



APPLICATION ACCEPTED: December 7, 2007  
BOARD OF ZONING APPEALS: April 1, 2008  
MOVED AT APPLICANT'S REQUEST  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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March 25, 2008

## STAFF REPORT

### SPECIAL PERMIT APPLICATION NO. SPA 87-C-018-02

#### HUNTER MILL DISTRICT

<b>APPLICANT &amp; OWNER:</b>	Trustees of the United Christian Parish of Reston, Virginia
<b>ZONING:</b>	PRC
<b>LOCATION:</b>	11506 North Shore Drive
<b>ZONING ORDINANCE PROVISION:</b>	6-303
<b>TAX MAP:</b>	17-2 ((1)) 6 and 13
<b>LOT SIZE:</b>	4.26 acres
<b>FAR:</b>	0.07
<b>PLAN MAP:</b>	Public Facilities
<b>SPECIAL PERMIT PROPOSAL:</b>	Group 3 -To amend SP 87-C-018 previously approved for church and nursery school to permit an increase in enrollment

**STAFF RECOMMENDATION:** Staff recommends approval of SPA 87-C-018-02 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.

*O:\vgodda\SP\SPA 87-C-018-02\Trustees of the United Christain Parish of Reston, Virginia\cover.doc*

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**Department of Planning and Zoning**

Zoning Evaluation Division

12055 Government Center Parkway, Suite 801

Fairfax, Virginia 22035-5509

Phone 703 324-1290

FAX 703 324-3924

[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

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.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

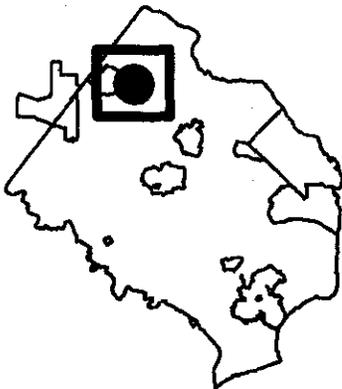
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center 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 or TTY 711 (Virginia Relay Center).

# Special Permit Amendment

SPA 87-C -018-02



**Applicant:** TRUSTEES OF THE UNITED CHRISTIAN PARISH OF RESTON, VIRGINIA

**Accepted:** 12/07/2007

**Proposed:** AMEND SP 87-C-018 PREVIOUSLY APPROVED FOR CHURCH AND NURSERY SCHOOL TO PERMIT AN INCREASE IN ENROLLMENT

**Area:** 4.26 AC OF LAND; DISTRICT - HUNTER MILL

**Zoning Dist Sect:** 06-0303

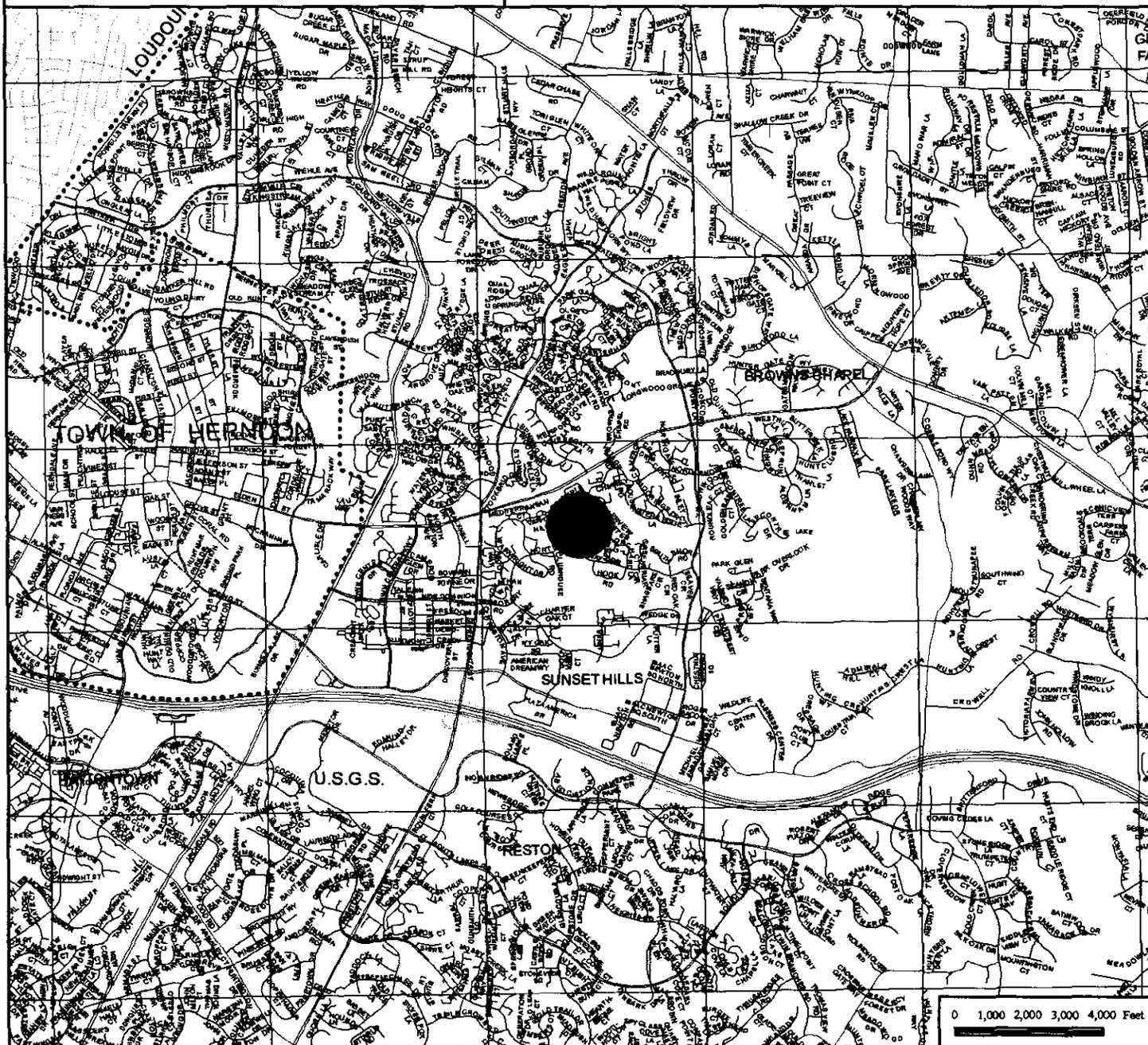
**Art 8 Group and Use:** 3-10

**Located:** 11506 NORTH SHORE DRIVE

**Zoning:** PRC- N

**Overlay Dist:**

**Map Ref Num:** 017-2- /01/ /0006 /01/ /0013



# Special Permit Amendment

SPA 87-C-018-02



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Accepted:

