



APPLICATION FILED: June 2, 2008
BOARD OF ZONING APPEALS: July 29, 2008
TIME: 9:00 AM

County of Fairfax, Virginia

July 22, 2008

STAFF REPORT

SPECIAL PERMIT AMENDMENT APPLICATION SPA 99-P-036-02

PROVIDENCE DISTRICT

APPLICANT: Trustees of Unity of Fairfax Church of the Daily Word and American Turkish Friendship Association D/B/A Pinnacle Academy

PRESENT ZONING: R-1

PARCEL(S): 47-2 ((1)) 18A

LOCATION: 2854, 2858 and 2864 Hunter Mill Road

ZONING ORDINANCE PROVISION: 3-103, 8-301 and 8-014

ACREAGE: 5.31 acres

FAR: 0.15

PLAN MAP: Residential 0.5 to 1 du/ac

SP PROPOSAL: Group 3 – To amend SP 99-P-036 previously approved for a church, private school of general education and a child care center to permit a change in permittee.

STAFF RECOMMENDATION:

Staff recommends approval of Special Permit Amendment SPA 99-P-036-02, as the only requested change to the previously approved Special Permit Amendment is to change the permittee in Development Condition 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.

William O'Donnell

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.

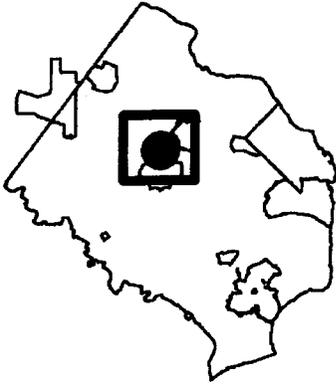
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 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.**



Special Permit Amendment

SPA 99-P-036-02



Applicant: TRUSTEES OF UNITY OF FAIRFAX CHURCH OF THE DAILY WORD AND AMERICAN TURKISH FRIENDSHIP ASSOCIATION D/B/A PINNACLE ACADEMY

Accepted: 06/02/2008

Proposed: TO AMEND SP 99-P-036 PREVIOUSLY APPROVED FOR CHURCH, PRIVATE SCHOOL OF GENERAL EDUCATION, AND CHILD CARE CENTER TO PERMIT CHANGE IN PERMITTEE

