



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

March 30, 2005

Stephen K. Fox
10511 Judicial Drive, Suite 112
Fairfax, Virginia 22030

Re: Interpretation for SPA 95-S-029, Seoul Presbyterian Church, Tax Map 77-3 ((1)) 35, 36 and 36B: Phasing of Cellar Space

Dear Mr. Fox:

This is in response to your letter of December 13, 2004, requesting an interpretation of the special permit plat and development conditions approved by the Board of Zoning Appeals in conjunction with Special Permit Amendment SPA 95-S-029. As I understand it, the question is whether the construction of 7,000 square feet of cellar space as part of the Proposed Fellowship Hall to be constructed in Phase 1 rather than as part of the Future Sanctuary to be constructed in Phase II, as originally approved, would be in substantial conformance with the special permit plat and development conditions. This determination is based on your letter, a copy of which is attached.

As I understand it, you are proposing to construct 7,000 square feet of cellar space as part of the Proposed Fellowship Hall during Phase 1 of the construction process. No cellar space is referenced as part of this construction on the approved special permit plat. However, the Future Sanctuary to be constructed during Phase 2 is shown with a cellar. In your letter, you have agreed to relinquish the cellar space approved with Phase 2, and acknowledge that in order to restore the cellar space shown in the Phase 2 construction, approval of a Special Permit Amendment would be required. It is noted that, in a previous letter from this office dated September 30, 2004 (attached), it was determined that the construction of 7,000 square feet of cellar space in conjunction with Phase 1, without relinquishing the approved cellar space in Phase 2, was not in conformance with the special permit plat and development conditions. With the understanding that the cellar space shown as part of the Future Sanctuary to be constructed in Phase 2 has been relinquished, it is my determination that the construction of 7,000 square feet of cellar space as part of the Fellowship Hall to be constructed in Phase 1 is in conformance with the special permit plat and development conditions.

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding these requirements, please feel free to contact Bill Sherman at (703) 324-1290.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

BAB/WS

Attachments: A/S

cc: Members, Board of Zoning Appeals
Elaine McConnell, Supervisor, Springfield District
Pete Murphy, Planning Commissioner, Springfield District
Leslie Johnson, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Michelle Brickner, Assistant Director, Land Development Services, OSD, DPWES
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ
File: SPA 95-S-029; SPI 0501 002; imaging, Reading File

STEPHEN K. FOX
A PROFESSIONAL CORPORATION
ATTORNEY AT LAW
10511 JUDICIAL DRIVE
SUITE 112
FAIRFAX, VIRGINIA 22030

(703) 273-7220
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December 13, 2004

VIA FACSIMILE AND FIRST CLASS MAIL

Kevin J. Guinaw, Asst. Division Director
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, 8th Floor
Fairfax, Virginia 22035

RECEIVED
Department of Planning & Zoning

JAN 18 2005

Zoning Evaluation Division

Re: Request for Zoning Interpretation, Seoul Presbyterian Church: Special Permit Amendment
(SPA 95-S-029) for Expansion of Church Facilities

Dear Mr. Guinaw:

I represent Seoul Presbyterian Church in connection with Special Permit Amendment 95-S-029. The approved SPA plat depicted construction of a Fellowship Hall in Phase I and a new sanctuary in Phase II. Subsequently, the Church determined that it wished to reconfigure the Fellowship Hall uses for a multi-purpose room and add to 7,000 square feet to the basement. The Zoning Administrator determined on September 30, 2004 that the reconfiguration was in substantial compliance, but that the proposed addition of 7,000 square feet was not in substantial compliance with the Special Permit. The Church, however, wishes the Zoning Administrator to review the latter issue in a different context.

Discussion

The approved Special Permit also depicts approximately 14,400 Square feet of new construction in the Phase II sanctuary, plus a full cellar. Since the Phase I site plan is proceeding toward approval, we propose to "borrow" or shift 7,000 square feet of cellar space from Phase II so that construction of the Fellowship Hall may proceed in 2005 with a full cellar. It would then be our intent to file a SPA at a later time, seeking approval to restore the full cellar space to Phase II. It is submitted that the proposed shift of cellar space from Phase II to the Phase I Fellowship Hall is in substantial compliance with the approval. The addition will not generate the need for additional parking, will not create any greater impervious area, and has no impact on committed open space.

