



# FAIRFAX COUNTY

**APPLICATION FILED:** March 20, 2006  
**BOARD OF ZONING APPEALS:** June 13, 2006  
**TIME:** 9:00 a.m.

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V I R G I N I A

**June 6, 2006**

## **STAFF REPORT**

**SPECIAL PERMIT AMENDMENT APPLICATION NO. SPA 82-V-069-03**

### **MOUNT VERNON DISTRICT**

**APPLICANT:** Trustees of Mt. Vernon Unitarian Church and Fort Hunt Preschool

**ZONING:** R-2

**LOCATION:** 1909 Windmill Lane

**ZONING ORDINANCE PROVISIONS:** Sect. 3-203

**TAX MAP:** 093-3 ((1)) 10B and ((18)) A

**LOT SIZE:** 7.95 acres

**F.A.R.:** 0.08

**PLAN MAP:** Residential 2-3 du/ac

**SP PROPOSAL:** An amendment to SP 82-V-069 previously approved for a church with nursery school to permit building addition, increase in seating increase in land area and site modifications.

### **STAFF RECOMMENDATION:**

Staff recommends approval of SPA 82-V-069-03, subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days

after the decision becomes final.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334.

**DESCRIPTION OF THE APPLICATION****Special Permit Request:**

An amendment to SP 82-V-069 previously approved for a church with nursery school to permit building addition, increase in seating increase in land area and site. The building addition consists an addition to provide an improvement to the entrance and gathering location at the front of the church and the addition of space for classroom and office functions that are currently being conducted in the existing manor house on the site. The addition will increase the size of the existing building by 6,290 square feet, in three phases, from 21,769 square feet to 28,019 square feet. The number of seats approved in the sanctuary is 350 as granted by SPA 82-V-069. On July 27, 1994 the BZA approved SPA 82-V-069 to allow a nursery school with a fifty student capacity. At that time the development conditions changed to reflect the number of seats reflected on the SP Plat that stated the number of sanctuary seats as 250. The actual number of seats has always been 350 as approved in SPA 82-V-069. A small increase in land area is also proposed which corrects the size of the property from the previous application by slightly over 1,000 square feet. Additionally, six new parking spaces are proposed

	<u>Existing</u>	<u>Proposed</u>
<b>Size of property:</b>	7.9013 acres	7.944 acres
<b>Parking:</b>	95 spaces	101
<b>Gross Floor Area:</b>	21,769 square ft. (total)	28,019 square ft.
<b>FAR:</b>	0.06	0.08
<b>Number of Seats:</b>	250 seats*	350 seats*
<b>Maximum Daily Enrollment (Nursery School)</b>	50	50
<b>Employees:</b>		
Church:	7	7
Nursery School:	8	8
<b>Hours of Operation (Existing; no Change Proposed): (Church)</b>		
Sunday services:	9:30 a.m. - 11:15 a.m.	
Administrative Offices and Church Building (Monday through Friday):	8:30 a.m. to 3:00 p.m. (Meetings and other church related gatherings may occur until 10 p.m.)	

Lutheran Social Services  
(Monday through Friday): 9:00 a.m. to 5:00 p.m.

**Hours of Operation:  
(Nursery School; Existing; no Change Proposed)**

Monday through Friday: 9:30 a.m. to noon.

**Hollin Hall  
(Weddings and Receptions Existing; no Change Proposed):**

Sunday through Monday 365 days: 8:00 a.m. to 10 p.m.

\* The number of seats approved in the sanctuary is 350 as granted by SPA 82-V-069. On July 27, 1994 the BZA approved SPA 82-V-069 to allow a nursery school with a fifty student capacity. At that time the development conditions changed to reflect the number stated on the SP Plat that stated that the number of sanctuary seats as 250. The actual number of seats has always been 350 as approved in SPA 82-V-069. No actual additional seats in the sanctuary and no increase in the number of children in the nursery school are proposed.