12/07/2007

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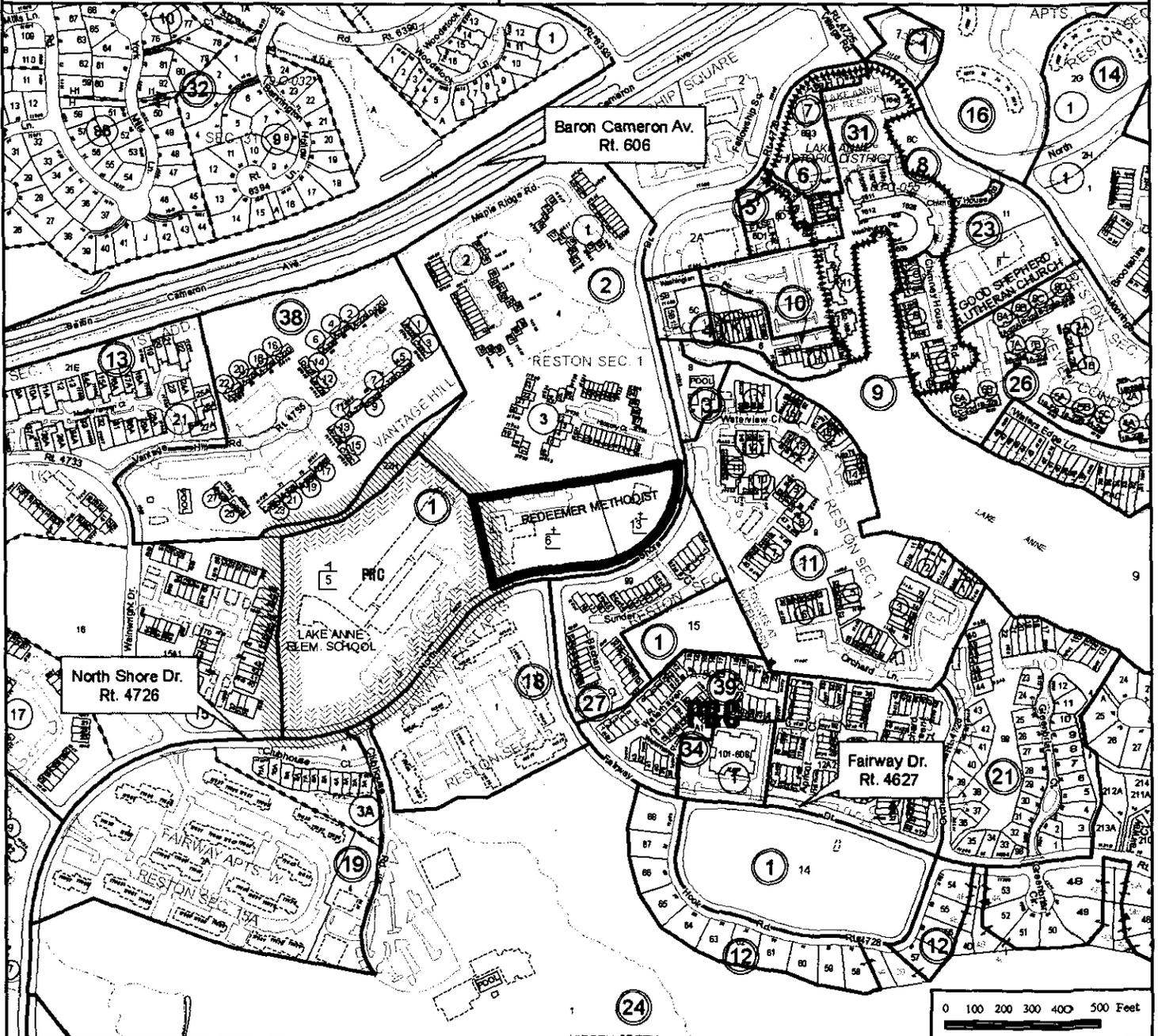
11506 NORTH SHORE DRIVE

Zoning:

PRC-N

Overlay Dist:

