



County of Fairfax, Virginia

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

September 15, 2008

Lynne J. Strobel
Walsh, Colucci, Lubeley, Emrich & Terpak, 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: Phasing

Dear Ms. Strobel:

This is in response to your letter of July 11, 2008, requesting an interpretation of the Special Permit Amendment (SPA) Plat and development conditions approved by the Board of Zoning Appeals (BZA) in conjunction with the approval of the above referenced application. As I understand it, your question is whether phasing construction of the fellowship hall that was approved pursuant to SPA 75-S-177 would be in substantial conformance with the SPA Plat and development conditions. This determination is based on your letter, the attached BZA resolution for SPA 75-S-177, the approved SPA Plat, and an Interpretation Plat entitled "Washington Farm United Methodist Church Building Expansion" prepared by CAD-CON Consulting, Inc. dated February 8, 2008. Copies of your letter and relevant exhibits are enclosed.

On July 11, 2006, the BZA approved SPA 75-S-177 for a previously approved place of worship to permit building additions, site modifications, and an increase in land area, subject to development conditions. The SPA Plat showed construction of a new two-story fellowship hall, parking, and utilities. You state that the Applicant proposes to construct the fellowship hall in two phases. The Interpretation Plat shows that Phase IA is proposed to consist of the first floor (3,922 square feet) of the fellowship hall and all of the site improvements including parking, stormwater management, drainage improvements, construction of a new entrance, transitional screening, interior parking lot landscaping, parking lot improvements, right-of-way dedication, and utilities. Phase IB is proposed to consist of 3,924 square feet of additional floor area, including the second story and covered porch of the fellowship hall. Your letter states that the fellowship hall would be constructed to structurally support the approved second story so that it can be constructed in the future. No phasing schedule was identified in the SPA approval. Given the fact that you propose to construct all site improvements in Phase IA, it is my determinate that the proposed construction of Phase IA of the fellowship hall would be in substantial conformance with SPA 75-S-177 and would establish the use.

There is no indication of when Phase IB would be constructed. Therefore, you are also asking for confirmation that construction of the Phase IA improvements will meet the requirement for commencement of construction within the original thirty (30) month time period approved by the BZA, which will be end January 11, 2009. The BZA resolution that was adopted with approval of SPA 75-S-177 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 construction has commenced and been diligently prosecuted...*" The development conditions are silent on the issue of phasing and phased construction of the fellowship hall is not indicated on the SPA Plat. As such, it is my determination that your proposal to commence construction of the referenced second phase of the Fellowship Hall at an undetermined date beyond January 11, 2009, is not in substantial conformance with SPA 75-S-177. 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 of the Fellowship Hall to avoid expiration of the authorization for construction of Phase IB, 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.

These determinations have been made in my capacity as the duly authorized agent of the Zoning Administrator. 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
Zoning Evaluation Division, DPZ

F:\Trustees of Wash. Farm United Meth. Church (SPA-75-S-177) phasing.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
Audrey Clark, Director, Building Plan Review, DPWES
Kevin Guinaw, Chief, Applications Acceptance and Special Projects Branch, DPZ
File: SPA 75-S-177, SPI 0806 021, Imaging, Reading



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**WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC**

July 11, 2008

RECEIVED
Department of Planning & Zoning

JUL 11 2008

Zoning Evaluation Division

Via Hand Delivery

Regina C. Coyle, Director
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
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 the following as a request for the approval of a minor modification to an approved special permit in accordance with paragraph 4 of Section 8-004 of the Fairfax County Zoning Ordinance (the "Zoning Ordinance").

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 2 states that the special permit is granted only for the purposes, structures and/or uses indicated on the special permit amendment plat prepared by CAD-CON Consulting, Inc., dated September 10, 2003, revised through June 11, 2006 (the "Plat"). The Applicant proposes that the improvements shown on the Plat be phased in accordance with the provisions for minor modifications in paragraph 4 of Section 8-004 of the Zoning Ordinance.