Area: 5.31 AC OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect: 03-0103

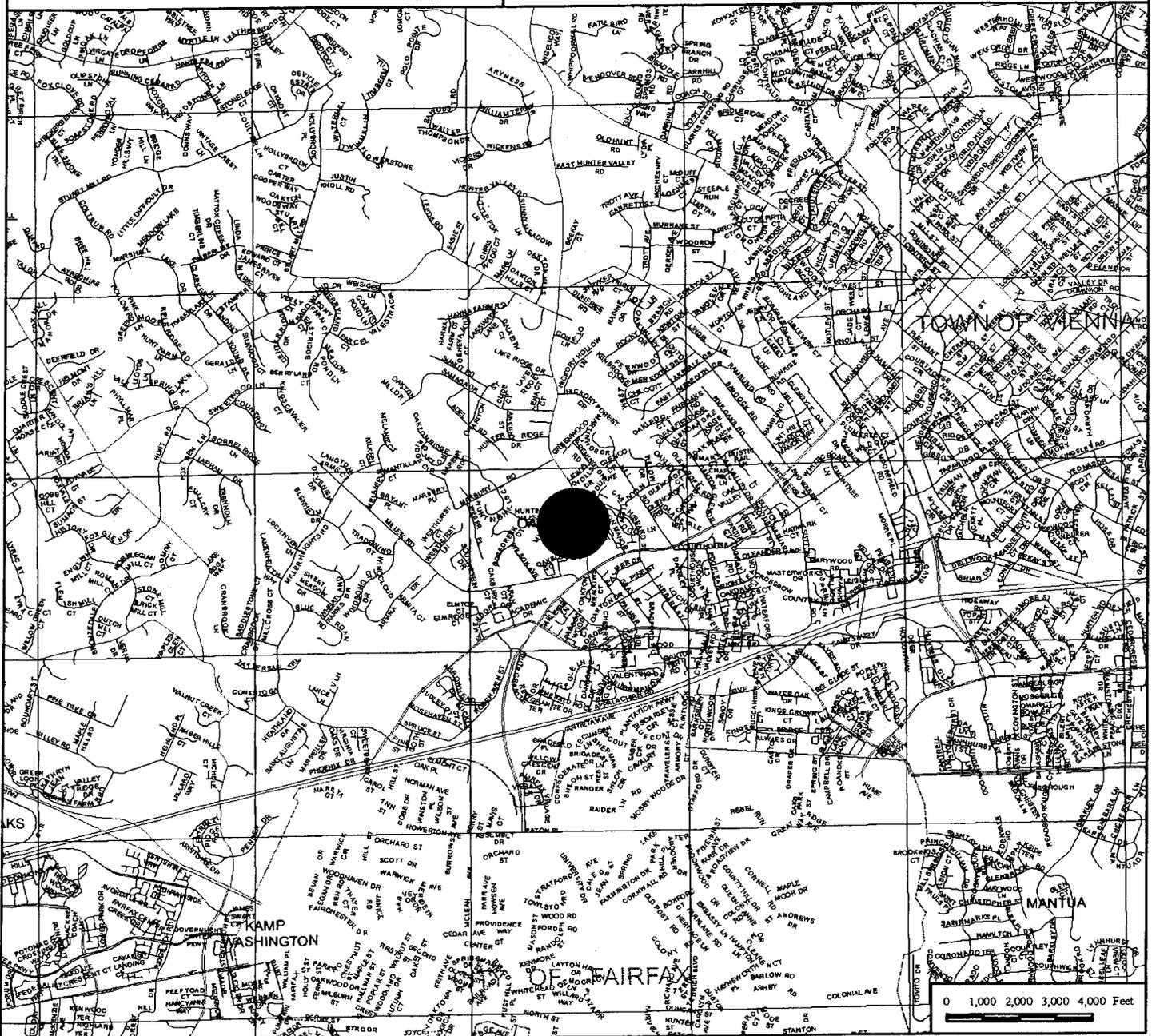
Art 8 Group and Use: 3-10

Located: 2854, 2858, 2864 HUNTER MILL ROAD

Zoning: R-1

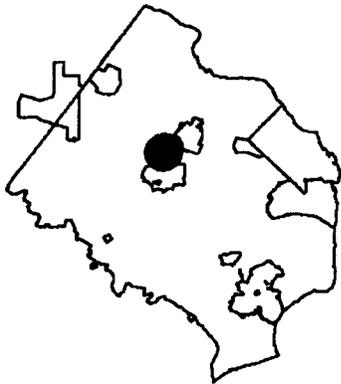
Overlay Dist:

Map Ref Num: 047-2- /01/ /0018A



Special Permit Amendment

SPA 99-P-036-02



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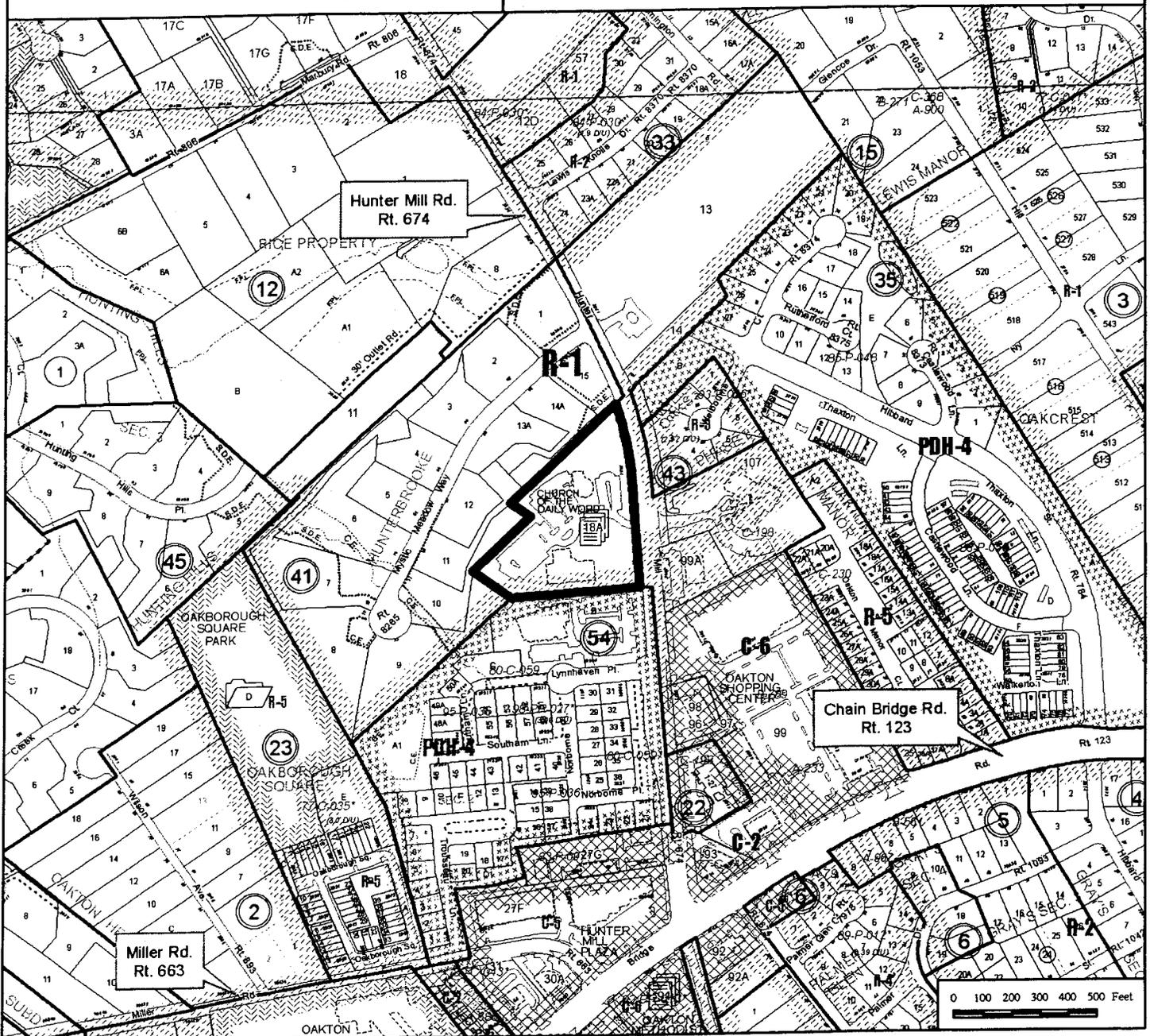
Art 8 Group and Use: 3-10

Located: 2854, 2858, 2864 HUNTER MILL ROAD

Zoning: R-1

Overlay Dist:

Map Ref Num: 047-2- /01/ /0018A





ALTERNATE PARKING LOT CONFIGURATION
 POSSIBLE PARKING LAYOUT IN EVENT EXISTING BUILDING IS DEMOLISHED
 OPTION TO BE EXERCISED AT APPLICANT'S DISCRETION.

A TREE PRESERVATION PLAN WAS SUBMITTED AND APPROVED AS PART OF SITE PLAN SUB-90-02. A LIST OF TREES TO BE REMOVED AND RETAINED ARE LISTED BELOW IN LIST OF TREE REMOVAL AND PRESERVATION.

