County of Fairfax, Virginia

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April 5, 2007

Charles F. Dunlap, Senior Project Manager
Walter L. Phillips, Inc.
207 Park Avenue
Falls Church, VA 22046

Re: Interpretation for SP 2005-MV-010, New Hope Church, Tax Map 106-2 ((1)) 7 (8905 Ox Road): Berm

Dear Mr. Dunlap:

This is in response to your letter of March 12, 2007, requesting an interpretation of the development conditions and Special Permit (SP) Plat approved by the Board of Zoning Appeals (BZA) with the above referenced application. As I understand it, the question is whether the addition of a landscaped berm along the Route 123 frontage of the site is in substantial conformance with SP 2005-MV-010. This determination is based on your letter; the SP Plat and development conditions; and an exhibit entitled "Interpretation Exhibit Proposed New Hope Church" dated March 15, 2007, and prepared by Walter L. Phillips. Copies of your letter and relevant exhibits are attached.

According to your letter, site construction has commenced and, after the site was cleared and graded, it was determined that there was a significant amount of excess topsoil material in excess of the topsoil material that could reasonably be used with the finished grade operations. You state that approximately 1,500-2,000 cubic yards of topsoil and other unsuitable material has been stored in the rear of the site for future use in the open space areas, with an additional approximately 2,500-3,000 cubic yards of unused material. Your letter states that the contractor for the church deposited the extra soil material in the location which you are proposing as a landscaped berm. You are asking if the now existing berm that is located along the Route 123 frontage is in substantial conformance with the special permit.

As your letter states, an ingress-egress easement that was required pursuant to Development Condition #21 exists along the entire site frontage. According to your exhibit, the proposed berm appears to be occupy over one-half of the entire easement which was required to provide future access to Parcel 8 to the south. Parcel 8 is zoned R-1 but is planned for higher density. You state that there are currently no known plans for its re-development and that the church would pay for the removal of the portion of the berm within the easement should the access road ever be extended.

The ingress/egress easement was required for the purpose of providing future access to the adjacent property; thus, its use as a landscaped berm conflicts with its purpose and could impede the future development of off site property. It is my determination that the proposed berm along the site frontage is not in substantial conformance with SP 2005-MV-010.

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please contact Mary Ann Godfrey at (703) 324-1290.

Sincerely,

Barbara Byron

Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

Attachments: A/S

cc: Members, Board of Zoning Appeals
Leslie Johnson, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Michelle Brickner, Assistant Director, Land Development Services, DPWES
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, DPZ
File: SP 2005-MV-010, SPI 0703 005

Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

WALTER L. PHILLIPS, INCORPORATED
Founded 1945

March 12, 2007

Via delivery

Mr. Kevin Guinaw
Zoning Evaluation Division
Department of Planning and Zoning
County of Fairfax
12055 Government Center Parkway
Fairfax, VA 22035

RECEIVED
Department of Planning & Zoning
MAR 19 2007
Zoning Evaluation Division

Re: ***Special Permit No. SP 2005-MV-010; New Hope Church***

Dear Kevin:

This letter and attachments serves to request that the addition of a landscape berm in a portion of the property between the proposed building and Ox Road, Route 123 is in substantial conformance with the above noted approved Special Permit. This request is made pursuant to a series of recent construction events and a plan revision that was reviewed and subsequently disapproved by the Department of Public Works and Environmental Services (DPWES). The successful resolution of this interpretation request will serve as the basis for addressing the plan comment from DPWES and securing approval of the plan revision.

As background, the above noted Special Permit was approved by the Board of Zoning Appeals on May 24, 2005. The Special Permit allowed the development of a new church and related facilities on this approximate 8.88 acre parcel fronting on Ox Road in the Mt. Vernon District near Lorton. The approval of the Special Permit was followed by the approval of a Site Plan (Plan #8036-SP-002-2) by DPWES on or about October 13, 2006, after which construction began immediately and has been proceeding since the date the permits were issued.

