



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

September 16, 2008

Lynne J. Strobel
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Blvd., Thirteenth Floor
Arlington, VA 22201-3359

Re: Interpretation for SPA 75-S-177, Trustees of Washington Farm United Methodist Church, Tax
Map 110-2 ((1)) 32A, 110-2 ((9)) 11B: Parking

Dear Ms. Strobel:

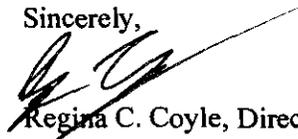
This is in response to your letter of May 30, 2008, requesting clarification of the development conditions and Special Permit Amendment (SPA) Plat approved by the Board of Zoning Appeals (BZA) in conjunction with the approval of the above referenced application. Specifically, you seek clarification of Development Condition 6, which states that "*Parking shall be provided as depicted on the Special Permit Plat. All parking shall be on site.*" As I understand it, you seek clarification as to how the Development Condition 6 relates to an off-site property and to special events. Copies of your letter and relevant exhibits are enclosed.

Development Condition #6 adopted with the approval of the SPA requires that the church provide parking that conforms with the SPA Plat and that all parking be provided on-site. It should be noted that the number of parking spaces shown on the SPA Plat exceeds the minimum Zoning Ordinance requirements. The approved development conditions govern the site area of SPA 75-S-177 only and do not explicitly address off-site parking.

Your question regarding parking during special events is addressed by Development Condition #28, which states "*A police officer shall be hired to direct traffic and parking during special events with increased traffic volume, such as weddings and funerals, including the semi-annual yard sale.*" The development condition does not specify a requirement to provide additional parking during special events.

These determinations have been made in my capacity as the duly authorized agent of the Zoning Administrator and only address those questions described and discussed in this letter. If you have any questions regarding this interpretation, please feel free to contact Mary Ann Godfrey at (703) 324-1290.

Sincerely,



Regina C. Coyle, Director

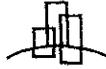
Lynne J. Strobel
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Zoning Evaluation Division, DPZ

N:\SP Interpretations\Trustees of Wash.Farm United Meth. Church (SPA-75-S-177) parking.doc

Attachments: A/S

cc: Members, Board of Zoning Appeals
Diane Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review Branch, ZAD, DPZ
Kenneth Williams, Plan Control, Land Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Assad Ayoubi, Acting Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Applications Acceptance and Special Projects Branch, DPZ
File: SPA 75-S-177, SPI 0806 021, Imaging, Reading



Lynne J. Strobel
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**WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC**
May 30, 2008

RECEIVED
Department of Planning & Zoning

JUN 02 2008

Zoning Evaluation Division

Via Courier

Regina C. Coyle, Director
Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: SPA 75-S-177
Applicant: Trustees of Washington Farm United Methodist Church

Dear Ms. Coyle:

Please accept this letter as a request for an interpretation of development conditions approved in conjunction with the referenced application.

The referenced application was approved by the Board of Zoning Appeals at its hearing held on July 11, 2006. The Board of Zoning Appeals granted SPA 75-S-177 subject to 29 conditions that are attached to its resolution. Condition 6 states that parking shall be provided as depicted on the special permit plat and that all parking shall be on site. I hereby request a clarification of this condition as it may apply to adjacent property not owned by the Applicant and for special events hosted by the Applicant.

The special permit plat includes parking spaces provided in excess of the requirements of the Fairfax County Ordinance ("Zoning Ordinance"). As you are aware, the Zoning Ordinance requires that parking for a place of worship be provided at a ratio of one (1) parking space per four (4) seats. The parking provided by the Applicant is sufficient to accommodate parishioners attending regular church services and for typical events associated with a place of worship, such as religious education classes and community meetings.