**Waiver and Modifications Requested:**

The applicant requests that the transitional screening and barrier requirements be modified and waived, respectively, in favor of the existing vegetation.

**LOCATION AND CHARACTER**

**Existing Site Description:**

Mt. Vernon Unitarian Church is located at 1909 Windmill Lane to the northeast of its intersection with Mason Hill Drive. The property is surrounded on all sides by property zoned R-2 which is developed with single family detached dwellings zoned R-2.

The existing church sanctuary with meeting rooms and ancillary facilities is located in the north-central part of the site. It contains 7,355 square feet of gross floor area. A memorial garden is positioned west of the sanctuary. The Carriage House which contains 2,510 square feet of gross floor area is located in the northern corner of the property and contains the church offices. A 3,600 square foot play area is located adjacent to the Carriage House to the southwest. Hollin Hall, a 2½ story historic mansion containing 10,028 square feet of gross floor area, is located in the southern part of the property. A greenhouse, two turkey sheds, and pump house are located near the northeastern lot line. These miscellaneous structures contain 1,806 square feet of gross floor area. The combined FAR for the existing buildings is 0.06. A parking lot with 95 spaces is located between the central part of the property and the northeast lot line. The driveway, which traverses the eastern part of the new plat site, connects the parking lot to Windmill Lane. The driveway also connects to a circular drive which provides access to the Hollin Hall Manor House.

The property is heavily landscaped with a concentration of landscaped gardens and hedge

rows located in the northwestern corner. Landscaped gardens and hedge rows also surround the Hollin Hall Mansion. The parking lot contains a series of landscaped islands and the driveway between the parking lot and Windmill Lane is tree lined. Tree stands of varying density and size adjoin every lot line. A large grass covered area is located southeast of Hollin Hall and south of the parking lot.

## BACKGROUND

### Site History:

Application	Date	Use	BZA Action
Special Permit* # 5838	10/24/1961	Allow church and conference center and granted a variance for minimum yard requirements for buildings existing at that time	Approved
Special Permit** #S-58-74	7/17/74	Allow counseling & learning sessions on mansion first floor.	Approved
Variance* #S-82-V-158	10/12/82	Subdivision of one church lot into five lots with a remaining lot, Lot 10B, was being retained for church use.	Approved
Special Permit*** #S-82-069	10/12/82	Allow construction of a new church sanctuary and related facilities.	Approved
SPA 82-V-069-1	4/5/94	Temporary decorators showcase.	Approved
SPA 82-V-069-2	7/19/94	Increase enrollment of previously by right nursery school to 50 students	Approved

\*The BZA approval of Special Permit # 5838 on October 24, 1961 also included the granting of variances from the minimum yard requirements for the existing buildings on-site.

\*\*The approval of Variance # 82-V-158 on October 12, 1982 allowed the property to be subdivided into five new lots with the church remaining on the sixth lot. This resulted in the subject property being reconfigured into a through lot which is defined as an interior lot abutting two or more public streets. By definition a through lot cannot have a rear lot line. Therefore, the remaining lot lines are side lot lines.

\*\*\*The BZA approved SP 82-V-69 contains development conditions requiring 100 parking spaces and limiting the church to 350 maximum number of seats. A copy of the above noted special permit and variance Resolutions are attached at Appendix 4.

### Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Single family detached dwellings	R-2	Residential, 2-3 du/ac
South	Single family detached dwellings	R-2	Residential, 2-3 du/ac
East	Single family attached dwellings	R-2	Residential, 2-3 du/ac
West	Single family attached dwellings	R-2	Residential, 2-3 du/ac

### COMPREHENSIVE PLAN PROVISIONS

**Plan Area:** Mount Vernon Planning District, Area IV  
**Planning Sector:** Groveton Community Planning Sector  
**Plan Map:** Residential 2-3 du/ac

### ANALYSIS

**Special Permit Plat** (Copy at front of staff report)

**Title of SP Plat:** Special Permit Amendment Plat, Mt. Vernon Unitarian Church, Mount Vernon District, Fairfax County, Virginia  
**Prepared By:** R. F. Fields, Jr. and Associates  
**Dated:** November 14, 2005, signed February 22, 2006

### Proposed Use:

The Special Exception Amendment Plat proposes a building addition to provide an improvement to the entrance and gathering location at the front of the church and the addition of space for classroom and office functions that are currently being conducted in

the existing manor house on the site. The addition will increase the size of the existing building by 6,290 square feet, in three phases, from 21,769 square feet to 28,019 square feet and increase FAR from 0.60 to 0.08. The number of seats approved in the sanctuary is 350 as granted by SPA 82-V-069. As previously noted the number of seats was incorrectly reflected as 250 seats in the SPA plat for SPA 82-V-069-02 and subsequently reflected in an approved development conditions. The application proposes construction of the improvements in three phases totaling 6,290 square feet. A portion of the parking lot will be reconfigured and the total number of spaces increased from 95 to 101.

A 25 foot landscaped transitional screening yard exists and will remain on all boundaries of the property. The property is heavily landscaped with a concentration of landscaped gardens and hedge rows located in the northwestern corner. Landscaped gardens and hedge rows also surround the Hollin Hall Mansion. The parking lot contains a series of landscaped islands and the driveway between the parking lot and Windmill Lane is tree lined. Tree stands of varying density and size adjoin every lot line. A large grass covered area is located southeast of Hollin Hall and south of the parking lot. The increase in land area proposed includes the addition of the 1,000 + square foot parcel A to the previous application area.

### **Land Use Analysis**

There are no land use issues associated with this application.

### **Urban Forest Management Analysis**

There are no urban forest management issues associated with this application.

### **Environmental Analysis (Appendix 5)**

#### **Issue:**

The environmental analysis referred to the adequacy of on site stormwater management (noted in the Stormwater Analysis below) associated with this application and the need to ensure that adequate on-site detention and water quality measures are provided with is application.

#### **Resolution:**

With the imposition of the proposed development conditions in Appendix 1 these issues are addressed.

**DPWES Stormwater Analysis (Appendix 6)****Issue:**

The stormwater management analysis indicates that additional information regarding site outfall should be provided. The analysis indicated that there some downstream drainage complaints in the area. The applicant has proposed additional on site detention. The adequacy of this capacity should be determined and addressed at the time of site plan review by the applicant as required by DPWES. The analysis also indicates that the site is located in the Little Hunting Creek Watershed and as such identifies two possible projects that should be implemented on the site. One is the increased capacity of the detention pond on site and the use of porous pavement systems to replace existing surfaces issues proposed to be replaced with this application.

**Resolution:**

With the imposition of the proposed development conditions in Appendix 1 these issues are addressed.

**Transportation Analysis (Appendix 7)****Issue:**

The transportation analysis indicates that all parking should be provided on site. The use meets the required parking with 101 spaces being provided on site while 88 are required based on the requirement of one parking space for every four seats in the sanctuary. The transportation analysis also indicated that the adequacy of site distance should be verified along Windmill Road.

**Resolution:**

With the imposition of the proposed development conditions in Appendix 1 these issues are addressed.

**ZONING ORDINANCE PROVISIONS**

<b>R-1 DISTRICT REGULATIONS</b>	<b>REQUIRED</b>	<b>PROVIDED</b>
<b>Bulk Regulations R-2</b>		
<b>Lot Size</b>	15,000 square feet	7.95 acres
<b>Lot Width</b>	100 feet	330 ft. Mason Hill Dr.