Map Ref Num: 017-2- /01/ /0006 /01/ /0013



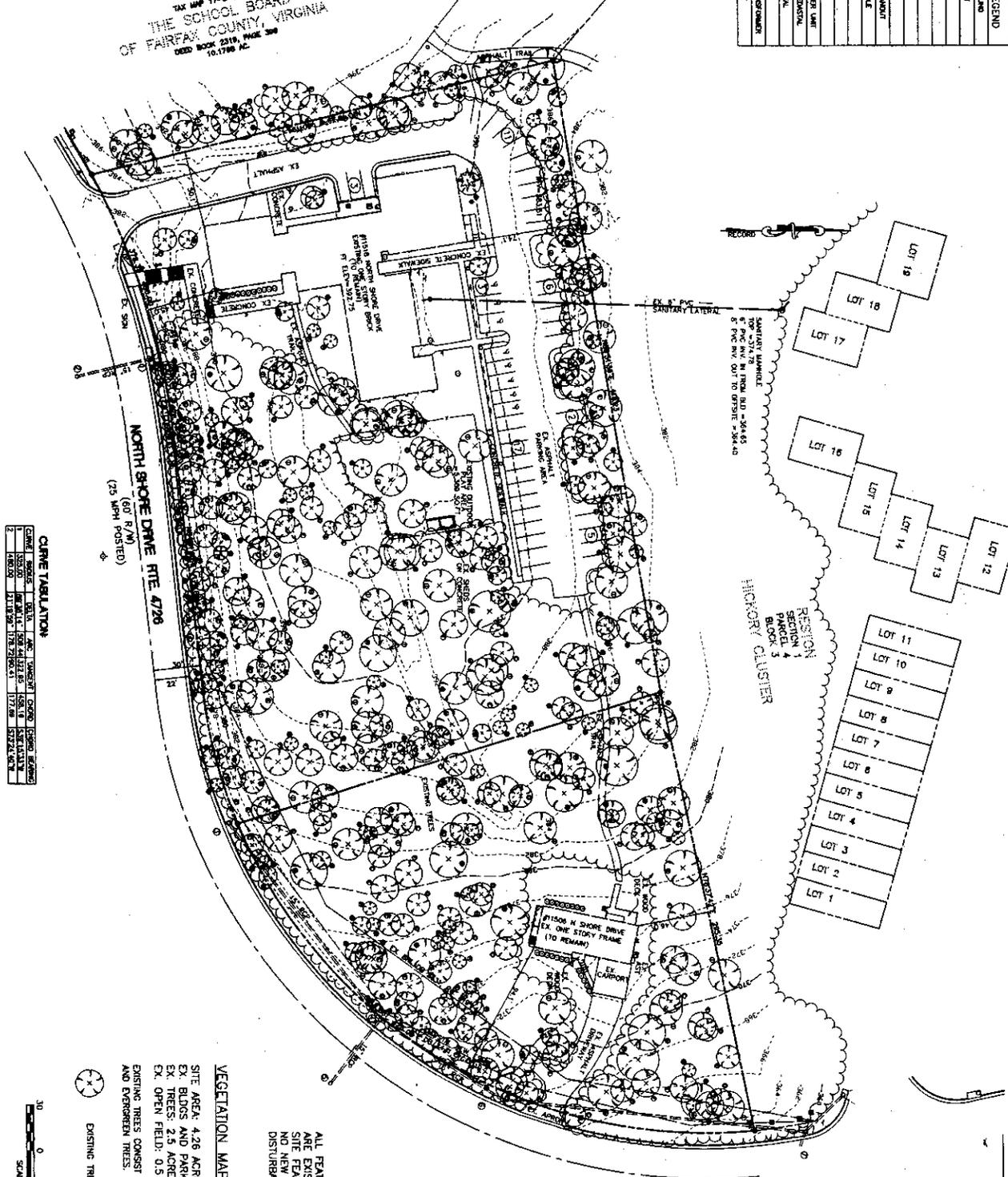
RESTON  
SECTION 1  
PARCEL 1

TAX MAP 17-2 (11) 06

THE SCHOOL BOARD  
OF FAIRFAX COUNTY, VIRGINIA

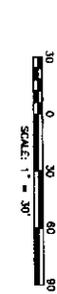
DEED BOOK 2318, PAGE 309  
10.1798 PL

SYMBOL LEGEND	
1	IRON PIPE FOUND
2	IRON PIPE SET
3	UNDERGROUND
4	UNDERGROUND
5	UNDERGROUND
6	UNDERGROUND
7	UNDERGROUND
8	UNDERGROUND
9	UNDERGROUND
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11	UNDERGROUND
12	UNDERGROUND
13	UNDERGROUND
14	UNDERGROUND
15	UNDERGROUND
16	UNDERGROUND
17	UNDERGROUND
18	UNDERGROUND
19	UNDERGROUND
20	UNDERGROUND



CURVE TABULATION

CHAIN	STATION	BEARING	ANGLE	CHORD	CHORD BEARING
1	100.00	N 89° 58' 12" W	171.89	100.00	S 89° 58' 12" W
2	100.00	N 89° 58' 12" W	171.89	100.00	S 89° 58' 12" W
3	100.00	N 89° 58' 12" W	171.89	100.00	S 89° 58' 12" W
4	100.00	N 89° 58' 12" W	171.89	100.00	S 89° 58' 12" W
5	100.00	N 89° 58' 12" W	171.89	100.00	S 89° 58' 12" W



VEGETATION MAP SUMMARY

SITE AREA: 4.26 ACRES.  
EX. BLDGS AND PARKING: 1.26 ACRES  
EX. TREES: 2.5 ACRES  
EX. OPEN FIELD: 0.5 ACRES  
EXISTING TREES CONSIST OF MIXED HARDWOOD AND EVERGREEN TREES.

EXISTING TREE

ALL FEATURES SHOWN HEREON ARE EXISTING, AND ALL EXISTING SITE FEATURES ARE TO REMAIN. NO NEW CONSTRUCTION OR SITE DISTURBANCE IS PROPOSED.

- ① STORM MANHOLE  
TOP = 377.20  
15' DIA. (07-574.40)
- ② STORM MANHOLE  
15' DIA. (07-574.40)
- ③ STORM MANHOLE  
15' DIA. (07-574.40)
- ④ STORM MANHOLE  
TOP = 373.71  
15' DIA. (07-588.37)
- ⑤ STORM MANHOLE  
TOP = 373.71  
15' DIA. (07-588.37)
- ⑥ STORM MANHOLE  
TOP = 373.71  
15' DIA. (07-588.37)
- ⑦ STORM MANHOLE  
TOP = 373.71  
15' DIA. (07-588.37)
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15' DIA. (07-588.37)
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15' DIA. (07-588.37)
- ⑩ STORM MANHOLE  
TOP = 373.71  
15' DIA. (07-588.37)
- ⑪ STORM MANHOLE  
TOP = 373.71  
15' DIA. (07-588.37)
- ⑫ STORM MANHOLE  
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15' DIA. (07-588.37)
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TOP = 373.71  
15' DIA. (07-588.37)
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15' DIA. (07-588.37)
- ⑯ STORM MANHOLE  
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15' DIA. (07-588.37)
- ⑰ STORM MANHOLE  
TOP = 373.71  
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- ⑱ STORM MANHOLE  
TOP = 373.71  
15' DIA. (07-588.37)
- ⑲ STORM MANHOLE  
TOP = 373.71  
15' DIA. (07-588.37)
- ⑳ STORM MANHOLE  
TOP = 373.71  
15' DIA. (07-588.37)

