



County of Fairfax, Virginia

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

October 10, 2008

Lawrence H. Spilman III, L.S.
LS2PC Land Surveying Services
2890 Emma Lee Street #200
Falls Church, Virginia 22042

Re: Interpretation for SPA 88-S-091, Saint Clare of Assisi Catholic Church, 12409 Henderson Road, Tax Map 85-4 ((1)) 7: Phasing of Improvements

Dear Mr. Spilman:

This is in response to your letter of July 23, 2008, (attached) requesting an interpretation of the Special Permit Amendment (SPA) Plat and development conditions imposed by the Board of Zoning Appeals in conjunction with the approval of SPA 88-S-091. As I understand it, the question is whether phasing construction of the previously approved rectory, Parish Center, and additional parking would be in substantial conformance with the SPA Plat and development conditions. This determination is based on the plan attached to your letter, entitled "Saint Clare of Assisi- Rectory," prepared by Samaha Associates PC, which consists of three pages labeled "Existing Condition," "Proposed Condition," and "Future Phase," which are not dated.

On February 17, 2004, the Board of Zoning Appeals approved SPA 88-S-019, previously approved for a church and related facilities, to permit building additions, site modifications, and an increase in parking. The building additions illustrated on the SPA Plat included the construction of a rectory and a Parish Hall building with added parking. On February 6, 2007, the Board of Zoning Appeals approved 18 months of additional time to establish the use. On March 18, 2008, the Board of Zoning Appeals approved 18 months of additional time to establish the use, with an expiration date of August 17, 2009.

You are requesting to phase construction, to build just the rectory building at this time. You state that the two required parking spaces for the rectory will be provided adjacent to the building with a garage and driveway. You have stated that the additional parking proposed on the site with the SPA was intended to support the Parish Center, and that due to funding constraints the applicant does not wish to construct the Parish Center at this time. No phasing schedule was identified in the SPA approval. You further indicate that, although illustrated incorrectly on the approved SPA Plat, the minimum required parking spaces of 75 per the Zoning Ordinance is currently available on the property for the existing 300 seat church.

It is my determination that phasing of the previously approved building additions and site modifications so as to permit construction of the proposed rectory without the proposed Parish Center and added parking would be in substantial conformance with the SPA Plat and

Mr. Lawrence H. Spilman III, L.S.
Page 2

development conditions, provided that a minimum of 75 parking spaces are provided for the existing church use, subject to the approval of the Department of Public Works and Environmental Services (DPWES).

There is no indication of when the next phase consisting of the Parish Center and added parking would be constructed. Therefore, you are also asking for confirmation that construction of the rectory will meet the requirement for commencement of construction within the original thirty (30) month time period approved by the BZA, which will end August 17, 2009. The BZA resolution that was adopted with approval of SPA 88-S-091 states "*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 development conditions are silent on the issue of phasing and phased construction of the rectory and Parish Center are not indicated on the SPA Plat. As such, it is my determination that your proposal to commence construction of the Parish Center and additional parking at an undetermined date beyond August 17, 2009 is not in substantial conformance with SPA 88-S-091. The BZA resolution also states that the BZA may grant additional time if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. Therefore, you may either request additional time from the BZA and diligently prosecute the second phase to avoid expiration of the authorization for construction of the Parish Center and parking, or you may submit an application to the BZA to amend the Special Permit Amendment to address the issues of diligent prosecution and construction of the project in two phases.

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding these requirements, please feel free to contact Cathy Belgin at (703) 324-1290.

Sincerely,

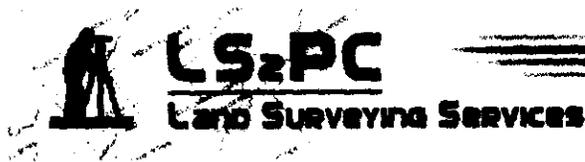


Regina C. Coyle, Director
Zoning Evaluation Division, DPZ

RCC/Initials/O:\cbelgi\SP\SPA 88-S-091 St Clare Assisi.doc

Attachments: A/S

cc: Members, Board of Zoning Appeals
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ken Williams, Plan Control, Land Development Services, DPWES
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ
Paul H. Falkenberry, AIA, Samaha Associates, PC, 9990 Fairfax Boulevard, Suite 350,
Fairfax, VA 22030
File: SPA 88-S-091, SPI 0807 029, Imaging, Reading File



LS2PC Land Surveying Services
2890 Emma Lee Street #200
Falls Church, VA 22042
(703)241-5515
fax (703)241-5516

July 23, 2008
Sheet 1 of 4

Zoning Interpretation Letter
Fairfax County
Zoning Evaluation Division
Department of Planning and Zoning
Attn. Mary Ann Godfrey

RECEIVED
Department of Planning & Zoning

JUL 23 2008

Zoning Evaluation Division

Tax Map No: 0854-01-0007
Proposed Rectory
Saint Clare of Assisi Catholic Church
Plan No: 006701-SP-002-1
Springfield District

This letter is an attempt to explain the deviations from the approved Special Permit Amendment Prepared by ADTEK, last revision date 10/27/2003 and provided responses to proffered conditions. The main difference is the omission, per client's request, of the Parish Center, the 40'x60' building and subsequent parking, which also changed the fire suppression requirements.