<b>R-1 DISTRICT REGULATIONS</b>	<b>REQUIRED</b>	<b>PROVIDED</b>
		55 ft. Windmill Lane*
<b>Building Height</b>	60 feet	22 ft. Church
<b>Front Yard</b>	Controlled by 50° Angle of Bulk Plane (ABP), but not less than 35 feet	143 feet (Mansion nearest structure to front line)
<b>Side Yard</b>	Controlled by 45° ABP, but not less than 15 feet	26.2 feet (Carriage House)
<b>FAR</b>	0.20	0.08
<b>Parking</b>	95	101

\*The BZA approval of Special Permit # 5838 on October 24, 1961 also included the granting of variances from the minimum yard requirements for the existing buildings on-site. A copy of the BZA Resolution is attached as Appendix 4.

The approval of Variance # 82-V-158 on October 12, 1982 allowed the property to be subdivided into five new lots with the church remaining on the sixth Lot. A copy of the BZA Resolution is attached as Appendix 4. This resulted in the subject property being reconfigured into a through lot which is defined as an interior lot abutting two or more public streets. By definition a through lot cannot have a rear lot line. Therefore, the remaining lot lines are side lot lines.

<b>Standard</b>	<b>Required</b>	<b>Provided</b>
<b>Transitional Screening</b>		
<b>North (single family attached dwellings)</b>	Transitional Screening (T/S) 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Dense existing vegetation supplemented with large and medium evergreen trees on the north side of the detention pond trees; T/S area 25 feet wide

Standard	Required	Provided
<b>East (single family attached dwellings)</b>	T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Dense existing vegetation supplemented with large and medium evergreen trees on the north side of the detention pond trees; T/S area 25 feet wide
<b>South (single family detached dwellings)</b>	T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Dense existing vegetation supplemented with large and medium evergreen trees on the north side of the detention pond trees; T/S area 25 feet wide
<b>West (single family attached dwellings)</b>	T/S 1 - 25 feet in width Planted with evergreen trees or a mixture of evergreen and deciduous trees	Existing mature vegetation supplemented by evergreen and deciduous tree plantings; T/S area approx. 45.0 to 65.0 feet wide
<b>Barrier</b>		
<b>North (single-family dwellings and vacant land)</b>	Barrier D, E or F	None*
<b>South (Single family detached dwellings)</b>	Barrier D, E or F	None*
<b>East (single family attached dwellings)</b>	Barrier D, E or F	None*
<b>West (multi-family development and single family attached dwellings)</b>	Barrier H  Barrier D, E or F	None*

\* Waiver approved with SP 82-V-069; applicant also requests the waiver with this application.

## **WAIVERS/MODIFICATIONS REQUESTED**

### **Waivers and Modifications Requested**

Transitional Screening 1 and Barrier D, E, or F are required adjacent to all property lines. The applicant requests that the transitional screening and barrier requirements be modified and waived, respectively, in favor of the existing on site vegetation. A modification of transitional screening and waiver of barrier requirements was allowed under SP 82-V-069 and subsequently under SPA 82-V-069 and SPA 82-V-069-2 . Since there are minimal physical improvements to the site, and the site is heavily vegetated, staff believes that the modification of the transitional screening and waiver of the barrier requirements should be approved provided that the existing plantings and landscaping on the property are maintained.

Sect. 13-304 provides that transitional screening may be modified where the land between the buildings and the property lines has been designed to minimize adverse impact through a combination of architectural and landscaping techniques. The existing landscaping, distance of the sanctuary and mansion from the lot lines and the landscape plantings surrounding the buildings on-site minimize the adverse visual impact of the non-residential uses. The density, quantity, maturity and location of the plantings on-site, satisfy the transitional screening requirements for all boundary lines. The large amount of vegetation on the property combined with the internal orientation of the buildings render the barrier requirement unnecessary.