The Plat identifies improvements consisting of a two-story fellowship hall; a connection between the existing education building and the future fellowship hall; parking; and a number of site improvements. The Applicant proposes to construct the fellowship hall in two phases as a result of delays associated with the initial approval and the rapidly escalating cost of construction. As illustrated on the enclosed exhibit prepared by CAD-CON Consulting, Inc., and entitled "Interpretation Plat" (the "Exhibit"), the Applicant proposes two phases of improvements identified as Phase 1A and Phase 1B.

Phase 1A consists of the first floor of the approved two story fellowship hall and site improvements including utilities and parking. The gross floor area of Phase 1A is 3,922 square feet and the site improvements to be constructed in conjunction with Phase 1A are listed on the Exhibit. As a result of the Applicant's proposal, the site improvements will be constructed in conjunction with significantly reduced intensity. The fellowship hall will be constructed to

structurally support the approved second story, so that it may be constructed in the future. The gross floor area of Phase 1B is 3,924 square feet and includes the second story of the fellowship hall and the covered porch and appurtenant structures as shows on the Plat.

The proposed minor modification results in no increases in intensity or uses to that previously approved on the Applicant's property. The Applicant simply proposes to construct its approved improvements in two phases, consisting of Phase 1A and Phase 1B as detailed on the Exhibit. The proposed phasing meets the requirements of paragraph 4, Section 8-004 of the Zoning Ordinance. Further, the proposal meets the limitations of paragraph 4B as the proposal for a phased construction on the fellowship hall does not include any of the following:

- *Permit an expansion of the hours of operation from that approved pursuant to the special permit.* No changes are proposed to hours of operation or any other operating conditions.
- *Permit an increase in the number of seats, parking spaces or students.* No changes are proposed to the number of seats, or parking spaces. As a school was not included in the approval, there are no students associated with either phase of the improvements.
- *Permit uses other than those approved pursuant to the special permit.* The Applicant is proposing to phase construction of the improvements and is not proposing any additional uses.
- *Reduce the effectiveness of approved transitional screening, buffering, and landscaping or open space.* The proposal to construct the improvements, primarily the fellowship hall, in two phases does not affect any of the approved transitional screening, buffering, landscaping or open space. All of the site modifications and plantings as required with the original approval will be installed with Phase 1A.
- *Permit changes to bulk, mass, orientation or location which would adversely impact the relationship of the development to adjacent property.* As the Applicant is simply constructing the improvements in two phases, there are no changes to the building footprint, or the calculation of height in accordance with the average grade plane. The size and height of the final building, as approved, and its relationship to adjacent property has not been altered.
- *Result in an increase in the amount of clearing and/or grading for a stormwater management facility.* The Applicant's proposal does not affect stormwater management.

July 11, 2008

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- *Include the addition of any buildings or addition to buildings.* The Applicant is proposing to phase the approved improvements so that one story (3,922 square feet) of a two story building is constructed with Phase 1A and the second story (3,924 square feet) is constructed with Phase 1B. Other appurtenant structures, such as porches, covered walks, covered entries and exterior stairs, shall be constructed in conjunction with Phase 1B, or later. The Applicant is not proposing to add any buildings or additions to buildings.

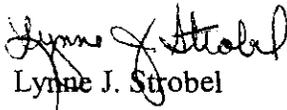
In consideration of the above, I am asking for the administrative approval of the minor modifications described herein as being in substantial conformance with the Plat and the approved development conditions. In addition, I would further ask for confirmation that the construction of the improvements identified as Phase 1A on the Exhibit will meet the requirement of commencement of construction within the original thirty (30) month time period approved by the Board of Zoning Appeals.

I have enclosed a copy of the approval resolution for SPA 75-S-177 that includes the development conditions, as well as the Exhibit. 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. Strobel

LJS/kae

Enclosures

cc: Susan Langdon
Sy Berdux
Brian Frickie
Bob Mereness
Martin D. Walsh

{A0145946.DOC / 1 Coyle ltr 7-1-08 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 sch'ool 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

work being conducted on the Application Property. A certified arborist shall monitor the installation of the tree protection fencing and verify in writing that the tree protection fence has been properly installed. At least three days prior to commencement of any clearing and grading, Urban Forest Management shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.