DATE: MAY 2007	SCALE: 1" = 30'
DRAWN BY: J. B. BURGESS	CHECKED BY: J. B. BURGESS
DESIGNED BY: J. B. BURGESS	APPROVED BY: J. B. BURGESS
P.L. NO. 0007	SHEET 3 OF 3
FILE NO. 0-0000	

**SPECIAL PERMIT PLAT AND VEGETATION MAP**

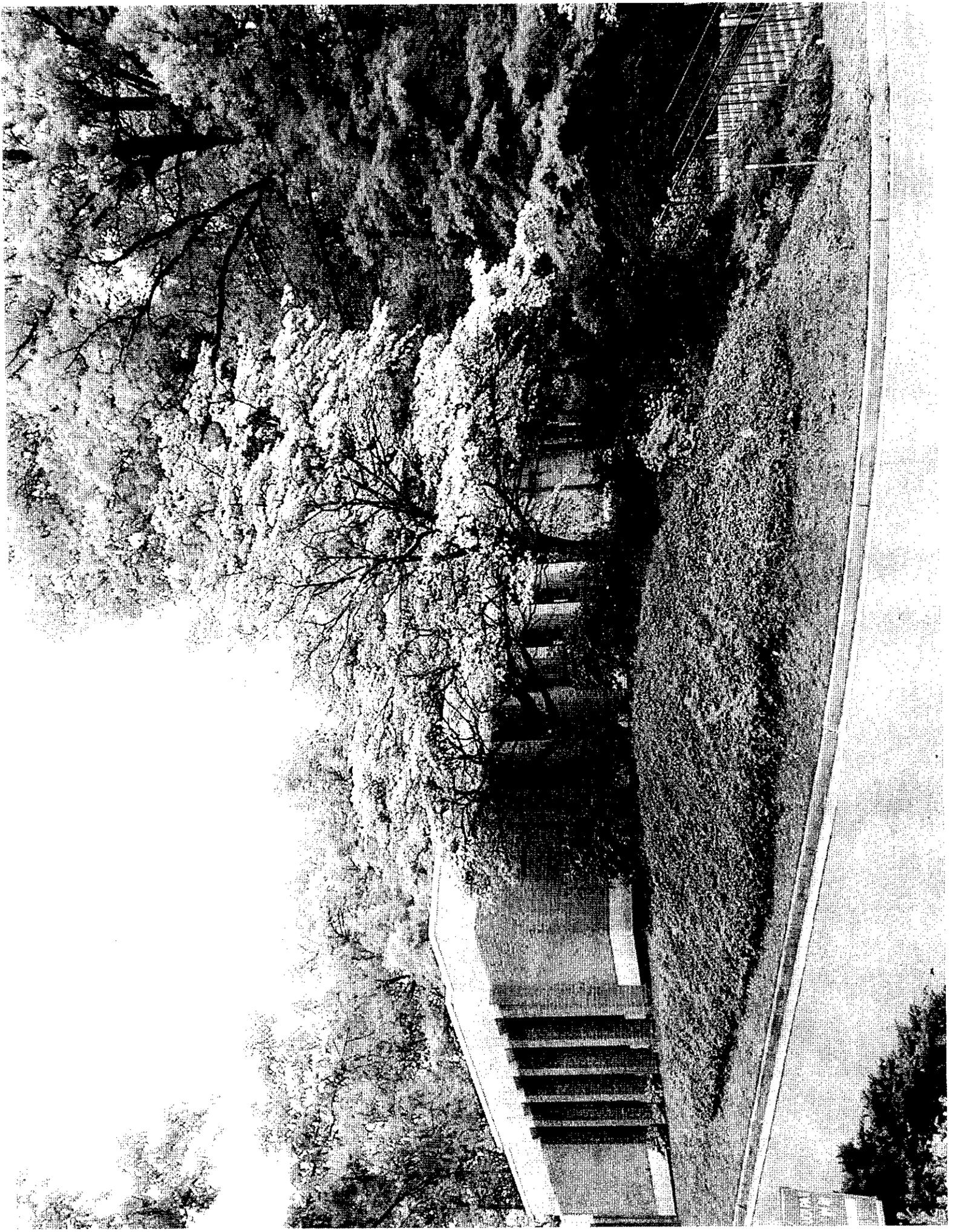
**UNITED CHRISTIAN PARISH OF RESTON**

NORTH SHORE DRIVE  
FAIRFAX COUNTY, VIRGINIA

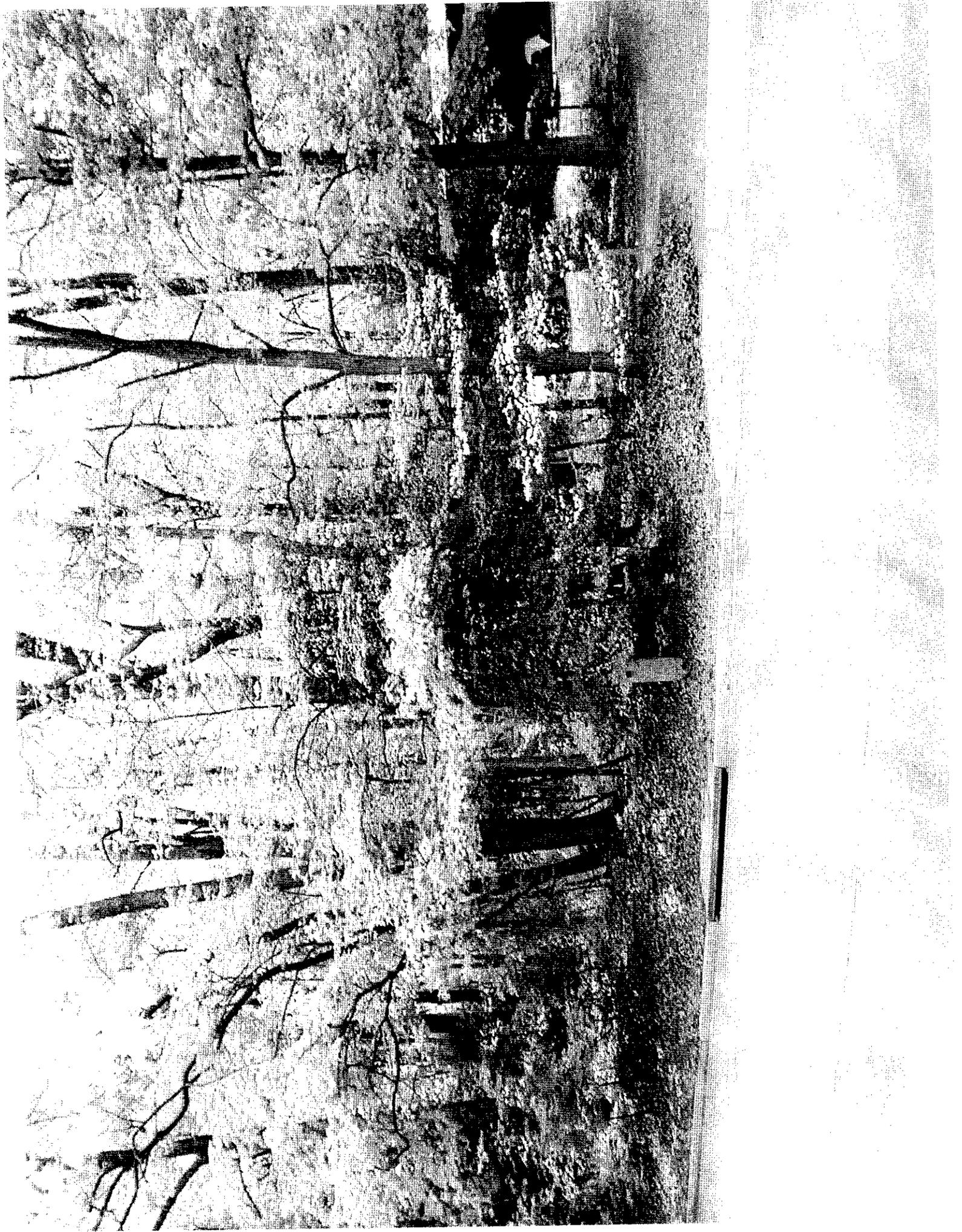