After the site was cleared and earthmoving activities were started towards bringing the site to rough grade, it was determined that there was a significant amount of topsoil material that needed to be stored on the site for future use; however, it was also determined that there was most likely more topsoil material available than could reasonably be used with the finished grade operations. Approximately 1,500 to 2,000 cubic yards of topsoil and other unsuitable material has been temporarily stored in the rear of the site for use in the open space areas when the grading operations are complete; however, an additional 2,500 to 3,000 cubic yards of excess material still remained to be used. Accordingly, areas of the site were reviewed to see if this

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property. We will note that the only a portion of the berm lies within the limits of the ingress-egress easement; and, if necessary, the church is willing to pay for the cost of the removal of this portion of the berm in the event the access road is ever extended southward within the limits of the easement.

We appreciate your time and effort in this request; and, we look forward to your favorable reply. In the interim, please feel free to give me a call or email me at cdunlap@wlpinc.com should you have any questions or need additional information. As always, I look forward to speaking with you soon.

Very truly yours,

Charles F. Dunlap, L.S.
Senior Project Manager

CFD:ca
Enc.
cc: David Schleyer, New Hope Church, w/enc.
Steve Straub, Scott-Long Construction, Inc., enc.
Sarah Hall, Blankingship & Keith, w/enc.
(04-065/FL-06)

surplus material had the potential for use as landscaped berms or other similar features. One of the areas reviewed was the open grassy field between the proposed building and Ox Road, Route 123. We note that this area consisted of the open lawn area associated with the old house on the property, an area where there were only a few trees and is an area that was shown on the approved Special Permit Plat as an area that was to be disturbed; and, if the material could be placed in this area, no additional clearing or tree removal would be required beyond the clearing limit that was shown on the approved Special Permit Plat..

Prior to doing any work, however, the contractor consulted with both the DPWES Site Inspector and the Urban Forestry Management Inspector to determine if there were any adverse issues associated with constructing a landscaped berm in this area. Neither voiced any objections; however, the site inspector stated that the berm should be shown on a plan revision, the berm should be graded with slopes not steeper than 3:1 horizontal to vertical ratio and erosion control measures should be provided around the base of the berm. Likewise, the Urban Forestry Inspector indicated that the few trees in this area should be preserved and protected with tree protection fences and/or other measures as needed. Appearing that the inspectors had no issue with this location, the contractor began placing the surplus material in this location, following the recommendations of the inspectors; and, as of the date of this letter, the berm is existing. At the same time, this office was directed to prepare and submit a plan revision showing the berm and some minor adjustments to the utility connections for the building. This site plan revision (Plan #8036-SPV-002-A-1) was submitted on or about January 24, 2007; however, it was subsequently disapproved on February 26, 2007 and returned to our office last week.

We believe that the placement of a berm along Ox Road, Route 123 is in substantial conformance with the approved Special Permit. The berm has not resulted in the loss of any trees, has been placed in an area that is, essentially, an open, grassy field and it will provide some additional screening between the use and the residential properties on the west side of Ox Road. Moreover, as part of the final grading, the sides of the berm will be smoothed out so as not to exceed the maximum slope parameters specified by the site inspector; and, the area in which the berm is now located will also be planted with the trees shown on the approved Special Permit Plat and current approved Site Plan, which will add to its overall screening effect. Admittedly, a portion of the berm does lie within an ingress-egress easement that will provide access to the property abutting the church on the south. However, this access will be used only if this property develops; and, at the present time, the property is used for residential purposes, has a separate private entrance on Ox Road, Route 123 and there are no known plans for development of the