## **OTHER ZONING ORDINANCE REQUIREMENTS**

### **Special Permit Requirements (See Appendix 8)**

- General Special Permit Standards (Sect. 8-006)
- Group 3 Standards (Sect. 8-303)
- Additional Standards for Churches, Chapels, Temples, Synagogues or Other Such Places of Worship With a Child Care Center, Nursery School or Private School (Sect. 8-308)

### **Summary of Zoning Ordinance Provisions**

All applicable standards have been satisfied, subject to the proposed development conditions.

## **CONCLUSIONS**

Staff concludes that the subject application is in harmony with the Comprehensive Plan and is in conformance with the applicable Zoning Ordinance provisions, but only with adoption of the proposed development conditions.

## **RECOMMENDATIONS**

Staff recommends approval of the subject special permit amendment application, with the adoption of the Proposed Development Conditions contained in Appendix 1 of this Staff Report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Development Conditions and Plat Approved for SP 82-V-069-2 and Previous Special Permits and Variances
5. Environmental Analysis
6. DPWES Stormwater Analysis
7. Transportation Analysis
8. Applicable Zoning Ordinance Provisions Checklist

**REVISED PROPOSED DEVELOPMENT CONDITIONS****June 6, 2006**

If it is the intent of the Board of Zoning Appeals to approve SPA 82-V-069-03 located at Tax Map 093-3 ((1)) 10B and ((18)) A, for an amendment to SP 82-V-069 previously approved for a church and nursery school to permit building additions, modification of development conditions and site modifications pursuant to Section 3-203 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. Those conditions carried forward from the previous special permit are marked with an asterisk. Minor edits have been made to these conditions to conform to current terminology. Edits have been underlined.

1. This approval is granted to the applicants only, Trustees of Mount Vernon Unitarian Church and Fort Hunt Preschool and is not transferable without further action of this Board, and is for the location, 1909 Windmill Lane, 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 R. C. Fields and Associates, dated November 14, 2005 signed February 22, 2006 and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit SHALL 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 Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special permit shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.\*
5. The church and related facilities shall continue to use the existing ingress/egress from Windmill Lane and ingress/egress to the property shall be prohibited from Mason Hill Drive.\*
6. The maximum seating capacity for the main area of worship shall be limited to ~~250~~ 350.\*
7. The maximum daily enrollment of the nursery school shall not exceed fifty (50) students.\*
8. The maximum hours of operation of the nursery school shall be limited to 9:15 a.m. to 12:00 noon, Monday through Friday.\*
9. Parking shall be provided as depicted on the Special Permit Amendment Plat. All parking shall be on-site.

10. The existing on site vegetation shall be maintained and shall satisfy the transitional screening requirement for all lot lines. Any vegetation removed along the northeastern lot line adjacent to lots 44 and 45 for the installation of stormwater related facilities, shall be replaced to provide screening equivalent to what was removed, as determine feasible by Urban Forest Management (UFM).
11. The barrier requirement shall be waived along all lot lines, provided that the fence located adjacent to the northwestern lot line remains.\*
12. An outdoor recreation area which provides 100 sq. ft. of play area for each child on the playground at any one time shall be located to the interior of the site. Plantings shall conceal the play area from the view of adjoining residential lots as approved by the ~~Urban Forestry Branch, DEM~~ (UFM).\*
13. Stormwater management and Best Management Practices facilities shall be provided as determined by DPWES. The applicant shall coordinate with DPWES to provide for improved water quality of the Little Hunting Creek Watershed by increasing the capacity of the detention pond on site if any element of the pond is upgraded and by the use of porous pavement systems to replace existing surfaces proposed to be replaced under this application. These projects shall be completed as directed by DPWES. The applicant shall also dedicate storm drainage easements over the storm system which conveys off-site runoff upon site plan approval or within 30 days of the request of the director.

These conditions incorporate and supercede all previous 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. 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 Phase 1 use has been established or construction has commenced and been diligently prosecuted. Commencement of Phase I shall establish the use as approved pursuant to this special permit. The Board of Zoning Appeals may grant additional time to establish the use or 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.