaluation Division

By Hand Delivery

Barbara A. Byron
Director, Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: McLean Bible Church Trustees
Tax Map 28-2 ((1)) 10 and 11

Dear Ms. Byron:

Please accept the following as a revised and updated request for interpretation in accordance with Section 9-004(4)(B) of the Fairfax County Zoning Ordinance. This letter replaces the letter previously sent to you dated January 16, 2004. This interpretation request involves Special Exception SEA 78-D-098 approved by the Board of Supervisors on January 11, 1999 and amended via SEA 78-D-098-2 approved on August 4, 2003. Copies of the approved conditions are enclosed for your reference.

On December 16, 2003, Denny Harris of McLean Bible Church and I met with Mike Congleton to discuss a number of issues with regard to operations at McLean Bible Church. It was determined that there were four issues that need interpretation, modification, or at a minimum clarification.

- I. Construction on the new church sanctuary and the second phase of the parking garage are currently underway on site. Within the existing surface parking area on the south side of the church building, there is a grouping of eight containers and two trailers. Two copies of an exhibit showing the location of these items are attached for you use. Each containers measures approximately, 40 feet long, 8 feet wide and 8 feet tall. Two of the containers house construction related materials and have been placed in the parking lot on a temporary basis. They will be removed when construction is completed. The other containers are proposed for permanent storage of such seasonal items as Christmas decorations. There is a lack of storage space in the church building to keep these infrequently used items. The two tractor truck trailers are utilized by the Church's Clothing Ministry. In

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these trailers donated clothing is organized and displayed. Families can visit the trailers to see what is available to meet their needs. The Church requests the continuation of these trailers on a permanent basis.

The location of the containers and trailers result in little, if any, impact on surrounding uses, particularly since the recent construction of a six foot high wooden fence adjacent to much of internal ring road. The containers and trailers do reduce the parking available in the parking lot; only eleven spaces are usable. However, McLean Bible Church has provided more parking than required by Ordinance with the recent construction of the extended parking garage. Since the approved special exception plat does not include locations for any trailers, temporary or otherwise, it is our request that we be granted approval to maintain these facilities as intended.

2. Within the existing parking structure the church has placed two bins for the collection of clothes. Each of these two bins are approximately the size of a trash dumpster. They are marked for clothing donation as a part of the church's Clothing Ministry. The location within the garage is very convenient for church members bringing in donations and since it is located under cover of the parking deck, no visual impact on adjacent properties. These bins are accessory structures that are clearly subordinate to the Church use. We request your concurrence that the clothing bins may remain.
3. The Church operates a cafeteria providing meals to members of the Church and employees. For awhile, this cafeteria was operated by an independent vendor. That vendor had advertised to provide catering services, which could have included services to groups outside of the Church. However, the Church has halted this activity and has taken over the management of the cafeteria to ensure its use is solely for employees and Church members during Church activities. I offer this information for clarification and believe no interpretation is necessary given this revised use.
4. As a part of its on-going Christian education, McLean Bible Church offers classroom space to the Capital Bible Seminary ("CBS"), which holds classes at this location and other locations in the metropolitan area. McLean Bible Church believes that encouraging and facilitating Christian higher education is fundamental to its mission. Members of the McLean Bible Church are granted a discount for the fees required for these classes. Since CBS offers a degree program, a concern was raised that classes at McLean Bible Church could be deemed part of a school of higher education. While it is possible to obtain a degree through this program, a majority of McLean Bible Church members who attend these classes do it purely as a mechanism for increasing their Christian education and are not seeking a degree. One of the key missions of McLean Bible Church is to provide an avenue for members to study the bible and widen their horizons with regard to theology. The Church believes that sponsoring classes by

CBS is an asset to our congregation is at the core of our mission. We ask your interpretation that continuation of this use is in conformance with the special exception for our Church use.

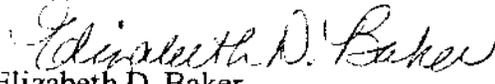
These requests are in accordance with Paragraph 4B of Section 9-004 and may be considered minor modifications/interpretations. The proposed modifications are in substantial conformance with the approved special exception plat and development conditions. The proposed modifications do not request the following:

- An expansion of the hours of operation from the approved pursuant to the special exception;
- An increase in the number of seats, parking spaces or students, if applicable, which exceeds more than ten (10) percent of the amount approved pursuant to the special exception;
- Permit uses other than those approved pursuant to the special exception, except accessory uses.
- Reduce the effectiveness of approved transitional screening, buffering, and landscaping or open space.
- Permit changes to bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property.
- Include the addition of any building or additions to buildings except accessory structures clearly subordinate to the use.

I would appreciate your favorable consideration of this request. As always, I appreciate your cooperation and assistance. If you have any questions, please do not hesitate to give me a call.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & TERPAK, P.C.