An issue has arisen regarding two aspects of parking in proximity to the Applicant's property. The first is associated with parking on property that is adjacent to the Applicant's property and Mount Vernon Memorial Highway. The Virginia Department of Transportation (VDOT) presently owns a small parcel of land that is used as a park-and-ride lot by commuters. Individuals park on the VDOT parcel and use a bus stop that is located on Mount Vernon Memorial Highway. It has come to the attention of the Applicant that parishioners will occasionally park on the VDOT parcel for convenience as it is improved with gravel and adjacent to the Applicant's parking lot. As the VDOT parcel is public right-of-way that is not owned by the Applicant, I do not believe that the Applicant can preclude parking within this area. The Applicant has taken all reasonable measures to preclude parking on the VDOT parcel and along Old Mill Road, which is an adjacent public street. Orange traffic cones are placed along Old Mill Road throughout the week and during church services to preclude visitors and members from parking on VDOT right-of-way. In addition, the Applicant makes announcements on Sunday during the worship service and includes a reminder in the weekly bulletin that church

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ATTORNEYS AT LAW

May 30, 2008

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parking is confined within the Applicant's parking lots. I believe that the development condition was intended to ensure adequate on-site parking, but not to preclude occasional use of public right-of-way by parishioners and would appreciate your confirmation.

In addition, the Applicant hosts occasional events during the year that are open to the public. Specifically, a yard sale takes place twice a year that is well attended by community members. During the yard sale, as well as occasional special events, individuals, who are often not parishioners, park on the surrounding public streets. The Applicant retains the services of a police officer, as required by condition 28, who monitors traffic and parking. Vehicles are parked legally and do not block driveways or impede vehicular access. Further, these occasions are temporary occurrences, and heavy attendance is typically limited to three hours or less. In fact, the yard sale is only operated during the hours of 8:00 a.m. and 2:00 p.m. I believe that the Zoning Ordinance intends to ensure that non-residential uses provide sufficient parking for typical events, and not special occasions. Certain parking requirements have been established for places of worship, and the Applicant is not only complying with Zoning Ordinance requirements, but exceeding them. In addition, on a typical Sunday, all parking is provided on-site. An appropriate analogy to residential development is when an individual hosts a party at his or her home. On those occasions, invitees will park on the public street as all guests cannot park their cars in an individual driveway. As long as the vehicles are parked legally, and do not impede vehicular access, this is not a violation of Zoning Ordinance requirements or traffic laws. This same standard should apply to a place of worship. Again, I would appreciate your confirmation.

I have enclosed a copy of the development conditions approved by the Board of Zoning Appeals in conjunction with the referenced application for your convenient reference. Should you have any questions regarding this request, or require additional information, please do not hesitate to give me a call. I would appreciate a response at your earliest convenience. As always, I appreciate your cooperation and assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.


Lynne J. Strubel

LJS/kae
Enclosure

cc: Susan Langdon (w/encl.)
Rebecca Goodyear (w/encl.)
Sy Berdux
Brian Frickie
Bob Mereness
Martin D. Walsh

{A0142630.DOC / 1 Coyle ltr 5-22-08 004391 000002}



PERMIT RESOLUTION OF THE BOARD OF

ZONING APPEALS ,

TRUSTEES OF WASHINGTON FARM UNITED METHODIST CHURCH/SPA 75-S-177 Appl. under Sect(s). 3-203 of the Zoning Ordinance to amend S-75-177 previously approved for a place of worship to permit the addition of a private school of general education, building additions, site modifications including changes in parking layout./an increase in land area and the addition of a columbarium (THE SCHOOL AND COLUMBARIUM REQUEST WERE WITHDRAWN). Located at 3921 Old Mill Rd. on approx. 2.38 ac. of land zoned R-2. Mt. Vernon District. Tax Map 110-2 ((1)) 32A (formerly known as 110-2 ((1)) 9B, 32, 33, 36 pt, 39; 110-2 ((10)) 60A pt.) and 110-2 ((9)) 11B. (Admin, moved from 1/25/05, 3/1/05, 3/22/05, 4/19/05, 6/7/05, 6/14/05, and 8/9/05 at appl. req.) (Decision deferred from 9/13/05,10/11/05,11/1/05, 5/2/06, and 6/20/06) Mr. Beard 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;

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 11, 2006; and

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

1. The applicant is the owner of the land.
2. The church has made major concessions pursuant to its original desires.
3. The Montessori school was done away with, and if after five years they wish to pursue it, it must come before the Board for consideration.
4. The church has done away with the columbarium, which seemed to be out of the public eye.
5. The church has done away with its memorial wall.
6. The underlying contention from the neighborhood has been something that has been on-going from years back, and the church has made major concessions to obtain its special permit.