The proposed rectory was relocated to keep amenities such as deck and concrete patio, located on the western side of building, out of the existing well easement. The proposed setbacks for the rectory have been changed, the setback from Henderson road right-of-way was approved at 273' has been changed to 235.9' for a difference of 7.0% , the setback from southern property line was approved at 278' has been changed to 262.6' for a difference of 5.5%, the setback from western property line was approved at 469' has been changed to 488.3 for a difference of 4.1%, the setback from northern property line was approved at 489' has been changed to 499.1' for a difference of 2.1%. the only other differences are because of changes in the requirements, such as solid waste requirements and recycling. Reference is hereby made to the attached exhibit showing proposed features verses the approved Special Permit Amendment.

Responses to proffered conditions as per hearing held by the board of supervisors on February 17, 2007.

Condition 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, 12409 Henderson Road (12.44 acres) and is not Transferable to other land.

Response 1: No response necessary

Condition 2: This Special Permit Is granted only for the purpose(s). Structures and/or Use(s) indicated on the Special Permit Plat prepared by ADTEK Engineers. Inc., dated, July 1, 2003, revised through October 27, 2003, and approved with this application, as qualified by these development conditions.

Response 2: No response necessary

Condition 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.

Response 3: No response necessary.

Condition 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.

Response 4: Please refer to attached exhibit showing exhibit showing proposed features verses the approved Special Permit Amendment and the narrative at the beginning of this letter.

Condition 5: The proposed seating capacity for St. Clare Mission shall be limited to a total of 300.

Response 5: No response necessary

Condition 6: Parking shall be provided as shown on the Special Permit Plat. All parking shall be on site.

Response 6: See Response 4. All parking will be on site.

Condition 7: Any proposed new lighting on the site shall be in accordance with the performance standards for outdoor lighting contained in Part 9 of Article 14 of the Zoning Ordinance except that the maximum height of the light poles shall be 12.0 feet. At the time when proposed lighting is constructed, all existing lighting shall be modified to meet the same standards.

Response 7: No new lighting is now proposed, and a note will be added to plan to retrofit existing lighting to new standards.

Condition 8: Transitional screening shall be modified as shown on the Special Permit Plat. The barrier requirement shall be waived along all lot lines.

Response 8: The Transitional screening line shall be removed upon clarification.

Condition 9: The limits of clearing and grading shall be no greater than as shown on the Special Permit Plat, labeled Units of Disturbed Area and shall be strictly adhered to. A grading plan which establishes the limits of clearing and grading necessary to the construct the improvements that be submitted to the Department of Public Works and Environmental Services (DPWES), including the Urban Forestry Division, for review and approval. Irrespective of the limits shown on the special permit plat, the extent of clearing and grading shall be the minimum amount feasible as determined by DPWES. Prior to any land disturbing activities, a Pre-construction conference shall be between DPWES, including the Urban Forestry Division, and representatives of the applicant to include the construction site superintendent responsible for the on-site construction. In no event shall any area on the site be left denuded for a period no longer than 14 days except for that portion of the site I, which work will be continuous beyond 14 days.

Response 9: The limits of clearing and grading are greatly reduced due to the omission of the parish hall. And a note will be added concerning the 14 day limit.

Condition 10: The applicant shall provide onsite storm water detention in accordance with the requirements of the Public Facilities Manual unless waived or modified by DPWES. Additional required detention may be provided by the renovation of the existing Storm water Management Pond, as depicted on the Special Permit plat. The renovation shall not encroach beyond the Disturbed Area Limits, as depicted on the Special Permit Plat.

Response 10: Super silt fence added as temporary silt control. The existing pond as it exists should suffice as storm water detention.

Condition 11: At the time of site plan approval, the applicant shall record among the land records of Fairfax County in a form, approved by the County Attorney, a conservation easement, as shown on the Special Permit Plat, subject to the final approval of DPWES, including the Urban Forestry Branch. The easement shall run to the benefit of the Board of Supervisors, and shall prohibit the removal of trees, except for dead or dying trees or hazardous trees, as determined by DPWES.

Response 11: Conservation easement plat will be prepared and submitted prior to approval of the site plan.

Condition 12: Prior to the issuance of a Non-residential Use Permit (Non-RUP), the Applicant shall obtain approval of the septic system from the Health Department. If such approval is not received, this Special Permit be nut and void.

Response 12: Health department approval has been achieved. (See sheets 27 & 28)

Condition 13: The water storage standpipe shall be underground, as Shown on the Special Permit Plat

Response 13: The water storage standpipe shall be underground.

Condition 14: Parking lot landscaping shall be provided in accordance with Article 13 of the Zoning ordinance.

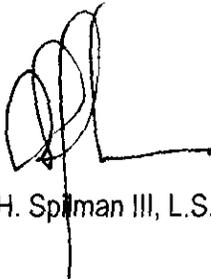
Response 14: The proposed parking lot, for the Parish Hall is not to be constructed at this time, therefore no additional parking lot landscaping should be required.