8. The barrier requirement shall be waived.
9. Interior and peripheral parking lot landscaping shall be provided, at a minimum, in conformance with the requirements of Article 13 of the Zoning Ordinance. Size, species and number of all plantings shall be determined in consultation with Urban Forest Management, at the time of site plan review.
10. The limits of clearing and grading shall be no greater than as shown on the special permit plat or as modified by these conditions and shall be strictly adhered to. A grading plan which establishes the final limits of clearing and grading necessary to construct the improvements shall be submitted to DPWES, including Urban Forest Management, for review and approval. Prior to any land disturbing activities, a pre-construction conference shall be held between DPWES, including Urban Forest Management, 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 longer than 14 days except for that portion of the site in which work will be continuous beyond 14 days.
11. Stormwater management and Best Management Practices facilities shall be provided as determined by DPWES. Low Impact Design (LID) facilities shall be provided as depicted on the plat, and as approved by DPWES. The applicant shall enter into an agreement with DPWES, in such a form as required by DPWES, at the time of site plan approval that sets forth a maintenance schedule and procedure for the underground detention facility.

The stormwater management system designed for the property shall ensure that Stormwater discharged from the application property shall not exceed current volumes.

Subject to the approval of DPWES (including Urban Forest Management), an additional swale shall be installed at the time of building construction along the southeast property line in the proximity of the transitional screening proposed on the special permit plat. The swale shall assist in managing the stormwater runoff from the property and shall be designed in accordance with the requirements of the Public Facilities Manual. However, the swale shall be designed and located so that it does not impact any existing trees designated to be preserved.

12. All pipes and bins associated with the roof drainage system shall be cleaned on a regular basis to ensure proper function. A maintenance schedule shall be available for review at the church by Fairfax County inspectors. Cleaning shall be performed a minimum of once a year to ensure that downspouts are adequately draining water from roof gutters into the closed pipe system proposed in conjunction with building improvements.
13. The final location of the brick/hatched crosswalks shall be as determined by DPWES.

14. Right-of-way dedication shall be provided as depicted on the plat, or as determined by VDOT. The right-of-way shall be dedicated for public street purposes and shall convey to the Board of Supervisors in fee simple at the time of site plan approval.
15. If warranted at time of site plan, and approved by the Virginia Department of Transportation (VDOT), the applicant shall design and construct a right turn lane on Old Mill Road at its intersection with Mount Vernon Memorial Highway, within the existing right-of-way.
16. As determined by the Virginia Department of Transportation (VDOT), the entrance radii shall be increased at the proposed 30 foot entrance to the northeastern parking lot.
17. The occupancy of the fellowship hall shall be limited to 160 adults.
18. In accordance with the United Methodist tradition and upon the recommendation of the Social Creed, no alcohol is allowed on the Church premises.
19. All events in the fellowship hall, except for overnight "lock-ins", shall be completed by 11:00 p.m.
20. The fellowship hall shall not be rented for commercial uses.
21. Any proposed new and/or replacement exterior lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. Outdoor lighting fixtures shall utilize full cut-off fixtures which focus directly on the subject property. Parking lot lighting shall be turned off one-half after any event held at the church. Outdoor building-mounted security lighting shall be shielded, directed toward the building and not directed outward from the property to prevent off-site glare.
22. The construction of the addition shall be generally consistent with the architecture, materials and colors presented in the attached elevations (Attachment 1).
23. The maximum building height of the addition shall be 28 feet per Fairfax County Zoning Ordinance definition of building height.
24. The dwelling on site shall be used only as a residence and occupied only by an employee or member of the church and his/her family.

Should this dwelling be removed, the area shall remain-as open space unless there is a further amendment to this special permit and the development conditions.
25. With the exception of religious education, there shall be no school operated on the property for five years. Any school would require BZA approval.
26. The lower level of the building addition shall be depressed approximately one half of its clear height into the ground during final architectural design to minimize building height and bulk. If this results in the lower level being defined as cellar space, the square footage of the rest of the building shall be reduced in direct correlation to the amount of cellar space incorporated in any final building design.

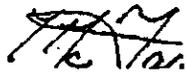
27. The site plan and final architectural drawings for the building addition shall be administratively reviewed by the Board of Zoning Appeals prior to final approval by DPWES. The Board of Zoning Appeals shall review the final drawings to ensure compliance with the special permit plat and these conditions. /
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 ~~ordinance~~, shall be contingent on the applicant's 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 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.