UPDATED SURVEY	01/21/08
REVISORS	DATE

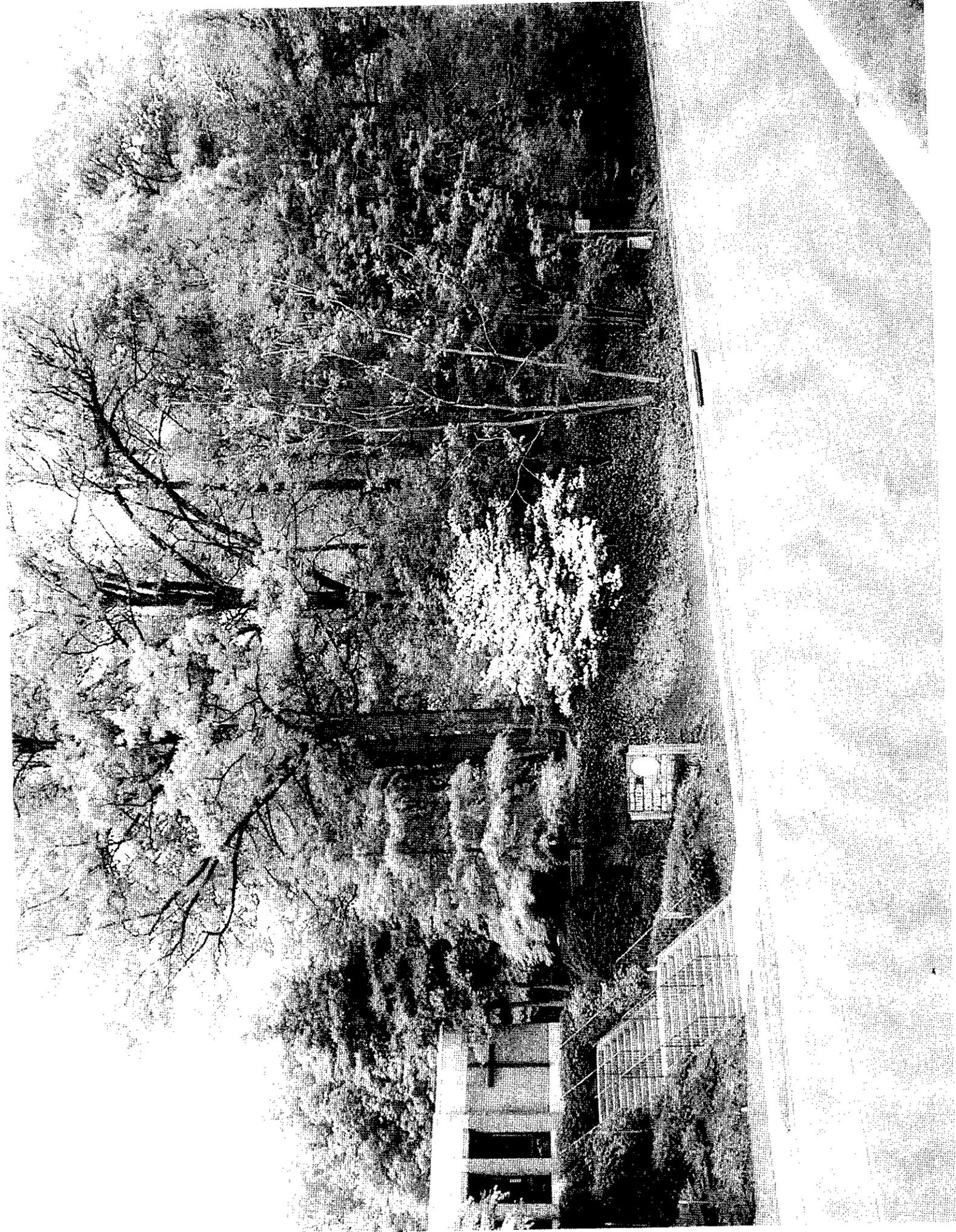
**BURGESS & NIP**

4180 PLEASANT VALLEY ROAD, CHARLIE, VA 20151  
PH: (703) 831-8630 FAX: (703) 831-











**DESCRIPTION OF THE APPLICATION**

**SPA Request:** Amend SPA 87-C-018-02 previously approved for church and nursery school to permit an increase in enrollment from 68 to 105 children.