TREE TAG	DATE	HEIGHT	DBH	SPACING	REMARKS
101	10/15/90	12	4.5	10	REMOVE
102	10/15/90	10	3.8	10	REMOVE
103	10/15/90	8	3.0	10	REMOVE
104	10/15/90	15	5.0	10	REMOVE
105	10/15/90	18	6.0	10	REMOVE
106	10/15/90	20	7.0	10	REMOVE
107	10/15/90	22	7.5	10	REMOVE
108	10/15/90	25	8.0	10	REMOVE
109	10/15/90	28	9.0	10	REMOVE
110	10/15/90	30	9.5	10	REMOVE
111	10/15/90	32	10.0	10	REMOVE
112	10/15/90	35	10.5	10	REMOVE
113	10/15/90	38	11.0	10	REMOVE
114	10/15/90	40	11.5	10	REMOVE
115	10/15/90	42	12.0	10	REMOVE
116	10/15/90	45	12.5	10	REMOVE
117	10/15/90	48	13.0	10	REMOVE
118	10/15/90	50	13.5	10	REMOVE
119	10/15/90	52	14.0	10	REMOVE
120	10/15/90	55	14.5	10	REMOVE
121	10/15/90	58	15.0	10	REMOVE
122	10/15/90	60	15.5	10	REMOVE
123	10/15/90	62	16.0	10	REMOVE
124	10/15/90	65	16.5	10	REMOVE
125	10/15/90	68	17.0	10	REMOVE
126	10/15/90	70	17.5	10	REMOVE
127	10/15/90	72	18.0	10	REMOVE
128	10/15/90	75	18.5	10	REMOVE
129	10/15/90	78	19.0	10	REMOVE
130	10/15/90	80	19.5	10	REMOVE
131	10/15/90	82	20.0	10	REMOVE
132	10/15/90	85	20.5	10	REMOVE
133	10/15/90	88	21.0	10	REMOVE
134	10/15/90	90	21.5	10	REMOVE
135	10/15/90	92	22.0	10	REMOVE
136	10/15/90	95	22.5	10	REMOVE
137	10/15/90	98	23.0	10	REMOVE
138	10/15/90	100	23.5	10	REMOVE
139	10/15/90	102	24.0	10	REMOVE
140	10/15/90	105	24.5	10	REMOVE
141	10/15/90	108	25.0	10	REMOVE
142	10/15/90	110	25.5	10	REMOVE
143	10/15/90	112	26.0	10	REMOVE
144	10/15/90	115	26.5	10	REMOVE
145	10/15/90	118	27.0	10	REMOVE
146	10/15/90	120	27.5	10	REMOVE
147	10/15/90	122	28.0	10	REMOVE
148	10/15/90	125	28.5	10	REMOVE
149	10/15/90	128	29.0	10	REMOVE
150	10/15/90	130	29.5	10	REMOVE
151	10/15/90	132	30.0	10	REMOVE
152	10/15/90	135	30.5	10	REMOVE
153	10/15/90	138	31.0	10	REMOVE
154	10/15/90	140	31.5	10	REMOVE
155	10/15/90	142	32.0	10	REMOVE
156	10/15/90	145	32.5	10	REMOVE
157	10/15/90	148	33.0	10	REMOVE
158	10/15/90	150	33.5	10	REMOVE
159	10/15/90	152	34.0	10	REMOVE
160	10/15/90	155	34.5	10	REMOVE
161	10/15/90	158	35.0	10	REMOVE
162	10/15/90	160	35.5	10	REMOVE
163	10/15/90	162	36.0	10	REMOVE
164	10/15/90	165	36.5	10	REMOVE
165	10/15/90	168	37.0	10	REMOVE
166	10/15/90	170	37.5	10	REMOVE
167	10/15/90	172	38.0	10	REMOVE
168	10/15/90	175	38.5	10	REMOVE
169	10/15/90	178	39.0	10	REMOVE
170	10/15/90	180	39.5	10	REMOVE
171	10/15/90	182	40.0	10	REMOVE
172	10/15/90	185	40.5	10	REMOVE
173	10/15/90	188	41.0	10	REMOVE
174	10/15/90	190	41.5	10	REMOVE
175	10/15/90	192	42.0	10	REMOVE
176	10/15/90	195	42.5	10	REMOVE
177	10/15/90	198	43.0	10	REMOVE
178	10/15/90	200	43.5	10	REMOVE
179	10/15/90	202	44.0	10	REMOVE
180	10/15/90	205	44.5	10	REMOVE
181	10/15/90	208	45.0	10	REMOVE
182	10/15/90	210	45.5	10	REMOVE
183	10/15/90	212	46.0	10	REMOVE
184	10/15/90	215	46.5	10	REMOVE
185	10/15/90	218	47.0	10	REMOVE
186	10/15/90	220	47.5	10	REMOVE
187	10/15/90	222	48.0	10	REMOVE
188	10/15/90	225	48.5	10	REMOVE
189	10/15/90	228	49.0	10	REMOVE
190	10/15/90	230	49.5	10	REMOVE
191	10/15/90	232	50.0	10	REMOVE
192	10/15/90	235	50.5	10	REMOVE
193	10/15/90	238	51.0	10	REMOVE
194	10/15/90	240	51.5	10	REMOVE
195	10/15/90	242	52.0	10	REMOVE
196	10/15/90	245	52.5	10	REMOVE
197	10/15/90	248	53.0	10	REMOVE
198	10/15/90	250	53.5	10	REMOVE
199	10/15/90	252	54.0	10	REMOVE
200	10/15/90	255	54.5	10	REMOVE
201	10/15/90	258	55.0	10	REMOVE
202	10/15/90	260	55.5	10	REMOVE
203	10/15/90	262	56.0	10	REMOVE
204	10/15/90	265	56.5	10	REMOVE
205	10/15/90	268	57.0	10	REMOVE
206	10/15/90	270	57.5	10	REMOVE
207	10/15/90	272	58.0	10	REMOVE
208	10/15/90	275	58.5	10	REMOVE
209	10/15/90	278	59.0	10	REMOVE
210	10/15/90	280	59.5	10	REMOVE
211	10/15/90	282	60.0	10	REMOVE
212	10/15/90	285	60.5	10	REMOVE
213	10/15/90	288	61.0	10	REMOVE
214	10/15/90	290	61.5	10	REMOVE
215	10/15/90	292	62.0	10	REMOVE
216	10/15/90	295	62.5	10	REMOVE
217	10/15/90	298	63.0	10	REMOVE
218	10/15/90	300	63.5	10	REMOVE
219	10/15/90	302	64.0	10	REMOVE
220	10/15/90	305	64.5	10	REMOVE
221	10/15/90	308	65.0	10	REMOVE
222	10/15/90	310	65.5	10	REMOVE
223	10/15/90	312	66.0	10	REMOVE
224	10/15/90	315	66.5	10	REMOVE
225	10/15/90	318	67.0	10	REMOVE
226	10/15/90	320	67.5	10	REMOVE
227	10/15/90	322	68.0	10	REMOVE
228	10/15/90	325	68.5	10	REMOVE
229	10/15/90	328	69.0	10	REMOVE
230	10/15/90	330	69.5	10	REMOVE
231	10/15/90	332	70.0	10	REMOVE
232	10/15/90	335	70.5	10	REMOVE
233	10/15/90	338	71.0	10	REMOVE
234	10/15/90	340	71.5	10	REMOVE
235	10/15/90	342	72.0	10	REMOVE
236	10/15/90	345	72.5	10	REMOVE
237	10/15/90	348	73.0	10	REMOVE
238	10/15/90	350	73.5	10	REMOVE
239	10/15/90	352	74.0	10	REMOVE
240	10/15/90	355	74.5	10	REMOVE
241	10/15/90	358	75.0	10	REMOVE
242	10/15/90	360	75.5	10	REMOVE
243	10/15/90	362	76.0	10	REMOVE
244	10/15/90	365	76.5	10	REMOVE
245	10/15/90	368	77.0	10	REMOVE
246	10/15/90	370	77.5	10	REMOVE
247	10/15/90	372	78.0	10	REMOVE
248	10/15/90	375	78.5	10	REMOVE
249	10/15/90	378	79.0	10	REMOVE
250	10/15/90	380	79.5	10	REMOVE
251	10/15/90	382	80.0	10	REMOVE
252	10/15/90	385	80.5	10	REMOVE
253	10/15/90	388	81.0	10	REMOVE
254	10/15/90	390	81.5	10	REMOVE
255	10/15/90	392	82.0	10	REMOVE
256	10/15/90	395	82.5	10	REMOVE
257	10/15/90	398	83.0	10	REMOVE
258	10/15/90	400	83.5	10	REMOVE
259	10/15/90	402	84.0	10	REMOVE
260	10/15/90	405	84.5	10	REMOVE
261	10/15/90	408	85.0	10	REMOVE
262	10/15/90	410	85.5	10	REMOVE
263	10/15/90	412	86.0	10	REMOVE
264	10/15/90	415	86.5	10	REMOVE
265	10/15/90	418	87.0	10	REMOVE
266	10/15/90	420	87.5	10	REMOVE
267	10/15/90	422	88.0	10	REMOVE
268	10/15/90	425	88.5	10	REMOVE
269	10/15/90	428	89.0	10	REMOVE
270	10/15/90	430	89.5	10	REMOVE
271	10/15/90	432	90.0	10	REMOVE
272	10/15/90	435	90.5	10	REMOVE
273	10/15/90	438	91.0	10	REMOVE
274	10/15/90	440	91.5	10	REMOVE
275	10/15/90	442	92.0	10	REMOVE
276	10/15/90	445	92.5	10	REMOVE
277	10/15/90	448	93.0	10	REMOVE
278	10/15/90	450	93.5	10	REMOVE
279	10/15/90	452	94.0	10	REMOVE
280	10/15/90	455	94.5	10	REMOVE
281	10/15/90	458	95.0	10	REMOVE
282	10/15/90	460	95.5	10	REMOVE
283	10/15/90	462	96.0	10	REMOVE
284	10/15/90	465	96.5	10	REMOVE
285	10/15/90	468	97.0	10	REMOVE
286	10/15/90	470	97.5	10	REMOVE
287	10/15/90	472	98.0	10	REMOVE
288	10/15/90	475	98.5	10	REMOVE
289	10/15/90	478	99.0	10	REMOVE