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). 3-203 of the Zoning Ordinance.

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

1. This approval is granted to the applicant only, Trustees of Washington Farms United Methodist Church and is not transferable without further action of this Board, and is for the location indicated on the application, 3921 Old Mill Road 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 amendment plat prepared by Cad-Con Consulting incorporated, dated September 10, 2003, revised through June 1, 2006, pages C-1 through C-3 and L-1, 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 Amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted to the Department of Public Works and Environmental Services (DPWES) pursuant to this special permit, shall be in substantial conformance with these conditions. Minor modifications to the approved special permit may be permitted pursuant to Par. 4 of Sect. 8-004 of the Zoning Ordinance.
5. The maximum number of seats in the main area of worship shall be 126.
6. Parking shall be provided as depicted on the Special Permit Plat. All parking shall be on site.
7. Transitional screening shall be modified along all lot lines to permit existing vegetation supplemented as shown on the plat to satisfy the requirements.

Notwithstanding that which is shown on the plat, the extent of tree preservation shall be the greatest extent possible on-site, as determined by Urban Forest Management, DPWES and supplemental plantings over and above that which is shown on the plat shall be provided as determined necessary by Urban Forest Management to meet the intent of Transitional Screening 1 along the lot lines adjacent to the proposed fellowship hall and play area. Additional plant material shall also be added within the 10 foot wide screening area around the northeastern parking lot as deemed feasible by Urban Forest Management to fill in remaining open areas. The size, species and location of all supplemental and transitional screening plantings shall be determined in consultation with Urban Forest Management.

A tree preservation plan shall be submitted to Urban Forest Management for review and approval at the time of each site plan review. This plan shall designate, at a minimum, the limits of clearing and grading as delineated on the special permit plat in order to preserve to the greatest extent possible individual trees or tree stands that may be impacted by construction. Trees identified on the special permit plat to be removed may be saved if deemed feasible by UFM. Both 10 inch Hollies in the existing cemetery shall be preserved. The walkway from the existing building to the proposed fellowship hall shall be realigned if necessary to insure preservation of the eastern holly.

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing a minimum of four feet in height to be placed at the dripline of the trees to be preserved. Tree protection fencing in the form of a four foot high 14 gauge welded wire fence attached to six foot steel posts driven 18 inches into the ground and placed no further than ten feet apart, shall be erected at the final limits of clearing and grading and shown on the erosion and sediment control sheets. Tree protection fencing shall only be required for tree save areas adjacent to clearing and grading activities. The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any construction

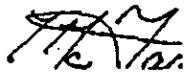
27. The site plan and final architectural drawings for the building addition shall be administratively reviewed by the Board of Zoning Appeals prior to final approval by DPWES. The Board of Zoning Appeals shall review the final drawings to ensure compliance with the special permit plat and these conditions. /
28. A police officer shall be hired to direct traffic and parking during special events with increased traffic volume, such as weddings and funerals, including the semi-annual yard sale.
29. As demonstrated to DPWES at time of site plan submission, the Applicant shall coordinate with adjacent property owners on the south and east boundaries to select locations and plant materials to be installed within the transitional screen yard in addition to the landscaping shown on the SP plat. The plantings are intended to screen the proposed improvements and shall be reviewed and approved by a representative of Urban Forest Management.

These conditions incorporate and supersede all previous conditions. This approval, contingent on the above-noted ~~«ORDftk>n&,-shaH-FiQt reWeve4r4e-appUcant-fromucompliance^ with -the-provisionsigf 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 construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Byers seconded the motion, which carried by a vote of 6-0-1. Mr. Hammack abstained from the vote.

A Copy Teste:



Paula A. McAlland Deputy Clerk
Board of Zoning Appeals