Elizabeth D. Baker
Land Use Coordinator

Enclosures

cc: Mike Congleton
Denny Harris
Martin D. Walsh

INTERPRETATION PLAN

Application No. SEA 78-D-098-3 Staff KS

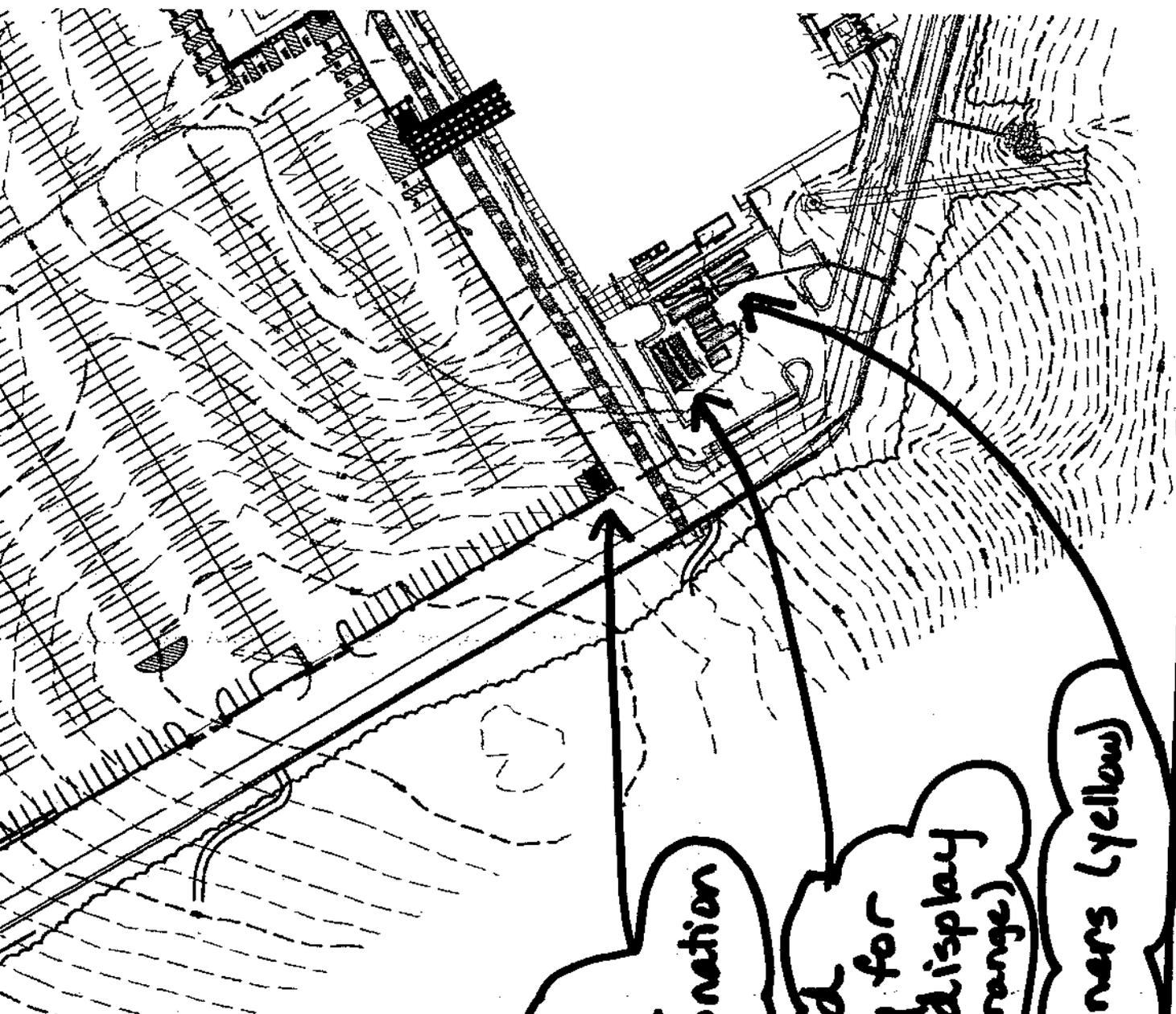
Control No. SEI 0401 005

Approved: YES NO IN PART (circle one)

RESPONSE LETTER DATED 10/28/04

of

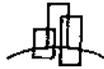
TOTAL SEA AREA
ACRES



2 storage bins
for drop-off of the
Clothing Ministry's donation

2 trailers used
by Clothing Ministry for
organization and display
(orange)

Storage containers (yellow)



WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC

Elizabeth D. Baker
Land Use Coordinator
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ebaker@arl.thelandlawyers.com

RECEIVED
Department of Planning & Zoning

JAN 21 2004

Zoning Evaluation Division

January 16, 2004

Via Facsimile and U.S. Mail

Barbara A. Byron
Director, Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

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On December 16, 2003, Denny Harris of McLean Bible Church and I met with Mike Congleton to discuss a number of issues with regard to operations at McLean Bible Church. It was determined that there were four issues that need interpretation, modification or at least clarification.

1. Construction on the new church sanctuary and the second phase of the parking garage are currently underway on site. Current construction activities have created a shortage of storage for Church materials. A temporary storage trailer has been provided within the parking area. The approved special exception plat does not include locations for any trailers, temporary or otherwise. Due to the fact that this is a trailer of a temporary nature, it is our request that we be granted approval to maintain this trailer during our construction phase.
2. Within the existing parking structure the church has placed two bins for the collection of clothes. Each of these two bins are approximately the size of a trash dumpster. They are marked for clothing donation as a part of the church's Clothing Ministry. The location within the garage is very convenient for church

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members bringing in donations and since it is located under cover of the parking deck, no visual impact on adjacent properties. These bins are accessory structures that are clearly subordinate to the Church use. We request your concurrence that the clothing bins may remain.

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These requests are in accordance with Paragraph 4B of Section 9-004 and may be considered minor modifications/interpretations. The proposed modifications are in substantial conformance with the approved special exception plat and development conditions. The proposed modifications do not request the following:

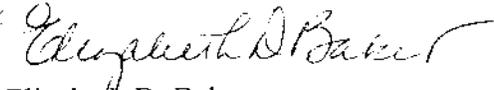
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WALSH, COLUCCI, LUBELEY, EMRICH & TERPAK, P.C.



Elizabeth D. Baker
Land Use Coordinator

EDB/kkf

Enclosures

cc: Mike Congleton
Denny Harris
Martin D. Walsh

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