**Lot Size:** 4.26 acres

	<b>Existing</b>	<b>Proposed</b>
<b>FAR:</b>	0.07	0.07
<b>Parking Spaces:</b>	47	47
<b>Number of Seats:</b>	188 (192 approved)+	188
<b>Hours of Operation</b>		
Nursery School:	9 a.m. to 12:15 p.m., Monday - Friday	Same
Church Programs:		7:45 a.m. to 8:00p.m., Sunday (church educational programs)  Between 2:30p.m. and 8:00p.m., Monday through Friday (for children and youth)  6:00p.m. to 10:00p.m., Monday through Friday (church programs for adults)
<b>Number of Children in Nursery School:</b>	68 total maximum daily enrollment	105 total maximum daily enrollment
<b>Number of Employees</b>		
Nursery School:	17 educational and 3 administrative staff members	Same
Church:	4 church employees,	

**Waivers and Modifications:** Modification of the transitional screening requirements along the northern, eastern and southern lot lines to allow existing vegetation to satisfy the requirements. Waiver of the barrier requirements requested along the northern, eastern and southern lot lines

## LOCATION AND CHARACTER

### Existing Site Description:

The property is located on the north side of North Shore Drive. It is developed with a church with 188 seats and a parsonage. The gross floor area for the site is 13,600 square feet. The floor area ratio for the site is 0.07. The church building is located on the western portion of the site, adjacent to the access point onto North Shore Drive. A parking lot consisting of 47 spaces is located on the northern portion of the site, adjacent to the church. The southeastern portion of the site is heavily wooded.

### Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Single family attached dwellings	PRC	Residential Planned Community
South	Single family attached dwellings and Multi-family	PRC	Residential Planned Community
East	Single family attached dwellings	PRC	Residential Planned Community
West	Lake Anne Elementary School	PRC	Residential Planned Community

## BACKGROUND

**Site History:** On May 19, 1987, the Board of Zoning Appeals (BZA) approved Special Permit SP 87-C-018 to permit a child care center with a maximum daily enrollment of 12 children within an existing church. In the staff report for SP 87-C-018, it is acknowledged that a pre-school program existed on the site. However, it appears that no special permit approval was obtained for the pre-school.

On November 18, 2003, the Board of Zoning Appeals (BZA) approved Special Permit Amendment SPA 87-C-018 to amend SP 87-C-018 for an existing church and previously approved child care center to permit a church and nursery school and increase in land area. The child care center use was deleted. A copy of the Resolution is attached at Appendix 4.

## **COMPREHENSIVE PLAN PROVISIONS**

**Plan Area:** Upper Potomac Planning District; Area III  
**Planning Sector:** Reston Community Planning Sector (UP5)  
**Plan Map:** Residential Planned Community

## **ANALYSIS**

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

**Title of SP Plat:** Special Permit Plat United Christian Parish of Reston  
**Prepared By:** Burgess & Niple  
**Dated:** May 2007, revised through February 25, 2008

### **Proposed Use**

The applicant is requesting approval of an amendment to an existing special permit for an existing church and nursery school to permit an increase in enrollment from a total maximum daily enrollment of 68 children to a total maximum daily enrollment of 105 students. The hours of operation for the nursery school will remain 9:00 a.m. to 12:15 pm., Monday through Friday. No physical changes to the site are proposed.

### **Land Use Analysis**

Staff believes that the existing church and nursery school uses are in harmony with the Comprehensive Plan and in keeping with the residential character of the neighborhood. The proposed increase in enrollment for the nursery school program from 68 to 105 children will not cause any significant changes to the use and therefore there are no land use issues related to the application.

### **Environmental Analysis**

There are no environmental issues with this application.

**Transportation Analysis**

There are no transportation issues with this application.

**ZONING ORDINANCE PROVISIONS**

**Bulk Regulations**

In the PRC District there are no minimum lot size requirements, maximum building height requirements or minimum yard requirements for churches except that the location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings, or the existing or prospective development of the neighborhood. It is staff's belief that the applicant has satisfied this standard.

<b>R-1 DISTRICT REGULATIONS</b>	<b>REQUIRED</b>	<b>PROVIDED</b>
<b>Parking Spaces</b>	Church: 47 Nursery school: 17 Total: 68	Church: 47 Nursery School: None *Total: 47

\*Sect. 11-106 of the Zoning Ordinance requires that the Places of Worship provide (1) parking space per four seats in the sanctuary. The number of required parking spaces for the existing seating capacity of 188 is 47. The nursery school is required to have 0.16 spaces per student. Based on an enrollment of 105 the required parking for the school is 17 spaces. Approval of a parking reduction will be required as applicant proposes shared parking for all the uses on site.

**Waivers/Modifications Requested**

The applicant requests modifications for screening and a waiver of the barrier requirements along the northern, eastern and southern lot lines as shown on the special permit amendment plat and previously approved under SPA 87-C-018-02. No physical changes to existing structures or additional structures are proposed for the site. Existing conditions regarding screening and barriers will be maintained. Therefore, staff supports the previously approved modifications.

## **OTHER ZONING ORDINANCE REQUIREMENTS**

### **Special Permit Requirements (Appendix 5)**

- 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**

Subject to the proposed development conditions, all applicable standards have been satisfied.

## **CONCLUSIONS**

Staff concludes that the subject application is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions only with the implementation of the Proposed Development Conditions contained in Appendix 1 of the Staff Report.

## **RECOMMENDATIONS**

Staff recommends approval subject to the Proposed Development Conditions 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.

**APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Approved Development Conditions for SPA 87-C-018
5. Applicable Zoning Ordinance Provisions Checklist

**PROPOSED DEVELOPMENT CONDITIONS****March 25, 2008**

If it is the intent of the Board of Zoning Appeals to approve SPA 87-C-018-02 located at Tax Map 17-1 ((1)) 6 and 13 to amend SP 87-C-018 for an existing church and nursery school to permit an increase enrollment pursuant to Sect. 6-303 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. These edits are in bold.