INTERPRETATION PLAN

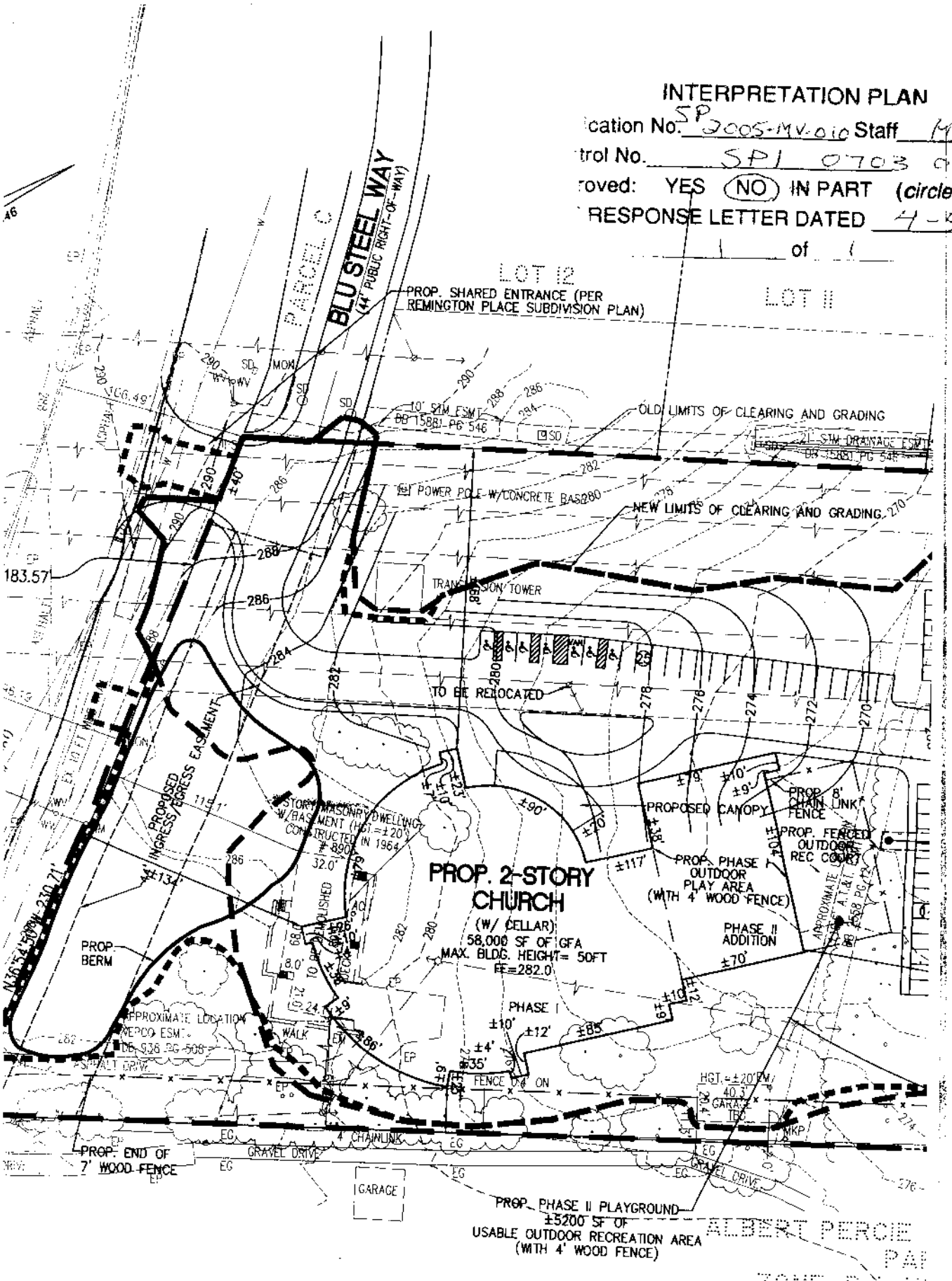
cation No. SP 2005-MV-010 Staff MAG

trol No. SP1 0703 005

roved: YES (NO) IN PART (circle one)

RESPONSE LETTER DATED 4-5-07

1 of 1



LEGEND