DESCRIPTION OF THE APPLICATION

- Special Permit Request:** The applicant requests a Special Permit Amendment to amend SP 99-P-036 previously approved for a church, private school of general education and child care center to permit a change in permittee from the Trustees of Unity of Fairfax Church of the Daily Word and Northern Virginia Friends School to the Trustees of Unity of Fairfax Church of the Daily Word and the American Turkish Friendship Association D/B/A Pinnacle Academy in Development Condition 1 (Appendix 1).
- Size of Property:** 5.31 acres
- Hours of Operation:** No Change from previous approval
School - 8:30 a.m. to 3:30 p.m., Monday through Friday
Before School Care – 6:00 a.m. to 9:00 a.m.
After School Care – 3:30 p.m.
- Employees:** No change from previous approval. Maximum of 27 employees associated with this use on the property at any one time.
- Waivers/ Modifications:** Modification of transitional screening to allow existing vegetation supplemented with additional trees and plantings to satisfy screening requirement along all lot lines. Continuation of a waiver and modifications of barriers to satisfy barrier requirement as previously approved in conjunction with SP 99-P-036 along all property lines.

LOCATION AND CHARACTER

Existing Site Description:

Development of the property pursuant to SP 99-P-036 and SPA 99-P-036 consists of a church, child care center and related facilities approved with a total of 34,700 gross square feet. The western portion of the site contains large mature trees and is currently surrounded on three sides by low density residential development. The eastern portion of the site is flanked by Hunter Mill Road, an elderly care facility, a child care facility and residential properties. Surface parking is provided throughout the site.