- \*1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application, 11506 and 11508 North Shore Drive (4.26 acres) and is not transferable to other land.
- \*2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by prepared by Paciulli, Simmons and Associates, dated June 5, 2003, revised July 21, 2003, 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. There shall be a maximum of 192 seats in the main place of worship.
6. The total maximum daily enrollment in the nursery school programs combined shall be ~~68~~**105**.
- \*7. The maximum number of children using the tot area at any one time shall be 48.
- \*8. The hours of operation of the nursery school programs shall be a maximum of 9:00 am - 12:15 pm, Monday through Friday.
- \*9. All parking shall be on site as shown on the Special Permit Plat.

- \*10. The structure labeled "Old Parsonage" on the Special Permit Plat on Tax Map 17-2 ((1)) 13 shall be used only as administrative, classroom or meeting space.
- \*11. Transitional screening shall be modified as shown on the Special Permit Plat.
- \*12. The barrier requirement shall be waived as shown on the Special Permit Plat.
- \*13. The wood chip trail depicted on the Special Permit Plat shall be paved and lighted with bollard style lighting and shall be in accordance with the performance standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.
- \*14. A device such as a gate or a chain shall be provided to block access to the driveway on parcel 17-1 ((1)) 13. The device shall be used to bar entrance to the driveway during times when more than 10 people will be using the building. Signs compliant with the standard End of Road signs described in the Manual of Uniform Traffic Control Devices (OM4-3) shall be affixed to and maintained on this device.

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 use has been established. The Board of Zoning Appeals may grant additional time to establish the use 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.

Application No.(s): \_\_\_\_\_  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 20, 2007  
 (enter date affidavit is notarized)

I, Frederick R. Taylor, Esq., do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)             applicant  
                               applicant's authorized agent listed in Par. 1(a) below      *96650a*

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Trustees of the United Christian Parish of Reston, Virginia Denise M. Kelly Melissa S. FitzGerald Robert T. Packard Robert D. Dain, Esq.	2222 Colts Neck Road Reston, VA 20190	Applicant/Title Owner  Trustee Trustee Trustee Agent
Bean, Kinney & Korman, P.C. Frederick R. Taylor, Esq. Lori K. Murphy, Esq.	2300 Wilson Blvd., 7th Floor Arlington, VA 22201	Attorney/Agent for Applicant Attorney/Agent Attorney/Agent
Burgess & Niple, Inc. John P. Gaston, P.E. James L. McCormack	4160 Pleasant Valley Road Chantilly, VA 20151	Agent/Civil Engineer Agent Agent

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 1

**Special Permit/Variance Attachment to Par. 1(a)**

DATE: July 20, 2007  
(enter date affidavit is notarized)

96650a

**(NOTE:** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Ritter Architects, PLLC Derek M. Nortan, AIA	814 King Street, 3rd Floor Alexandria, VA 22314	Agent/Architect Agent

(check if applicable)

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Permit/Variance Attachment to Par. 1(a)" form.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 20, 2007  
(enter date affidavit is notarized)

96650a

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Bean, Kinney & Korman, P.C.  
2300 Wilson Blvd., 7th Floor  
Arlington, VA 22201

**DESCRIPTION OF CORPORATION:** (check one statement)  
 There are 10 or less shareholders, and all of the shareholders are listed below.  
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)  
Jonathan C. Kinney  
James W. Korman

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 1

**Special Permit/Variance Attachment to Par. 1(b)**

DATE: July 20, 2007  
(enter date affidavit is notarized)

96650a

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Burgess & Niple, Inc.  
4160 Pleasant Valley Road  
Chantilly, VA 20151

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

James D. Edwards  
Mark R. Rowland  
Estate of Terrence A. Sack

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Ritter Architects, PLLC  
814 King Street, 3rd Floor  
Alexandria, VA 22314

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Derek M. Norton  
James W. Ritter

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 20, 2007  
(enter date affidavit is notarized)

96650a

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1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable)  There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 20, 2007  
(enter date affidavit is notarized)

96650 a

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 20, 2007  
(enter date affidavit is notarized)

96650 a

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)**

None

**(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)**

(check if applicable)  There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Applicant

Applicant's Authorized Agent

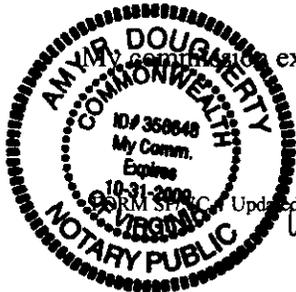
Frederick R. Taylor, Esq.

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 20th day of July 2007, in the State/Comm. of Virginia, County/City of Arlington.

Amy R. Bruno  
Notary Public  
Commissioned as Amy R. Bruno

expires: October 31, 2009



Updated (7/1/06)

**STATEMENT OF JUSTIFICATION**  
**March 20, 2008**

Special Permit Application  
Application of United Christian Parish of Reston  
Case Name: United Christian Parish of Reston  
GPIN# 0172 01 0013; and  
GPIN# 0172 01 0006

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The United Christian Parish of Reston, Virginia (“UCP”) owns two contiguous parcels of land located at 11506 and 11508 North Shore Drive in Reston. Those properties are more particularly described as follows:

- The parcel located at 11508 North Shore Drive includes 2.891 acres of land and an approximately 11,000 square foot church building. This land is subject to a prior special permit with SP87-C-018.
- The second parcel is located at 11506 North Shore Drive and includes 1.3698 acres of land and an approximately 2,600 square foot parsonage. This parcel has been added to SP87-C-018.

These two parcels of land comprise UCP’s “Redeemer Site”, which has been continuously used and occupied for religious purposes since their initial development. This request is allow the expansion of the existing nursery school to a maximum of 105 children at any one time. Presently, the nursery school is approved for 68 children. A second church owned by UCP has been sold and there is a need to consolidate day care into the one facility.

*1. Zoning*

This is an application under Zoning Ordinance Sections 8-011 (8-301-10) to allow for the expansion of an existing nursery school with an enrollment of more than 100 students.

The subject property is located on the western side of North Shore Drive, west of its intersection with Wiehle Drive.