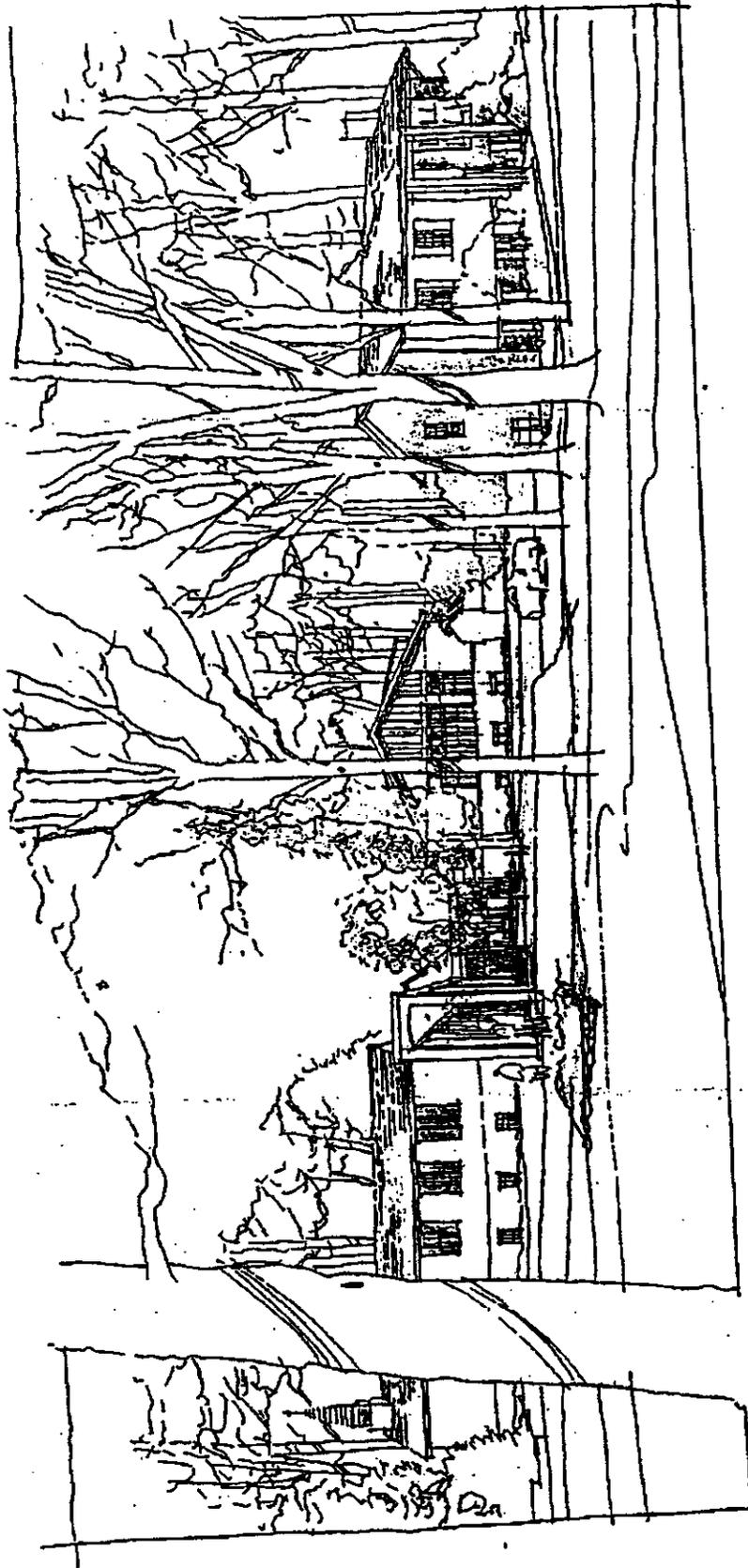
Mr. Byers seconded the motion, which carried by a vote of 6-0-1. Mr. Hammack abstained from the vote.

A Copy Teste:



Paula A. McAlland Deputy Clerk
Board of Zoning Appeals

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