The subject property is located on the west side of Hunter Mill Road, approximately 1200 feet north of the intersection with Chain Bridge Road and is surrounded by the following uses:

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Single-family detached residences	R-1	Residential, 0.5-1 du/ac
South	Single-family detached residences Public Library	PDH-4	Residential, 4-5 du/ac Public Facility
East	Single-family detached residences	R-3	Residential, 2-3 du/ac
	Multi-family residential (elderly) and Child Care Center	R-5	Residential, 5-8 du/ac
West	Single-family detached residences	R-1	Residential, 0.5-1 du/ac

BACKGROUND**Site History:**

In February 1973, the Board of Zoning Appeals (BZA) approved Special Permit S-7-73, to permit a church and related facilities on 2.64 acres. The conditions approved with this application included a minimum requirement of 41 parking spaces and dedication of property to 45 feet from the centerline of Hunter Mill Road for future road widening.

In November 1984, the BZA approved SPA 73-P-007-1 to allow the church to add land area (an additional 2.67 acres for a total of 5.31 acres) and parking spaces, and to use an existing dwelling which was located on the additional land for Sunday school purposes. The approval of this special permit allowed a maximum seating capacity of 250, a maximum of 99 parking spaces and required that transitional screening be provided along all lot lines. However, the use was never established and the approval subsequently expired.

In September 1989, the BZA approved SPA 73-P-007-2 to allow the construction of a building addition, the addition of land area (2.67 acres, as previously approved but never established), waiver of the dustless surface requirement and the installation of two temporary "parco" type buildings. The additional land was added and the temporary buildings were installed, however, construction of the building addition never commenced.

In June 1990, the BZA approved SPA 73-P-007-3 to allow building additions and modification of the size of the temporary buildings. The language of Development Condition #14 of SPA 73-P-007-3 stated that the use of the temporary parco buildings was approved for a period of five years beginning from the date of the final approval of the special permit, or until the building addition approved in conjunction with SPA 73-P-007-3 was completed, whichever occurred first. Construction of the building addition never commenced; subsequently the approved use of the temporary "parco" type buildings expired June 29, 1995, independent from the expiration date of the special permit. The trailers remained on the site until a formal interpretation was made in December 1996.

On July 30, 1992, the BZA granted the applicant 24 months of additional time to commence construction to establish the use approved with SPA 73-P-007-3, with an expiration date of December 29, 1996.

On December 26, 1996, a letter was received by the Department of Planning and Zoning from the applicants' agent requesting an interpretation as to whether the request for additional time, which was approved by the BZA for SPA 73-P-007-3 to commence construction of building additions to the church, included an extension of time to continue the use of the temporary parco buildings shown on the approved plat, in accordance with Development Condition #14. It was determined that the explicit language of Development Condition #14 precluded the continued use of the temporary buildings on the site beyond June 29, 1995. The trailers were subsequently removed from the site.

On January 7, 1997, the BZA granted a third request for additional time to commence construction, with a new expiration date of June 29, 1998. Construction did not commence and SPA 73-P-007-3 expired.

On September 7, 1999, the BZA approved SP 99-P-036 for the existing church and related facilities to permit a new sanctuary, administrative and multi-purpose buildings for a total of 34,700 square feet, to increase the number of seats to 400 and to permit site modifications which included expansion and redesign of the parking lot to permit a minimum of 174 parking spaces, construction of new stormwater management facilities and single consolidation of the site's existing three ingress/egress points. The application included an option to allow the applicant to either keep the existing church building or demolish the existing church building and increase the parking spaces to a minimum of 207 spaces.

On February 26, 2002 the BZA approved SPA 99-P-036 to permit a private school of education with a maximum daily enrollment of 176 students and a child care center with a maximum of 70 students located in the sanctuary, administration and multi-purpose buildings on the site. ***A copy of the resolution and the SPA Plat is included in Appendix 4 of the staff report. The applicant requests a Special Permit Amendment to amend this application to permit a change in permittee.***

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Fairfax Planning District, Area II
Planning Sector: Fox Lake Community Planning Sector (B2)
Plan Map: Residential, 0.5-1 du/ac

ANALYSIS

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Special Permit Amendment Plat, Unity of Fairfax Church of the Daily Word

Prepared By: Patton, Harris, Rust and Associates, PHRA

Dated: November 28, 2001

Proposed Use

The Special Permit Amendment Plat (SPA Plat) is the same as the SPA Plat approved in conjunction with SPA 99-P-036. Trustees of Unity of Fairfax Church of the Daily Word and American Turkish Friendship Association D/B/A Pinnacle Academy American Turkish Friendship Association D/B/A Pinnacle Academy are the current lessees and have requested a change to Development Condition 1. Development Condition 1 of SPA 99-P-036 stipulates that the permit is granted to the original applicant only, Trustees of Unity of Fairfax Church of the Daily Word and Northern Virginia Friends School. The current applicants request a change in permittee to Trustees of Unity of Fairfax Church of the Daily Word and American Turkish Friendship Association D/B/A Pinnacle Academy. No other changes to the previously approved Special Permit are proposed.

OTHER ZONING ORDINANCE REQUIREMENTS:

Special Permit Requirements (See Appendix 5)

- General Special Permit Standards (Sect. 8-006)
- Group 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)

Waivers/ Modifications:

The applicant has requested the continuation of the previously approved waivers and modifications of the barrier and transitional screening requirements along the perimeter of the site and a continuation of the modification of transitional screening along the frontage of Hunter Mill Road and along the southern property line as previously approved in conjunction with SP 99-P-036 along all and as shown on the special permit amendment plat.