The United Christian Parish of Reston sits on two parcels referenced above. The parcels are zoned PRC (General Combination Development). Under the zoning code for the planned development district, those uses that are permitted include Group 3 institutional uses. A Group 3 institutional use includes places of worship with a child care center, nursery school, or private school of general or special education. Section 8-301(10). Sites located within a PRC zone allow this Group 3 institutional use when it is represented on an approved development. *See e.g.*, Section 6-302(B)(8)(b) and 8-302(1).

However, the zoning ordinance provides that a place of worship with a child care center, nursery school or private school may be approved as a special permit use or a special exception

use, at the applicant's discretion. Section 8-308. If filed as a special use, the use is subject to additional standards set forth in Sections 9-309 and 9-310.

Because this site is originally approved under a prior special permit, SP87-C-018, we are seeking a new special permit to expand the nursery school use.

## *2. Proposed Operation*

### The Nursery School

The nursery school operates morning classes, Monday-Friday. No request is being made for expansion of hours of operation.

Nursery School enrolls a maximum of 105 children, ages 18 months to 5 years.

There will be 17 educational and 3 administrative staff members.

The playground will be used by groups of no more than 45 at a time during the day.

The playground will be used by appropriate ages at various times, with no more than 45 in a group.

The proposed building, utility locations, landscaping and parking lot configurations are already in place and depicted on the Special Permit Plat. The Special Permit Plat includes:

- Sheet One: Cover Sheet
- Sheet Two: Special Permit Plat
- Sheet Three: Existing Conditions and Vegetation Map
- Sheet Four: Stormwater Information

## *3. Conformity to Comprehensive Plan Provisions, Applicable Ordinances and Waivers*

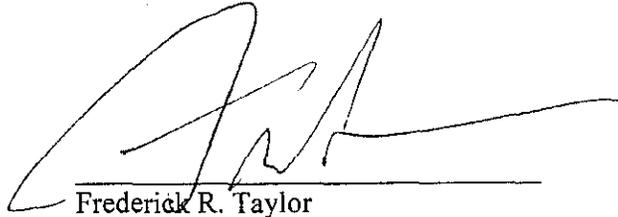
The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions.

## *4. Hazardous Conditions and Recycling*

There are no known hazardous or toxic substances under Federal, State or Local regulation to be generated, utilized, stored, treated, and/or disposed of on this site or otherwise associated with this application.

## *5. Environment and Stormwater Management Facilities*

There are no significant environmental features (wetlands, streams, and habitat) on this site. The proposed site is currently improved with the church, nursery school and parsonage.

A handwritten signature in black ink, appearing to be 'FRT', written over a horizontal line.

Frederick R. Taylor  
Attorney and Agent for the Applicant  
March 20, 2008

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

TRUSTEES OF THE UNITED CHRISTIAN PARISH OF RESTON, VIRGINIA, SPA 87-C-018 Appl. under Sect(s). 6-303 of the Zoning Ordinance to amend SP 87-C-018 for an existing church and previously approved child care center to permit a church and nursery school and increase in land area. Located at 11506 and 11508 North Shore Dr. on approx. 4.26 ac. of land zoned PRC. Hunter Mill District. Tax Map 17-2 ((1)) 6 and 13. Ms. Gibb 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 November 18, 2003; and

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

1. The applicants are the owners of the land.
2. There is no appreciable increase in the intensity or use of the land.
3. There is an increased lot area.
4. The staff report is favorable.
5. The applicants presented testimony indicating compliance with the prescribed criteria for the granting of a special permit amendment

AND WHEREAS, the Board of Zoning Appeals has reached 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. 8-006 and the additional standards for this use as contained in Sect(s) 6-303 of the Zoning Ordinance.

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

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application, 11506 and 11508 North Shore Drive (4.26 acres) and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Paciulli, Simmons and Associates, dated June 5, 2003, revised July 21, 2003, 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. There shall be a maximum of 192 seats in the main place of worship.
6. The total maximum daily enrollment in the nursery school programs combined shall be 68.
7. The maximum number of children using the tot area at any one time shall be 48.
8. The hours of operation of the nursery school programs shall be a maximum of 9:00 am – 12:15 pm, Monday through Friday.
9. All parking shall be on site as shown on the Special Permit Plat.
10. The structure labeled "Old Parsonage" on the Special Permit Plat on Tax Map 17-2 ((1)) 13 shall be used only as administrative, classroom or meeting space.
10. Transitional screening shall be modified as shown on the Special Permit Plat.
11. The barrier requirement shall be waived as shown on the Special Permit Plat.
13. The wood chip trail depicted on the Special Permit Plat shall be paved and lighted with bollard style lighting and shall be in accordance with the performance standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.
14. A device such as a gate or a chain shall be provided to block access to the driveway on parcel 17-1 ((1)) 13. The device shall be used to bar entrance to the driveway during times when more than 10 people will be using the building. Signs compliant with the standard End of Road signs described in the Manual of Uniform Traffic Control Devices (OM4-3) shall be affixed to and maintained on this device.

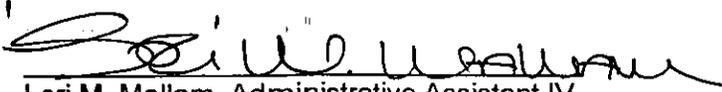
This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be responsible for obtaining the required Non-Residential Use Permit through established procedures, 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 use has been established. The Board of Zoning Appeals may grant additional time to establish the use 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.

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

\*This decision was officially filed in the office of the Board of Zoning Appeals and became final on November 26, 2003. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:

A handwritten signature in black ink, appearing to read "Lori M. Mallam", written over a horizontal line.

Lori M. Mallam, Administrative Assistant IV  
Board of Zoning Appeals

**8-308 Additional Standards for Churches, Chapels, Temples, Synagogues or Other Such Places of Worship With a Child Care Center, Nursery School or Private School**

- Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education which has an enrollment of 100 or more students daily may be approved as a special permit use in accordance with the provisions of this Part or as a special exception use in accordance with the provisions of Part 3 of Article 9. The choice of whether to file an application for a special permit or special exception shall be at the applicant's discretion. In either event, such use shall be subject to the additional standards set forth in Sections 9-309 and 9-310.

**8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

### **8-303 Standards for All Group 3 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

- 1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
- 2. All uses shall comply with the performance standards specified for the zoning district in which located.
- 3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.