Condition 15: The activities in the Parish Hall shall be limited to the uses as described in the letter submitted by the applicant, dated September 2, 2000 included as Attachment 1 to the development conditions.

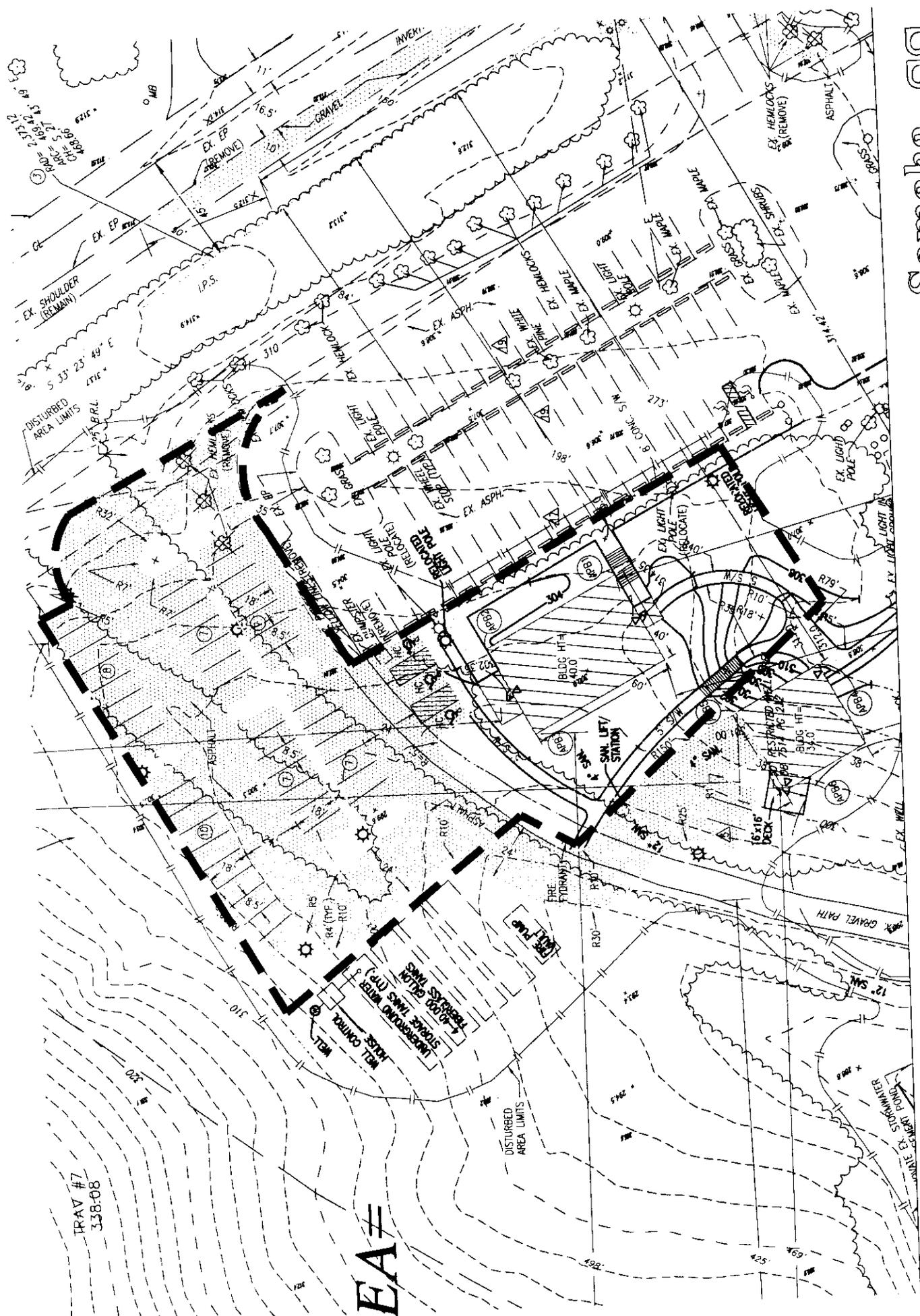
Response 15: The Parish Hall is not to be constructed at this time.

Condition 16: Sight distance will be evaluated at the time of site plan review. In order to ensure adequate sight distance for vehicles approaching from the south, the following measures may be required: posting of signs warning of stopped vehicles, improvements to Henderson Road, and/or shifting the access for the property. If a left turn lane is required, it will be constructed within the existing right-of-way. Appropriate measures will be reviewed and approved by VDOT.

Sincerely,
Lawrence H. Spilman III, L.S.
President

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line extending to the right, positioned over the typed name.

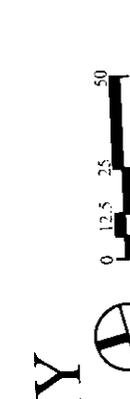
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Samaha
Associates P.C.



architects

**SAINT CLARE OF ASSISI - RECTORY
FUTURE PHASE**