Staff supports the continued modification of transitional screening and barrier requirements as previously approved along all lot lines as no additional construction is proposed with this application. The applicant merely seeks to change the permittee.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The applicant's request for a change in permittee as referenced in the previously approved Development Condition 1 is in conformance with the Comprehensive Plan and with all applicable Zoning Ordinance provisions as conditioned. Staff recommends approval of the request.

Recommendations

Staff recommends approval of Special Permit Amendment SPA 99-P-036-2, as the only requested change to the previously approved Special Permit Amendment is to change the permittee in Development Condition 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.

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 this application.

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. SPA 99-P-036 Approved Resolution
5. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SPA 99-P-036-2****July 22, 2008**

If it is the intent of the Board of Zoning Appeals to approve SPA 99-P-036-2 located at Tax Map 47-2 ((1)) 18A to permit a change in permittee under Section 3-103 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. All conditions have been carried forward from the previous special permit, with changes to Development Condition 1 underlined.

1. This approval is granted to the applicant, Trustees of Unity of Fairfax Church of the Daily Word; American Turkish Friendship Association D/B/A Pinnacle Academy, and is not transferable without further action of this Board, and is for the location indicated on the application, 2854, 2858 and 2864 Hunter Mill Road (5.31 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 (2 sheets) by David H. Steigler, dated November 28, 2001, 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 (DPW&ES). Any plan submitted pursuant to this special permit shall be in substantial conformance with the approved Special Permit plat and these development conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. Upon issuance of the Non-RUP, the number of seats in the sanctuary may increase from 250 to a maximum of 400.
6. Upon issuance of a Non-RUP for the multi-purposed administration building, the school and child care center may commence and the total maximum daily enrollment for the private school of general education shall be as shown below. There shall be a maximum staff of 27

employees on the property at anyone time. The total maximum daily enrollment for the before and after school child care center shall be 35 students for the first two full years of operation and 70 students thereafter.

	Year	1	2	3	4	5	6+
Students		70	88	104	122	140	176

7. Upon issuance of the Non-RUP, the maximum hours of operation for the private school of general education shall be limited to 8:30 a.m. to 3:30 p.m., Monday through Friday. The before school care shall be limited to 6:00 a.m. to 9:00 a.m. and the after school care shall be limited to 3:30 p.m. to 6:30 p.m. Monday through Friday. Only the students enrolled at the school of general education shall be permitted to attend the before and after school care.
8. The operator of the private school of general education shall designate a carpool coordinator to administer and encourage participation in a carpool program designed to reduce the number of vehicle trips to and from the school during rush hour periods.
9. The applicant shall construct an 8-foot wide sidewalk or trail along the full frontage of the property. The sidewalk/trail shall adjoin existing or proposed sidewalks to the north and south, to the satisfaction of DPWES.
10. The applicant shall construct an extended turn lane across the full frontage of the property, measuring a minimum 35 foot cross section from centerline to face of curb to create a second southbound vehicle travel lane, to the satisfaction of DPWES. With provision of these frontage improvements by the applicant, dedication measuring a minimum of 45 feet of right-of-way shall be permitted if deemed appropriate-by DPWES. If frontage improvements are not provided, a minimum dedication measuring 56 feet from centerline of Hunter Mill Road shall be provided. Right-of-way shall be dedicated to the Board of Supervisors, in fee simple, within sixty (60) days upon demand by Fairfax County, or at the time of site plan approval, whichever comes first.
11. All signs, existing and proposed, shall be in conformance with Article 12 of the Fairfax County Zoning Ordinance.
12. All existing and proposed lighting of the parking areas shall be in accordance with the following:

- The combined height of the light standards and fixtures shall not exceed twelve (12) feet.
 - The lights shall focus directly on the subject property and shall be full cutoff lights.
 - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
13. Stormwater management/BMP design satisfying all Public Facility Manual requirements shall be provided to the satisfaction of DPWES.
 14. A tree preservation plan and final limits of clearing and grading shall be established in coordination with and subject to approval by the Urban Forestry Division of DPWES in order to preserve individual trees and stands of trees shown to be saved on the Special Permit Plat. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation may be implemented to the satisfaction of the Urban Forester. Activities may include, but are not limited to, increased tree protection measures, crown pruning, root pruning, mulching and fertilization. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the site, including the demolition of any existing structures.
 15. Transitional screening and barrier requirements shall be modified in favor of that shown on the Special Permit Amendment Plat. Supplementation of existing vegetation within all transitional screening areas to achieve effective and viable year-around screening shall be as directed by the Urban Forester. In addition, twenty-three evergreen trees shall be added to those shown on the approved site plan No. 8226-SP-02-2, within the transitional screening area which lies between the play area shown on the SPA Plat and the Hunterbrooke subdivision. Size and species of plantings shall be as determined by the Urban Forester. All plantings shall be maintained in good health and replaced with like-kind plantings when necessary.
 16. The proposed six-foot high fence on the western property line shall be field located, in consultation with the Urban Forester, to minimize disturbance to existing trees which are designated on the Special Permit Amendment Plat to be preserved.
 17. Parking shall be provided as shown on the Special Permit Plat. All

parking shall be on site. No additional areas shall be cleared or created to accommodate parking spaces beyond that depicted on the Special Permit Amendment Plat.

18. Prior to site plan approval, the applicant shall show proof that the 15 foot outlet road and ingress/egress easement which bisects the application property shall be properly quitclaimed or relocated so as to not legally encumber conditions as proposed with this application, to the satisfaction of DPWES.