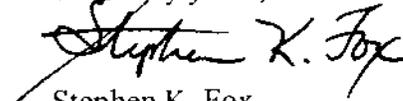
Kevin J. Guinaw, Asst. Division Director
January 13, 2005
Page Two

Question Presented

Would the Zoning Administrator deem the shift of 7,000 square feet of cellar space from Phase II to Phase I for the purposes stated to be in substantial compliance with the SPA approval, provided that the Applicant shall either relinquish a like amount of cellar space in Phase II, or alternatively, seek approval via another SPA to restore said cellar area to the Phase II sanctuary?

Thank you for your thoughtful consideration of these issues.

Very truly yours,


Stephen K. Fox

SKF/kt

cc: Pastor Jae Kim
Han Che, P.E.



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12055 Government Center Parkway, Suite 801
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V I R G I N I A

September 30, 2004

John Kim, AIA/Principal
JK Architects and Associates, Inc.
937 Russell Avenue
Gaithersburg, MD 20879

Re: Interpretation for SPA 95-S-029, Scoul Presbyterian Church, Tax Map 77-3 ((1)) 35, 36 and 36B:
Revised Building Footprint, Addition of Cellar Space, Building Height

Dear Mr. Kim:

This is in response to your letter of August 19, 2004, requesting an interpretation of the Special Permit Plat and Development Conditions approved by the Board of Zoning Appeals in conjunction with Special Permit Amendment SPA 95-S-029. As I understand it, the question is whether the proposed revisions to the approved fellowship hall consisting of a revision to the building footprint, the addition of 7,000 square feet of cellar space to be used as classrooms and a building height of 35.5 feet would be in substantial conformance with the Special Permit Plat and development conditions. This determination is based on your letter and attachments as well as subsequent phone conversations with staff. Copies of the letters and attachments are attached for reference.

As I understand it, you are proposing two changes to the approved fellowship hall depicted on the Special Permit Plat. The first is a modification to the building footprint, as depicted on Attachment A of your letter. You have stated that the change is required to accommodate a standard size basketball court. The modification to the floor plan would increase the length of the multi-purpose area of the fellowship hall from 100 to 108 feet, while decreasing the width from seventy to sixty-four feet. Overall, the changes would result in a net reduction of eighty-eight square feet. The footprint and location of the eastern portion of the building (labeled "chapels" on Attachment A to your letter) would not change. The building in question is interior to the lot; therefore, the changes would not result in a reduction to the effectiveness of required screening. It is my determination revisions to the footprint of the of the fellowship hall are in conformance with the Special Permit Plat and Development Conditions.

As I understand it, the second change that you have proposed is the addition of 7,000 square feet of classroom space in a cellar of the fellowship hall. The cellar space would be located underneath the "chapels" space, as depicted on Attachment A to your letter. On the Special Permit Plat, the future sanctuary building to be constructed during Phase 2 is depicted with a cellar. However, the fellowship hall is not depicted with a cellar. It is also noted that intensity of use was an issue raised by staff during the review process for this application. The addition of 7,000 square feet of classroom space represents a considerable increase in the intensity of use for the site beyond that which was approved by the Board of Zoning Appeals. It is my determination that the addition of 7,000 square feet of classroom space in a cellar underneath the approved fellowship hall is not in conformance with the Special Permit Plat and Development Conditions.

As I understand it, you have also requested clarification of the proposed height of the fellowship hall. In your letter, you state that the proposed height of the fellowship hall would be 53 feet to the peak of a gabled roof. In Section 20-300 of the Zoning Ordinance, building height is defined as, "The vertical distance... to the average height between eaves and the ridge for gable, hip and gambrel roofs measured from ... the GRADE..." In a subsequent phone conversation, you stated that the height of the building, measured using this definition, is 35.5 feet. The maximum building height for Phase 1 is 37 feet in height, as stated on the Special Permit Plat. Therefore, the proposed height for the fellowship hall is within the maximum approved for the building height under SPA 95-S-029.

These determinations have been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding these requirements, please feel free to contact Bill Sherman at (703) 324-1290.

Sincerely,

Barbara A Byron, Director
Zoning Evaluation Division, DPZ

BAB/WS

Attachments: A/S

cc: Members, Board of Zoning Appeals
Elaine McConnell, Supervisor, Springfield District
Pete Murphy, Planning Commissioner, Springfield District
Daryl Varney, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Michelle Brickner, Director, Site Development Division, DPWES
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
File: SPA 95-S-029; SPI 0409029; Imaging, Reading File