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, twelve (12) months after the date of approval unless a new Non-Residential Use Permit has been approved. 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: 5/1/08
 (enter date affidavit is notarized)

I, Stephen M. Cumbie, Richard W. Hartley, 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 99937

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.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Trustees of Unity of Fairfax Church of the Daily Word -Stephen M. Cumbie -Richard W. Hartley -Donna Johnson Dearmore	2854 Hunter Mill Road Oakton, Virginia 22124	Co-Applicant/Owner Agent/Trustee Agent/Trustee Agent/Senior Minister
American Turkish Friendship Association, Inc. d/b/a Pinnacle Academy -Erkan Tuncer	1776 Old Meadow Road McLean, Virginia 22102	Co-Applicant/Lessee Agent/President
Vanderpool, Frostick & Nishanian, P.C. -John L. McBride -Michael R. Vanderpool -Amber K. Scham	9200 Church Street, Suite 400 Manassas, Virginia 20110	Agent Attorney/Agent Attorney/Agent Attorney/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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/1/08
(enter date affidavit is notarized)

99937

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)

American Turkish Friendship Association, Inc., d/b/a Pinnacle Academy
1776 Old Meadow Road
McLean, Virginia 22102

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)

Yusuf Cetinkaya
Emin Halac
M Cengiz Kilinc
Bayram Gulsen
Erkan Tuncer
Ali Unsal
Yusuf Cirak

(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: 5/1/08
(enter date affidavit is notarized)

99937

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

Vanderpool, Frostick, & Nishanian, P.C.
9200 Church Street, Suite 400
Manassas, Virginia 20110

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)

Michael R. Vanderpool
Randolph D. Frostick
V. Rick Nishanian

John L. McBride
Gail R. Prentiss
Susan E. Cooke

Kristina K. Spittler

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

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)

(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)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 5/1/08
(enter date affidavit is notarized)

99937

=====
I(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)

None

(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: 5/1/08
(enter date affidavit is notarized)

99937

=====
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: 5/1/08
(enter date affidavit is notarized)

99937

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.

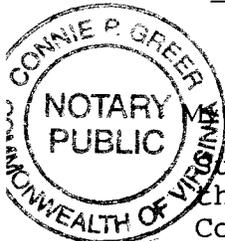
WITNESS the following signature:

(check one)

Richard W. Hartley [] Applicant
Stephen M. Cumbie [x] Applicant's Authorized Agent

Richard W. Hartley, Trustee ; Stephen M. Cumbie, Trustee
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 1 day of May 2008, in the State/Comm. of Virginia, County/City of Fairfax.



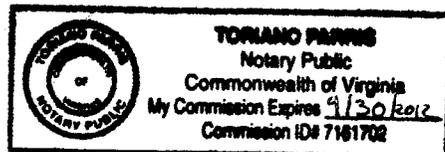
My commission expires: 9-30-2012

Subscribed and sworn to before me this 1st day of May, 2008, in the Commonwealth of Virginia, County of Fairfax.

Connie P. Greer

Connie P. Greer, Commission Id#281235
My Commission Expires September 30, 2011

Toriano L. Parris
Notary Public



SPA# 99-3-036
**TRUSTEES OF UNITY OF FAIRFAX CHURCH OF THE DAILY WORD
 AMERICAN TURKISH FRIENDSHIP ASSOCIATION d/b/a PINNACLE ACADEMY
 SPECIAL PERMIT APPLICATION AMENDMENT**

STATEMENT OF JUSTIFICATION

2854 Hunter Mill Road

TM 047-2-((1))-18A

May 1, 2008

Revised May 19, 2008

RECEIVED

Department of Planning & Zoning

MAY 21 2008

DESCRIPTION OF THE APPLICATION

Special Permit Request: To allow the change in permittee of the approved and current private school of general education from Northern Virginia Friends School to American Turkish Friendship Association d/b/a Pinnacle Academy. NO NEW CONSTRUCTION is associated with this Special Permit Amendment application. No change to the development conditions (other than the change in permittee) is proposed.

**Record Fee Owner/
Applicant:** Trustees of Unity of Fairfax Church of the Daily Word

Zoning: R-1

Size: 5.31 acres

**Maximum Number
of Sanctuary Seats:** No change. Currently approved for a maximum of 400 worshippers. No increase in this number is requested.

**Maximum Number of
Students:** No change. Currently approved for a maximum of 70 students for the before and after school child care use, and 176 students for the private school of general education. No increase in this number is requested.

**Maximum Number of
Employees:** No change. Currently approved for a maximum of 27 employees on the property at any one time. No increase in this number is requested.

Traffic Impact: No change. No additional traffic impact because the number of students is not increasing.

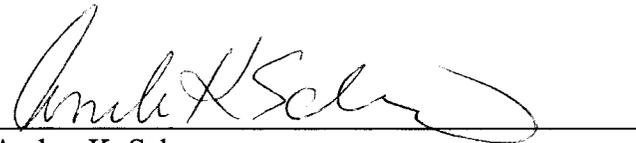
Hours of Operation: No change. The private school of general education is currently approved for hours of 8:30 to 3:30 pm Monday through Friday. The before school care is limited to the hours of 6:00am to 9:00am and the after school care is limited to the hours of 3:30pm to 6:30pm. No expansion to these hours is requested.

Waivers and Modifications: The Co-Applicants are requesting a waiver of the Special Permit Plat requirement because there is no new construction and no change to the development conditions associated with this Special Permit Amendment application.

Summary:

The Co-Applicants are requesting a Special Use Permit Amendment solely to change the permittee of the private school of general education from Northern Virginia Friends School to American Turkish Friendship Association d/b/a Pinnacle Academy. There is no new construction and no increase in the maximum number of students associated with this application, therefore the applicant requests a waiver of the Special Permit Plat requirement.

VANDERPOOL, FROSTICK & NISHANIAN, P.C.



Amber K. Scharn

RECEIVED
Department of Planning & Zoning

MAY 21 2008



FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING
Zoning Evaluation Division
Special Permit and Variance Branch
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5510

(703) 324-1280

Fax (703) 324-3924

V I R G I N I A

March 6, 2002

John L. McBride, Esquire
9324 West Street, Suite 400
Manassas, Virginia 20110

Re: Special Permit Amendment Application SPA 99-P-036
Trustees of the Unity of Fairfax Church of the Daily Word; No. Va. Friends

Dear Mr. McBride:

At its February 26, 2002 meeting, the Board of Zoning Appeals took action to **APPROVE** the above-referenced application. The final approval date is March 6, 2002. A copy of the Resolution is attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 222-0801.

Sincerely,


Regina Thorn Corbett, Clerk
Board of Zoning Appeals

Enclosure: As stated

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

TRUSTEES OF UNITY OF FAIRFAX CHURCH OF THE DAILY WORD, NO. VA. FRIENDS SCHOOL, SPA 99-P-036 Appl. under Sect(s). 3-103 of the Zoning Ordinance to amend SP 99-P-036 previously approved for a church and related facilities to permit a private school of general education and a child care center. Located at 2854, 2858 and 2864 Hunter Mill Rd. on approx. 5.31 ac. of land zoned R-1. Providence District. Tax Map 47-2 ((1)) 18A (formerly known as 17C and 18) Mr. Kelley 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 February 26, 2002; and

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

1. The applicants are the owners of the land.

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).3-103 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 Trustees of Unity of Fairfax Church of the Daily Word; Northern Virginia Friends School, and is not transferable without further action of this Board, and is for the location indicated on the application, 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 (2 sheets) by David H. Steigler, dated November 28, 2001, 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 (DPW & ES). Any plan submitted pursuant to this special permit shall be in substantial conformance with the approved Special Permit plat and these development conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.

5. Upon issuance of the Non-RUP, the number of seats in the sanctuary may increase from 250 to a maximum of 400.
6. Upon issuance of a Non-RUP for the multi-purpose/ administration building, the school and child care center may commence and the total maximum daily enrollment for the private school of general education shall be as shown below. There shall be a maximum staff of 27 employees on the property at any one time. The total maximum daily enrollment for the before and after school child care center shall be 35 students for the first two full years of operation and 70 students thereafter.

	Year	1	2	3	4	5	6+
Students		70	88	104	122	140	176

7. Upon issuance of the Non-RUP, the maximum hours of operation for the private school of general education shall be limited to 8:30 a.m. to 3:30 p.m., Monday through Friday. The before school care shall be limited to 6:00 a.m. to 9:00 a.m. and the after school care shall be limited to 3:30 p.m. to 6:30 p.m. Monday through Friday. Only the students enrolled at the school of general education shall be permitted to attend the before and after school care.
8. The operator of the private school of general education shall designate a carpool coordinator to administer and encourage participation in a carpool program designed to reduce the number of vehicle trips to and from the school during rush hour periods.
9. The applicant shall construct an 8-foot wide sidewalk or trail along the full frontage of the property. The sidewalk/trail shall adjoin existing or proposed sidewalks to the north and south, to the satisfaction of DPWES.
10. The applicant shall construct an extended turn lane across the full frontage of the property, measuring a minimum 35 foot cross section from centerline to face of curb to create a second southbound vehicle travel lane, to the satisfaction of DPWES. With provision of these frontage improvements by the applicant, dedication measuring a minimum of 45 feet of right-of-way shall be permitted if deemed appropriate by DPWES. If frontage improvements are not provided, a minimum dedication measuring 56 feet from centerline of Hunter Mill Road shall be provided. Right-of-way shall be dedicated to the Board of Supervisors, in fee simple, within sixty (60) days upon demand by Fairfax County, or at the time of site plan approval, whichever comes first.
11. All signs, existing and proposed, shall be in conformance with Article 12 of the Fairfax County Zoning Ordinance.
12. All existing and proposed lighting of the parking areas shall be in accordance with the following:
 - The combined height of the light standards and fixtures shall not exceed twelve (12) feet.

- The lights shall focus directly on the subject property and shall be full cutoff lights.
 - Shields shall be installed, if necessary, to prevent the light from projecting beyond the facility.
13. Stormwater management/BMP design satisfying all Public Facility Manual requirements shall be provided to the satisfaction of DPWES.
 14. A tree preservation plan and final limits of clearing and grading shall be established in coordination with and subject to approval by the Urban Forestry Division of DPWES in order to preserve individual trees and stands of trees shown to be saved on the Special Permit Plat. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation may be implemented to the satisfaction of the Urban Forester. Activities may include, but are not limited to, increased tree protection measures, crown pruning, root pruning, mulching and fertilization. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the site, including the demolition of any existing structures.
 15. Transitional screening and barrier requirements shall be modified in favor of that shown on the Special Permit Amendment Plat. Supplementation of existing vegetation within all transitional screening areas to achieve effective and viable year-around screening shall be as directed by the Urban Forester. In addition, twenty-three evergreen trees shall be added to those shown on the approved site plan No. 8226-SP-02-2, within the transitional screening area which lies between the play area shown on the SPA Plat and the Hunterbrooke subdivision. Size and species of plantings shall be as determined by the Urban Forester. All plantings shall be maintained in good health and replaced with like-kind plantings when necessary.
 16. The proposed six-foot high fence on the western property line shall be field located, in consultation with the Urban Forester, to minimize disturbance to existing trees which are designated on the Special Permit Amendment Plat to be preserved.
 17. Parking shall be provided as shown on the Special Permit Plat. All parking shall be on site. No additional areas shall be cleared or created to accommodate parking spaces beyond that depicted on the Special Permit Amendment Plat.
 18. Prior to site plan approval, the applicant shall show proof that the 15 foot outlet road and ingress/egress easement which bisects the application property shall be properly quitclaimed or relocated so as to not legally encumber conditions as proposed with this application, to the satisfaction of DPWES.

These development conditions incorporate and supersede all previous development 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 required Non-Residential Use Permit has been obtained. The Board of Zoning Appeals may, after a public hearing, 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. Hammack seconded the motion which carried by a vote of 5-0. Ms. Gibb was not present for the vote and Chairman DiGiulian was absent from the meeting.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on March 6, 2002. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:


Regina Thorn Corbett, Clerk
Board of Zoning Appeals

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.

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.